THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

IN THE SECOND SESSION OF THE FIFTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO WHICH OPENED ON NOVEMBER 27, 1995

SESSION 1997—1998 **VOLUME 10**

SENATE

Tuesday, February 10, 1998

The Senate met at 1.33 p.m.

PRAYERS

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

SENATOR'S APPOINTMENT

Mr. Vice-President: Hon. Senators, the item on the Order Paper, "Oath of Allegiance of a New Senator" would be deferred until later in the afternoon's proceedings since we are expecting an announcement from President's House which has not yet arrived.

LIQUOR LICENCES (AMDT.) BILL

Bill to amend the Liquor Licences Act (Chap. 84:10), brought from the House of Representatives [*The Attorney General*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Hon. R. L. Maharaj*]

Question put and agreed to.

PETITION

Trinbago Unified Calypsonians' Organization

The Minister of Community Development, Culture and Women's Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. Vice-President, I wish to present a petition on behalf of the Trinbago Unified Calypsonians' Organization of the National Carnival Commission Building, Queen's Park Savannah, Port of Spain.

Mr. Vice-President, the organization was inaugurated on June 1, 1994. As you may be aware, because of the decentralization of the responsibilities for Carnival activities, the organization must now adequately represent all its members. This petition is for the incorporation of the Trinbago Unified Calypsonians' Organization, 1998.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

Petition read.

Question put and agreed to. That the promoters be allowed to proceed.

PAPERS LAID

1. Report on the Terms and conditions of the US $150 million Floating Rate Bonds—1998. [*The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung)*]

2. Final report of the Special Task Force on 1997—1998 Approved Primary School Booklist. [*Hon. B. Kuei Tung*]

ORAL ANSWERS TO QUESTIONS

Agricultural Sector Loan (Second Tranche)

6. Sen. Nafeesa Mohammed asked the hon. Minister of Agriculture, Land and Marine Resources:

a. Would the hon. Minister identify the Special Conditions attached to the draw down of the second tranche of the Agricultural Sector Loan as contained in the Agricultural Sector Loan Agreement signed by the Government of Trinidad and Tobago in July 1996?

b. What is the present status of the implementation of each of these Special Conditions?

c. When does the hon. Minister anticipate that the disbursement of the second tranche of the Agricultural Sector Loan will take place?

The Parliamentary Secretary in the Ministry of Agriculture, Land and Marine Resources (Sen. Vimala Tota-Maharaj): Mr. Vice-President, question No. 6 posed by Sen. Nafeesa Mohammed appears to be in conflict with respect to the Agricultural Sector Loan Agreement and the loan contract.

To this effect, Mr. Vice-President, the Agricultural Sector Loan Agreement was signed by the former Minister of Agriculture, Land and Marine Resources, Dr. Keith Rowley on August 11, 1995. The Agricultural Sector Loan Contract was signed by the current Minister on June 11, 1996, to which the question does not relate.

In accordance with the question, the Agricultural Sector Loan Agreement was not signed in July of 1996. Mr. Vice-President, I wish to repeat that. In accordance with the question, the Agricultural Sector Loan Agreement was not signed in July of 1996. It is difficult to determine which issue the Senator is referring to, notwithstanding the fact that the date of July 1996 is irrelevant. However, Mr. Vice-President, I believe that the hon. Senator is referring to the loan contract which was signed on June 11, 1996.

1.45 p.m.

The special conditions precedent to the disbursement of the second tranche of the Agricultural Sector Loan are as follows:

(1) The macro-economic policy framework continues to be consistent with the objectives of the programme.

(2) Certain measures have been taken with respect to the Agricultural Development Bank.

(3) The second phase of the Action Plan for Land Tenure Rationalization has been implemented.

(4) Certain measures have been taken in respect of the importation and exportation of goods.

(5) Under the Agricultural Trade and Price Policy Reform Programme the third phase of measures concerning rice, pork, pork products and poultry has been implemented.

(6) Satisfactory progress has been made in the implementation of the Trade and Price Policy Action Plan.

(7) Satisfactory progress has been made in the implementation of the Land Use Action Plan.

(8) Satisfactory progress has been made in the implementation of State Owned Enterprise Action Plan. The action plan here refers to Caroni (1975) Limited.

(9) Satisfactory progress has been made in the implementation of the Public Administration Reform Action Plan. The action plan here refers to the Ministry of Agriculture, Land and Marine Resources.

(10) Action has been taken on social impact mitigations mechanisms.

(11) Action has been taken on the Environmental Action Plan.

The present status of the implementation of each of these conditions are as follows:

Macro Economic Environment

The Government continues to maintain macro-economic stability consistent with the programme objectives to the satisfaction of the Inter American Development Bank's evidence of compliance.

Measures Concerning the Agricultural Development Bank

The Agricultural Development Bank's capital adequacy ratio is 30 per cent which is the bank's recommended level which assures a degree of solvency consistent with generally accepted parameters for development banks.

The fees and lending interest rates continue to be at levels which reflect full cost pricing. The rate to cover full cost pricing is in the vicinity of 17 per cent, however, towards the later part of 1997 market rates went as low as 14 per cent. Consequently, the interest rates which the bank charges are market driven and in its efforts to cover its costs it maintains a level to remain competitive. The final phase of the institutional strengthening action plan has been completed. It took effect from December 1997.

The Agricultural Development Bank has transferred all the non-performing assets to Taurus Services Limited in accordance with its disposition plan. These measures were introduced to make the bank financially self-sustaining and independent.

Mr. Vice-President, the remainder of this report would take approximately 30 minutes. If the hon. Senator is in agreement, I would table it for her viewing.

Sen. Mohammed: I would like to ask some supplemental questions in light of the response. A while ago, the Senator mentioned an apparent conflict in terms of the dates of the agreements entered into between the Government of Trinidad and Tobago and the Inter American Development Bank.

Can the Senator confirm that the Government of Trinidad and Tobago entered into a contract with the Inter American Development Bank in 1996?

Sen. V. Tota-Maharaj: Mr. Vice-President, I think I need to repeat my introductory statements.

Sen. Mohammed: Can the Senator confirm whether or not the Government of Trinidad and Tobago entered into a contract with the Inter American Development Bank with respect to the agricultural sector?

Sen. V. Tota-Maharaj: Mr. Vice-President, I think it would be wise if the hon. Senator would file a question to that effect.

Sen. Mohammed: Mr. Vice-President, notwithstanding the attempt to evade giving the answer and bearing in mind what I heard the Senator indicate at the beginning, I would like the Senator to reiterate the status of the implementation of the State Owned Enterprises Action Plan to which she referred in her response a while ago, in the contract signed between the Government of Trinidad and Tobago and the Inter American Development Bank pertaining to the agricultural sector.

Sen. V. Tota-Maharaj: Mr. Vice-President, I am under the impression that a new question is being asked. I suggest that the Senator file accordingly.

Mr. Vice-President: Sen. Mohammed, I would like to enquire whether the question you are asking is a revisitation of No. 6(b) or something new.

Sen. Mohammed: The hon. Senator made mention of the State Owned Enterprises Action Plan as part of her answer. I am merely seeking to get from her, to what extent this plan is being implemented. What is the present status? It is linked to part (b) of my question. I would like to get an answer from the hon. Senator, please.

Mr. Vice-President: From what I understood from your question, it would appear that the question which you are asking is not what is being asked in question (b). It is a question which arises out of the answer, but asks for a new implementation plan.

Sen. Mohammed: Mr. Vice-President, may I address you?

The first part of the question deals with the agricultural sector loan agreement. I asked specifically what are the special conditions attached to the loan. However, if the Senator wishes to refer to it, the question is in terms of the special conditions of which she made mention. My supplemental question is directly linked to the special conditions attached to this loan as I have asked for in part (a) of this question. I merely wish to know the status of the implementation of this action plan.

1.55 p.m.

Sen. V. Tota-Maharaj: Mr. Vice-President, I wish to continue my reply, if Sen. Mohammed agrees, and she will, hopefully, get a response to the question she is asking.

(3) The Second Phase of the Action Plan for Land Tenure Rationalization

This action plan addresses both legislative reform and institutional strengthening activities which necessitated a number of consultancies. A consultant is being contracted to assist in the drafting of the Land Adjudication, Land Registration and Land Tribunal Bills. These drafts are to be submitted for Cabinet approval.

The Forest Resources Bill has been drafted, but will require public consultation prior to Cabinet consideration. The National Parks Bill has also been drafted and distributed for public comment. It is being revised prior to Cabinet consideration.

The Land Subdivision Code is being prepared by the National Interim Physical Planning Commission in the context of the Planning and Development of Land Bill. Final drafting will be considered.

The digital mapping exercise with the Lands and Surveys Department is well underway through the help of a consultancy. This will also help directly in the mapping of the pilot areas. A contract for digital mapping of the rest of the country is to be awarded.

The Registrar General's Department Land Registry's work plan is now pending award of contract for the Land Information Registration Specialist. These measures will seek to rationalize land tenure policies so as to promote private investment.

(4) Measures concerning Importation and Exportation of Goods

The Customs and Excise Division has implemented nationwide the customs data automation system, with the capability of networking. This system will allow for improved procedures for processing of customs documentation in the shortest possible time-frame. Legislative modifications were undertaken through the enactment of Act. No 34 of 1996 as a means to a comprehensive customs reform programme. Central to the enactment of the Act was to strengthen the laws relating to customs valuation.

The Anti-dumping and Countervailing Duties Regulations have been implemented through the enactment of Act No. 23 of 1996. These measures would assist in trade facilitation, as well as protect agriculture from predatory pricing and dumping by trading partners.

(5) Third Phase measures concerning Rice, Pork, Pork products and Poultry.

The third phase of measures concerning rice, pork, pork products and poultry has been implemented in accordance with the action plan for the agricultural trade and price policy reform.

(6) Agricultural Trade and Price Policy Reform

Three measures were required under the trade and price policy reform. They are as follows:

(i) tariff reduction on agricultural commodities;

(ii) direct support payments and subsidies to agriculture do not exceed 10 per cent of agricultural gross domestic product;

(iii) enactment of regulations for anti-dumping legislation.

With respect to these requirements, tariffs on all agricultural commodities have been limited to the common external tariff rates and tariff surcharges have also been reduced consistent with the 10 per cent planned reduction annually. Direct support payments and subsidies have been kept at an average of six per cent of agricultural gross domestic product. As I said before, the Anti-Dumping and Countervailing Duties legislation is implemented, including the regulations.

(7) Land Use Action Plan

With respect to the transferring of at least 2,000 acres of Caroni (1975) Limited land and 7,000 acres of other state lands to private farmers, Caroni (1975) Limited has already identified lands to be transferred to private farmers, and 3,794 hectares of state lands have been completed and are awaiting the final approved survey plans to grant standard agricultural leases. All new state leases have conformed to the revised standard agricultural leases based on guidelines agreed upon by the Inter-American Development Bank.

The Urban and Regional Planning Act has been amended and will be renamed the Planning and Development of Land Act. A draft bill was prepared and submitted for public comment. These comments are currently being reviewed by the Interim National Planning Commission.

Reorganization of the Urban and Regional Planning Division is awaiting the enactment of the new Planning and Development of Land Act. These measures would improve access to public land through increased allocation by leasehold and will also improve efficiency and responsiveness of land management and planning activities. These developments will also incorporate market orientation to land use policy.

(8) Implementation of state-owned Enterprise Caroni (1975) Limited Action Plan

There are seven requirements under the Caroni (1975) Limited implementation plan. They are as follows:

(i) testing of three core sampling machines during 1996 crop, development of operations manuals and training;

(ii) reduction of labour force by at least 605 persons during 1995/96, including its staff by at least 20 persons;

(iii) lease of at least 2,000 acres of land in accordance with the land divesture programme;

(iv) initiate a study of land markets;

(v) reduction in production costs during 1995/96;

(vi) guaranteed loan funds of not less than TT $40 million for Caroni (1975) Limited's early retirement programme.

2.05 p.m.

(vii) Transferred resources to Caroni (1975) Limited of at least TT $42.6 million as capital investment support.

With respect to these requirements, Caroni (1975) Limited has tested three core samplers in 1996 and to date, they are working well. An operational manual and training programme were developed for the incentive-based sugar purchasing system for private growers.

With respect to Caroni (1975) Limited, land transactions, 3,586 acres of land were divested. The allocation of the company's land of 2,000 acres to private

farmers has been constrained by the impending Agricultural Small Holdings Tenure Act which is currently being drafted by a consultant for early submission to Cabinet.

With respect to the initiation of a study of land markets to assist in the determination of additional lands for sale or lease, Caroni (1975) Limited has established an Estate Management Division with responsibility for land markets and general land development.

Since the industry configuration has changed only slightly with respect to the ratio of farmers' cane production, to company cane production, that is, from a ratio of 45:55 to 57:43, cost factors remain stable. It is the company's policy to implement a ratio of 75:25, however, the constraint of not having the Agricultural Small Holdings Act revised in a timely manner, has delayed further progress of cane production shift, and this therefore, is mainly responsible for the difficulty in further reducing production costs at the company at this time.

With respect to guaranteed loan funds and transfer of resources to Caroni (1975) Limited, Government has made available TT $25 million in 1996 and TT $45 million in 1997.

(9) Public Administration Reform Action Plan seeks to strengthen and streamline the Ministry of Agriculture, Land and Marine Resources including its sector policy management capabilities, modernize regulatory legislation and practices and to phase out selected commercial activities and promote private initiative. In this context, the ministry has undertaken several tasks including the following: payment of salaries has been centralized, streamlining the database of daily-paid workers, computerization of the ministry, on-going training programmes, improvement of laboratories and library facilities, improved capability in electronic equipment for filming, opening up of information desk, intensified farmer education and we have undertaken a successful mealy bug programme and a number of other internal developments.

The Ministry of Agriculture, Land and Marine Resources has also recruited a programme co-ordinator and deputy programme co-ordinator to implement a Technical Assistance Programme under the Agricultural Sector Reform Programme. The programme co-ordinating unit has been established at No. 2 Serpentine Road, St. Clair and it is staffed by some technical and clerical officers.

A selection committee has been studying several statements of interest which the ministry invited for consultancy services under the Technical Assistance Programme. It is anticipated that the short-listing exercise should be concluded shortly and that the Central Tenders Board will invite technical proposals for the final selection of the consulting firm or firms hopefully by the second quarter in 1998.

The ministry has developed an operational plan for the period June 1, 1996 to December 31, 1999 and action continues on this plan alongside the PSIP yearly programme.

With respect to divestment of commercial enterprises, the ministry is currently assessing applications for Non-Pareil Estate.

(10) Social Impact Mitigation

To mitigate the short-run negative impact of trade liberalization on vulnerable groups, the Government maintains the poverty relief programme, the school nutrition programme, as well as the continuous retraining programme for displaced workers. Phase 1 of this activity has been completed.

(11) Environmental Action Plan

The Environmental Management Agency (EMA) has been established and it has implemented an operational plan. The Environmental Management Agency's Act itself contained general provisions regarding Environmental Impact Assessment (EIA). However, more specific guidelines and procedures for the EIA are being prepared by the EMA and would require Cabinet's consideration prior to the attachment to the Planning and Development of Land Bill for tabling in Parliament.

Mr. Vice-President, Question No. 6(c) requesting a time-frame for the disbursement of the second tranche depends on the fulfillment of the rest of the conditionalties as tabled in 6(a). However, since most of these conditionalities have to go through a thorough legal process, including public consultations with the stakeholders, this entire exercise is of a time-consuming nature. It is against this background that by the fourth quarter of 1998 it is anticipated that all conditionalities would be fulfilled and this would facilitate the drawdown of the second tranche.

Mr. Vice-President, I thank you.

Sen. Mohammed: Mr. Vice-President, a further supplemental question to the hon. Senator. The hon. Senator indicated that there were seven requirements

under the Caroni (1975) Limited implementation plan and she made mention of the reduction in production cost during 1995 and 1996. We would like to know, in light of the current crisis at Caroni (1975) Limited, whether the Government expects to bring about that cost-reduction exercise by the end of the fourth quarter of 1998 at Caroni (1975) Limited.

Sen. V. Tota-Maharaj: To my knowledge Mr. Vice-President, from what I know, the answer is yes.

Sen. Mohammed:. Mr. Vice-President, a further supplemental question to the Senator. The hon. Senator indicated that there was a programme co-ordinator. Can she indicate to this Senate, who is the programme co-ordinator at present employed with the Ministry of Agriculture, Land and Marine Resources?

Sen. V. Tota-Maharaj: Mr. Vice-President, I think that is a new question, and the hon. Senator can so file.

Sen. Mohammed: With all due respect, I have to disagree with the hon. Senator. She did indicate that there is a programme co-ordinator and there is a deputy programme co-ordinator who are responsible for co-ordinating this programme. We would like to know who is the programme co-ordinator responsible for the co-ordination of this programme under this very important loan involving the agricultural sector, and if she is on the job.

Sen. V. Tota-Maharaj: Mr. Vice-President, I would suggest that the hon. Senator files the necessary question, as I do not have that information available with me right now.

Mr. Vice-President: Hon. Senators, the period of time set aside for question time has just about expired, so the other questions on the Order Paper would be deferred and carried on to the Order Paper for the subsequent sittings of the Senate.

2.15 p.m.

SENATOR'S APPOINTMENT

Mr. Vice-President: Hon. Senators, I now return to item No. 2 on the Order Paper. I have received correspondence from the office of His Excellency the President of the Republic of Trinidad and Tobago, as follows:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of a Temporary Senator

By His Excellency GANACE RAMDIAL, Vice-President and Commander-in-Chief of the Republic of Trinidad and Tobago.

\s\ Ganace Ramdial
Vice-President.

To: MR. VINCENT CABRERA

WHEREAS the President of the Senate has temporarily vacated his Office of Senator to act as President of the Republic of Trinidad and Tobago:

AND WHEREAS the Vice-President of the Senate is Vice-President of the Senate:

NOW, THEREFORE, I, GANACE RAMDIAL, Vice-President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, VINCENT CABRERA, to be temporarily a member of the Senate with immediate effect and continuing during the period that Senator Ganace Ramdial has temporarily vacated his Office as Senator.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 10th day of February, 1998."

OATH OF ALLEGIANCE

Sen. Vincent Cabrera took and subscribed the Oath of Allegiance as required by law.

PRESIDENT A.N.R. ROBINSON

HEART SURGERY

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, the President of the Republic of Trinidad and Tobago, His Excellency, Arthur N. R. Robinson, is in stable condition after Open Heart Surgery at the Eric Williams Medical Sciences Complex early this morning.

Further to medical evaluation last week and special tests at Mount Hope last evening, it was determined that Angina Pectoris, due to narrowed arteries to the President's heart, necessitated surgery.

Coronary Artery By-pass surgery was successfully completed at 4.30 this morning, Tuesday 10, 1998, and President Robinson is in stable condition in the Intensive Care Unit at the Eric Williams Medical Sciences Complex, Mount Hope.

In accordance with the provisions of the Constitution, the President of the Senate, Sen. The Hon. Ganace Ramdial has been sworn in to act as President of the Republic of Trinidad and Tobago.

LIQUOR LICENCES (AMD'T.) BILL

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Vice-President, I beg to move,

That a Bill to amend the Liquor Licences Act, Chap. 84:10 be now read a second time.

This Bill seeks to amend the Liquor Licences Act, Chap. 84:10, to reduce the licence fee for small vendors, so that they could sell intoxicating liquor at special events.

Under the existing law, intoxicating liquor is sold by small vendors under the occasional licences provision, section 44 of the Liquor Licences Act. The Bill also provides simplified procedure for vendors to obtain such a licence. I am dealing with the Bill in this way in order to make it clear that the Bill merely reduces the fee for small vendors to sell intoxicating liquor, which can now be sold under the provisions of the Liquor Licences Act, and it creates a simplified procedure.

A special event licence will allow persons, and in particular, small vendors, to sell, as I said, intoxicating liquor during any day or days which His Excellency The President has declared, by order, to be a "special event".

Under the existing law, the Liquor Licences Act, Chap. 84:10—and as I quoted from section 44—if a person wanted to sell intoxicating liquor at any public entertainment, festivity or meeting, or to carry on his trade at such a place of entertainment, the person would have to obtain the permission of a licensed dealer of spirituous liquor to apply for a licence. In other words, a person would need to have a middle man. They would have to get someone who has a licence to deal in spirituous liquor to apply for such an occasional licence.

Mr. Vice-President, one would see that the person who wanted to sell alcohol would first have to approach this licensed spirit dealer, and the dealer, based on the arrangement which was made, would then apply for the licence in the dealer's name. This licence would then permit the alcohol to be sold on the person's premises or as the case may be.

I will read the existing law, section 44(1) states:

> "A licensed retailer of spirits or wine and beer may apply to a licensing committee at any time for an occasional licence, on the occasion of any public entertainment, festivity or meeting, to carry on his trade at the place of such entertainment, festivity or meeting and shall in such application state the name and residence of the person by whom such trade will actually be carried on; and the licensing committee may at its discretion grant such occasional licence for the hours, on the days and to the extent that may be considered necessary for the public convenience on condition that—"

And it mentions certain conditions.

Section 44(3) gives the similar power for occasional licences to be granted to associations to conduct entertainment for the purposes of the association. One sees that there is an existing law which allows—that law has been in existence for a long time, several years—for special occasions, situations and events for persons to apply to the licensing committee to get a licence.

2.25 p.m.

The procedure is very extended in that an application has to be made to the licensing committee, there are objections which can be raised and there are hearings, but there are procedures for obtaining the licence. It happens. For example, the persons who would benefit under this Bill are persons who now apply for occasional licences. However, the law, as it now stands, does not give the individual the right to apply for an occasional licence on behalf of himself or herself. As I said, it has to go through a middle man.

The Bill would take the innovative step of assisting the small person in our society, by giving to the small vendor the right to apply directly to a licensing authority—a small vendor or any other person who would fall within the ambit of the Bill—directly to apply to a licensing authority in order to get the licence.

Under the Bill, the Licensing Authority shall be the Clerk of the Peace assigned to the magisterial district for the premises in which the alcohol is intended to be sold. The special event licence entitles the vendor to sell intoxicating liquor during a specified period and at specified premises. So that, quite apart from him or her applying directly to the Clerk of the Peace, the Licensing Authority, to get this licence, the person applying would have the benefit of a reduced fee. At the present time, for example, the carnival vendor who has to sell around the savannah or in other parts of Trinidad and Tobago—apart from approaching the middle person to get the licence—has to spend $450 a day for an occasional licence. Therefore, it means that before the vendor could consider making any profit he has to sell enough to pay the $450 a day. Mr. Vice-President, in a short while, I would read a letter that we got from the Trinidad and Tobago Carnival and Savannah Vendors Association which prompted us to consider this matter.

The aim of this Bill is to give relief to the small vendors who have had burdensome costs and had to follow unnecessary procedures to get licences to sell alcohol at special events. It would not only benefit persons who sell at carnival time, but it would be for all special events in Trinidad and Tobago, and which are declared as such. One can think of Emancipation Day celebrations in La Brea, in Laventille; one can think of other celebrations where one can have the benefit of such a licence. So it is really to assist the little people in Trinidad and Tobago.

This Government, in October, 1997, received a letter from the Trinidad and Tobago Carnival and Savannah Vendors Association. It was addressed to the Attorney General and signed by Patricia Herry and Mr. Raphael De Leon. It said:

> "Pursuant to our meeting at your office on 16th October, 1997 which was also attended by Mr. Aubrey Adams of the National Carnival Commission (NCC) and Mr. Sheppard, the Legal Adviser, we wish to place on record our proposals concerning the Liquor Licence situation for the 1998 Carnival season and beyond.
>
> We know Carnival is one of the biggest events in Trinidad and Tobago as a result of the large amount of tourists who visits the country; and the revenue gained is enormous. We as vendors play an important part in this exercise by providing the necessary refreshments and other humanitarian services. We are however experiencing great difficulty with the high cost of obtaining a Liquor Licence on a daily basis of $450.00, which amounts to $6,300.00 for the 14-day Carnival period which is more than the cost of Restaurant, Bar and Club Licences combined for the year which equals $4,000.00.

We therefore would like to make the following proposals:

1. The possibility of granting a blanket Liquor Licence to the NCC, who in turn would sublet to the vendors occupying their booths at a cost of..."

2. To consider the reduction in the cost of the Licence from $450.00...

If these proposals are met, we the vendors would, for the first time in the history of vending for the Carnival season, realise some measure of profit and at the same time encourage the vendor to be law-abiding as far as liquor licences are concerned."

Mr. Vice-President, before this letter arrived, when representations were made to the Government, we decided that these were matters which had to be considered carefully. Based on the representations made, a meeting was held with the National Carnival Commission and the Vendors Association, a Committee was set up by the Ministry of the Attorney General for this matter to be considered. The Committee comprised Mr. Lennox Sheppard of the Solicitor General's Department, Mr. Vorrick Vailloo, acting Comptroller of Customs and Excise, Miss F. Darlington of the Ministry of Community Development, Culture and Women's Affairs and Mr. Darrell Allahar also of the Ministry of the Attorney General.

This Committee had consultations with interested bodies and came up with proposals which were considered by Cabinet. Mr. Vice-President, I am saying this to show that there have been many considerations in dealing with this matter to determine what was in the public interest. As a result of the considerations, not only of the committee, not only of the Ministry of the Attorney General, not only of the Cabinet Committee, the Finance and General Purposes Committee, and also of Cabinet, it was decided that this policy decision be taken in order to simplify this procedure and to have a reduced licence fee.

One would see that clause 4 adds a new part to Part V of the Liquor Licences Act. Section 47A, a new provision, states that where there are any conflicts "with the provisions of any other Part, the provisions of this Part should apply." In relation to the application for this licence, it would have to be accompanied by certain particulars, but in the definition section of the Bill a plan would have to accompany the application and the word "plan" is defined in the definition section of the Bill as follows:

"'plan' means a drawing of the premises indicating the number of rooms and facilities therein;

'premises' include a booth erected for the purpose of selling intoxicating liquor during the celebration of a special event;

'special event' means the celebration of any event so declared by the President under section 47C(2)."

2.35 p.m.

Mr. Vice-President, this Bill received the support of all the Members in the other place, and it is intended, if this Bill is passed by this honourable Senate, to make an Order declaring carnival as a special event from February 12, 1998 to 11.30 p.m. on Carnival Tuesday, February 24, 1998. One would see that clause 47C states that it would be lawful for a person who has such a licence to sell intoxicating liquor during the celebration at the premises stipulated in the said licence, between the hours and on the days specified therein.

I have already mentioned that 47C also gives the President the power to declare any event celebrated over a period of time to be a special event for that period. It gives opportunities for representations to be made for consideration to be given as to what can be a special event. It gives a lot of flexibility for representations to be made and for objections to be considered in determining whether an event should be a special event for the purposes of the Bill.

Clause 47D states:

"Every person desiring to obtain a special event licence shall, within a reasonable time after the publication of the Order referred to in section 47(C)(2), make an application to the Licensing Authority."

After the Order is published, a person who wants to obtain a licence must, within a reasonable time after publication, make an application. The reason that specific period of time is mentioned is because there may be some persons who may want to apply for a certain amount of days, and not for the whole period. It gives that amount of flexibility, because if one looks at 47C(1), one sees that the licence would be for the hours and on the days specified therein. It gives the person an opportunity to apply within a reasonable time.

Clause 47D(2) states:

"For the purposes of this Part, but subject to section 47G(2), the Clerk of the Peace assigned to the Magisterial District in which the premises are situated shall be the Licensing Authority."

One knows that with each magisterial district there is a Clerk of the Peace assigned, and the Clerk of the Peace performs, under the present context, certain quasi-judicial functions. It gives the Clerk of the Peace the power to receive these applications. The Clerk of the Peace, under that clause, is constituted as the Licensing Authority.

Mr. Vice-President, the person who is applying has to submit certain particulars, and I ask the hon. Senators to note the amendments which were made in the other place: that the application shall state the name, occupation, age and address of the applicant; it shall state the identification number appearing on his identification card, passport, or driving permit; it shall state the precise address and location of the premises, and the date of the special event. The particulars are very necessary.

Clause 47E(2) states:

> "The premises in respect of which an application is made shall comprise an area of not more than 500 square feet."

We had to come up with some area, because one has to recognize that the existing law with respect to occasional licences will still be in force and, since these measures were aimed at providing relief for the vendors who can be regarded as small vendors, we decided that it must be premises which are not more than 500 square feet. Every application shall be accompanied by a plan of the premises, together with a fee of $10 for each day of the special event instead of $450, which is the present sum now.

Mr. Vice-President, there are safeguards in the Bill. A copy of the application and a plan of the premises must be submitted to the officer in charge of the police station within the magisterial district in which the premises are situated. The police officer on receipt of the copy of the application will have to acknowledge by affixing the station stamp on the original application, and certifying the receipt of the copy. The officer in charge of the police station may object to the granting of a special event licence, and his objection shall be submitted to the Clerk of the Peace, who is the Licensing Authority, not more than two days after the receipt of the copy of the application.

Where there is no objection by the police, the Licensing Authority may—I ask hon. Senators to note that there was "shall" in the other place and that was amended to "may". The reason given for the amendment was that the Clerk of the

Peace, from his own information, or there may be representations made for objection to the licence, has a discretion that he may, within four days of the receipt of the application, grant a special event licence to the applicant in respect of the premises referred to in the application.

The Clerk of the Peace, on receiving the application and receiving the police documents, will make a determination. Where an objection has been submitted by the police, the Licensing Authority shall set the matter down for hearing for the day following the day on which the objection was received, and such objection shall be heard and determined by a magistrate within a reasonable time before the day on which the special event is to be celebrated. This gives some form of review to an objection or refusal for the grant of the licence, where the police have objected to the licence. The magistrate will hear the matter. The Bill tries to put, as best as it can, that it had to be heard and determined within a reasonable time before the day on which the special event is celebrated.

Clause 47H deals with the form of the licence, and there was an amendment in the other place to 47I. It says that an applicant may not apply for more than one special event licence in respect of each special event. The Bill attempts to ensure that an applicant does not apply for more than one special event licence. An applicant who contravenes subsection (1) is guilty of an offence, and is liable under summary conviction to a fine of $1,000.

2.45 p.m.

Mr. Vice-President, I think that the Bill can be considered to be very simple, but it is an important policy decision which would be beneficial to the public interest and which would make it easier for small vendors to access the machinery for getting a licence and giving them a greater opportunity to increase their development and their earnings.

I know that a bill of this nature can be misconstrued and I want to make it quite clear that the Government is merely simplifying a procedure which already permits persons—although they are called under different names under section 44—to get licences to sell intoxicating liquor for special events. It merely reduces the licence fee, which is a revenue measure, in order for persons who are vending to benefit and to have a greater access to this means of livelihood. The combined effect of the Bill would be to make the obtaining of a licence—

Sen. Prof. Spence: Mr. Vice-President, just a little point of clarification. The Attorney General mentioned that the Order would state certain dates, for example,

for carnival, but carnival varies each year to different dates. Does that mean there has to be a special order each year?

Hon. R. L. Maharaj: For every special event there will be an order each year. For example, for carnival, there will be an order, for Emancipation there will be an order. As long as the President considers it a special event there will be an order. As a matter of fact, I have the Order already prepared. I am presuming that the honourable Senate would agree—but there will be an order. I hope that answers the question.

Mr. Vice-President, as I was saying, the combined effect of this Bill would be to make the obtaining of a licence for small vendors to sell at special events more affordable at a cost of $10 a day as opposed to $450 per day; to encourage small enterprise and create opportunity for small entrepreneurs; and to encourage hitherto unregulated retailers to come into the fold of the law.

Mr. Vice-President, I beg to move.

Question proposed.

Sen. Pennelope Beckles: Mr. Vice-President, I rise to make my contribution on the Liquor Licences (Amdt.) Bill. In terms of the indication by the Attorney General that the purpose of this Bill is to assist the small vendors in order to make their applications simpler and to ensure that some sort of profit is realized for the 1998 Carnival season, it is difficult not to support the Bill. As a matter of fact, we on this side support the Bill, but there are just a few areas on which I would like to express my concerns and to seek clarification in relation to the Bill.

I start by referring to clause 47D(1):

"...within a reasonable time after the publication of the Order..."

I am sure the Attorney General is aware that the applicants, bearing in mind the limited time between now and the Order which is already drafted, that "reasonable time" could be tomorrow morning, it could mean 3.55 in the day. 'Reasonable' could mean that one really does not have anymore time because there is Friday or Saturday, and that may be reasonable. So that "reasonable time" is likely to cause a tremendous amount of confusion.

With regard to clause 47D(2):

"...the Clerk of the Peace assigned to the Magisterial District in which the premises are situated shall be the Licensing Authority."

I just want to ask the Attorney General to clear that up in his winding up.

In the normal procedure, there is the Licensing Authority that normally sits; the Chairman of the Licensing Commission and the Magistrate are the persons who make up the Licensing Commission. There is a situation now where the Clerk of the Peace alone is to determine the granting of this licence. It means that the traditional practice of all these years of having the two persons sitting and determining whether or not these licences are valid is vested in one person. Yes, it is simple, but I ask whether or not this is actually correct. Is it correct to vest the Clerk of the Peace, basically, with the powers of that of the Magistrate and the Chairman of the Licensing Commission? The Attorney General says yes, but I would still want to hear him on that.

Now, this is also likely to cause some bit of collusion. I say that because a couple months ago the Attorney General set up an enquiry into the allegations of corruption against Justices of the Peace. When one reads that document, many of the allegations made in relation to the Justices of the Peace are also made in relation to certain things that happen when one goes to the Clerk of the Peace, who is the person who ultimately has the power in terms of determining certain documents which subsequently come before the court. There is no other person who is supervising the final decision or the granting of this licence after the Clerk of the Peace has so done, when the person makes an application.

Traditionally, it would have gone through him or the Justice of the Peace and then it would have come to the Licensing Authority. This is not being done that way. Whilst I agree it is very good to make things easy and simple for the small person or the small businessman, I am saying that we have had a traditional practice, over the years, where not just those persons, but other people who have their businesses, be it large businesses, clubs, restaurants, groceries, whatever, have had to go through procedures. Why are we not simplifying the procedures for them? So, I would just like, as well, that some sort of assurances be given to ensure that the practices as they relate to this Bill are airtight.

Over the years, people have complained that there is preferential treatment, depending on who one knows; if one knows this Clerk of the Peace, or if one does not know that Clerk of the Peace. Certainly, the vendors who have been plying their trade over the years can testify to some of the problems they encounter when they go to the court in order to file their applications. So it is not just a question of making it simple. What people also want when they go to the court is to have a fairly efficient system that allows them to wait in court for a limited time in order to get their licence and that is not what applies presently.

Mr. Vice-President, there is a situation where those same Clerks of the Peace or Justices of the Peace to whom the vendors must apply for these licences, are attending to all the other matters which presently exist in the Magistrates' Court. So when persons who are going to file, be it their maintenance complaints, their domestic violence complaints, or whatever other complaints that exist, these are the same Clerks of the Peace who have to deal with these applicants. So one can imagine what is going to happen over this season that is assigned a special event.

2.55 p.m.

I think that in terms of the paperwork, what is likely to happen is there would be an increase. Clearly we have a situation where we have made the licence much more affordable and in so doing there is more likely to be an influx. If that is the case, then I think it is necessary to put the machinery in place to ensure that persons operating at managerial level who now have the responsibility to give these licences, also have the proper manpower so that what is intended by the Bill, actually materializes or else we could end up in chaos—as often happens—if the machinery is not put in place.

Mr. Vice-President, clause 4, section 47E (3) says:

> "(3) Every application shall be accompanied by a plan of the premises together with a fee of ten dollars for each day of the special event."

When I go to the definition of plan, it says:

> "plan" means a drawing of the premises indicating the number of rooms and facilities therein;"

This is very vague. Am I to imagine that it is a plan that anybody could do? Can I draw my own plan? Can I go by anybody, have a plan drawn and present it to the Clerk of the Peace? It may not sound like an important observation but these little things which are not clear, cause many problems. You ask anybody to draw a plan and you take it to the Clerk of the Peace, could he say, "Well, I wanted it signed by this one", or whatever; or is it that the Clerk of the Peace has to accept whatever plan the person produces? These are the little things which cause lingering problems when persons go to court for the purpose of having an application accepted. I think that when we make things simple, it must also be simple for the persons who have the responsibility for granting the licence.

We are also aware that in most instances, all jurisdictions in Trinidad and Tobago have special days on which they sit in relation to the granting of licences. In Port of Spain it is mainly on a Thursday. In many districts it is on Tuesdays and Thursdays and in some other districts it may be on a Monday. Therefore, bearing in mind if the order is granted today—and we go back to the issue of reasonable time—we do hope that all these things would be put in place so that if there is an objection, most of the people who this Bill is intended to benefit, would be able to meet the deadline when the licensing committee sits.

Obviously, if the day passes it would be a question of next week. There are some licensing committees that meet on a Monday. Some meet on a Tuesday. Clearly, there is no stipulation here that the magistrate must meet at 4.00 clock on Friday or Thursday evenings in order to ensure that this same simple measure of which we speak is going to allow those vendors to benefit to the extent that it does not work against them. I think that these things are very clear.

I was glad to hear the Attorney General discuss the issue of consultation with various persons. The persons who I did not hear mentioned were the magistrates, the various Clerks of the Peace, the Justices of the Peace and certainly the inter-religious organizations. If it is that these licensing committees meet on a Monday and Tuesday and the four-day period goes over the day on which they meet, it is still going to be up to the Clerk of the Peace to go to the magistrates and say, "Could you sit on a Wednesday, we now have 15 or 20 matters where there are objections and the licensing committee has already sat for the day?" That is why it is necessary to get opinions and ensure that these persons are consulted, rather that cause chaos when they say, "We have met already and are not meeting again."

Then there is a situation where people demonstrate and of course, while it is a situation we do not like, if it is that they feel they have been unfairly treated and there is no way to get redress, then that is exactly what is going to happen. Some of these things could have been avoided if those parties responsible for granting the licences had been consulted. It is quite likely they may have been, but I did not hear their names called in terms of the persons the Attorney General spoke about.

I draw to the attention of the Attorney General and the Minister of Finance that, so often we pass legislation and we say that it is making things easier for people. In 1996 the Minister of Finance in his budget presentation increased the fees for persons making applications for clubs and other kinds of licences. I do not know whether the Minister of Finance has since asked for any review as to what is

happening in relation to those increased fees. I draw this example to indicate to the Attorney General what is likely to happen in instances such as these. Sometimes Trinidadians are referred to as "Trickydadians". There are several persons who are circumventing the order made by the Minister of Finance.

Instead of paying the $1,500 stipulated under the budget, what persons who own clubs have now sought to do is apply for a special restaurant licence, rather than a club licence. The difference is almost $1,300. They say that the Minister of Finance has increased it, he has gone from $187.50 to $1,500, they go to the Magistrates' Court and no longer apply for a club licence but a special restaurant licence when they are still operating a club. I only point that out to the Attorney General because I know his intention here is to deal with the small man. That is why I speak about the issue of supervision as it relates to the Clerk of Peace being the sole person to give these licences.

There could be the other scenario where several persons having fetes and so forth, are the ones who go to the Clerk of the Peace and make the application to benefit from these $10 licences. That is the danger sometimes in not having the applications go to the magistrates. We are seeing it and not only in relation to the special restaurant licence.

There are other persons who are going to the Clerk of the Peace and also making applications. When they should apply for a club licence, they apply for a spirit retailer's licence and in the same manner they are also circumventing what the intention of the Minister of Finance was. Rather than going for the restaurant licence where they would have to pay more money, they apply for a spirit retailers licence. Thus, when the Minister of Finance may have thought that he would actually be earning more revenue by virtue of the great increase in price, very skilfully, there are those who are actually circumventing the legislation. I bring this to the attention of the Attorney General so that he would understand why I am drawing this reference.

I would like to raise another issue regarding this legislation. The Government on Friday, February 6, 1998 held a consultation with several persons. I am reading now from the *Guardian* of Saturday, February 7, 1998:

> "Carnival band leaders, music bands, DJs, private security companies, the Ministry of Sport, Culture and Youth Affairs and the Ministry of National Security at the Queen's Park Savannah, yesterday.

The headline says:

> "COP pulls up fete promoters"

In smaller writing it states:

"'Come down from your ivory towers'"

3.05 p.m.

"The time has come for the various licensing commissions to come out of their ivory towers and visit the fete and show venues, before granting approvals."

This statement was made by the Commissioner of Police in relation to the magistrates granting licences without visiting several areas where fetes are going to be held. That is why I say that we have to be very careful about what are the responsibilities and directives given to persons who are responsible for granting licences.

Mr. Vice-President, in the *Newsday* of February 7 it is stated to the end of that article:

"Carnival fetes to end by 2 a.m.

Mohammed also hit out at magistrates who grant licence for fetes saying that they must come down from their ivory towers and visit the venues."

Let us examine this piece of legislation in relation to this criticism. The Clerk of the Peace is not required to visit these premises or places where these booths are constructed. The Licensing Commission is not authorized to visit, be it PSA, Tragarete Road or Brian Lara Promenade, wherever the fete is being held. That is not their responsibility. The police are the ones who visit the place, they make the recommendation as it relates to the strength of police and the fire officers visit the place to ensure whether or not there are proper systems in place for security and for the exiting of persons. The Licensing Committee checks to see whether everything is in order, they are not responsible for visiting and I think it will be misleading if it is left unanswered that the magistrates are the ones who visit these places before they grant licences.

Recently we had people complaining about the extent to which the Brian Lara Promenade was littered. Again, I raise this issue. It should be stipulated that the persons who sponsor the fetes should be specifically told, when the licence is granted, that they should clean up the place. The Liquor Licence Act does not make any provisions for these sort of things. If we want to deal with these issues, the time, the factor of the noises and the people around the area, then we will have

to deal with it in Parliament. We cannot say that the persons who are granting the licence have the responsibility or the authority to do that when actually they do not and therefore we must be clear on all these issues.

Mr. Vice-President, of late problems have been raised in relation to the violence at fetes and I think that is one of the reasons that 2 a.m was stipulated. These licences are for 24 hours. The licence is valid from the time the order is granted until 11.30 p.m. when carnival ends. Sometimes we seem to be in total conflict with what we are saying.

I raised those issues because I think they are extremely important and sometimes may end up causing a lot more confusion than was actually intended. I hope that the Attorney General would address those concerns which I have. He was careful to indicate that the objective behind it is to make it simple for persons to apply for licences. There is always the question as to the policy of Government allowing a free flow of alcohol, and whether or not that is compulsory in order for us to have a good time during carnival season. I suppose that can be debated from now until the 12th of never. I think what the Government has not admitted is that this increase to $450 was granted last year and in 1996. That was not the original figure. When you multiply that $450 by 14 days, it would be a sum of $7,000 for the carnival season licence. Whereas the figure that you pay now would probably amount to $140 or $150 and therefore it would be much easier for them to make some sort of profit during the carnival season.

In the explanatory notes the Government indicates that it will encourage small enterprises and it will also encourage hitherto unregulated persons and small vendors who have been operating outside the law during certain celebrations to apply for a special event licence. We all know that the persons who very often come before the court after carnival—they normally are in the hundreds—are persons who have been selling beers and so forth in buckets or ice coolers. Those are the persons who make up the large numbers. It is hoped that this $10 may very well discourage—I am assuming too it is not just a question of reducing the cost to $10 but probably allowing those persons who would have been minded to operate these buckets that they will probably be able to access the licence.

Mr. Vice-President, what I have not seen in this amendment is whether the persons who are accessing the licences are persons registered either with the National Carnival Commission or with the Borough or Regional Corporations. There are those who have gone to the National Carnival Commission or whoever,

and they have paid and rented booths around the savannah or some of the other jurisdictions. The persons who are going before the Clerk of the Peace to apply for this licence, can these persons set up a booth outside their business place? If you have a business place on Charlotte or Henry Street, can you set up a bar? Or is it mainly for the persons around the savannah or in other districts? When an application is made to the Clerk of the Peace, should it indicate whether the applicant registered with the National Carnival Commission or owns a small business place? I would like to think that the objective is also to set up some sort of machinery to properly coordinate and manage the granting of licences so that persons who are either registered with the National Carnival Commission or Borough or Regional Corporation would be identified as distinct from anybody who comes off the street.

Mr. Vice-President, after the premises and plans and other documentation are taken to the Clerk of the Peace, it is the police who are responsible for checking out those facilities and, I imagine, confirming that they have seen something that is less than 500 feet or have seen a booth or the precise address or location or whatever it is, is there.

I am hoping that the Attorney General will indicate exactly what the situation is concerning those issues which I have raised. I know that it was indicated in the budget presentation of the Minister of Community Development, Culture and Women's Affairs that carnival would be smooth and there would be absolutely no problems and we have seen the contrary. You barely read a newspaper without seeing panorama in chaos, no judges, no seat for the judges and I can go on and on. Three hours late and what have you. We just hope, in the context of what has been happening, that when this legislation is passed and assented to, that we do not see any similar hiccups and it is as smooth as we would like it to be.

3.15 p.m.

Mr. Vice-President, I end my contribution at the risk of just being a bit irrelevant. I could not help but seek your leave simply to say that when the West Indies Cricket Team won their Second Test Match yesterday, that we were all proud. I just take the opportunity to congratulate the team and Mr. Brian Lara on his appointment as West Indies Captain.

Sen. Rev. Daniel Teelucksingh: Mr. Vice-President, I rise to seriously question the Government's decision to permit any person to sell intoxicating liquor during the celebration of a special event in Trinidad and Tobago. I will share two concerns which will focus on, first of all, how this legislation will affect our young people and, secondly, I will spend a few minutes speaking about the Government as an agent of moral leadership.

I do not think that this Bill can be considered in isolation of various factors, and I will not be associated with this thoughtless, indiscreet, imprudent decision of the Government to pilot this so-called "refreshment Bill." It is not necessary for us to make a long detailed list of what we all know to be the debilitating effects of liquor, for we are all aware that alcohol can harm bodies, minds, families, societies and economies. Who in this honourable Chamber can plead ignorance to the fact that the grog is linked to ailments of the body or that it has featured in marital discord where families were destroyed? Who will deny that the grog is sometimes linked with incest, crime and violence or that it affects productivity in the workplace? I would not be surprised if one says, physician heal yourself, since some priests and church persons are boozers, and do not remind me again that Jesus turned water into wine, for he never intended to support us in any kind of abuse of liquor that has proven detrimental to personal and communal living in Trinidad and Tobago.

Casual, social drinkers as so many of us, see no danger for themselves because "we can handle our booze" but to legislate so as to affect the weaker ones in our society is a cause of great concern.

I wish to focus primarily on young people. The multiple tragedy of last week's suicides, out of the five cases, one person was seen drinking at a bar before he made that final, fearful decision. I do not believe in statistics too much but if multiplied, it might be 20 out of 100.

Beyond a shadow of a doubt, depression, anxiety, personality disorders and paranoia states can be aggravated by alcohol use. The Bill before us is another example of our double-standard society where the actions of adults only leave our young people bewildered. For us, whether business people, church people, parliamentarians, other leaders in society, it is all too fashionable to be seen with a glass. The cocktail circuit often takes away our sobriety and has robbed many in this society of their sanity. Part of the furnishings in our homes, many homes, is to have a well-stocked bar and yet we expect our children to stay "dry." That is a term the Alcoholics Anonymous people use.

Children are born imitators. We do one thing and we expect them to do otherwise. For example, there is so much promiscuity in our society, so much permissiveness, marital infidelity, loose living around us and yet, we dictate to young people about their love relationships. Our love affairs are very often questionable, but we tell our young people in their own relationships, "How it go look?" We drive, we are tipsy as adults or even drunk after the party, and we tell our young people do not drink and drive if something happens, "How it go look".

Mr. Vice-President, I want to share something with this honourable Senate from an article of the *Daily Express* dated February 05, 1998. The article reported statements of a Minister of this Government. This is what the article had to say. A minister:

> "...has blamed parents for exposing their children to alcohol in the home under the pretext that it was part of a celebration or being used for medical purposes.
>
> Quoting from a study conducted on adolescents aged 14 to 18 years old in 1993, ..."

the Minister

> "...said 84 per cent of secondary school pupils used alcohol...
>
> Alcohol was the substance most abused and the first exposure to drinking it was in the family...
>
> He warned secondary school students that drug addicts were not the best role models..."

The Minister is saying that at a high school with teenagers, where I think some of them have their costumes already for these carnival days of which it is mentioned as a concern of this special provision. Some 84 per cent of secondary school children use alcohol and it is being made available. This is contradictory. This is the double-standard I am talking about. A minister goes to the high school and tells one set of students something and the Government comes here and does something else. He spoke to the young people telling them something, he warned them, he showed the dangers of the use of alcohol. He begged them—14-to 18-year-olds. Do you think 60-year-olds are in the bands around the savannah on these days? That is the age group—14 to 18 years, you are targeting and the Minister was speaking to that age group and he was warning and advising them to be better role models and there is legislation here today, making the grog easily available for them. I am worried about that.

This paradox, and this irony, is blaming parents for exposing children to alcohol. Is the Government really concerned about the state of affairs as far as the social lives of our people are concerned?

At the carnival fetes, on those two days, and other special events when every vendor can sell alcohol, do you not know that the clientele is primarily the young people of university and secondary school age and, the young adults? What signals are we sending? This is why I cannot at all be associated with this Bill.

My second concern is to remind Government of its moral obligations to its citizens. If a Minister of the Government is speaking about parents and parenting, I believe that this can be translated in terms of the Government being a parent in this society. It is not for one politician to say I am ‘father’ of the Nation but in a sense the Government is the father and mother of the nation.

3.25 p.m

I do not know what example we are setting, but you have a moral obligation as a Government. Government has a kind of authority and power that no other organization possesses. That is something every government must bear in mind. You can open a road and you can close a road. We cannot do that. Government's authority is one of a sacred trust and must be used with great caution.

Mr. Vice-President, political actions can reduce alcohol damage because a Government can indeed reduce the amount of alcohol the country consumes and we know that alcohol consumption has its fatal consequences. Some persons in Government understand that; a pity that others do not. Political action can do more, I maintain, to reduce alcohol damage than merely relying on moral education, health counselling or the work of the Alcoholics Anonymous group. The nation will hold the Government responsible for some measure of moral leadership.

Mr. Vice-President, in this season of a carnival of corruption and scandals at certain state corporations, I want to compliment the Government for their courage to review those appointments at state boards and corporations. This is their moral responsibility. Be mindful that they were your appointments in the first instance, and we all make mistakes. I hope that the next time around when appointments are to be made, you do not fall for party hacks who, through greed, embarrass the party and the nation, and do not rely on persons bearing two-line recommendations for such responsible positions.

Mr. Vice-President, Government's excuse and reason for the Bill is to facilitate small vendors to share in profits of carnival. I am not impressed. Not impressed at all. Instead, if there were small vendors who were auditing what is happening—and small vendors in this country will know—the small vendors in this nation would have been happier if Government had plans for their lot in life and their livelihood to be promoted, not only for a few days, but all through the year. They are small businesses too and this Bill is so myopic and limited as far as the small vendors go, it is like giving something 10 days. Where are the more substantial plans to help the small vendors of this nation?

Mr. Vice-President, over the last few years, especially during budget debates, there is a long list of something that the Ministers of Finance in the last few years, call nuisance taxes. A long list of what has been called nuisance taxes has been removed from our books. It will cost the state much more than that $10 licence fee to mend alcohol-related injuries at our casualty department on Ash Wednesday. Mr. Vice-President, one day we are going to remove that nuisance tax too, as the bicycle tax and the dog tax. When we remove that nuisance tax, no one will be taxed then to shout 'woof woof'. Then it would be useless to ask, "Who let the dogs out?"

Thank you very much.

Sen. Martin Daly: Mr. Vice-President, I really have not stopped laughing since I read this Bill. We really do not see the funny side of things in the Parliament Chamber very often. I am always very amused at the clash of metropolitan values that we portray so well here in our jackets and ties, and what life in the islands really is like when you are on the street bareback on a carnival day. I am always very amused at the way we struggle with the whole question of carnival and what should be done about it. I say that by way of one very serious objection to this Bill.

Everyone knows that I am particularly sympathetic to vendors. On many occasions in the last Parliament, I spoke vehemently against the use of police to remove vendors from the streets, given the lack of certain employment opportunities and what the alternatives were for people who do not vend. So nothing that I am going to say in a more serious way should be taken as anything unsympathetic towards vendors. On the contrary, I think that it is far better that they vend than they go the inevitable route—since we are quoting the current hits—of 'mama cokers'. It is far better that they vend and we should do everything possible to make vending possible and profitable as long as it does not impinge on

the other players in the commercial world. My difficulty with this Bill is, I do not think it does enough for vendors and what you are going to do is to legitimize a small, elite group of vendors.

Mr. Vice-President, where between any street in Woodbrook *en route* to the savannah, will you find all these booths comprising premises with rooms of 500 square feet? The person who drafted this Bill just landed; it is their first carnival. I do not have the statistics, but most of the liquor parked outside the savannah in the Memorial Park area, that is sold on carnival day is sold out of coolers, buckets, off tables set up in front yards, backyards or car parks. That is where most of the liquor is sold. If your band leaves the Oval and you want to take a drink, then anywhere from the Oval as you take the five-hour torture to go to the savannah, you are not taking it out of premises with rooms measuring 500 square feet with a plan. "Yuh ever see a plan of a bucket?" "Yuh ever see the plan of a cooler; of two chess tables, one of which is probably stolen from somewhere hastily?" There is a gap opposite the jail that sells the most liquor on Frederick Street and I am sure the person selling the liquor there does not own the car park.

So what now? Because you have a wonderful, commendable group of people—I patronize them regularly—who are fortunate enough or hard-working enough to obtain booths in the only part of Port of Spain in which booths are available, what are you going to do with the rest of the vendors? Is it the intention of the Government to have troops moving through Port of Spain and prosecuting everyone who is selling liquor without a licence because they have not gotten access to the small area of Port of Spain where some of the liquor is sold and booths are available? So I say, let us get real. If the Standing Orders permitted it, I would invite us to dress in a way more consonant with what goes on outside so we would abandon all this jacket and tie thing.

Of course, liquor licensing laws are British laws and the British attitude to liquor and our attitude is very different. They drink in very different circumstances. I would have thought if we were serious about bringing legislation which impacts on carnival, we would go back to the drawing board and say we are Trini people, we drink in Trini circumstances; what kind of laws are we going to pass? I have great difficulty with this Bill, not because I do not want the vendors who have booths near the savannah or wherever else booths are available downtown, to get the benefit of the $10 fee. I do not think they should be charged anything at all. Left up to me, if you want to do this fairly, then you have to declare—I am not recommending it—the whole of Port of Spain an intoxication zone and say that on

those special events days, no licences are required to vend liquor on the streets at all. That is what I am suggesting. I am not suggesting that it be declared an intoxication zone because I am going to say now what is the wrong signal—it is not a moral signal; it is a practical signal—that is sent by this legislation.

So as far as I am concerned, if we were not thinking in an outmoded and irrelevant metropolitan way, we would have devised some legislation that would provide that you do not need a licence to sell on the streets of Port of Spain, San Fernando and all the various places. Otherwise, you are creating one small, elite group who is doing it lawfully and everybody else is under the threat of prosecution. Why do we have to have all this—applications in triplicate to sell beer out of a cooler to make a living out of carnival? This is completely outmoded metropolitan thinking that does not suit our circumstances at all. The reason I am bringing it up is because the implication for those who are not lucky enough to get a booth is very grave and unfair, to leave a huge majority of vendors unprotected because they are not in a booth with rooms. It does not make sense and, therefore, we have to completely rethink the liquor licensing laws to suit our circumstances at carnival time. That is my first point.

I really do not like the exposure to the equally commendable vendors who do not occupy a booth. As a matter of fact, someone suggested to me that we should not declare the savannah an intoxication zone; we should declare it a winery. In that way it would cover all the activities that go on there, liquid as well as 'illiquid'. That would be the best thing to do; cover all the activities. But fearing Governments with a "G" as I do, what is going to be the fee for an 'illiquid' wine and how many applications would you have to fill out in triplicate, and worse, will you have to give the names of the objects of the wine? What that little example does, it shows up how ludicrous and contradictory it is at a time—I regret this very much, Rev. Teelucksingh—when everybody is told, "Free up, do whatever you like", at the same time you are trying to license them in doing it. It makes absolutely no sense. It is absolutely contradictory. So that is my first difficulty.

Secondly, Mr. Vice-President, these are philosophical problems I have with this. The explanatory note to the Bill says that one of its purposes is to encourage hitherto unregulated persons. In other words, it is going to now try to legitimize something that already exists. Not only have I made the point that it is not going to legitimize the vast majority of vendors outside the immediate competition centres, not only is it doing nothing for them, it is leaving them exposed. It raises another philosophical question about how we run the country and it does not apply to this

Government alone; they like to say they just reach. I hope we will get some creative thought out of them.

Mr. Maharaj: More?

Sen. M. Daly: They have been so creative and so timely. I am glad the hon. Attorney General reminded me—through you, Mr. Vice-President—that so creative and so much on the ball he is, that he is providing in a very timely fashion in this Parliament, for two of the carnival activities. We have already had the Maternity Protection Bill and now he is so much on the ball that we now have the Liquor Licences (Amdt.) Bill. You know what my problem is when you overpraise yourselves? I like to have maternity protection and I would like some licensing laws that make sense and relate to life in the islands. In another section of the Government you dropped the ball, because while we are getting maternity protection and a $10 liquor licence, we have no sugar and the most expensive rice in the world. That is very creative—to create a situation in a four-week period where we have no sugar and the most expensive rice in the world, "while everybody is jumping up in the road; that is creative 'farda', 'farda', 'farda'!" Do not overpraise yourselves.

3.40 p.m.

The other thing I am concerned about is that every time we legitimize an illegality or a breach of the law which already exists, we have to be extremely careful. It is a complicated problem because the law would not be respected if it is out of step with what everybody else is doing, such as buying liquor out of coolers. At the same time we have to make up our minds if we are going to enforce the laws. This is the third time that this Government is freeing up something on the basis of, it happens anyway. People do not pay their motor vehicle licences, so get rid of it. They breach the liquor licensing laws, so make it cheaper. Free up liquor on Sunday, so the tourist can get a drink when they come to town. There are grave dangers in that.

We must be very careful when we are doing things for perfectly understandable, commendable, political and commercial objectives—let us not lose sight that it is primarily for political objectives—that we put some balance in what we are doing. This is the third time we are dealing with liquor and we have not dealt with the breathalyzer. With no disrespect to Sen. Montano, we have to give the country "the full monty", which I believe is the current expression. If we are going to accept that we are a society that takes a little drink, no one is suggesting that we take a lot. If we are a society that would be taking a little drink and that is

part of our policy, we are not enforcing a dry state. We are a society where everyone would be permitted as readily as possible to take a little drink, then we must counterbalance that by having a little breathalyzer.

I am a bit concerned that in response to *ad hoc* pressures, we bring a Bill dealing with a subject as explosive as liquor and we are not seeing the counterbalancing measures. It is very easy when one has experienced something to speak sensibly talk about it. As a society, we have to balance these things. I hope that the Attorney General will not continue to tell us that this is a revenue raising measure.

Every time we deal with the liquor licensing laws there are social implications. I do not think it is entirely an accident that I sit between two Reverends. It is clear that their ministry is working on me and I am becoming concerned. That would be a footnote in my biography. I am treating with the subject lightheartedly because it is so stupid that we are regulating drink on carnival days which is essentially a time when official policy, not the Government's of course, has no regulation. More importantly, it is very shortsighted to interfere with the liquor laws and not provide for the consequences of drinking in the society. That is the serious point I make. We should find just as much parliamentary time with just as much urgency in this season when men lose all their reason to deal with people driving home drunk from carnival parties. That is an equally important measure as interfering with the liquor licensing laws. I want us to reflect on that. We are doing the liberal one and not the difficult one which would save lives and protect people from untold damage.

If this Government is creative we should not go through another Christmas, cricket and carnival season without proper drunk driving laws on the books. I certainly would be prepared to make the appropriate contributions to the taxi to get home. I really want us to reflect on that. It is very important. It is a great contradiction at this time of complete deregulation to be thinking of regulating the sale of liquor by vendors. I make the point that it is foolish to try to regulate the use of wine.

It always amuses me as well to hear the full time politicians talk about a smooth carnival. If carnival is smooth it would be incredibly boring. The whole thing about a carnival is to disrupt the smooth running of the society. What is this stupidness about a smooth carnival? Have you ever heard anything like that? Very soon I would defer to the real expert in the matters about which we are speaking, because his association with the steelband movement is very creative and longer than mine. Wherever he corrects me on this subject, I take his corrections in advance.

I am serious about these things and we have to reconcile them. I believe I heard and I am concerned that carnival would be declared a special event for a two-week period. I have a little problem with that. As much as I like carnival and have difficulty getting up on a Monday morning, I think we have to make it plain and must not send any signal that we are abandoning more work and productivity for the sake of a good time. I cannot see the justification for declaring carnival a special event for that full two-week period. There can be periods within it. If one lives in the islands in the real world, one would know that Panorama weekend is the most special event in the world. The two-week period does not have to be brought in. The Panorama weekend comprising these three days can be declared as a special event. I have never been there, but I watch it on the television.

I also watch the government censors try to figure out how to deal with misprint on Trinidad and Tobago Television. That is another huge contradiction in the society. If a song has been banned from the radio, there is the incredible contradiction that when the fiesta, the finals and Dimanche Gras come, what one was trying to suppress all carnival season, then goes out to the biggest audience here and abroad. The 'ban' syndrome is so foolish and contradictory. I am concerned that whatever we do with these laws, we must not do anything to crystallize or legislate that we do not have to be normal and work normally on the days between the weekends during carnival. I do not think that we should declare the whole two-week period as a special event, if this legislation is passed. I think it is possible to carve out the period of particular events comprising certain days. Calypso fiesta weekend can comprise of certain dates. It may have to be restricted to particular areas.

Why must the whole country be declared a place to drink unrestricted for two weeks and in places where there is no carnival? It does not make sense. Of course, there would be no customers of consequence outside of the big crowded areas. We have to think carefully about these things because they send signals, even marginal ones which say that it is easier to drink or we approve drink officially. Unofficially, I approve it wholeheartedly. As a parliamentarian, I cannot approve it without thinking carefully about these things. Anything we do in a Bill like this, has the ramifications contended for by Sen. Teelucksingh and should be thought of.

3.50 p.m.

Mr. Vice-President, in summary, I do not like this Bill for the following reasons:

(a) it is irrelevant;

(b) it does not reflect real life in Trinidad and Tobago;

(c) it deals with the supply side of things and not the consequences of the supply side of liquor.

Finally, to make sure that no one misunderstands me, it is not that I want these vendors who have booths at the savannah to continue to pay horrific prices for a licence, but fair is fair. The only way I can see this as being fair is that vendors who are selling on the streets on those particular days should not have a licence at all, or there will be just one lawful elite, and the reality of life in the islands will be completely ignored.

The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung): Mr. Vice-President, I deliberately timed my own intervention so that I would have the benefit of the words of wisdom from my fellow mas' player, steelbandsman and pan enthusiast. I thought it was important for me to understand some of the concerns that have been raised about a measure like this.

This is a measure that I have been personally championing for a very simple reason—I am very involved in carnival. I love carnival, and I make no apologies for that. I love the time it gives me to recharge my batteries after the budget. [*Laughter*] Some people think I can become more run down because of it, but it gives me an opportunity to "free up". There is no better time for me. If I have a choice between cricket and carnival, everyone knows where I will be. I will not be at cricket, although I love and support the West Indies. I will be at Panorama. They have not really given me much choice.

It is because of my involvement in carnival that I get close to people who are vendors. I make no apologies for the fact that I have very humble beginnings and many of my friends from Woodbrook are vendors. As a result of this, over the years I have tried to encourage them to go into business when carnival comes, and I have used what little influence I have had to help them set up in small places.

I do not know if Senators understand how hard it is for a guy with a bucket, two tables and a little place to find $450 for each day that he has to operate. They say to me that when they start they have to sell 15 or 16 cases of beer before they even think about themselves. Sometimes they have workers to pay; it may be a partner helping out. They ask what can be done to help them. Over the years, very little has been done. Instead, we find ourselves trapped by rules and regulations that fail and we try to accommodate people. These rules affect the large man and the small man and the small man gets squeezed because of these rules that are of major concern to us.

As a Senate, I understand our concern, particularly because the unfortunate fact of life is that the legislation addresses both the fête promoter who has thousands of dollars to invest and the same poor man who has $1,000 to invest, if so much. The fête promoter is required to have a bar licence because all fête promoters sell alcohol at their premises as they make the bulk of their money there. They do not make their money from the entrance fee, they make it from selling liquor.

So the persons who have big fêtes at the Water and Sewerage Authority, the Public Services Association, at one time National Flour Mills, but I have heard they are not having a fête [*Laughter*], UWI and Mount Hope, pay the same $450. We have tried to find a way to allow a special licence because we want to encourage the small businessman, not particularly to sell alcohol, but to have an opportunity to make money.

As Sen. Daly said, it is a fact of life that the small man exists. It is a fact of life that there are people in Woodbrook who have converted their garages into little bars, and they have to pay the same $450. They may or may not make, depending on their location and whether the bands will pass in front of them.

I know Woodbrook. It is basically a retiree community. There are people, like my mother, who live there because they want to feel that they are in the heart of town, and who still feel fairly comfortable. There are some things they do not like, and object to, but unfortunately they are born and bred there and do not want to leave. These are the people who take their little retirement earnings and convert their premises to hustle a buck.

We have tried, therefore, to develop a policy that will identify the people we are talking about. We have said that we will ensure that it is not used to encourage everyone, so that the big fête promoter gets a special events licence as well. We have tried to assist the small vendor. That is the policy that the Government has sought to pursue.

In terms of dates, we came up with an idea that it could be used for special events and we have encouraged people. We are not interested in annoying the church or getting embroiled in a discussion that will cause us to be sidetracked. We understand that as a Government we have also to advocate morals in the society, but I see nothing wrong in this approach of trying to have a special licence for a vendor. I have to admit that the legal part of it is the furthest thing from my mind. I can only advocate the policy and hope we get it right legally. If this is to be modified I will be happy to do so.

We see this as an approach to assist the small man and we have said that maybe a maximum size should be 500 square feet. So the person in Woodbrook who converts a small garage will know that if he has a bigger garage of 10,000 square feet, he does not qualify. We had to reach a cut-off point. [*Interruption*] It does not matter whether it is a bucket or a table, as long as it does not exceed 500 square feet. It can be one square foot. The fellow can be very skinny and stand in one place. That is no problem. It is from 0—500 square feet.

Senators can disagree and say that they find that it should be 300 or 400 square feet. It is a judgment call and everyone of us here may choose a different size. Our approach is that 500 square feet seems reasonable as a cut-off point. If it says "premises up to 500 square feet", it means from—

Sen. Montano: Mr. Vice-President, I thank the Minister for giving way. Is the Minister saying that the bucket vendor will qualify?

Sen. The Hon. B. Kuei Tung: Precisely! It is for every one up to 500 square feet. There must be some minimum number of square feet up to 500, the reason being to exclude all the big bars and people like fête promoters.

Sen. Daly: Mr. Vice-President, I thank the Minister for giving way. Happily, he is addressing the points we have made. I am still concerned about the bucket vendor. What plan will he submit? This Bill assumes a physical building.

Sen. The Hon. B. Kuei Tung: This is why I said I am not a legal person. The Senator is asking me to argue. He must say that he wants to operate somewhere. In order to say this, he will have to say for example, "I am operating at the savannah from a table". We cannot issue a licence unless we know where he is. I am not sure whether he has to specify precisely how much space he has. He may say a radial, or he may say he wants to be a mobile vendor is some vicinity. If he is operating from premises, however, we want the premises defined so as to exclude fête promoters, who would not be entitled to have a special events liquor licence. That basically is the policy.

4.00 p.m.

In terms of dates and times, I agree with Sen. Daly, but I feel it is a bit awkward and rather cumbersome. We said maybe the special event should last for a two-week period; it could be one day, it could be one afternoon, but in this case, it could be for the carnival period. We had hoped that we would have been able to achieve this before the Panorama because those are the times when the vendors

really come out. They are not going to come out today, because there is nothing going on so to exclude today, while it is correct, it is really not practical to say well, it is the 8th, but not the 9th; it is the 10th, but not the 11th; it is not the 12th, or the 13th but the 14th and that is why we are suggesting the two-week period because only during these special events in the true sense would the vendors come out and need help.

Again, they have to say what days they want and pay $10.00 per day. The vendors apply for a licence and state the date he or she wants to operate a bar whether it is on the 8th, 15th, 16th and on the 21st and pays $40.00. The dates are there, they know precisely what dates and the police as well have an opportunity to object if they feel that it is being used or abused. That is why we made a fairly simple system in which we give the police the right to object, and if they do not, then within four days the clerk—not the magistrate because we do not want to unduly burden the magistrate—can issue a licence.

I end my very simple contribution by saying why I am so very sympathetic to all of this. I recall that last year Easter, I went to Barbados and there was cricket in Kensington Oval, like this year after carnival. I love cricket. There is another "c" that I love, but I do not think it is wise for me to mention every single thing which begins with the letter "c" which I love. *[Laughter]*

Hon. Senator: Chocolate.

Sen. The Hon. B. Kuei Tung: Yes, I love chocolate, but I like comedy too. Do you want me to continue with all this? I like comedy, I like chocolate, I like chicken and chips.

Having gone to Barbados, I was in Kensington Oval observing the test match against India when the West Indies played India last year Easter, and I decided to take a stroll around the oval. Literally every single home around the oval—and I would invite my senatorial colleagues to experience it when England goes there and you would be surprised at the kind of atmosphere they were able to create—had a sign outside. There was a menu and a bar list. I asked the Barbadians if they had to get a licence for this. They replied it is a tourism country and, therefore, do not see the need to have a licence. Every home owner around the oval is encouraged and there are tourists or patrons of the cricket who go across there and get a good, affordable hot meal with a few drinks, and it is encouraged.

I feel Trinidad and Tobago really tends to be our own enemies because we make rules to ensure that our people cannot prosper. That is what it is. We make

rules over the years to ensure that we squeeze the small man, we give a lot of lip service that we want to help small business, but things have to be done to eliminate that. There would be some problems, yes, but the atmosphere has to be freed up to allow the business to prosper and it would not prosper when we have things like large licence fee requirements. That is why I am hoping that you would support us in this measure because it is aimed at only one, pure, maybe naive objective, and that is to assist the small man vendor to earn a little livelihood. He may not have many opportunities during the whole year and each time there is an event that he can have an opportunity to earn some money, we can help him. So I will encourage you to support it.

Sen. Dr. Eastlyn Mc Kenzie: Mr. Vice-President, there are a few comments I would make. It is amusing when I go back in time and I remember when at certain functions, there was a saying, "you buy a sandwich for $3.00 and get a beer free." That was a way of getting around the need for having an occasional licence. *[Laughter]* I am sure that the Minister of National Security, or the Attorney General probably never heard of that one. But that was a way of avoiding the occasional licence of so many dollars, and where there was a simple function where people wanted to sell beers—they did not sell anything harder than beers—they had their little thing. We are not selling beers, but if you buy a sandwich for $3.00, you get a beer free.

So this was a way of getting around it and I saw where in subclause (c) of the Bill it says:

> "(c) it will encourage hitherto unregulated persons and small vendors who have been operating outside the law during certain celebrations to apply for a special event licence."

Mr. Vice-President, I would like to ask whether the special event licence would be a national thing in scope and when I say that, I ask—yes, we have heard of carnival and emancipation and whatever have you—what about the Tobago Goat Race, would you call that a special event? Whether the Tobago Heritage and Great Race, your Santa Rosa festivals and the Siparia festivals and so forth would be qualifying as special events? I am looking for that.

I also want to find out whether one could apply for a licence en bloc in other words, from the 12th—24th. Let us say there are ten special days in between, could one just apply for such and such date; like the 12th, the 15th the 19th, the 21st or six days at $10.00 and pay $60.00 instead? Probably these need to be spelt out so people would understand.

I thought of people who might—as children did in the buses long ago, where there was a fare stage up to a certain point, but one went beyond, so he paid the shorter fare stage but went two miles further—pay for two days but they are operating for five days. If the police have to be so engaged with carnival and trying to keep order, would it not be wise and convenient to have one bloc payment so one could operate for all the days and not lose, rather than have someone who pays for two days and uses the licence for five days and keep away the police from policing and so forth? Seeing that it is only $10.00, I think it is already a subsidized fee because I believe, even the paper that is being used would cost more than $10.00.

I had this question of the booths and the table vendors and those who have the fashionable big umbrellas where they have their coolers, so I looked at clause 47F which says:

> "47F.(1) A copy of the application and plan of the premises shall be submitted to the officer in charge of the Police Station within the Magisterial District in which the premises are situated."

I say a copy of the application and plan of the premises where applicable, or the location of the vending should be submitted.

4.10 p.m.

This is the location of the vending, Mr. Vice-President, therefore, I could have my big umbrella, a cooler and a bench where I could sit and set up my business but I must give the location of my vending. What is meant by, "plan of the premises in clause 4, section 47F"? We could probably look at that.

Mr. Vice-President, I looked at a sort of warning which we should give to the vendors. In the case of the occasional licence—as the Attorney General mentioned—there was always somebody who had a licence, you had to go to that person and he would forward the application and stand for the licence for you and you would run your bar. At the same time, the big suppliers were the ones who gave you the bar on credit and at the end of the function you would pay for what was used and he would take back what was not used.

We have to advise our small vendors that they may be squeezed in this direction. Mr. Vice-President, no licensed spirituous dealers or what have you, who feels threatened or gets competition from these small vendors, would be as willing to supply the liquor, as in the past, under the terms and conditions with

which they did when it was just an occasional licence. We have to ensure when we try to help these small vendors, in truth and in fact, they are not squeezed by the persons with whom they are going to compete.

Mr. Vice-President, when one has the special event licence, what happens to the question of an occasional licence, in that context? If one has the special event licence and the occasional licence, could someone say: "I would not use that on this occasion, let me use the special event licence?" Would there be any sort of contradiction or cheating, where, instead of getting this type of licence I could use the "special event" licence? Mention was made of the size of the premises where, probably, over a certain size premises one must have the occasional licence, but under a certain size one must have the special events licence. What happens if, as Sen. Beckles said, I put a partition and make my place smaller to get a special event licence instead of using an occasional licence, because I really have a bigger space for my liquor trade? I think we need to look at these things to ensure the people who apply for special events licences are not going to be tricky.

I do not believe that legalizing what some people have been doing illegally—buy a sandwich and get a beer free—by allowing them to pay a smaller fee will encourage more people to drink. The price of the liquor will not be reduced. The price of the liquor remains the same and if persons want to drink, the price could be raised as high as heaven, they are still going to drink.

These are my feelings, Mr. Vice-President, and I support this Bill.

Sen. Prof. Julian Kenny: Mr. Vice-President, I do not participate in the national festival, except once when I met my wife. *[Interruption] [Laughter]* We have been married for 40 years. My experience with the availability of recreational chemicals goes to my wandering around the countryside. When I am going in the bush on the Valencia Bypass, past Mayaro chasing frogs and so forth, there are all these places, licensed spirituous dealers; it is a rum shop and one would be amazed at the number of them which have a little hole at the side and if one happens to be travelling, as I happened to be, chasing frogs, not at the licensed hours, and feels a thirst, one just has to go to this little square hole and make a noise and a hand appears. *[Laughter]*

I raise this because the whole question—Sen. Daly has taken the wind out of my sails already—of the use and availability of, as I call them, recreational chemicals, whether they are nicotine or alcohol, is something which is simply not observed; it is ignored by everyone. Therefore, I would be inclined to say, let us

face reality and abandon the fee. Why do we have all this paper work if we already know that people will use their buckets and coolers and so forth?

I wonder about placing one of these licences. Will the police or the security go around with a GPS to see, this is the location? *[Laughter]* It is as serious as the issue. The contribution I would like to make actually relates back to Sen. Rev. Teelucksingh's concern. Sen. Daly did mention that the English have their peculiar laws which are related to their culture.

If you have lived in the province of Ontario—which is a place where I spent several years going to university—liquor was sold by the Liquor Licence Board of Ontario (LLBO), it is a government institution. If one wanted to buy liquor one had to get a licence. One had to go to the LLBO to get a licence to buy that liquor. One could not drink in public. In fact, I worked in the Provincial Park and it was an offence to drink. Can you imagine having a river lime and it was a criminal offence if you drank a beer?

I must explain that I once had to certify myself as an alcoholic. It may seem a bit frivolous, but I went to another country—I do not want to offend anyone's sensitivity—to a conference where, on entering the country one was warned that if he wanted to partake of any alcohol beverage he had to sign a certificate certifying that he was an alcoholic, then he could go to the hotel to buy his beer or liquor and so forth. It is a cultural thing and my concern about what is happening in our country is the whole issue of the ready availability of this recreational chemical which can have very devastating effects.

Mr. Vice-President, the Explanatory Note states that the Bill, when enacted, would achieve the following: it would make so and so affordable, it would encourage small enterprise and it would legalize much illegal activities. However, there are other things which the Bill will achieve. I have a rather fancy computer, which I am still learning to use, it is an Aptiva L 31 and it is really top of the line. One can model very easily on this computer. Assuming the same number of persons participating, and assuming the quantity of recreational chemicals remains constant, then one could make a certain prediction from the national figures about events such as venereal disease or pregnancy and so forth. If the consumption goes up, then the model shows that one of the things which might be achieved is additional cases of AIDS or other venereal diseases, traffic fatalities and violence.

We have to be very careful. Are we sort of setting in train a wider availability of something which is a dangerous drug, something which could be addictive or could destroy human life and society?

Thank you, Mr. Vice-President.

4.20 p.m.

The Minister of Community Development, Culture and Women's Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. Vice-President, I want to make a few points, and in doing so also respond to some of the comments that were made on the other side. I do support the Bill fully, particularly, because of the benefits that it is going to bring to small entrepreneurs who have struggled and have been struggling so much for a little spot in the sun.

Before I start I want to commend the Trinidad and Tobago Carnival and Savannah Vendors Association for their role, their bravery and their courage in bringing and requesting this kind of change in the legislation. The members of this association have been talking with us in the Ministry of Community Development, Culture and Women's Affairs. They have approached us and have been struggling over the years. They have, in the past, indeed, not been listened to. They have tried to get an ear, they have tried to organize and I am very happy to say that they are very far in the way of strengthening their organization. They have talked with us, they have worked with us in the Ministry of Community Development, Culture and Women's Affairs and they have now registered with us. They have changed their name from Trinidad and Tobago Carnival Vendors to Carnival and Savannah Vendors Association, to incorporate all the activities which are taking place.

Mr. Vice-President, I say that to really acknowledge the work of this group for carnival vendors and for vendors in general. They have really spearheaded the bringing of this Bill because it is their complaints and their identification of their interests which have allowed us to look at what they are saying. As you see the members of the association are here in this Senate and as you noticed, many of them are women. They represent what has been happening to women—and I am not denying that men are important and also part of the association. In fact, the President of the Association, Mr. De Leon is, of course, a man who has been at the forefront—and I acknowledge that—of the negotiations with the Ministry of Community Development, Culture and Women's Affairs as well as the Ministry of the Attorney General. A large proportion of the members of that association are women. Women represent a large percentage of small vendors and this has been so

throughout our history. Sometimes, they are called higglers or members of the informal sector. They are really people who try, with their own initiative, courage and creativity, to make an honest living. We have to acknowledge that. We have to acknowledge that many of them are women and that we need to give assistance to women and men who are trying on their own, especially those women who are heads of households, to support their families on their own initiatives. Many women have been exposed to violence and other kinds of negative experience which have forced them to try to do something on their own. We are very much concerned with assisting women and men in these areas.

Just to touch a bit on the labour force employment statistics for the region and for Trinidad and Tobago from 1960, 1970 and 1980. All the censuses which we have taken over the years show that there are significant and always increasing numbers of women in the unemployed section than men. Also, we have seen significantly over the years that a higher percentage of women in each census is seeking work, while fewer women are defining themselves as housewives. Housewives are females who are not seeking work. Over the years those percentages have been increasing. Largely more women are seeking work but not getting work in the formal economy and, increasingly, they have to engage in vending and other kinds of small enterprise work over the years.

For example, in 1970, a survey was done, of persons between 18 and 30 years of age, which showed that 43 per cent of the males depended on a parent or guardian for support, whereas 27 per cent of the females depended on a parent or guardian for support. These are persons within the ages of 18 to 30 years, but 58 per cent of the females depended on a spouse or common-law partner. It means that in 1970, females define themselves as housewives depending on husbands. At that time 25 per cent of households were single-parent households.

In the 1990s, the data showed that 40 per cent of households are defined as single-parent households. In 1995, 95 per cent of single parents are the mothers. What the statistics have shown is that the single-parent household type is increasing in our country and that the women who head these households are less and less fully dependent on a spouse or common-law partner. These women are seeking to get into small business, craft, in order to support themselves and their children and also the elderly in their households. Women have, indeed, to go out and support themselves more than they had to in the past.

We think it is our role and our duty to be sensitive, not only to the data and statistics, but to the reality of people's lives. The reality is that women and men, particularly, women who are heads of households, have to seek a living. I am saying particularly women because women are left to care for the children: They are responsible for the food, housing, rent and whatever else is necessary for the children, whereas some of the men are not so fully responsible.

4.30 p.m.

Mr. Vice-President, I think we have a moral responsibility to enhance and facilitate our people when they try to make a living on their own. Even among those persons who are professionally prepared and otherwise, sometimes, in today's world, we find it necessary to get into these kinds of entrepreneurial activity. It is, for this reason, and others, that I want to fully support this Bill, because it allows people in this day and age, in the kind of economy in which we are—men and women who are very courageous, who will go out there and seek on their own, not dependent on the state or any handout—to make an honest and decent living.

In this context, these people have to be complimented and, again, I want to compliment the association for all it has done, and for getting to this point, because what it is doing is being the catalyst of all vendors who may find themselves in a situation which we will now define as a special event situation, where they can go ahead and get into activity and know that they are going to get some income, and not have to pay out these large amounts in terms of licence. I see this group as an honest group which we must commend for its conscientiousness and commitment in which it has allowed this kind of amendment to take place in the Liquor Licence Act.

Mr. Vice-President, I want to comment a bit on the availability of alcohol, as some of our Senators identified that a freer access to alcohol will worsen our situation. I know that this is a very sensitive area but, again, I want to share some of the experiences and some of the research that has been done in this area. With regard to use of alcohol in domestic violence, incest and sexual crimes, much of the research shows that the use of alcohol—getting drunk—is the avenue which people take. It is not the alcohol itself that is the cause of the problem. It is the insecurity of the person, particularly of the male, the poor family relations, the poor sense of self, which give rise to the problem. It is the low self-esteem.

Just to demonstrate what I am trying to say. Two or three weeks ago, a woman called me at my office to complain about a domestic violence situation. A young, professional woman in a high status organization. This woman told me that her father was always drunk and abused her mother, and she made a conscious effort to select a husband who did not drink alcohol. She made a conscious effort because of her experience with her mother, and she selected such an individual and was married, and they had a four-year-old child. The man has been battering and abusing—verbally and physically—this woman, and she was on the brink of breaking. She wanted to talk to someone, and she wanted to end the relationship.

This man was not involved in the use of alcohol. My point is that it is not the availability of alcohol, it is the kind of persons because of whatever their experiences may be, their insecurities, various kinds of limitations in their personality, the kinds of family relations, the way they were treated; these give rise to that insecurity and contribute to the problem of battering.

Many of the Senators talked about the free availability of alcohol in the buckets and coolers, which is now happening in the country. If we reduce this licence from $450 to $10, particularly for those people selling in the savannah, how can this be unfair? How can this be contributing to the problems, and all the social ills that we have in our society? We have fatal consequences from consumption of too much fat, cholesterol and sugar. The whole issue is not an issue of availability of alcohol *per se*. It is a number of factors we have to take into account. Of course, with regard to the moral issues related to the use or non-use of alcohol; these are individual decisions over which we are not legislating. We are legislating about facilitating and simplifying procedures to enhance the ability of those persons who want to go out there and make an honest dollar, to do so.

Sen. Beckles: Mr. Vice-President, is the Minister saying that there is no relationship between the use of alcohol and domestic violence?

Sen. Dr. The Hon. D. Phillips: No. I am not saying that. I am saying that alcohol is used by persons who want to use it as an excuse to commit violent acts. People can be free from alcohol and still be very abusive, both physically and psychologically.

We support the Bill. There are some comments made about carnival and the smoothness of it. We think that putting this Bill into place will further make these arrangements smooth, simple and easier for these small business people to operate their trade and get income. We are going to try to simplify and improve relations in carnival at all levels.

I thank you.

Mr. Vice-President: At this point, I think it is convenient to take a break for tea. It is just before 4:40 p.m. We will resume at 5:10 p.m.

4.37 p.m.: *Sitting suspended.*

5.12 p.m.: *Sitting resumed.*

Sen. Dr. Edmund Chamely: Mr. Vice-President, alcohol is a drug with certain, specific actions. Even though there are certain people who may have a predisposition to misbehave, alcohol sedates and removes inhibitions and, therefore, can make an individual who is so predisposed to behave in a fashion that he is not supposed to behave in—and that is not what Dr. Daphne Phillips said—and this is a fact.

Alcohol is a drug just like marijuana and cocaine, but in this community it is used and abused much more than marijuana and cocaine. If we are saying we would like to help the small man get an income from the use of alcohol, we can play the devil's advocate and say, let us give him marijuana and cocaine also, so that he can make more of an income in the sale of marijuana and cocaine. I am not recommending this, but if we are to use the devil's advocate, this is the kind of statement we can make.

There are two things we know for sure that increase the use of alcohol: one is the supply and the second is the cost. If the cost is reduced, the use of alcohol goes up. If the supply increases, the use of alcohol goes up and, therefore, the excesses of alcohol become evident. Many of us know the outcome of excesses of alcohol. I can list them for you if you would like. Some of the social ills are mentioned here: individuals become drunk, pregnancies occur, venereal diseases occur, HIV increases on that level. There is physical damage to body in the form of the brain, the heart and the liver becoming damaged. There is also abuse to families, incest, all those things occur as a result of alcohol. Some of the largest admissions to hospitals are alcohol-related. Accidents increase tremendously.

If, by lending support to a Bill we are going to increase the use of alcohol and, therefore, increase some of the effects of alcohol, then it will be wrong to lend support to the Bill. I would like to support Rev. Teelucksingh in what he is saying. I certainly would not lend support to this Bill because it is going to increase the income of the poor man on the street who is trying to make an income. I say, if we want to play devil's advocate we can allow him to sell marijuana and cocaine. Just remember that, alcohol in this community is worse than marijuana and cocaine.

Thank you very much.

Sen. Prof. John Spence: Mr. Vice-President, I too have certainly been persuaded by the arguments of Sen. Teelucksingh, and I take account of what Sen. Dr. Chamely has said. I do not think that it is useful to use the argument that there are small people who will benefit by this measure, if the measure is going to have adverse consequences.

When listening to Minister Phillips, the thought occurred to me that if one wants to help the small people who might make a living by vending, then what I would recommend as an alternative, is that each garden in Trinidad and Tobago have two or three dwarf pommecythere trees. They do not take up much space and they bear very heavily, and I can assure you they make an excellent jam, but I cannot accept that it would be more beneficial to sell alcohol to make a living than to sell a delicacy which I think could make an excellent export for Trinidad and Tobago. It is easy to grow, as I say it takes up very little space, bears all year round, makes an excellent jam, is used in kuchela and makes an excellent drink. We import into this country plastic tubes filled with sweet coloured water for our children, whereas we could be giving them fruit pulp.

So if we could use a little imagination, a little initiative, we could encourage people to do things that would not only be beneficial to health, but would give them a good living as well. If we are using the argument that, "they are doing it anyhow and let us try to legalize something that is going on anyhow", perhaps there is some merit in that argument. To use the argument that we are doing it because we are helping poor people and poor women, who are themselves the victims of the abuses of alcohol, I think that is really a most unfortunate argument. I cannot support it at all.

Quite frankly, if Sen. Daly is correct, then if I were to give any support it would be the Bill in its present form. I agree with him that it seems to exclude most people, in fact, and only to include a very small number, but that is just being a bit facetious. I, too, am very unhappy about any signal we send to the population that we should move in certain directions. That is why I opposed the possibility of casinos. Of course, the argument is used, "but we already have casinos". I think there are 16 in Port of Spain alone; but that is not the point! What signal are we sending to the population if we say let us legalize casinos?

5.20 p.m.

Therefore, it may be a small thing in itself, in that, we are trying to regularize a situation which already exists, but if it is perceived in society that what we are

doing is to make it less expensive and easier to consume larger quantities of alchohol, then I certainly think that is not what we should be doing at this time.

I have argued previously that to increase the tax on alchohol and tobacco would be, in the long run, a benefit to society because I was convinced many years ago by a former Senator, Micheal Beaubrun, that his statistics showed anytime there was a decrease in the tax on alcohol, accident rates in civilizations from the ill effects of alchohol also went up. Fifty per cent of hospital admissions in this country are alchohol related. Why do we not think seriously about what we are doing?

It is a pity that on occasions like this we cannot have a free vote. This is the sort of issue with which they should not be partisan. There should be a free vote. I certainly will like to hear what some of the Back-Benchers on the Government side have to say on this issue. [*Interruption*]

Mr. Vice-President, I find myself unable, quite frankly, to lend my support to this Bill for the reasons I have expressed.

Thank you.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Vice-President, I express thanks on behalf of the Government for the contributions made by all the distinguished Senators today.

The Government is not unmindful of the fact that in arriving at a policy decision on this Bill there would have been concerns. It is in that context that I outlined the care with which it approached the matter. I indicated that this Bill is not permitting special events throughout the year. We have to understand that the Government has to consider the welfare of all sections of the population. Therefore, it has to consider what is good for all. The Government, the Church and non-governmental organizations have their role to play in setting standards on violence.

We have to understand that in Trinidad and Tobago at special events, special times in the year, people will drink alchohol and it is permitted to be sold by the law of the land. We have to understand that this exists in our society. It has existed for all these years. I think that it would be very narrow—with the greatest respect—to interpret this Bill as saying it is going to increase the sale of alchohol.

We should not allow this alchohol talk to bury what is the main purpose of the Bill. The main purpose of this Bill is to help poor vendors. It is all well and good for us to say, "Listen, we have all these moral questions", but we have to

understand that vendors play a very important role in Trinidad and Tobago. Vendors are people who have children and homes. If they do not have money they would be people getting into difficulties.

If one takes the scale of justice—economic, social, political and religious—on one side there are thousands of vendors—not 100—with children, whether we have this Bill or not they will sell alchohol. What this Bill does is reduce the amount of moneys the vendors have to pay. It would increase the amount of money they have to mind their children, to send them to school to prevent them from going on drugs. That is what this Bill is about. With the greatest respect, how does all this talk come about alchohol? On carnival days in Trinidad and Tobago, do you think anybody could prevent anybody who wants to drink alchohol from doing so?

Therefore, when one takes the Bill, no matter how one looks at it, it is really not to promote the sale of alchohol. If, for example, there is an increased sale of alchohol, does that mean the Government is encouraging rape and crime? I think we have to be more practical about these matters. I take the point that, yes, alchohol taken in excess can do harm. Many things taken in excess do harm; food in excess can do harm; chocolate taken in excess can do harm. [*Laughter*] Mr. Vice-President, anything taken in excess can do harm. I do not think one can link alchohol, in these circumstances, with drugs—and I am talking about dangerous drugs.

The United National Congress is on record, in the other place, as moving a motion in 1992 to improve the lot and life of vendors in Trinidad and Tobago. It is because it recognizes that vendors play a very important role and a society must not regard them as people who are not entitled to have certain of the good things in life. If one looks at the figures for Trinidad and Tobago—I have not looked at them recently—one would see that many of these vendors have to support families and children abroad. What we are doing with this Bill—this has not been easy for us. As a matter of fact, in fairness to the vendors—

Sen. Prof. Spence: I wonder if the hon. Attorney General could comment on the cracking down on the sale of cassettes. These are vendors who are vending, and the Government, in my opinion, quite correctly, has now clamped down on the sale of illegally copied cassettes. It is the same issue really. [*Interruption*] These are vendors.

Hon. R. L. Maharaj: Mr. Vice-President, selling alchohol is not an illegal act, but if one is selling tapes in contravention of the copyright laws, that is an illegal act. Therefore, it must be analyzed.

There is a perception in Trinidad and Tobago that sometimes whatever little people do is wrong and illegal. If they sell they are not doing anything illegal. If they sell alchohol they are not doing anything illegal. But if Government decides that there is a law to be enforced, whether they are vendors or non-vendors, they have to comply with the law. With the greatest respect to the distinguished Senator, I do not think it is on the same scale at all. It is not on the same scale.

We are dealing with a very serious matter which affects the lives of people. I think if there is an objection to this Bill which can be shown, that in passing this Bill an illegality would be committed and people would be encouraged to do illegal things, then there could be a valid objection. I have not seen any facts or figures to show that by this measure there is going to be rampant alchoholism in Trinidad and Tobago or that young people are going to be taking alchohol. All this Bill does is allow people to get a licence with less bureaucracy and at a cheaper rate during the carnival season, in order to make a profit out of what they sell; whether it is carnival, Emancipation, the Tobago festival, whatever the special event is. I regret to say that it is a non-argument with our greatest respect.

5.30 p.m.

Before I come to that, in fairness to the vendors, they asked to pay $100 per day. The Government considered the matter and I want to pay tribute to the Minister of Finance, who was the Chairman of the Finance and General Purposes Committee. We looked at the matter and the point that Sen. Daly made was a very live issue which we had to consider. The whole consideration was, should we have a licence at all, and what we felt was, at least we could try with this and see how it goes and aim towards reforming the laws with respect to licences.

One has to understand that this was a problem existing for years. The vendors have been knocking on doors, those doors were not opened. When the knocks came, and we got to know about it in October, 1997, between October to now one had to come up with something in order to try to serve the public interest. This is the best that we have come up with. I am not saying that this is perfect legislation. I take the point, there can be many legitimate criticisms and one would have to see how the Bill works. What I give an undertaking to do is to review this matter. Having regard to the fact that carnival is around the corner, we are hoping

this Bill will be able to provide some relief. I give an undertaking to this honourable Senate that we are going to review this Bill, take all the factors into consideration and come back with measures.

Mr. Vice-President, I would like to say that although the Bill was criticized, I think I should pay tribute to two of the persons who have drafted the Bill because it has not been easy. Mr. Bhagowtee of the Law Commission and Mr. Cuthbert Jolly of the Chief Parliamentary Counsel. In the short space of time that we had to come up with this Bill, I would like to say that all who participated in this have come up with something and I would like to congratulate the Opposition. In the Lower House they supported the Bill and I would like to congratulate them here today and I would like to congratulate the Senators who have voiced support for the Bill and who, I am sure, will support the Bill.

Mr. Vice-President, I would just like to respond to some of the matters very briefly. I wish to give the assurance to Sen. Beckles that we take the point that there would have to be some administrative matters put in place. Discussions will be held with the police. The Minister of National Security has indicated to me that he, himself, will see that these instructions are carried out and discussions will be had with the police and the administrative arm of the magistracy to ensure that things are put in place to guarantee a smooth operation of the Bill. I would also like to say that we are hoping that guidelines will also be issued so we would be able to deal with some of the problems which have been raised.

There is one matter which was raised and it is a point which I think I have to deal with and that is the question of the operation of the vendor. What we are hoping to be able to achieve is that even if the vendor is selling from a bucket that vendor will be linked to some central point where he will be operating from so that there will be a premises defined. I take the point that probably it could be more expressed and we would probably have to look at it again. What we would like to do is go with the Bill as is and see how it works and we will be able to learn from any aspects of the Bill which produced any problems. We would also look at the whole question of whether there should be a licence fee at all. The Minister of Finance has already taken steps to look at that and we will look at that situation.

There have not been other points raised which—

Sen. Montano: Thank you for giving way. I would just like you to clarify that point for me. I rose during the contribution of the Minister of Finance to clarify the matter of the bucket vendor. Is it that you are now saying that the bucket vendor

must have premises, that is some type of a building, out of which—that is where he is licensed? In other words, if he has a residence up in Laventille, that is the place that he submits as his plan and he then operates in Woodbrook? What exactly are you saying?

Hon. R. L. Maharaj: No. If his place of residence is Laventille and he wants to sell at the savannah, he will have to have something near to the savannah. It will probably be a booth and what the Bill did is describe premises to include a booth. It does not have to be with an architectural plan. One knows at carnival a booth does not have to be made with any special kind of material. But there must be some place where he will be nearby, a central point where he will be operating from. One knows at carnival, if you operate from your premises, you do not need to sell from inside the booth, you can be outside the booth and you can sell. Law has to meet the demands of the time and law has to be flexible and one would hope that in the implementation of this law—it is a new law—there will be some flexibility and it will depend to a great extent on the spirit in which the law is implemented. I do not know if I answered your question.

Sen. Montano: Not exactly. Much was made about the vendor using a table and a bucket. Does that qualify as a booth?

Hon. R. L. Maharaj: Mr. Vice-President, one knows what a booth is. If there is a bucket, a table and there is some enclosure, I am sure that will classify as a booth. *[Interruption]* Yes, there must be some enclosure because a table could move from place to place. One knows that in Woodbrook a lot of people sell from their houses, garages, front door and so forth. People who have houses along the pavement will be able to use their premises as a point in order to sell. If, for example, you have vendors who want to sell around the savannah or want to sell near to other places, they can create some booth and they will be able to get the necessary licence. The police will look at it, but you will have to regulate the public interest and welfare and movement with respect to the environment and everything else in order to facilitate what is intended to be had.

Sen. Montano: Let me ask one last question on what you said. You said it is in the public interest that we regulate this matter and you are talking about a booth. Exactly why do we need to regulate the structure of a booth or what a booth should look like when what you are saying is you really intend to help the poor man? It seems to me that what we are doing here is we are setting up a situation that is going to be extremely difficult for anybody to interpret what qualifies as a booth and what does not.

Hon. R. L. Maharaj: Mr. Vice-President, I wish to assure the hon. Sen. Montano—he probably has no experience as a vendor *[Laughter]*—this measure was discussed with the vendors. The vendors see no problem in setting up a booth. What I would advise him to do in matters like these, is try to have consultation with the vendors to enlighten himself so that he will be able to understand that vendors will be able to manoeuvre themselves. I wish to give the assurance to the distinguished Senator that the vendors understand this measure and they have no problem with it. I do not know if he wants to ask me another question. We have silenced him for the rest of the day. *[Laughter]*

Mr. Vice-President, I just want to say something and I know I may be trespassing on the Minister of Works and Transport but with his permission, with respect to vendors, there are measures that will come before the Parliament shortly. It will include measures like a Street Trading Bill which will facilitate vendors to be able to sell with some sort of regulation. As you know Street Trading Acts and measures have been used in other countries so these are some of the matters which we are considering in order to improve the plight of vendors and in order to facilitate them to earn a livelihood.

5.40 p.m.

Sen. Martin Daly spoke about the breathalyzer. This also is being worked on, and there is a commitment to get it done in a short space of time. The Minister of Works and Transport has asked me to give this assurance to the honourable Chamber.

Sen. Daly: Mr. Vice-President, through you, would the hon. Minister be good enough to ask the Minister of Works and Transport whether he would be able to do it quicker than the airport?

Hon. R. L. Maharaj: Mr. Vice-President, I think Sen. Daly should ask the Minister of Works and Transport that question privately, or he could file it as a question.

I beg to move that the Bill to amend the Liquor Licence Act, Chap 84:10, be now read a second time.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: I just want to draw to the attention of the honourable Senate that what we are considering is the Bill as drafted with amendments which have come from the House of Representatives and which have been circulated and include five items under clause 4.

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

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

Senate resumed,

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

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. Vice-President, I beg to move, that the Senate do now adjourn to Tuesday, February 17, 1998 at 1.30 p.m. at which time we shall continue with the debate on the Consumer Protection (Amdt.) Bill and then on to the National Trust of Trinidad and Tobago (Amdt.) Bill. I so beg to move.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.45 p.m.