

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

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HOUSE OF REPRESENTATIVES

Friday, March 18, 1994

The House met at 1.45 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have granted leave of absence from today's sitting of the House to the Member for Siparia.

CONDOLENCES

Madam Speaker: I also wish to inform hon. Members that expressions of sympathy on the death of the late Morris Marshall have been received from the National Property Development Company Limited and the Trinidad and Tobago Police Association. These two organizations have asked me to convey their sympathy to Members of this House.

PAPER LAID

Report of the Auditor General on the accounts of Trinidad and Tobago (BWIA International) Airways Corporation for the year ended December 31, 1992. [*The Minister of Finance (Hon. Wendell Mottley)*]

To be referred to the Public Accounts Committee.

COMPANIES BILL

**Joint Select Committee Report
Presentation**

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Mr. President, I beg to lay the following report:

Special Report of the Joint Select Committee appointed to consider and report on the Companies Bill, 1993.

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Mr. Trevor Sudama (Oropouche):

Justice of the Peace

- 55.** Could the Attorney General and Minister of Legal Affairs state:
- (a) Whether in the past two years any person purported to carry out the functions of a Justice of the Peace and/or Commissioner of Affidavits, such person not having the legal authority so to do?
 - (b) If the answer is in the affirmative, could the Attorney General state in what circumstances this situation came to the notice of his office?
 - (c) For what period of time the functions of Justice of the Peace and/or Commissioner of Affidavits were exercised illegally?
 - (d) The status of those matters in which the above-mentioned person purported to act as a Justice of the Peace and/or Commissioner of Affidavits?
 - (e) Whether his office intends to take any action in the matter?

National Trust

- 57.** Could the Minister of Finance state:
- (a) Why the rules and regulations provided for in the First and Second Schedules of Act No. 11 of 1991 establishing the National Trust of Trinidad and Tobago have not yet been promulgated?
 - (b) When these rules and regulations are expected to be put into effect to make the Trust a functional body?

**Sahadave Boodram
(Death of)**

- 65.** Could the Minister of Health state:
- (a) Whether an inquiry was conducted by the Ministry of Health into the death of Sahadave Boodram of Church Street, Diamond Village, who died at the San Fernando General Hospital on October 5, 1993?
 - (b) If such an inquiry was conducted, could the report be laid before this House?

- (c) If such an inquiry was not conducted, could the Minister give the reasons why this investigation was not carried out?

Mr. Chandresh Sharma (Siparia): Madam Speaker, I ask that the questions standing in the name of the Member for Oropouche be deferred for a period of one week.

**National Gas Company Chairman
(Foreign Trips)**

58. Could the Minister of Finance:

- (a) Inform this honourable House of the number of foreign trips made by Dr. Kenneth Julien, the Chairman of the National Gas Company, for and on behalf of the Government of Trinidad and Tobago and/or for any state-owned company, statutory authority or any agency of the Government of Trinidad and Tobago since his appointment to the National Gas Company after the 1991 General Election?
- (b) Give the particulars of these trips stating, inter alia, the dates of these trips, the countries visited, the companies, individuals, or firms seen, the purposes of the visits and the cost, incurred by the Government of Trinidad and Tobago and/or the respective state authority for the visits?

The Minister of Finance (Hon. Wendell Mottley): Madam Speaker, I ask for a deferral of two weeks for this question as the information I have so far is incomplete.

Question, by leave, deferred.

**Blood Products
(Importation of)**

59. Mr. Ramesh Maharaj (Couva South) asked the Minister of Health:

- (a) Would the Minister state whether blood products from Germany are imported into Trinidad and Tobago?
- (b) If the answer is in the affirmative, would the Minister state whether he is aware that on or about November 5, 1993, it was discovered that such products were likely to be contaminated with the Aids Virus/HIV and that a drug alert to this effect was issued by the German, British and European authorities?

- (c) If any such blood products were imported into Trinidad and Tobago, would the Minister state what precautionary steps, if any, were taken by his Government to prevent either the importation of such products or the use of such products in Trinidad and Tobago?

The Minister of Health (Hon. John Eckstein): Madam Speaker, blood products are not imported from Germany, therefore, the other parts of the question do not apply.

However, it is to be noted that there is a system in place whereby samples of all lots of blood products imported into Trinidad and Tobago are sent to the laboratories of the Caribbean Epidemiology Centre (CAREC) for testing. Release of such products occurs only when negative test results are obtained.

Scotland Yard (Investigations)
(Cost of)

60. Mr. Ramesh L. Maharaj (*Couva South*) asked the Minister of National Security:

- (a) Could the Minister state the total cost of the services provided by Scotland Yard in its investigating and reporting on the activities of the police service and the incidental matters thereto pursuant to the request for it to do so by the Government of Trinidad and Tobago?
- (b) Could the Minister state the cost incurred for:
- (i) professional fees;
 - (ii) travelling and transport expenses;
 - (iii) hotel accommodation;
 - (iv) security services;
 - (v) office space;
 - (vi) equipment and communication facilities; and
 - (vii) service of Trinidad and Tobago?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, in answer to a similar question asked by the Member for Oropouche on a previous occasion, the figure given when the investigations were not yet completed was \$1,196,898.88.

The total cost of investigations which were conducted during the period August 17, 1992 to June 28, 1993 by officers of the New Scotland Yard into the allegations of corruption, involvement in the illegal drug trade and other matters in the Trinidad and Tobago Police Service was \$3,033,914.70.

The costs incurred under the items identified by the hon. Member for Couva South are as follows:

Professional fees, that is, salaries and allowances which were paid on the basis of what they would have received were they working in the New Scotland Yard in the United Kingdom during that period—\$2,116,580.55

Travelling and transport expenses—\$481,096.45

Hotel accommodation including office space—\$412,428.12

Security services—nil

Equipment and communication facilities—\$23,809.58

Services provided by the public or police service of Trinidad and Tobago—local officers were assigned to work with the team. No additional expenses were therefore incurred.

The following questions stood on the Order Paper:

Firm of Lobbyists

74. Could the Minister of Trade and Industry state:

With respect to the statement made by the Minister of Finance in his budget presentation of 1993 that "The Government has recently appointed a reputable firm of lobbyists to represent its interest in the United States and to provide relevant commercial intelligence to assist our businessmen in penetrating markets abroad," would the Minister state:

- (a) What is the name of the said firm of lobbyists?
- (b) What new business arrangements have been made abroad to date for our businessmen?
- (c) How many local businesses have benefited to date from these arrangements?
- (d) How many new markets have been sourced for our products?
- (e) What is the cost involved to date in the provision of these services by the lobbyists? [*Mr. K. Jurai*]

**Propagating on Stations
(Closure of)**

76. Could the Minister of Agriculture, Land and Marine Resources state:

Whether he intends to close down the operations of the cocoa, coffee and citrus plant propagating stations of the Ministry of Agriculture? If the answer is in the affirmative, would the Minister state:

- (a) Whether he is aware of the grave consequences this will have on the cocoa, coffee and citrus industry of this country?
- (b) What steps is he going to take to alleviate the hardship to cocoa, coffee and citrus farmers in purchasing plants?
- (c) What guarantee will farmers have that they will be purchasing high quality plants from alternative sources bearing in mind that these are long-term crops?
- (d) Is the Government going to give any financial incentive to farmers to rehabilitate their cocoa, coffee and citrus plantations?
- (e) Will the Government continue its guarantee of subsidy to farmers on the purchase of cocoa and coffee? [*Mr. K. Jurai*]

**Special Reserve Police
(Gratuities)**

79. Will the Minister of National Security state what is the position with respect to:

- (a) payment of compassionate gratuities to retired members of the reserve police and to survivors of those who die in service?
- (b) regulations to provide for conditions of service in respect of members of the Special Reserve Police? [*Mr. A.N.R. Robinson*]

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, we are asking for a deferral of Nos. 74, 76 and 79 for one week, please.

Questions, by leave, deferred.

**Teaching Service
(Apprenticeship Programme)**

66. Mr. Raymond Palackdharrysingh (*Caroni Central*) asked the Minister of Education to state:

- (a) The purpose of the apprenticeship programme in the teaching service;
- (b) The number of persons recruited in the programme;
- (c) The minimum qualifications required of such persons;
- (d) The remuneration of apprentices;
- (e) The criteria by which participants would be assessed;
- (f) Whether participants would earn credits for teacher training and employment in the service;
- (g) Whether this is now the policy of Government, intended to replace the current system of teacher recruitment;
- (h) The duration of the programme;
- (i) The cost of the programme.

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, the purpose of the apprenticeship programme in the teaching service is to provide CXC and GCE level graduates with pre-service training in order to prepare them for possible entry into the teaching service at primary school level.

Recruitment figures are as follows: first batch 1993—415 persons; second batch 1994—302 persons.

The minimum qualifications required are the same as for entry into the teaching service at the primary school level, that is, five O'levels or CXC subjects, including English Language, Mathematics and Science.

Teaching apprentices receive a stipend of \$42 for each day of participation.

An instrument of continuous assessment is employed. The trainee is rated by the school principal and the mentor or teacher on a four-point rating scale in the following areas:

- (a) development of a positive attitude to work;
- (b) development of teaching competency and skills;
- (c) demonstration of positive role models to pupils;

- (d) evidence of interest in learning to teach; and
- (e) displaying of positive habits and moral values.

1.55 p.m.

For purposes of continuous assessment, each area is broken up into sub-components. In addition, a summative test is conducted at the end of each term based on the curriculum covered in the Saturday classes.

Participants will be issued a graded certificate indicating the level of performance. Such certificates will be recognized in the recruitment of persons for employment, but will not, for the time being, entitle the certificate holder to credits for teacher training or for employment in the service.

It is not now the policy of the Government that only participants in the programme will be recruited into the service. However, it is the intention of the Government to move towards pre-service training as a requirement for entry into the teaching service at primary level in the first instance, as soon as it is practicable.

The apprenticeship is conducted over a period of one academic year.

The programme cost for the first two batches is approximately \$3.5 million.

**Forensic Pathologist
(Applications for Post)**

67. Mr. Raymond Palackdharrysingh (*Caroni Central*) asked the Minister of National Security:

Would the Minister state:

- (a) How many applications were received for the vacant post of Forensic Pathologist in response to its advertisement nationally and internationally in the latter half of 1993?
- (b) If there were applicants, how many of them were suitably qualified?
- (c) Whether anyone was appointed to the vacant post?
- (d) What were the terms and conditions offered to such applicants?
- (e) What was the cost of such advertisements?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, the Minister wishes to advise that there is no office of forensic

pathologist in the public service. There is on the establishment of the Trinidad and Tobago Forensic Science Centre, Ministry of National Security, an office of specialist medical officer intended to be filled by a person holding specialist qualifications in forensic pathology.

The office of specialist medical officer at the Forensic Science Centre was not advertised either locally or internationally in 1993. However, in recognition of the need for nationals to be trained in the field of forensic pathology, an area which is not popular among medical personnel, Government agreed to grant two scholarships in forensic pathology tenable at an approved institution in the United States of America, Canada or the United Kingdom.

Advertisements inviting applications for these awards were published on October 7, 1993 in the *Daily Express*, and on October 1, 1993, in the *Trinidad Guardian* at the total cost of \$809.06.

Four persons responded to the advertisement, three of whom were considered to be suitably qualified and were interviewed on November 16, 1993.

Two persons have since been selected for the awards, one of whom is expected to commence training in Canada later this year. The other has not yet obtained entry into an institution.

The scholarships will cover the cost of tuition and other compulsory fees, salary and maintenance allowances, air fare and other approved allowances.

Recipients are required to enter into an agreement with the Government of Trinidad and Tobago to serve the Government for a specified period of time to be determined, but which shall not be less than the actual period of the award.

**Telephone Service
(Caparo/Carlsen Field/Flanagin Town)**

68. Mr. Raymond Palackdharrysingh (*Caroni Central*) asked the Minister of Public Utilities:

Would the Minister state:

- (a) Whether the areas of Caparo, Carlsen Field and Flanagin Town are going to be provided with telephone service under the Telephone Service of Trinidad and Tobago Development Programme in 1994?
- (b) If the answer is in the affirmative would the Minister state when in 1994 would the programme commence?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, TSTT has advised that Caparo, Carlsen Field and Flanagin Town are included in its 1994—1999 telephone service expansion development programme.

The schedule provided by TSTT for providing the telephone service is as follows: Carlsen Field in 1995; the whole of Tabaquite, including Flanagin Town, by the end of 1996, and Caparo by the end of 1997.

Agua Santa Asphalt Plant

75. Mr. Krish Jurai (Nariva) asked the Minister of Works and Transport and Local Government:

Would the Minister state the following with respect to the Agua Santa Asphalt Plant at Wallerfield:

- (a) How many persons were employed during 1993?
- (b) How many miles of roads were paved with materials from this plant in 1993?
- (c) What was the total cost of operating the plant in 1993?
- (d) What was the cost in terms of miles per road paved, utilizing materials from Agua Santa?
- (e) Is the hon. Minister satisfied with the operations of this plant? If the answer is in the negative, what does he propose to do with respect to increasing production from the said plant?

The Minister of Works and Transport and Local Government (Hon. Colm Imbert): Madam Speaker, in 1993, 109 persons were employed at the Agua Santa Asphalt Plant carrying out equipment maintenance, production of hot asphaltic mix and spreading and compacting of asphaltic mix.

A total stretch of 8.9 miles of roads was paved by Agua Santa's road gangs in 1993.

The cost of operating the asphalt plant in 1993 was \$3,105,925.

The cost in terms of miles per road paved in 1993 was \$181,252 per mile. In calculating this unit cost all direct costs associated with the road paving work were included.

The Minister is satisfied with the operations of the Agua Santa Asphalt Plant.

Corporal Punishment (Amdt.) Bill

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**CORPORAL PUNISHMENT (OFFENDERS OVER
SIXTEEN) (AMDT.) BILL**

Bill to amend the Corporal Punishment (Offenders Over Sixteen) Act, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

FINANCE BILL

Bill to provide for the imposition or variation of certain taxes and duties, for the incorporation of the amendments made by the Provisional Collection of Taxes Order, 1993 as amended, to introduce other provisions of a fiscal nature and for related matters. [*The Minister of Finance*]

Motion made, That the next stage be taken at a later stage of the proceedings. [*Hon. W. Mottley*]

Question put and agreed to.

FLAMING WORD MINISTRY (INC'N) BILL

Question put and agreed to, That a Bill for the incorporation of the Flaming Word Ministry Bill, be now read the first time.

Bill accordingly read the first time.

ORDER OF BUSINESS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I beg to move that the House now resume the debate on the second reading of Bill No. 1 on the Order Paper, rather than consider the motions at this time.

Question put and agreed to.

MAXI-TAXI (AMDT.) BILL

[FOURTH DAY]

Order read for resuming adjourned debate on question [January 21, 1994]:

That the Bill be now read a second time.

Question again proposed.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Madam Speaker, I rise to make a brief intervention in this debate which has occupied the attention of the House for three sessions thus far, and this is on the Bill to amend the Maxi-Taxi Act.

Maxi-Taxi (Amdt.) Bill
[HON. K. SOBION]

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2.05 p.m.

The debate over the past three sittings has demonstrated the versatility of Members of this House, in that we have heard arguments ranging from the technical as to the level of sound which can be produced by what size of speaker, and the ability to monitor levels of sound. We have had arguments on moral issues; cultural issues, whether persons should or not be entitled to listen to religious music in a maxi-taxi; we have had arguments on constitutional matters whether it is right in a society that has a proper respect for law and order to introduce legislation which may be discriminatory. We have also had arguments on drafting and technical matters, particularly in relation to clause 9 of the Bill, to the effect that it may not, in fact, achieve what it purports.

When one distils all of that, we have been debating, essentially, the question of loudness and lewdness. I do not propose to get into that aspect of the debate, so I would neither be lewd nor loud. I propose to deal with a few issues which have been raised by the Member for Couva South. Essentially, they are legal issues and I propose to look at two or three of them.

As I recall, there was some question as to whether this Bill, even though passed with the requisite majority, could not still be challenged on the basis that it is not fit, to summarize the provisions of the Constitution, in a society which has a proper respect for democracy. The suggestion was made that it may be wrong to pass legislation, as a national Parliament, where it may not be necessary in a particular area of the country, for example—and I think specific reference was made to an argument raised by the Member for Tobago East—that noise pollution emanating from maxi-taxis was not necessarily a problem in Tobago.

Without seeming to dispose of the matter in very short shrift, I feel that as a national Parliament it would be a dangerous road to travel if we were to conceive of passing legislation on a national level, having regard to sections or regions of the country. I want to say no more than that for the time being.

Mr. Robinson: Madam Speaker, may I say that my point was the approach to the legislation—whether one should not consider that other methods can be used in order to influence conduct. It was not a legalistic approach in that particular respect.

Hon. K. Sobion: Madam Speaker, I had not sought to ascribe the legal argument to the Member for Tobago East; I merely pointed out that the argument was raised by the Member for Couva South who made reference to the suggestion made by the Member for Tobago East that it was not necessarily a problem in

Tobago. And in advancing his argument, he suggested that if it was not a problem in Tobago, then—

Mr. Robinson: Madam Speaker, the hon. Attorney General is misrepresenting me. I never said it was not necessarily a problem in Tobago. To illustrate my argument that other community methods could be used to influence, I illustrated what would happen in my own constituency, but I never used that as an argument to determine the legal aspect of the matter at all.

Hon. K. Sobion: Madam Speaker, I do not want to delay the House very much longer. In fact, I had come to the end of the point. The point I am trying to make is that in relation to the argument made by the Member for Couva South, I think it would be a dangerous road for us to travel on if we were to think of national legislation being enacted with reference to exceptions for certain regions within the national territory.

I think the argument was also raised by the Member for Couva South that there was no comprehensive review of the maxi-taxi legislation as had been promised by the Government. I also want to simply say that we have done a comprehensive review of the maxi-taxi legislation and whilst the focus of the debate was on the question as to whether music should or should not be banned, the Act does deal with some of the more significant problems which we had originally identified and, more particularly, the question of owner and separation of the owner and operator insofar as persons who would be entitled to operate maxi-taxis are concerned.

In the Bill we have also dealt with the additional offence of allowing someone who did not have an operator's licence—and that is consequential—to drive a maxi-taxi and introduced a register of owners and operators so as to ensure the smooth operation of the system.

Much of what the review dealt with are matters for regulations, which, as Members would recall, when the Maxi-Taxi Bill was passed in 1992, power was given in section 13 of that Act for the authority to make regulations. Those regulations are subject to affirmative resolution, they have been prepared and they will be laid in Parliament, and can only be laid after this amending Bill is passed. The regulations also deal with some of the new matters which have been introduced, for example, owner/operator.

The regulations have been prepared; they deal with controlling the exhortation of persons who travel in maxi-taxis; they cover drivers and conductors—their

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manner of dress and so forth. Those regulations will be laid in Parliament for debate immediately after the Bill is passed.

I think the most substantial point that has been raised in this debate relates to the question of the recourse which injured persons may have, and more specifically, to the problem relating to the Motor Vehicles Insurance (Third-Party Risks) Act. That point was raised on the last occasion by the Member for Couva South.

Quite simply the position is that we have an Act which was based on the 1930 United Kingdom legislation. It is an Act which seeks to provide some assurance that persons injured as a result of the negligence of a driver of any class of vehicle—and it is not limited to maxi-taxis—would be able to have some recourse, first to the owner or negligent party, and thereafter to the insurer.

Of course, the Act provides limited coverage. It provides a framework within which the driver or owner of a vehicle would need to cover himself but it is not an open-ended type of insurance coverage. This Act has been cause for some concern over the years, and I think the Member for Couva South referred to a case which was decided in 1974 in this jurisdiction which was critical of the Act.

2.15 p.m.

Whilst we on this side appreciate the difficulty which exists currently, not only in relation to maxi-taxis, but in relation to all classes of vehicles—and we appreciate the point—sometime early in 1993 I had discussions with the representatives of the Association of Trinidad and Tobago Insurance Companies on this very issue. What emerged was that we were going to continue having discussions on a no-fault insurance scheme which really is the ideal way of solving this problem. That initiative has already been taken. In fact, it was taken before the Privy Council's decision of December, 1993 to which my Friend the Member for Couva South also referred.

What is clearly needed at this time, and I shall refer to the judgment of the Privy Council, is a comprehensive review of the Motor Vehicles Insurance (Third-Party Risks) Act, and not a minor amendment limited only to maxi-taxis. In fact, the amendment which had been proposed would be limited only to maxi-taxis. If I may adopt the argument so often used by the Member for Couva South, it would be discriminatory to isolate maxi-taxis for special treatment in relation to this issue without tackling the larger and broader issue.

The Privy Council's decision of 1993, noted and made reference to the decision that they were forced to come to:

“...that this somewhat unsatisfactory result may perhaps not accord with the draftsman's intention, but the language of section 10 (1) of the Third-Party Risks Act produces a different result as between sections 8 and 12.”

"It will be for the authorities in Trinidad and Tobago to decide whether amending legislation is called for and, if so, whether claims arising from damage to property should be excluded altogether from the scheme of section 10."

It signals, quite clearly, the view held that what one really needs to do, is to have a comprehensive review of the whole scheme of the insurance legislation insofar as it relates to motor vehicles. I repeat that, perhaps, it was the most significant point to arise from the debate and it is a matter which my ministry is addressing at present.

The final point which I will deal with is the question raised with respect to the supposed deficiency in clause 9. May I say that if there is any deficiency I would be the first to agree that a redrafting of clause 9 should be done. I am all too well aware that persons in the legal profession take advantage of every conceivable loophole which they may find, and, whilst in my own view clause 9 covers what was intended, one of the problems is control and the driver of a maxi-taxi has jurisdiction and control over his motor vehicle.

The idea was to penalize a driver of a motor vehicle who permitted the use of electrical apparatus which produces sound to be played in his motor vehicle. If the intention is not clear as it appears in the draft, then I do not see a difficulty in that the purpose of this Parliament is for us to look at and deliberate on legislation that is brought before the Parliament, and, certainly, at the appropriate time we can arrive at a form of words which would clearly indicate the intention and not leave any possible loophole.

Those are the matters that I wish to address in this debate. I feel, most importantly, that the question of any constitutional challenge will not really arise on the passing of this legislation by the requisite majority.

I thank you, Madam Speaker.

Mr. John Humphrey (*St. Augustine*): Madam Speaker, my contribution will be very short. I appreciate that the hearts of all Members will be heavy on this occasion because not only is our colleague buried today, but this month is the

Maxi-Taxi (Amdt.) Bill
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13th anniversary of the death of one of our national heroes, Dr. Eric Williams. He died on March 29, 1981.

Much of this debate and much of the public outcry seems to suggest that the owners and operators of maxi-taxis are villains. Why I started by mentioning two national heroes is that I thought if we saw this problem in a more positive light we would realize that our maxi-taxi owners and operators are, in fact, far from being villains. They are heroes because they are offering a service to our poor people that would not be offered otherwise.

Some thoughts are being expressed partly through a conversation I had with a very diligent public servant whom I worked with as minister, and who is now working with the incumbent Minister; and who is very committed to the people of this country. When he was responsible for the Transport Division he sought to encourage the max-taxi owners and operators to adopt a certain standard of service.

I now put on record some of the things he attempted to do and suggest that perhaps, where the maxi-taxis are concerned, we should be thinking along those lines. As Transport Commissioner he sought to persuade the associations representing the maxi-taxis to tone down the volume of their systems in the interest of the public, generally. He also sought to persuade them to use their collective resources in their own interest through establishing co-operatives for the purchasing of replacement parts, tyres and batteries, thereby purchasing in bulk and making quite considerable savings.

2.25 p.m.

I had a chat with this gentleman and he admitted to me that he was very disappointed at not being able to persuade the maxi-taxi drivers to control their activities on their own, and he had recommended to the hon. Minister that an outright ban might be the only solution to the problem. In fact, he admitted to me that the Minister was opposed to an outright ban in the beginning.

If we take the interest of the maxi-taxi owners/operators and delve a little more deeply into their problems, perhaps it would help us to redirect our thoughts in a way that would help them and the travelling public. For example, at present, 4,500 maxi-taxis exist and the collective insurance premiums paid by the owners of these maxi-taxis is in excess of \$100 million per annum. That is a very massive sum of money.

If the Government offered assistance to the maxi-taxi owners to set up a mutual company, those funds could be invested in an insurance company, that

would be owned by the maxi-taxi owners themselves. The considerable sum of \$100 million per annum, if properly managed, by an insurance company into which that money is invested and is owned by the maxi-taxi people themselves, could bring positive benefits to those people.

I have seen in the news where a particular brand of maxi-taxi is giving no end problems. The allegation is being advanced that there are faulty vehicles which are being imported into this country. I do not know if that is so. The original concept of the maxi-taxi was a business for the little man. It was a niche market that was to be enjoyed by the small businessman, and the Government passed legislation to enable this. That has been somewhat abused, but I think that the principle is a valid one.

If we could go back to the original intent, perhaps our legislation could be improved to ensure that intent is preserved. We should find ways to make it easier for the little people, who are genuine entrepreneurs, to succeed in their enterprises. If they succeed, then success would be passed on to the benefit of the travelling public.

When the Minister introduced this measure, he admitted that when maxi-taxis were first introduced the public did not readily accept them as a means of transport. In fact, he also admitted that the addition of the radio and loud volume music enabled the maxis-taxis to attract the travelling public, because they were competing with the five-seater taxis and the public transport system. Now some have abused that and we all recognize and agree that there is a degree of sound pollution emanating from those who have abused their rights, and we want to control it.

We all recognize as well, that the content of some of the music today—the lyrics of that music is really not socially acceptable. Madam Speaker, if I were to try to quote in this Parliament—where we have privilege—the lyrics of some of these songs, you would stop me in my tracks, because it would not be acceptable parliamentary language. Yet, people are being permitted over the airwaves to express these things. I agree we should do something about that.

The reason the Opposition has proposed that radios be permitted is that we recognize that since the radio stations operate under licence, there is the power to control the content. In that way we would prevent the offending music from being presented to the young people of this country. The question of controlling the volume would not require that policemen to walk around with decibel meters,

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because in this legislation we could prescribe the type of equipment that is recognized as acceptable in terms of the output of sound.

If the Transport Commissioner is given a list of the equipment that fits that limit, then it is not that difficult to police, because anyone who goes outside of that limit would be in breach of the regulations. If you want to use draconian measures and not persuasion, then the threat of forfeiture of offending equipment, in my view, would be an adequate means of control, because none of the maxi-taxi owners would like to know that very expensive equipment can be forfeited if the operators drivers offend the regulations. They would police it themselves.

It is these sentiments that I wanted to express. The point made by the hon. Attorney General that piecemeal amendments to deal with what the Member for Couva South advocated—I am not a lawyer but I was very impressed by the arguments advanced by the Member for Couva South, that in fact third parties were not adequately protected under the present legislation.

The hon. Attorney General made the point that more comprehensive amendment to the Motor Vehicles Insurance (Third-Party Risks) Act would be required. Perhaps, that is correct, but we believe that if we do recognize a difficulty in the present legislation we are debating, we should remedy it now and later on look more comprehensively at the bigger Act. We do not know how long it might take before we can bring a complete review of the Act to Parliament.

We recommend to the Government that they reconsider that point. With those few comments I submit.

Mr. Subhas Panday (*Naparima*): Madam Speaker, like the Member for St. Augustine, I myself speak in this Parliament today with a heavy heart, for our brother, the Member for Laventille West is not here.

On Saturday May, 30, 1992 when we debated the Maxi-Taxi Bill as it was then, and now is, Act 6 of 1992, the hon. Minister and Member for Diego Martin East indicated that soon comprehensive legislation would be brought to Parliament to deal with maxi-taxis. One should have thought that most, if not all aspects of maxi-taxi operation would have been brought to this House. What we have seen in this Bill before us is merely taking a candle and putting it on the top of an iceberg and hoping that the iceberg would melt.

2.35 p.m.

As the hon. Attorney General indicated, the first few clauses of the Act, basically from clauses 1 to 8, really deal with the relationship between maxi-taxi

owners and operators. As we move along to this main section, I wish to humbly disagree with the learned Attorney General on his interpretation of clause 9 which is section 12A.

2.35 p.m.

"The use of televisions, videos, radios, tape,... or other electrically or electronically transmitted sounds in a maxi-taxi is prohibited."

What is prohibited in this Act is the use. It does not say that it cannot be in the maxi-taxi: it is the mere use of the equipment which is objectionable and illegal. Someone may ask why it is there. The answer to that is found in *Craies on Statute Law, Sixth Edition*, at pages 66 and 67, which says that:

"The cardinal rule for the construction of Acts of Parliament is that they should be construed according to the intention expressed in the Acts themselves. The tribunal has to construe an Act of a legislature or indeed any other document, has to determine the intention as expressed by the words used. "

It went on:

"If the words of the statute are themselves precise, and unambiguous, then no more can be necessary than to expound those words in their ordinary and natural sense."

I have looked at the meaning of the word "use" in *Collins English Dictionary*, which has indicated that the word "use" means to utilize, and in this issue here, it means to play. I also looked at the *Oxford Dictionary* and I have found out that the meaning of the word "install" is "to place in a particular place." I now quote the definition of "use" from *Collins English Dictionary, Second Edition*, page 1123: "to put into service or action." So, the offence in this Act, according to the word used, is to put into service or action, the video or the radio.

The Bill does not say you cannot install it; but when I look up the word "install", I see that it means "to place machinery in position and connect with the relevant adjuncts." "Install," according to the *Oxford Dictionary, Fourth Edition*, page 154, means "to put in" So, there is no ambiguity in the word "use". Therefore, when one goes to the court and it has to be explained, as the hon. Member for Couva South said, the Legal Profession Act says that practitioners can use anything within the law to protect their client and, in this case, when one puts this interpretation into place, one would see that this cannot be implemented.

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The whole argument from the other side has been that they are not against a radio with decent music; the problem they are having is that they cannot monitor and control. That is the thin thread that has been coming from the other side throughout.

My dear Friend the hon. Member for Arouca North dramatized this explicitly when he said that when he sat at the back of a maxi-taxi, his feet could not touch the ground and his head was touching the top. They went on to indicate that the problem was merely that there could be no control.

I humbly submit that having regard to the way in which this legislation is drafted, a maxi-taxi driver could continuously play his instrument and the moment he sees the police officer, turn it off. The police comes in and says: "Why is that there?" He says "nothing". He does not have to give an explanation of why he has it there. There are taxi drivers who take foreign coins and stick them all over their dash boards. Why do they put them there? The question is that the offence created by this Act is the word "use", not "install".

Madam Speaker, I ask you to take a look at the Laws of Trinidad and Tobago, Chap. 48:50 of the Motor Vehicles and Road Traffic Act and more specifically, the Motor Vehicles Road and Traffic Regulations, I humbly refer you to Regulation 49, read this amendment, and see if you can see some commonality. It says:

"No musical instrument shall be played, no noisy instrument shall be played or operated in any motor vehicle, whilst in motion, except on the written permission of the Licensing Authority; and any person who plays or operates any such instrument in contravention of this regulation and the driver of the vehicle who permits such instrument to be played or operated is each guilty of an offence against this regulation".

What we see here, is already in the law. Have the Government, the police and the Licensing Authority been able to deal with this. I am certain that you know about Hindu weddings where mikes are installed on motor cars and played loudly when they are travelling. When they are approaching a police station, they turn it off, and continue when they pass the police station. This is identical with this situation here. When the police stops them and asks if they were using the mike, they say no. So they ask, "Why do you have this mike connected to this amplifier?" They say: "Well, we are going down the road, when we reach there we will play at the wedding house."

When one looks at the two pieces of legislation, one would see that the Government is saying that they cannot allow any music at all because they cannot control it. They will also be unable to monitor this legislation.

Further, one sees a new system taking place in this piece of legislation and this is called vicarious liability. In the Act, it says that the person who actually plays the instrument, and the driver, are equally guilty. In this legislation, it says that the use of televisions and video is prohibited. And proposed 12A(2) says:

"An operator of a maxi-taxi who contravenes subsection (1) commits an offence and is liable on summary conviction ..."

I am happy that we have two "silks" in the House and that they would certainly guide us as we go along. I humbly submit that they have here created a situation of vicarious liability; not only that, but also strict liability. They have created almost an absolute offence. Vicarious liability is a concept of law which is basically applicable to tort and civil cases, for example, where it is said that the action of the servant—if he commits a wrong—is deemed to be the action of the master. But in criminal law, which we are looking at today, one would see that it is difficult to imply criminal liability unless the prosecution can show that the person who was committing the offence was either the servant and/or the agent of the maxi-taxi driver.

2.45 p.m.

What they are trying to create here is an absolute offence and they are trying to throw a liability upon the maxi-taxi driver, rather than on the person committing the offence, his servant and/or agent. Because if that is not the case, then he would not be liable. I refer to *Archbold Criminal Pleadings Evidence and Practice* 39th Edition. At page 801, paragraph 1493 F, the House of Lords said that there is considerable doubt on the issue of vicarious liability by delegation. And it is submitted that it is at least doubtful whether the House of Lords would approve the extension of this doctrine where it has not been already supplied.

Therefore somebody who is charged could say. The offender is not my servant and/or agent; he was playing it, on his own. The driver, could say that he did not know anything about that. The Act says that he is responsible. I humbly submit that he could take this to the highest quarters and have it dealt with in a particular way. With the greatest respect to the Attorney General, I humbly submit that if we view the drafting of the legislation in this light we would see that it is filled with loopholes which can be exploited.

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Having said that the Act as it stands, could be torn to bits and it needs to be redrafted, I move on. Probably out of my head it could be said, no musical instrument shall be installed and/or used, played and so forth.

I want to commend you, Madam Speaker, on impressing upon this House that with the little legal expertise that we have, we could probably sit around and come up with something that would benefit the nation as a whole.

As we progress on this Bill, I want to humbly submit, that we are saying, leave them with a radio. Now when we say leave that, we do not subscribe to the view that the drafting should remain in the present form. We could probably redraft it and say: 'No electrical equipment, except a radio that produces no more than 85 decibels or ten watts shall be installed and/or used or be permitted to be used in a maxi-taxi'.

You may say that you may not be able to control that; but the offence would be that one cannot install in his vehicle a radio that can produce more than a certain number of decibel. As a result, a policeman does not have to wait to hear the noise emanating from a maxi-taxi and then to stop the maxi-taxi. The policeman can stop any maxi-taxi and say: Put it on, let me hear. Use the decibel meter. If that approach is utilized, it would be easier to implement and control rather than what we have drafted here.

Trinidadians and Tobagonians are reasonable people, and I am certain that if they see this Parliament, not as a Parliament that is bending over backwards to make them happy, but a Parliament that is moving in a direction like our former brother the hon. Member for Laventille West, who showed that he wanted to help, he wants everybody to be happy, he wants to make a contribution. And if we in this Parliament move in that direction, saying, 'Look, we are going half-way; we have done our part in this Parliament, you do your part'—if we sell that message, it would certainly be “bought” by the population.

I travelled to Port of Spain this morning by a maxi-taxi to attend a committee meeting, and one could see that they have already begun to tone down their behaviour. Further, as a man of the ground—though not aspiring to replace the Member for Laventille West—on every route there are only four or five delinquents, and these maxi-taxis have big names; 'Power Play', 'Extension' and 'Road Master'.

We should encourage people to report errant maxi-taxis to the nearest police station, and have a hot line, because not all maxis-taxi drivers indulge in this sort of untoward behaviour; it is basically a few. I live at Princes Town and I can tell

you that there are not more than ten out of 56 maxi-taxis drivers on the Princes Town/San Fernando route that do this. I can submit the names to the police at any time, so that the police could know up-front which maxi-taxi drivers to go at.

I wish to inform you, Madam Speaker, that the police have already begun to take information from the public and they are dealing with them. If we educate the people and encourage them to report to the nearest police station—for example, the hon. Member for San Fernando East know where the St. Madeline Police Station is situated—and we inform policemen; Princes Town, Mon Repos, San Fernando headquarters and St. Madeline of these maxis, we have four places where they can be caught. When we catch them on those four parts of the route, there is left only a small part of that route remaining for them to behave in a deviant manner.

When one listens to the call-in programmes, one can hear complaints about the maxi-taxis. If the police should open a hot-line, I am certain if we give these maxi-taxi drivers a little freedom and some sort of direction—they have dignity and responsibility—we would see that that matter would be dealt with.

Further, I indicated that what I thought would have needed comprehensive legislation is the issue, which I will come to in a short while, of the conductors.

Before I go on to that, the learned Attorney General made a point about insurance which I want to deal with. My colleague the Member for Couva South indicated that the legislation as it stands gives the insurance company the opportunity to avoid contracts because the owner might say that the driver is not his servant and/or agent and they could go into separate contracts where the driver or operator of the maxi-taxi is an independent operator, so that if he is a man of straw the injured person gets nothing.

I thought that was the angle which the learned Attorney General was attacking. But I would like to look at another aspect of the insurance law which I thought the learned Attorney General had approached for a while. If we look at the Motor Vehicles Insurance (Third-Party Risks) Act, Chap. 48:51, we see that section 4(12), says:

"In the case of death or bodily injury, a policy of insurance shall not be required to cover—

- (e) liability in respect of any sum in excess of two hundred thousand dollars arising out of any one claim by any one person;"

That means, that if I am a passenger in a motor car and I receive injuries and the driver—if you have a driver—is a man of straw, and the owner of the motor

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vehicle is also a man of straw, when I go to the insurance company I would get up to \$200,000 for my injury. In the case of death, the \$200,000 goes to the estate.

But hear what happens—and this is frightening—this \$200,000 was good when we were speaking about five-seater motor cars, when there were five passengers in a motor car. Section 4(2)(f) says that the insurance company shall be required to cover—liability in respect of any sum in excess of one million dollars arising out of the total claims for any one accident for each vehicle concerned."

That is indeed frightening. Because if you are in a five-seater motor car and five people are injured, and you multiply 5 by \$200,000 it comes up to the \$1 million in section 4(2)(f).

2.55 p.m.

Let us take the situation of a maxi-taxi. A maxi-taxi is carrying 25 children to school; the 25 children are injured, the maximum those children can get is \$40,000. So automatically, by travelling in a maxi-taxi, the value of your life has been reduced from \$200,000 to \$40,000, because it in the whole situation you cannot get more than \$40,000.

So when we speak about loudness of music—we know that it is damaging, we know that it is a problem, but we humbly suggest to the Government that this is a most important issue, because this is one where people have suffered injury. In the St. Augustine maxi-taxi accident, some of the children became paraplegics and tetraplegics, others died, and when their estates go to claim, this piece of legislation confronts them.

I humbly submit that when the hon. Member for Diego Martin East was coming to this Parliament he should have come to look at these issues; but I am indeed happy and heartened, in these sad times, to hear the learned Attorney General say that comprehensive legislation on insurance will be coming to Parliament. I humbly submit, that this is a matter that cannot wait, because there are many 25-seater maxi-taxis on the road and the people who are injured are in a serious position.

Also, having regard to the fact that the value of money has fallen, a mere \$40,000 might not be able to pay even medical bills. I submit that this figure should be indexed to the cost of living; so that as the cost of living goes up this figure would rise automatically in relation to the cost of living. I also submit, that had we been in government, these are some of the things we would have looked at to deal with the problem.

Like the hon. Member for St. Augustine, I, say that there are a few delinquent maxi-taxi drivers; but generally, maxi-taxi drivers are indeed performing a very useful function. As a matter of fact, when one looks at the number of maxi-taxis which traverse our roads, one would see that the number of PTSC buses pale into insignificance. In those circumstances, one would have thought that the hon. Member for Diego Martin East would have brought legislation to deal with that aspect. It is not difficult to find legislation, because when one looks at the laws of Trinidad and Tobago one sees that there are laws which deal with omnibuses, and those laws could easily be transferred into this Maxi-Taxi Act by merely putting a provision that a particular section of the Motor Vehicles and Road Traffic Act applies to this Act.

Section 100 of the Motor Vehicles and Road Traffic Act gives the Minister powers to make certain regulations for omnibuses, and those regulations have indeed been made. I look at the issue of conductors—I quote from the Motor Vehicles and Road Traffic Regulations, No. 48:50 Regulation 66 which says:

"Every motor omnibus with seating accommodation for more than ten passengers when in use on any road shall at all times carry a conductor in addition to a driver."

So, all our maxi-taxis fall under those regulations, and I humbly submit that this should also apply to the maxi-taxis. It says further that:

"The owner and driver shall both be liable if the motor omnibus is used in contravention of this regulation."

But we are not speaking about touts—there are touts in the maxi-taxis now and there are laws and regulations which could install bona fide conductors in these buses.

So that the incident which happened in Rio Claro—and I am certain, Madam Speaker, that you know of that incident where the teacher thought that the music was lewd and very loud and tried to stop the maxi-taxi, and she was assaulted. I consider that person, whom she called a conductor, a tout. But, if we formalize conductors according to the law, there are rules and regulations in the laws which tell a conductor how he should behave, and I humbly refer the learned Attorney General to Rule 69 and 70 of the Motor Vehicles and Road Traffic Regulations, which speak about the special regulation for motor bus conductors:

- (a) he shall not smoke...;
- (b) he shall not make use of any abusive language...;

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the same thing that happened to the teacher in Rio Claro—

- (c) he shall not call out to or otherwise importune any person to travel by any such omnibus;
- (g) he shall not be under the influence of drink or drugs;
- (h) he shall at all times wear his badge ...

Madam Speaker, I humbly submit that if we look at the operation of the maxi-taxi holistically and put it in its right perspective, we shall have not only the operator having a liability to seek and to maintain conduct on the maxi-taxi, but also another person on the maxi-taxi to help deal with the problem.

3.05 p.m.

Madam Speaker, surely, you would remember the incident recently when a maxi-taxi which was going down the highway, crossed the highway, overturned and killed six persons in a motor car. When the so-called conductor was interviewed, he said: "I told the maxi-taxi driver that those tyres are smooth and he would kill people. You see me I am not going; if you want to carry them and kill them, you carry them and kill them." If that person was a person who had authority, according to law, he could have taken a position to ground that maxi-taxi in Port of Spain until it was put into proper working condition. In the Act, Rule 78 says:

"No owner, driver or conductor of a public service vehicle plying for hire or any other person shall speak, make any noise or sound any instrument in order to attract the attention of the public or of a possible passenger; or by troublesome and frequent demands or by persistent following hold out the vehicle for hire to the public ..."

They call that touting. The persons who do it now would tell you that they are not conductors. The Act says a conductor cannot do that. If we "officialize" these people we would deal with most of the ills like touting and so forth.

As we go along, we would see that music in maxi-taxis is indeed a problem. What has happened is that maxi-taxi drivers at the present time feel that they are crabs in a barrel. The playing of music falls under touting or "attracting"—beckoning people to come—and they use the music for that. The reason for touting in that fashion is that—take, for example, Princes Town where there are over 60 maxi-taxis plying and there is a maxi-taxi stand for only eight vehicles, and the moment they come by the Library Corner police start giving them tickets. All they have to do is go down High Street, put on loud music, and start to tout.

I have looked at the Act and the Regulations and nowhere have I seen adequate taxi stands placed for maxi-taxi drivers. When we treat maxi-taxi drivers like less than people, when we make them work much harder for their living, when we appear to put stumbling blocks in their way for their survival by not giving them proper maxi-taxi stands in appropriate places, they decide that they have an instalment of \$250 and come hell or high water they have to make their instalments. Hence, they would play music, drive badly, stop at any point on the road, because their main objective is to live. I am not condoning it but I am saying that it is something we must look at—adequate maxi-taxi stands for maxi-taxi drivers.

Another problem which I am certain many Members of this House have been confronted with before is that you are driving behind a maxi-taxi going up a hill, turning a corner and somebody flags it down and it stops in the middle of the road. This causes accident and inconvenience to people. What I humbly submit—and I want the hon. Member for Diego Martin East to take note—is that just as long ago when we had the public transport system where there were bus stops and when one wanted a bus one would go to the bus stop—the maxi-taxi driver is one side of the coin; the passenger is the other side.

A would-be passenger on the opposite stays on the other side of the road and flags down a maxi-taxi; the driver wants to make a living so he stops in the middle of the road abruptly and blocks everybody. I humbly submit that a survey be done and maxi-taxi stands, as there are on the bus route, be placed throughout Trinidad and Tobago so that people know that if they want a maxi-taxi they can get it there. When passengers know that the maxi-taxi will stop only at that maxi-taxi stop, would go there and wait for a maxi-taxi. The motorists themselves would know that down the road there is a maxi-taxi stop and they expect a maxi-taxi to stop there, so they would be more cautious.

The hon. Member for Diego Martin East could probably take one per cent of the road improvement tax and give it to the ministry to provide the materials and we, as parliamentarians, could chip in our bit to help boost self-help in our communities by building maxi-taxi sheds throughout the country. This would help to bring the country together.

This country is yearning to come together. It happened before in February 1986 during the "Clean up" Campaign. We have faith in the people of this country. Once they are given the direction and the support, we can make this country a paradise. I humbly submit that we take one per cent of the road

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improvement tax to build lay-bys, so that when the maxi-taxi has to stop it does not have to stay on the road, it can pull slightly off the road so that it would not congest traffic. Had we been sitting opposite, I am certain that we would have done that.

Another problem which we thought could have been dealt with in comprehensive legislation such as this is the Licensing Authority. If one looks at the Licensing Authority—and I do not intend to cast aspersions on anybody; I am taking advice now—one would see that it is totally inadequate in terms of staff to carry out all the inspections that are required of it and still be on the road trying to deal with delinquent traffic offenders.

What I humbly submit is that the Government license private garages throughout the country and allow them to do the inspection and give the person a certificate, after which that person can go to the various licensing departments to pay for his/her licence. The Licensing Authority with the meagre staff that it has can do spot checks. When spot checks are done if it is found that a vehicle was passed when it was defective, then the garage operator can be dealt with—perhaps, make him directly liable when an accident takes place due to his negligence; extend the chain of causation in matters to lead to him, if that is possible. Many more persons would be able to have their vehicles dealt with.

As shadow Minister of Labour, I say this will create employment. I do not intend to cast any aspersions on my Friend the Member for Laventille East/Morvant. A number of young people are coming out of the John Donaldson Technical Institute, San Fernando Technical Institute and the extended evening programmes in all the senior comprehensive schools, and when they come out, they run to all Members of Parliament asking for recommendations to get jobs in Caroni (1975) Limited, Petrotrin, the public service, and we know that there are certain people there. You give them a letter knowing that you are writing on the wind.

This might be the way to create employment—

Mr. Maraj: You are a poet, man—"Writing on the wind."

3.15 p.m.

Mr. S. Panday: Madam Speaker, we must uplift the dignity of the mechanics, lift them from being wayside mechanics; encourage them to study, and then we would have more competent people outside there dealing with these vehicles. Because if one looks at the qualifications of the motor vehicle instructors, one would see that they seem to know very little of anything. So, by

so doing, we would create employment for our youth, take them off the streets and make them feel like people.

I want to make a point which I should like to the hon. Member for Barataria/San Juan to note Scantlebury. Madam Speaker, you may remember my dear teacher, Miss Scantlebury, with whom you are very familiar, died in a maxi-taxi accident on the Priority Bus Route. It is my humble suggestion that the quality of vehicles which are being used as maxi-taxis is substandard.

If one looks at other countries, one will see that a maxi-taxi must be specially built. For example, it must have extra ribs, so that if the maxi-taxi crashes, it would not be cut in half. But what we see in this country is that if you have a T van and you go for a maxi-taxi licence, you just put on two windows and you take that and use it as a taxi. That is why when those vans hit, they cut in two and they cause loss of life.

On another occasion I would certainly come up with some more ideas; at this point I merely want to say something on traffic wardens. This is another area which could create employment, in that we could have traffic wardens who can deal with minor traffic offences like smooth tyres, speeding, breathalyser tests and this same problem that we have of noise, thereby releasing a number of policemen who are engaged in court all day dealing with simple matters, and enabling them to attend to more important aspects of their job.

Finally, Madam Speaker, I humbly submit that we should develop a ticketing system, a school system where not only maxi-taxi drivers but all drivers should be required to go back to some sort of further revision or refresher courses every three years to bring them up to date with the law.

Madam Speaker, I have so much more to deal with, but I am certain that whenever the regulations come, I will deal with those issues

Thank you.

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, the matter that has engaged the attention of this House for some considerable time has acquired a particular focus on clause 9 of the proposed Act to amend the Maxi-Taxi Act, 1992, which refers specifically to the use of musical and electronic equipment. I think it is necessary to emphasize that there are other aspects to the legislation of which we seem to have lost sight. I think it is necessary for me to go over them briefly.

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One of the primary purposes of this legislation is to change the provision that is in the original 1979 Act relating to the owner/operator arrangement. When I looked at the contributions of the Members on the other side, there was a reference to the need for comprehensive review, and so on.

May I say that in another place we had brought legislation to make some other changes to the Maxi-Taxi Act, but because of the urgency at the time it was agreed that we would re-enact the original Act of 1979 with a few changes, and the owner/operator provision was not changed at that time. I understand there is broad agreement on the change from owner/operator to a register of owners thereby allowing persons who have a permit to operate a maxi-taxi to do so, even though they are not the owners.

I am grateful that the Opposition has recognized the need for this change; it will relieve burdens on many persons involved in the maxi-taxi trade at this time. In addition, one of the changes we are proposing, which will come in the regulations, is the question of penalties. One of the problems of the original legislation was the absence of penalties. I have before me the draft regulations and one of the provisions will be a fine on summary conviction of \$1,500 for persons who contravene a regulation. This was not present before and, as a result, the fines that people received were ticketable fines of the order of \$60.00 and \$100.00.

Sometimes the Motor Vehicles and Road Traffic Act was used to enforce penalties; and therefore these were not substantial and there was much ambiguity. So that the other change which will be coming will be the insertion of penalties for contravention of aspects of the legislation.

In a related matter, we shall be bringing at another time an amendment to the Motor Vehicle and Road Traffic Act to deal with the large maxi-taxis. It is necessary to amend the Motor Vehicles and Road Traffic Act for that purpose, so we will bring that very shortly—the question of clarifying the ambiguity between what is a light vehicle and a large maxi-taxi.

There are some other issues I need to clarify before I wind up this debate—one of the issues raised, I believe, by the Member for Couva North. I am not certain whether it was inside, but it was certainly outside this House. In his opinion the problem appeared to be confined only to the yellow and red band maxis, essentially, the East-West Corridor. The research of the ministry has confirmed that this is simply not correct, but that, in fact, the problem is widespread, all over the country. I just thought it was necessary to make that point—

Mr. B. Panday: I withdraw that statement; I am saying now except for Tobago.

Hon. C. Imbert: I thought it was necessary to make the point that the problem is now all over the country.

Mr. B. Panday: You allowed it to affect Tobago.

Hon. C. Imbert: I am pleased that the Member has now withdrawn his statement that the problem is confined to the East-West Corridor and, at least, has agreed that the problem is widespread in Trinidad—at least he has agreed with that. I am grateful that he has conceded that he made an error and that the problem is widespread.

Let me go on now to another matter raised most recently by the Member for Naparima and that was the fact that there are other provisions in other legislation relating to loud music, and so on. But, specifically in the Motor Vehicle and Road Traffic Act, there is a reference to "loud music," and the concept of "loud" is not clearly defined. And you will agree with me, that if one simply says that the playing of loud music is not allowed, there can be tremendous debate as to what is loud music and what is not loud music. So that one of the improvements that we have sought is to make it specific.

We on this side have asked for the removal of the instruments that cause the noise and in that way there will be no debate about what is loud and what is not loud. There will simply be the question of whether it exists or not, and in that way the question of enforcement and policing of the legislation will be much simpler. As a matter of fact, at a recent seminar, a representative of the police service made the point that if the instruments were removed entirely, it would be easier for the police to enforce this legislation, than if there is some specification of the type of instrument.

3.25 p.m.

I am also grateful to the Members on the other side that during this debate, they have agreed to ban televisions; they have agreed to ban videos; they have agreed to ban amplifiers; they have agreed to ban compact disc players; they have agreed to ban tape decks.

Mr. Mohammed: Look at how many things we agreed to.

Hon. C. Imbert: It is regrettable that they did not agree to ban radios, but I am happy that during the debate, the position of the Opposition has changed, so

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that at least they see and agree with part of our argument and have agreed that there is need to ban pornographic materials through the banning of televisions, videos and so forth.

Miss Bhaggan: What is he trying to say?

Mr. B. Panday: You do not want to ban pornography on the radio!

Hon. C. Imbert: Madam Speaker, the Member for Couva South, and more recently, the Member for Naparima, referred to provisions relating to our insurance laws. I believe the Member for Oropouche has circulated an amendment which deals with the question of third-party risks and the Motor Vehicles Insurance Act as it relates to third parties.

There is no doubt that there is need for comprehensive review of insurance legislation relating to motor vehicles. There is absolutely no doubt of that. Much of this legislation is antiquated, has been on the books for quite some time and is in need of upgrading. We on this side agree that there is need for that.

We have examined the proposed amendment and we believe that any such amendment should form part of a detailed review of motor vehicle insurance legislation. It is possible that the proposed amendment may not solve the problems referred to by the Member for Couva South. It is also possible that the proposed amendment may open up other areas of ambiguity in the insurance legislation and, therefore, we are requesting that that amendment be deferred until the comprehensive review promised by the hon. Attorney General is brought to this House, so that—

Mr. Maharaj: I wonder if the hon. Member would give way. If that course is adopted, what would happen in the interim if persons who are injured are faced with the allegation that they have exploited a loophole in the Act which was passed to protect them?

Hon. C. Imbert: Yes, Madam Speaker, we are asking that it be dealt with in a comprehensive review, but we will examine it at the committee stage. We are merely asking. We believe that on the face of it the proposed amendment may not solve the problem and it may open up other areas of ambiguity just as bad or worse than the problems that have been raised by the Members on the other side.

Mr. Sudama: Tell us! Tell us!

Hon. C. Imbert: Madam Speaker, over the last several weeks, there have been arguments on both sides about the merits and demerits of the proposed legislation before this House, an Act to amend the Maxi-Taxi Act 1993.

I believe that a lot of important matters have been raised by Members on both sides. I can inform Members on the other side that many of the issues they have raised will be addressed in the regulations, and, as you will know, Madam Speaker, we must first pass the Act and then bring the regulations to this House.

After the Maxi-Taxi Act of 1992 was passed, the Ministry held a series of meetings and consultations with members of the public, with operators in the maxi-taxi trade, with the police, with the insurance companies, with the Transport Board, for example, which is a creature of the Motor Vehicles and Road Traffic Act and comprises representatives of a variety of interests such as the Road Safety Organization, the Trinidad and Tobago Automobile Association and so forth, and we have had extensive discussions since the passage of the Maxi-Taxi Act in 1992 which has resulted in the present Bill.

We believe that this Bill, together with the regulations that will follow, is, in fact, a comprehensive review of the legislation governing maxi-taxis and we believe we have also addressed the fundamental issues that have been raised over the last year or two.

I wish to thank all Members of this House for their contributions—Members on both sides. I thank you, Madam Speaker.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clause 1.

Question proposed, That clause 1 stand part of the Bill.

Mr. Sobion: Clause 1 refers to the Bill as 1993. It should be 1994.

I beg to move, that the year 1993 be amended to read 1994 wherever it appears.

Mr. Chairman: So you are asking that 1993—

Mr. Sobion: —be amended to 1994 wherever it appears.

Mr. Chairman: Apparently the Member for Tobago West did not get her copy. All right. Can we take a minute so that all Members can receive their copies of the amendments?

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Are all Members in possession of their copies?

Assent indicated.

Question put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

3.35 p.m.

Clauses 2 and 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move that clause 4 be amended as follows:

"Change 1993 to 1994."

Question put and agreed to.

Mr. Sudama: Madam Chairman, I beg to move that clause 4 be amended as follows: What appears as clause 4 is clause 4(1) and add another clause 4(2) which states as follows:

"Notwithstanding any law to the contrary that may make such an operator a bailee or independent contractor of the operator, the operator is deemed for all purposes including that of the Motor Vehicles Insurance (Third-Party Risks) Act. Chap. 48:51 to be the servant and/or agent of the owner."

The reason for proposing this amendment is that if there is any area of uncertainty as to liability, this amendment would put the matter beyond doubt, and therefore, insurance companies would not be encouraged to take the matter to court or engage in litigation and thereby attempt to avoid their liability in the matters.

As I said, if even the Government feels that under the current legislation such operators would be liable, we want to ensure, as I said, that this assurance be made doubly sure, and if there is any lacuna in the law, we want to deal with it and resolve it.

On the point about anticipating comprehensive legislation, we are not sure when that comprehensive legislation would be brought to this House, but in the meantime, if people who operate maxi-taxis get into accidents, then we would have a situation where the passengers involved would be at risk, and according to the current legislation, there is no certainty that they would be able to avail themselves of the protection of whatever third-party liability is available.

Our view is that even if it is proposed to bring comprehensive legislation to deal with this matter, this amendment should be included in the current Bill and made into law in order to protect persons in the interim. If the Government finds that after it has brought its comprehensive legislation to the House there is no need for this any more, then we can just delete it. But in the interim, we would like to know that this protection exists in the current Bill. That is the reason for insisting that this amendment be accepted.

Mr. Sobion: Madam Chairman, as I indicated, we are approaching this matter in a comprehensive way. What is attempted to be done here is to tackle only part of a major problem involving motor vehicle insurance. We, however, take the point that even though a comprehensive review is being done, no harm would be done by having such an amendment included at this stage. My only concern was, as I said, that it affects all classes of vehicles; it is not limited to maxi-taxis, and therefore, one wanted to do it in a more comprehensive form.

Quite apart from that, I should like to suggest certain changes to the proposed amendment, and if I may read the amendment as I think it should read—I would leave out the words that I think should be left out. It would then read:

"Notwithstanding any law to the contrary an operator..."

And I have gone to the fourth line. Instead of "the operator is deemed":

"...an operator is deemed to be the servant..."

And I have gone to the penultimate line now:

"to be the servant or agent of the owner."

So we are deleting, "and" there and all the sentences. Let me read it again. And this is to accord with normal drafting practice:

"Notwithstanding any law to the contrary, an operator is deemed to be the servant or agent of the owner."

Madam Chairman: Are you suggesting then that you are omitting the words, "that may make"?

Mr. Sobion: You see, those words are merely descriptive and they are really not necessary for the purposes of the Act.

Mr. B. Panday: Madam Chairman, we are talking about an arrangement between the owner and the operator, and we want to capture the arrangement. The phrase, "Notwithstanding any law" is fair enough, but what about private

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arrangements? That is what bothers us, where he takes it as an independent contractor. That will not be covered.

Mr. Sobion: I appreciate the point the Leader of the Opposition made; I was merely improving what was being suggested by the Member for Oropouche. What I am now faced with is an additional amendment apparently being suggested by the Member for Couva North.

Mr. Maharaj: I probably did not understand the amendment. How should it read now?

Mr. Sobion: It reads as follows:

"Notwithstanding any law to the contrary, an operator is deemed to be the servant or agent of the owner."

If I may just answer the point raised by the Member for Couva North—

Mr. Maharaj: Why leave out "for the purposes of the Motor Vehicles Insurance (Third-Party Risks) Act"? Because it is under that Act that the person has a statutory claim. If you leave it as servant or agent, and leave it in the air, then an insurance company will get another way of saying that it does not apply with respect to the Insurance Act. With the greatest respect, could we not say:

"Notwithstanding any law to the contrary, an operator is deemed for the purposes of the Motor Vehicles Insurance (Third-Party Risks) Act to be the servant and/or agent of the owner"?

Mr. Sobion: I would have no problem with that.

Mr. B. Panday: Does that take care of the point I raised?

Mr. Sobion: In any event it would take care of your point, because the owner or operator is deemed.

Madam Chairman: The amendment suggested by the Member for Couva South now reads:

"Notwithstanding any law to the contrary, an operator is deemed, for the purposes of the Motor Vehicles Insurance (Third-Party Risks) Act, to be the servant or agent of the owner."

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

3.45 p.m.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Mr. Sobion: Madam Chairman, there is an amendment to clause 5 where we are substituting "1994" for "1993" in 6(2). Section 6 of the Act is repealed and a new section 6 is substituted.

Question put and agreed.

Mr. Sobion: Madam Chairman, there is a similar amendment in respect of the new section 6(A)(2) on page 7; "1994" to be substituted for "1993".

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clauses 6 to 8 ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Mr. Sobion: Madam Chairman, there are two proposed amendments, I wonder whether Members would take the amendment proposed by the Minister of Works and Transport and Minister of Tourism at this stage? It has been circulated.

Mr. Maharaj: Madam Chairman, we could do that as we can get a clarification.

Madam Chairman: Under the Standing Order, both can be argued concurrently.

Mr. B. Panday: We would argue them together and we would accept one amended version.

Mr. Imbert: Madam Chairman, the amendment seeks to renumber the sections and the most important part is (b)(ii) of the amendment which allows the use of a radio subject to such conditions and technical specifications as the Administering Authority may, by order, prescribe.

The reason we have left it like that is that the question of decibel levels, wattage and so forth, is a technical matter, and I do not think this House should get involved in that sort of thing; let the experts decide the intensity, frequency and so forth.

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The Licensing Authority, which is the administering authority in this case, will provide specifications for the use of this, which would be in accordance with human comfort.

I might also add that in order to deal with matters raised by Members of the Opposition, we also have an amendment to proposed section 12A(2) of the Bill before the House and we wish to delete the words "an operator of a maxi-taxi" and replace them with "a person". This is in the Bill before the House.

Madam Chairman: The amendment then is to delete the words "an operator of a maxi-taxi" and substitute them with "a person"?

Mr. Imbert: Yes. That is not in the amendment before the House. That is a change we are making to the Bill.

Madam Chairman: Do Members hear what the hon. Minister is saying? He is suggesting that the words "an operator of a maxi-taxi" under proposed section 12A(2) be deleted and simply substitute "a person".

Mr. B. Panday: So that a person who contravenes, not a person who permits to contravene? Because, let us say a person goes into a maxi-taxi with a radio; he is contravening?

Mr. Imbert: Yes.

Mr. B. Panday: But the maxi-taxi driver is not going to be liable, because he is not contravening.

Mr. Imbert: No.

Mr. Sudama: We have no basic problem with the amendment as proposed by the Minister; however, I would like a clarification, in which case, once we agree with it, I am prepared to withdraw my amendment. I am seeing that proposed section 12A(1) is amended only by saying:

“Subject to subsection 12(2) the use of television, videos, radios, tape decks, compact disc players, amplifiers, equalisers, speakers or other electrical or electronic equipment for the purpose of playing music or other electrical or electrically transmitted sounds in a maxi-taxi is prohibited.”

In 12A(1) we are prohibiting the use of a radio, but we are permitting the use of a radio via a new section 12A(2) according to the Minister's amendment. My question is: Why not exclude radios from 12A(1)?

Mr. Valley: Because it is a special type of radio.

Mr. Sudama: So, it is a special type of radio. The other point I wanted some clarification on is that our argument was that what would be permitted by the Licensing Authority is a radio with certain attachments; therefore, from the policing point of view, it is the attachments which would not be capable of carrying a sound above a certain decibel level; that would relieve the policing authority. We were thinking that is where the offence lies; whether it is played loudly or not, once it is installed and is capable of producing a sound above a certain decibel.

We felt that once it is installed and it is determined—after some investigation—that it has the capacity to carry a sound higher than the prescribed decibel level, that is an offence under the law, as against whether it was being played. We thought that would have attempted to meet the monitoring and policing problems.

In my contribution I remember I had said that any number of speakers, but a total wattage of 30 should not be permitted.

3.55 p.m.

Madam Chairman: Would that not be in the regulations. Because we shall be debating the regulations.

Mr. Sudama: I am just trying to clarify what the nature of the offence will be; whether having it installed, which has a capacity to play above a certain decibel level or what is the actual playing decibel.

Mr. Sobion: Madam Chairman, what we are really trying to prohibit is the use of a radio.

Madam Chairman: The actual installation with all these gadgets attached to it. Is that the offence?

Mr. Sobion: No. It is difficult if one would say that one should not have electrical equipment above a certain wattage in a maxi-taxi. If that were the offence *simpliciter*, it would mean that you cannot transport a radio, equalizer or a television in a maxi-taxi. Whilst it would definitely be easier to police if one could deal with having it *simpliciter*, I think it would be unfair to the operators of maxi-taxis. The playing of it would really be the offence.

Mr. Maharaj: In that context I should have thought that we put it in a different way, in that the playing of a radio would be prohibited. If I may say with the greatest respect, I am not too happy—with what you are doing here you are

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going to end up in difficulty. If in one section you have an expressed prohibition without qualifying it and then in another section, you are in effect, using these words, it seems to me, that we may have to consider that again.

Mr. Sobion: It is not an expressed or a complete prohibition because the prohibition is subject to subsection (2). Subsection (2) says the use of, above a certain decibel. It is not a complete prohibition.

Madam Chairman: What is the decision then?

Mr. Sudama: I will withdraw my amendment and go along with the amendments as proposed by the Minister of Works and Transport *Amendment withdrawn*.

Madam Chairman: Hon. Members, this is the amendment of the hon. Minister of Works and Transport:

Clause 9.

- A. In section 12A (1), delete the words "The use" and substitute the words "Subject to subsection (2), the use".
- B. Renumber section 12A(2) as section 12A (3) and insert after section 12A(1), the following subsection:
 "(2) The use of a radio is, subject to such conditions and technical specifications as the Administering Authority may, by Order prescribe, permitted in a max-taxi."
- C. In section 12A(3) as renumbered, insert after the words "subsection (1)", the words "or (2)."

Question put and agreed to.

Mr. Sobion: Madam Speaker, you will note the further amendment proposed to what is now being subclause (3), that is, the deletion of the words: "an operator of a maxi-taxi" with the substitution of "a person who contravenes."

Madam Chairman: There is another amendment proposed by the Attorney General in clause 9, 12A (2) subsection (2), that the words "an operator of a maxi-taxi" be substituted by the words "a person". who contravenes.

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The amendment now reads:

"A person who contravenes subsection (1) or subsection (2) commits an offence and is liable on summary conviction to a fine of five thousand dollars."

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendment.

Mr. B. Panday: Madam Speaker, we have to take a vote to satisfy the constitutional requirements.

Question put, That the Bill be now read the third time.

The House voted: Ayes 32

AYES

Valley, Hon. K.

Manning, Hon. P.

Sobion, Hon. K.

Mottley, Hon. W.

Ramrekersingh, Hon. A.

Rowley, Dr. The Hon. K.

Griffith, Dr. R.

Baboolal, Dr. The Hon. L.

Collis, Hon. K.

Imbert, Hon. C.

Lasse, Dr. The Hon. V.

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Pierre, Hon. J.

Casimire, A.

Narine, J.

Hart, E.

Allum, D.

Bereaux, H.

Rajaram, C.

Maharaj, R. L.

Panday, B.

Humphrey, J.

Sudama, T.

Palackdharrysingh, R.

Bhaggan, Miss H.

Mohammed, S.

Singh, Dr. C.

Panday, S.

Jurai, K.

Sharma, C.

Haniff, M.

Hosein, S.

Nicholson, Miss P.

Question agreed to.

Bill accordingly read the third time and passed.

Madam Speaker: It shows what can be accomplished when legal minds get together.

Mr. Mohammed: Madam Speaker, may I say, as a very long serving Member of this honourable House, that today is indeed a very great day for Parliament.

[Applause]

Madam Speaker: There is a request made of me, and, I now put it that the House do now adjourn at this point instead of at the tea-break at 4.30 p.m. We will resume at 4.40 p.m. with the Finance Bill.

Assent indicated.

4.05 p.m.: *Sitting suspended.*

4.45 p.m.: *Sitting resumed.*

FINANCE BILL

Order for second reading read.

The Minister of Finance and Tourism (Hon. Wendell Mottley): Madam Speaker, the purpose of the Bill which is now before us is to finalize the measures that were outlined in the 1994 Budget presentation given on November 26, 1993.

The Provisional Collection of Taxes Order empowers the President by order to provide for the imposition of various taxes, but for a limited period only. Within a certain prescribed period, you have to come back to Parliament to give confirmation to the new taxes imposed. This is what we are about today.

However, the practice has developed over the years of including in the annual Finance Bill, the measures outlined in the budget presentation including those variations of existing taxes, rather than new taxes, which have already been confirmed by resolution. In fact, these are already law and are included for the convenience of the public.

I do not propose to dwell on these matters at any length as they have already been exhaustively debated in December when the resolution was passed. Instead I would deal with the new taxes as well as other measures for enforcement and collection which formed part of the budget presentation.

Parts I to VI of the Bill deal with increases in fees under the Real Property Ordinance, the Bailiff Rules, the Companies Ordinance, the Summary Courts Ordinance and the Petty Civil Courts Ordinance.

Part VII of the Bill seeks to amend the Tax Appeal Board Act in order to require persons who wish to appeal against a decision of the Board of Inland Revenue or other respondent, to first pay the tax as assessed or provide security for the payment of the tax to the satisfaction of the Board, which is a provision similar to what obtains with VAT.

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Since I read that in the Budget Speech, the Government has been thinking a great deal about that particular measure. We are prepared to make some compromise on this. We have looked at various jurisdictions. For instance, the matter as we now have it in the Finance Bill before you is how it is in India. Other jurisdictions have it differently. We are all after the same thing.

There is about \$30 million in taxes tied up in the appeal process which we want to get at. Because there is no penalty or onus on the taxpayer to move the thing through; there is no interest charge or anything, they deliberately stall the process in many cases and carry it to the hilt and then pay the tax. Unfortunately, there is the possibility that genuine people could be hurt by the process and might be forced to pay a large amount of taxes where there could be a genuine appeal. How do we move between the two extremes of wanting to collect our taxes and, at the same time, safeguarding a genuine taxpayer who might be punished by the system if we change to what is before Parliament at this time?

We have looked for, and we think that we have found a reasonable compromise in the Jamaican situation. I think since 1983, the Jamaicans have a provision which appears to be working reasonably well which gives the Board of Inland Revenue the right to require a taxpayer to furnish specified particulars within a prescribed time in relation to an objection. Where the taxpayer does not furnish these particulars as required within the prescribed period, the notice of objection ceases to have effect and the assessment then becomes final and is crystallized.

The Board of Inland Revenue is of the view that such a provision would prevent taxpayers from deferring payment of tax for periods of up to seven years in cases where the objection cannot be supported. That is how we would propose to go and we would circulate an amendment that bears that in mind for your perusal.

Part VII and XXI deal with increases in various fees which have already been confirmed by resolution. They cover certificates issued under the Evidence Act; fees for services provided for private clients by the staff of the Forensic Sciences Centre; fees for tourist guide licences and others.

Parts XXII of the Bill seeks to amend the Motor Vehicles and Road Traffic Act. Clause 22 makes provision for both the registered owner and the person seeking to be registered as the new owner to be present before the Licensing Authority, together with the vehicle, at the time when the transfer of registration occurs.

In the case of a company a letter of authorization signed by a director must be produced. In the case of illness or disability of either person, the Licensing Authority will visit the person in order to effect the transfer upon payment of a fee of \$100. Where one person is out of the country a sworn affidavit must be produced. A penalty of \$200 is being imposed for failure to register a transfer within seven days of the change of possession, and failure to register a transfer within 14 days is an offence for which the registered owner may be liable to a fine of \$5000, or six months imprisonment.

Clause 22 (b) deals with the imposition of the transfer tax and no person may be registered as the new owner of a used motor vehicle unless the transfer tax is paid. Provision is made for used-car dealers who are registered under the VAT Act to register with the Licensing Authority as exempt persons. Similarly, under clause 19(b)(6) of the Motor Vehicles and Road Traffic Act, persons who have paid value added tax on the purchase of a used vehicle from a VAT registered person will not be liable to pay the transfer tax where a tax invoice is produced to the Licensing Authority. The intention here is clearly that where VAT is paid, no transfer tax should be payable.

Clause 19(c) requires that the purchaser produce to the Licensing Authority either a receipt or other evidence of the date of transfer of ownership. The age of the vehicle will for purposes of calculation of the transfer tax be counted from the date of first registration under the Act. Provisions have been made in clause 19(e) and (f) to confer upon the President, the discretion to remit or refund the transfer tax and for gifts to registered charities to be exempt.

Clause 22(c) of the Bill increases the penalty for keeping a vehicle for use without payment of the prescribed licence fee from \$400 to three times the licence fee payable at the date of the commission of the offence. This increase is intended to correct the situation that has arisen whereby the licence fee for certain vehicles was greater than the penalty for failing to license the vehicle. Therefore, nobody really bothered.

Clause 22(d) increases the fee for the renewal of a motor vehicle licence for those classes of persons who are liable to pay licence fees in previous years, but have used their vehicles on the road without paying the relevant fee. These persons would now be required to pay an amount equivalent to their unpaid fees in addition to the fee for the current year before licensing the vehicle. These fees would only be payable in respect of the period when the vehicle was registered in the name of the current owner.

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Clause 22(e) increases various fees payable under the Motor Vehicles and Road Traffic Act. Clause 22(f) restructures the Motor Vehicles Tax regime. The measures have already been confirmed by the resolution.

Part XXV of the Bill seeks to amend the Income Tax Act.

Clause 25 (a) imposes a business levy at the rate of .25 per cent on the gross sales or receipts, other than emolument income on self-employed persons and sole traders. However, 5(A)(2)(c) of the Income Tax Act exempts from the levy the gross sales or receipts of a person whose gross take in the previous year did not exceed \$120,000, unless there are reasonable grounds for suspicion.

4.55 p.m.

The business levy is payable on a quarterly basis and any amount paid will be credited against income tax liability. Similarly, if an individual's liability to business levy exceeds his liability in respect of income tax, any payments made towards his income tax liability will be credited towards his business levy liability.

A number of complaints have been received over the past year about the fact that the business levy due from companies is payable quarterly on a current basis, thereby requiring a company to pay levy in respect of receipts up to the last day of the quarter. It has become an impossibility therefore to go right up to the last day of the quarter, do the computation and get down to the tax office.

In anticipation of a similar criticism of the business levy on individuals, 5(A)(6) of the Income Tax Act makes provision for payment of the levy on the basis of an estimate of sales or receipts for such period as the board is satisfied that the taxpayer is unable to determine the gross sales or receipts. That gets around that particular problem. Any difference between the estimated and actual amounts must be made up in the following quarter. So, there is a correction factor.

A similar provision is proposed in relation to the business levy on companies—that is, the existing law.

Clause 25(b)(i) limits the availability of the tax benefit in respect of meal vouchers to employees earning \$36,000 per annum or less and clause 25(b)(ii) exempts from tax the interest earned on foreign currency accounts held with banks or other financial institutions in Trinidad and Tobago. It also exempts immediate annuities purchased by residents over 60 years of age.

Clause 25(c) seeks to make the payment of lands and buildings taxes under the Municipal Corporations Act a necessary prerequisite to claiming a deduction for interest paid on mortgage loans. This is a very current matter since income tax payments are due in a very short time.

Clause 25(d) seeks to extend to sole traders the allowance equivalent to 150 per cent of promotional expenses which was previously only available to companies for expansion of non-Caricom foreign markets. The allowance has also been extended to cover expenses incurred in the creation of a foreign market.

A further modification has been introduced to extend the allowance to expenses incurred in creating or expanding markets for the export of architecture, engineering designs, quantity surveying or contracting services in connection with the building industry performed by residents of Trinidad and Tobago. Expenses incurred in creating expanding markets for the export of agricultural products has also been made available for this allowance. We are seeking, therefore, to expand the export thrust beyond manufacturing into services and agriculture.

Clause 25(e) seeks to ensure that persons will not be entitled to claim wear and tear allowances in any year for plant and machinery for buildings used to house plant and machinery unless Lands and Building Taxes, or taxes under the Municipal Corporations Act, have first been paid in that year.

Clause 25(f) makes provision for persons investing in the equity capital of a hotel or tourism development project approved by the Minister with responsibility for tourism to claim a deduction of 25 per cent of the total investment of a period of three years. I genuinely confess that at the time this budget was read, I had no idea or information that this Minister would have been the beneficiary of administering this particular matter.

Clause 25(g) extends to December 31, 1995 the measure which was introduced last year to grant exemption from tax on rental income and profits from the initial sale of residential, industrial and commercial properties, the construction of which commenced after January 1, 1993, where the cost of construction, exclusive of the cost or value of the land, exceeds \$250,000.

Clause 25(h) discontinues the tax credit given to the purchaser of the units in the Second Scheme of the Unit Trust with effect from January 1, 1994; and in this connection I repeat the general policy of the Government in broadening the availability of what effectively is mutual fund schemes, to a much broader range of institutions, and generally to levelling the playing field.

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Clause 25(i) gives an additional tax credit of \$600 to persons over the age of 60 years. This is in an effort to reduce the tax burden on persons whose retirement income is fixed and whose expenses are increasing in relation to their income. A tax credit equal to 50 per cent of the interest payable on bonds issued by the Trinidad and Tobago Mortgage Finance Company Limited has also been given to persons purchasing bonds issued by that company to raise funds for lending as an improved mortgage company.

Clause 25(j) and (k) deal with the requirement for persons seeking to appeal to the Tax Appeal Board against a decision of the Board of Inland Revenue on an objection to an assessment to pay the full tax as assessed or to provide other security for the tax to the satisfaction of the board before the appeal is filed. I made some reference to this earlier.

Clause 25(l) amends the formula for computation of the dividend income allowance to accommodate a change in the corporation tax structure.

Clause 26 of the Bill seeks to make certain amendments to the Corporation Tax Act.

Clause 26(a) deals with the incremental profits tax. Under this regime companies will be subject to tax at the rate of 30 per cent on profits in excess of the base year chargeable profits. The base year of a company is the 12-month accounting period ending on the period November 1, 1992 to October 31, 1993. For a new company, the 12-month accounting period following registration will be the base year.

Proposed section 3B.(3) of the Corporation Tax Act is an anti-avoidance provision to ensure that companies will not reconstruct themselves in order to take advantage of the lower tax rate.

Clause 26(b) exempts from corporation tax 50 per cent of the interest earned by financial institutions on loans approved for small companies as well as loans for specified purposes to persons carrying on commercial farming on approved agricultural holdings. Expenses incurred in granting such loans will also be allowable as a deduction.

Clause 26(c) applies the requirements for payments for Lands and Buildings Taxes for claims for wear and tear made by companies, and clause 26(d) extends to companies promotional expense provision which I have previously outlined in dealing with the proposed amendment to the Income Tax Act.

Clause 10(d) of the Corporation Tax Act, which is in clause 26(e) of the Bill, deals with contributions to catastrophe reserve funds for insurance companies.

These provisions should be read together with Part XXXIII of the Bill, which proposes amendments to the Insurance Act to deal with the establishment of a catastrophe reserve fund.

As originally outlined in the budget presentation, a catastrophe reserve fund would have been set aside out of premium income of insurance companies from property insurance business for a five-year period only. However, after further consideration, it was decided that these funds would soon become insufficient to fulfil the desired objective, which is to assist insurance companies in providing policyholders with adequate cover on their property in the event of a natural disaster. Accordingly, we now propose that there be no limitation on the period during which the funds may be accumulated.

Clause 10(d) allows a deduction of up to 20 per cent of the net written premium income of a company from property business in any year of income where such moneys are placed in a catastrophe reserve fund. All income earned by this fund will be free from tax once the fund does not exceed the net written premium income for that year. Net written premium income has been defined in subclause (7) as the income from premiums of a company after deducting the insurance premiums for catastrophe risk insurance. Once the fund exceeds the net written premium income, any excess becomes chargeable to tax. Where the company ceases to carry out property insurance business, the entire amount of the fund becomes taxable and the trustee of the fund is under an obligation to deduct 25 per cent of the fund as tax at source.

5.05 p.m.

Under the proposed amendments to the Insurance Act, clause 35 of the Bill, the assets of the fund are required to be invested in trust in the same assets as the statutory funds of insurance companies. A catastrophe loss is defined as a loss arising from earthquake shock, fire following an earthquake or a flood caused by an earthquake or a hurricane cyclone, windstorm or tornado, including rain and flood accompanying, or caused by, those perils. The company may not withdraw the funds unless either a catastrophe loss has occurred and the liability of the company after deducting salvages and recoveries is expected to exceed 10 per cent of the capital and free reserves of the company, subject to a minimum of \$500,000 or the company ceases to write property insurance business.

These provisions are the result of requests made to the Ministry of Finance by the Association of Trinidad and Tobago Insurance Companies (ATTIC) for the creation of a fund to assist them in view of the enormous increases of rates of

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reinsurance of property business. The Ministry of Finance has been alarmed by the rate of these increases. The creation of these catastrophe reserve funds is not compulsory for insurance companies, but we hope that they will make use of the exemptions provided in order to offer property insurance cover to the public at more reasonable rates.

Clause 26(g) makes certain amendments to the definition of the term "Approved Small Companies" to increase the maximum assets of such companies from \$500,000 to \$1,500,000 and to require such companies to maintain accounts audited by a member of ICATT, rather than approved by the Industrial Development Corporation.

Part XXVII reduces the rate of stamp duty on imported goods as agreed by Caricom, by 50 per cent with effect from January 1, 1994.

Clause 28 of the Bill seeks to amend the Lands and Buildings Taxes Act, and similarly, clause 28(b) imposes interest at the rate of 15 per cent where Lands and Building Taxes are not paid by June 30 in any year. The business of tax administration is tightening up and trying to get maximum tax dollars for existing rates of tax levied, rather than trying to increase the levied rate.

Clause 28(c) seeks to require the payment of taxes assessed or security on account of the assessed tax prior to any appeal being made to the district revenue officer against an assessment. There would be amendments made following the general discourse that I made earlier in this presentation.

Part XXIX of the Bill amends the Miscellaneous Taxes Act by introducing an in-bond sales tax. As originally formulated, this tax was due to be applied against all in-bond sales, but after some consultation with the in-bond people we decided to levy it only on alcohol and tobacco. This part also imposes a financial services tax at the rate of 15 per cent of the consideration for financial services supplied by financial institutions. The list of financial services is contained in the Ninth Schedule which is on page 65 of the Bill. The tax is payable to the Board of Inland Revenue on a quarterly basis, and failure to collect or remit the tax will result in the financial institution being liable to pay an additional amount of 50 per cent of the tax together with interest of 15 per cent.

Part XXIX also relates to the road improvement tax. This is imposed on auto diesel premium and regular gasoline at the pump at the rate of five, nine and ten cents per litre respectively. The tax is collected by Trinidad and Tobago National Petroleum Company Limited. Provision has been made for a 50 per cent increase in tax and interest at the rate of 15 per cent to be paid to the Board of Inland

Revenue as the tax authority where the tax is not paid to the Comptroller of Accounts when due.

Clause 44 of the Miscellaneous Taxes Act establishes a Road Improvement Fund and clause 45 requires that the funds be used “to finance the repair, maintenance and improvement of roads in Trinidad and Tobago which the Minister responsible for highways and main roads may identify,” on the advice of a management committee comprising one member nominated by the Minister of Works and Transport and Minister in the Ministry of Local Government, one nominated by the Minister of Finance, one by the Minister of Planning and Development and one representative from a private sector organization representing industry and commerce. All disbursements from the fund must be certified as being for the designated purpose. Provision is made for separate accounts to be kept in respect of the fund and for the Auditor General to audit these accounts.

Under clause 49 of the Act, the Minister of Works and Transport and Minister in the Ministry of Local Government are obliged to report to Parliament every six months on the operation of the fund. Clause 29(c), increases the tobacco tax on imported cigarettes from \$2.10 per pack of 20 cigarettes in order to equate the tax on imported cigarettes to the excise duty on locally produced cigarettes.

Part XXX of the Bill amends the Customs Act by making certain changes to the system of rebates of custom duties for exporters which was introduced last year. The amendments change the method of computation of the rebate to 11/2 per cent of the free on board (fob) value of export sales. This formula is contained in clause 30(c). Provision is made for the percentage rate to be varied by order of the President. The amendment also allows for the rebate to be claimed on the import of inputs used in the export of services. I understand, that this is now operational. The regulations which are necessary for the implementation of the system of rebates have now been published and everything is working.

The amendments to the First Schedule of the Customs Act contained in clause 30(e) and those in clauses 31 and 32 have already been debated and confirmed by resolution.

Part XXXVIII of the Bill contains consequential amendments to the Value Added Tax Act. Clause 40(b), exempts from VAT services performed by licensed “financial institutions in respect of which the financial services tax is payable.” The intention is that the financial services tax and the value added tax should not both be applied for the same services.

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Part XXXI of the Bill amends the Maxi-Taxi Regulations by imposing a fee of \$100.00 for making an application for a permit to own and operate a maxi-taxi and for approval for changing the route area specified in the permit. I carefully checked before I introduced this amendment to make sure that it did not require a special majority.

With these several words, Madam Speaker, I beg to move.

Question proposed.

ADJOURNMENT

Motion made and question proposed, That the House do now adjourn to Monday, March 21, 1994 at 1.30 p.m. [Hon. K. Valley].

5.15 p.m.

Madam Speaker: Hon. Members, there are two Motions on the adjournment. First we will deal with that of the Member for Couva South.

Lifeguards (Security of Tenure)

Mr. Ramesh L. Maharaj (*Couva South*): Madam Speaker, the Motion deals with the need for the Government to state its policy in respect of the future of lifeguards who are employed with the Government.

I would not be very long on this matter because I think it is very simple, but just as a background, what is before this House really is for the security of these lifeguards to be assured. There are 48 lifeguards employed at four beaches in Trinidad and Tobago—they are the beaches of Maracas, Manzanilla, Mayaro and Tyrico.

In 1987, the NAR administration replaced the Tourist Board with the Tourism Development Authority and that was a change of employers of the lifeguards. In July, 1993, the then Minister of Trade and Industry announced that the Tourism and Industrial Development Company (TIDCO) was the new agency for assuming responsibility for the roles and functions undertaken by other entities, including the Tourism Development Authority.

As a result of that announcement there were fear and insecurity generated in the minds of the lifeguards as to their jobs and I was approached. I communicated with the Minister of Trade and Industry, and by letter dated August 6, 1993, I referred him to recent articles appearing in the press and I indicated to him that, as a result of these articles and what was being stated, the lifeguards involved were

feeling very insecure, and would be obliged if the Government could give a public commitment that their jobs were not in jeopardy. I shall not read the entire letter, but by reply dated August 17, 1993, the hon. Minister stated that no decision had been made with respect to the lifeguards operating at Maracas and other beaches. The letter stated in part:

"In light of the establishment of the Tourism and Industrial Development Company of Trinidad and Tobago, the Ministry is personally analyzing options that are available and as soon as a decision is made, this will be communicated to the lifeguards."

I have been told that on January 19, 1994, a letter was written to the hon. Prime Minister by the lifeguards stating their plight and seeking some sort of reassurance that their jobs were not in jeopardy.

Madam Speaker, as you know, if someone is working and one does not know exactly what day or what hour that bell can ring and one would not have a job—there are children involved, there is school, and it involves the question of whether their jobs would be disposed of, or whether their employment would be severed.

It is in that context, and in light of the fact that the lifeguards—and I have some figures here—perform heroic service to Trinidad and Tobago, that I would ask the Government to consider this matter. As a matter of fact, the figures from 1980 to 1994 show that the lives of 875 persons have been saved by the presence of these lifeguards on these beaches as follows:

Year	No. of Persons rescued	Year	No. of Persons rescued
1980	86	1988	50
1981	81	1989	25
1982	103	1990	39
1983	93	1991	41
1984	74	1992	48
1985	71	1993	53
1986	47	1994 up to March 1	25
1987	39		

The number of persons who drowned at these beaches during the period 1980 to 1994 was 31.

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I am told also that among the persons who were rescued was a former government Minister in the NAR administration, and a former British diplomat. I am also told that about ten per cent of the persons rescued are persons who visit Trinidad and Tobago.

So one sees the importance of these lifeguards, not only in saving lives but also in promoting tourism in Trinidad and Tobago.

On March 13, 1994, in the *Trinidad Guardian*, Sen. Gordon Draper, the hon. Minister, stated that as a result of all these arrangements Government was going to cushion the separation, which in effect aggravates the situation, because it produces increased fear that their jobs would be in difficulty. So, it is torture, it is like something hanging over one's head, and one does not know what could happen.

I am sure the hon. Minister of Finance would agree with me, because he is reported in the *Trinidad Guardian* of March 17, 1994, as saying that "the major thrust of the tourism plan is to create jobs." I would think if it is that the major thrust of the Government is to create tourism, that it would want to ensure that these lifeguards are absorbed—and I am not going into the policy of the Government at this stage—in this process. All these people have rendered good service to Trinidad and Tobago and they are entitled to get that consideration from the Government.

Madam Speaker, in the interest of these people and their families, in recognition of what they have done for Trinidad and Tobago, if the Government would ensure that their jobs are preserved.

Thank you very much, Madam Speaker.

The Minister of Finance and Tourism (Hon. Wendell Mottley): Madam Speaker, the Member for Couva South has raised a non-controversial matter security of tenure for lifeguards. There is no question at all that the lifeguards render yeoman service in Trinidad and Tobago. Indeed, at the beaches at Maracas and Mayaro, which are probably the most widely used beaches. I have seen them at work saving the lives of several individuals. Maracas beach is within my own constituency and, therefore, I am very close to the work that lifeguards do.

The situation is as follows: The TDA and its functions, together with the IDC and others, are being collapsed, while a new authority known as TIDCO is being formed, and the major responsibility of TIDCO will be promotion and investment co-ordination.

Since the previous Minister left the posting, Minister Valley and I have met on this particular matter and we have decided:

Lifeguarding is a sine qua non and that continues. The question is where are they placed.

It was felt that TIDCO's main function is promotion and investment co-ordination and, therefore, we did not want to distract TIDCO with this necessary business of lifeguarding. We have felt that with the promotion of tourism it is not only the beaches but other sites, like the Waterwheel in Diego Martin, that need proper maintenance and, perhaps, collection of tourist gate receipts.

So that we see the formation of a beaches and parks authority as required, in which there would be proper maintenance of security and lifeguarding that would make these sites proud sites for the promotion of tourism.

5.25 p.m.

However, it will take some time to have the Bill for that authority brought before Parliament and for it to be implemented. In the meantime, we have taken the decision that we will place the lifeguards temporarily under the Ministry of Tourism itself. So the lifeguards will be serviced temporarily through the Ministry of Tourism until the new beaches and parks authority is established. The Cabinet Note structuring the new Ministry of Tourism has recently been approved by Parliament. We are waiting on the service commissions to appoint the Permanent Secretary and other staff members, and as soon as that is done—I am given to understand that that will take about two weeks—we would be in a position to structure the lifeguards in the new Ministry of Tourism, albeit temporarily.

Landslip (Indian Trail Road)

Mr. Raymond Palackdharrysingh (*Caroni Central*): Madam Speaker, the matter before us this evening is a very simple one; it is about a landslip at Indian Trail Road in the vicinity of Dolly Ramkelawan's residence. This matter, has been raised with the Couva/Tabaquite/Talparo Regional Corporation that is unable to remedy the problem because of the paucity of development funding.

Indian Trail is a very small rural village situated at the south-western boundary of Caroni Central and the north-eastern boundary of Couva South. This little village borders two constituencies in Central Trinidad. Six years ago the then Caroni County Council constructed a retaining wall to prevent slippage. However, there was a water main running underground and this main developed a leak and

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over time undermined the foundation of the roadway at the point of slippage. Needless to say, the infrastructural works collapsed.

Since the coming into being of the Couva/Tabaquite/Talparo Regional Corporation, this matter was pursued both by the Member for Couva South and me with the local government body. The technical officers were of the view that the local government body did not have the technical expertise to deal with such a project; neither did the council have the necessary financial resources to attempt such an undertaking. I am informed that some years ago the project was estimated to cost about \$150,000; today it would cost approximately \$1 million.

I hope not to hear that this matter is one for the regional corporation. The Couva/Tabaquite/Talparo Regional Corporation spans a vast area and the developmental funding for 1994 is merely \$2 million. That is to say, that sort of development funding must take care of all other matters throughout the regional corporation. Therefore, this problem with respect to the road which has become impassible because of this landslip needs to be addressed because it is causing a number of inconveniences. This is a little agricultural community and people have to get their produce out of the estates. There are sugar cane plantations; and cane haulage, especially around this time, is being affected. Transport for schoolchildren is very difficult. As a matter of fact, the PTSC had to stop its service there because buses cannot pass.

The powerlessness of the regional corporation is of concern because while we are aware that the road falls under the jurisdiction of the regional corporation it is important to understand that the level of funding that is allocated to the regional corporation is not sufficient to undertake projects such as this. As a matter of fact, there are several other projects in the central areas such as the San Francisco Bridge and the Calcutta Road No. 2 Bridge. These projects have been there for a long time needing attention.

This afternoon I raise this matter so that the Government would look into remedying the problems, firstly, at Indian Trail and, secondly, empowering the regional corporation by giving them reasonable funding so as to carry out works within their jurisdiction. I am well aware that the powers of the regional corporation, while they are in transition, might be trying their best, but if you take away their funding, as is the case, they are left powerless. The Member for Diego Martin Central knows full well what I am speaking about because he has been one of the architects of these regional corporations.

I hope that the Minister concerned would be able to respond, giving us an indication of what he is likely to do to relieve the situation. We are very

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concerned about our constituencies and we will never rest until that matter is resolved. I now leave this matter in the hands of the Minister as he tries to assure both the Member for Couva South and me of what he is going to do about the problem.

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, this matter indeed falls under the jurisdiction of the Couva/Tabaquite/Talparo Regional Corporation. May I just give some information. The Member should have received a copy of this document—*Estimates of Development Programme for the year 1994*.

Mr. Mohammed: Is the landslip in that?

Hon. C. Imbert: If we go to page 75 we would see that the total development programme for all the local government bodies in Trinidad is \$20.5 million.

Miss Bhaggan: Only!

Hon. C. Imbert: If we then go to the Ministry of Works and Transport and we remove all the externally funded programmes—programmes funded by the Inter-American Development Bank and so forth—we would see that the Ministry's development programme for projects from local resources is either equal to, or less than, that of the Ministry of Local Government. The point I wish to make is that the problem of inadequate funding and resources is across the board in all ministries.

In this particular case I am advised that the Couva/Tabaquite/Talparo Regional Corporation have done some work on the Indian Trail Road in the vicinity of Dolly Ramkelawan's residence. They have, to date, constructed a subsoil drain across the road to facilitate an easier run-off of water from the road surface—which is one of the primary causes of deterioration of the road. They have also filled depressions on the roadway with crushed rock and boulders, and they have also done some work towards the construction of a temporary retaining wall.

5.35 p.m.

Mr. Maharaj: Has the hon. Minister seen the site? I would invite him to see it. It is like going into a river and coming back up. No drain or anything like that would solve the problem. Just as a matter of enlightenment.

Hon. C. Imbert: Madam Speaker, I thought I had made it quite clear that this was temporary work which the corporation was carrying out. These measures, I

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am advised notwithstanding anything said by the Members on the other side, have resulted in significant improvement to the road; and it is anticipated that by the end of this month the roadway will be sealed with asphalt to further improve its condition.

Now to correct some of the inaccuracies of the Member for Caroni Central; the estimate for complete repair of the landslip problem is \$250,000, not \$1 million. Therefore, it is approximately one-eighth of the total development funding of the Couva/Tabaquite/Talparo Regional Corporation. I would recommend to the Member for Caroni Central that he make representation to the corporation to ensure that out of the \$2 million development programme—

Mr. Palackdharrysingh: It is the same thing.

Hon. C. Imbert: I would ask you to make representation to them—

Miss Bhaggan: And you are spending money in URP all about the place.

Hon. C. Imbert:—since the repair of the landslip will not cost \$1 million; it will cost \$250,000, which is well within the corporation's resources.

Mr. Palackdharrysingh: It is not within the Corporation's resources. Is the Minister aware that Couva/Tabaquite/Talparo is such a large land area that one-eighth would not even begin to solve any problems, as he is suggesting? But could he say whether or not he could find some funding out of the URP project, and divert it to a priority area in that sense? I am making a suggestion to him, since he is devoid of answers.

Hon. C. Imbert: Madam Speaker, the matter we are debating is the landslip on the Indian Trail Road; and I have given a cost estimate for that project and have pointed out that the project costs one-eighth of the total development programme. Therefore, if the corporation is convinced by the Member for Caroni Central, it can prioritize its work.

I also wish to point out that there are thousands of landslips in this country. Just a few weeks ago, the Member for Princes Town brought a matter with regard to the St. Julien Road on which there are 35 major landslips which, if repaired, will cost close to \$5 million.

Mr. Haniff: You abandoned those already!

Hon. C. Imbert: The point I am making is that it will cost hundreds of millions of dollars to repair the landslips across the country; and until the

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Government can access such funding, we will have to use interim measures to deal with problems of this nature.

I thank you, Madam Speaker.

Mr. Haniff: This Parliament demonstrated compromise, but in this matter of spending on URP—consultation and otherwise—none at all!

Miss Bhaggan: That is the problem. He wants trouble!

Mr. Haniff: Compromise is only for those [*Interruption*] That is not the spirit of compromise.

Mr. Sudama: Has the Minister finished?

Madam Speaker: I thought the Minister had sat down to give way to the comments.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.39 p.m.