

**HOUSE OF REPRESENTATIVES***Friday, September 02, 1994*

The House met at 1.47 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**PREMATURE PUBLICATION OF EVIDENCE**

**Madam Speaker:** Hon. Members, I wish to refer to an article appearing on the front page of the *Trinidad Guardian* dated September 01, 1994 under the heading "Smooth passage for Inquiry Bill." I wish to remind Members of the provision of Standing Order 81, which reads as follows:

"The proceedings of and the evidence taken before, any Select Committee, and any documents presented to, and decisions of, such a Committee shall not be published by any Member thereof or by any other person before the Committee has presented its Report to the House."

I urge hon. Members and members of the media to please take note of this Standing Order.

**JOINT SELECT COMMITTEE REPORT****Indictable Offences (Preliminary Enquiry) (Amdt.) Bill****Presentation**

**The Minister of Education (Hon. Augustus Ramreakersingh):** Madam Speaker, I wish to present the report of the Joint Select Committee appointed by the Senate and the House of Representatives to consider and report on a Bill to amend the Indictable Offences (Preliminary Enquiry) Act Chap. 12:01.

**SPECIAL SELECT COMMITTEE REPORTS****Presentation****Population and Development Report**

**The Minister of Social Development (Dr. The Hon. Linda Baboolal):** Madam Speaker, I wish to present the report of the Special Select Committee of the House of Representatives appointed to consider and report on Population and Development.

**Universal African Improvement  
Association (Inc'n) Bill**

**Dr. Rupert Griffith** (*Arima*): Madam Speaker, I beg to present the report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Universal African Improvement Association.

**Glory Church (Inc'n) Bill**

**Mr. Jarrette Narine** (*Arouca North*): Madam Speaker, I wish to present the report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Glory Church and matters incidental thereto.

**DEFINITE URGENT MATTER**

**School Books**

**Mr. Raymond Palackdharrysingh** (*Caroni Central*): Madam Speaker, the matter I wish to raise this afternoon concerns the affordability and availability of school books. This matter is definite because it pertains to the basic and fundamental requirement of school books, without which it is impossible for students to benefit from schooling. The matter is urgent since schools would be re-opened on Monday, September 05, 1994 leaving little or no time for the acquisition of the fundamental requirement. Without school books, students, parents and teachers are in a quandary, particularly with respect to the ordering of classes and the scheme of work as from September 05.

Madam Speaker, this matter is of national importance since it affects everyone: students, parents and teachers alike. It must be of grave concern when many thousands of our students cannot afford books at every level of their educational ladder. In many instances, the recommended books cannot be found. I am convinced, as I am sure you are, that the school system is the most important institution in shaping the lives of our people, particularly the children and, therefore, it is imperative that Government state what action it would take to relieve the plight of so many of our people.

This matter has been brought up on several occasions and still nothing has been done. Therefore, I trust that you would see that this matter needs some urgent attention.

Thank you very much.

**Madam Speaker:** I wish to advise hon. Members that this matter does not qualify as a definite matter of urgent public importance.

**PUBLIC ACCOUNTS COMMITTEE MEETINGS**

**Mr. Raymond Palackdharrysingh** (*Caroni Central*): Madam Speaker, on Friday, August 26, 1994 the following statement was made by the Minister of Works and Transport, Hon. Colm Imbert in his contribution to the debate on the private Motion by the Member for Couva South.

I quote:

"You know, when I did some research on these committees, I found that sometimes meetings were never convened and the chairman of one of the committees, the Member for Caroni Central, for almost a year did not convene a single committee meeting.

... he convened no meetings, called nobody and he wants to mislead this House ...how many meetings were called in 1992."

A similar statement was made by the hon. Kenneth Valley in his contribution in which he stated:

"He failed to call a meeting during 1992. This is a committee that is supposed to aid accountability. For one year, there have been no meetings and they come and talk about accountability."

Madam Speaker, the inaugural meeting of the Public Accounts Committee of the fourth Parliament was held on July 29, 1992. The following Members of the PAC were present—R. Palackdharrysingh, Mr. D. Allum, Mr. J. Narine, Mr. A. Casimire, Mr. C. Rajaram, Sen. A. Mark, Sen. Jean Elder, Sen. Pundit R. Gosine, Sen. W. Mark, Sen. H. Ali.

The Clerk of the Committee, representatives of the Auditor General Department and Treasury were present.

The Clerk invited nomination for the election of Chairman of the Public Accounts Committee and R. Palackdharrysingh was proposed by Mr. Desmond Allum and seconded by Sen. Ainsley Mark. This nomination in the tradition of Opposition Chairmen was unopposed.

The first meeting was convened on Wednesday, 26 August, 1992. Present: R. Palackdharrysingh, Sen. H. Ali, Sen. J. Elder, Sen. W. Mark. This was an orientation meeting for members who had no previous experience on such a committee.

The second meeting of the PAC took place on Wednesday, September 09, 1992. Present were: R. Palackdharrysingh, Mr. Jarrette Narine, Mr. D. Allum, Sen. H. Ali, Sen. A. Mark, Sen. J. Elder. Body examined: Trinidad and Tobago Electricity Commission for the period January 01, 1986 to September 31, 1989.

**1.55 p.m.**

The third meeting of the PAC was held on Wednesday, September 23, 1992. Present were: R. Palackdharrysingh, Mr. J. Narine, Mr. D. Allum, Sen. A. Mark, Sen. J. Elder, Sen. H. Ali, Sen. Pundit R. Gosine. The body examined was the Racing Authority.

The fourth meeting of the PAC was held on Wednesday October 7, 1992. Present were: R. Palackdharrysingh, Mr. J. Narine, Mr. A. Casimire, Sen. W. Mark, Sen. J. Elder, Sen. H. Ali. The body examined was the Magistracy.

The fifth meeting of the PAC was held on Wednesday November 4, 1992. Present were: R. Palackdharrysingh, Mr. A. Casimire, Miss H. Bhaggan, Sen. H. Ali, Sen. Pundit R. Gosine, Sen. W. Mark. The body examined was the Supreme Court.

The sixth meeting of the PAC was held on Wednesday November 18, 1992. Present were: R. Palackdharrysingh, Mr. A. Casimire, Mr. Jarrette Narine, Miss H. Bhaggan, Sen. J. Elder. The body examined was the Agricultural Development Bank.

The seventh meeting of the PAC was held on Wednesday, December 16, 1992. Present were R. Palackdharrysingh, Miss H. Bhaggan, Sen. H. Ali, Sen. J. Elder, Sen. Pundit R. Gosine.

Madam Speaker, I hope that this explanation would put to rest the mischief "that your committee did not meet for the whole of 1992 and that its Chairman, the Member for Caroni Central absconded from his responsibility and that the party to which he belongs, the UNC, was obstructionist and irresponsible."

Thank you.

**The Minister of Trade and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I wish to apologize to the Member unreservedly.

**Mr. Imbert:** Madam Speaker, I too wish to apologize.

**ARRANGEMENT 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 consider Motion No. 6 under Private Business and Motion No. 7 on the Supplemental Order Paper, before going on to Government Business.

**Madam Speaker:** I gather also that we shall be considering Motions 11 and 12 on the Second Supplemental Order at this time of the House proceedings.

*Agreed to.*

**JOINT SELECT COMMITTEE REPORT****Children (Amdt.) Bill****Adoption**

**The Minister of Education (Hon. Augustus Ramrekersingh):** Madam Speaker, two weeks ago I laid the Report on the Children (Amdt.) Bill. Today I beg to move that this House adopt the Report of the Joint Select Committee appointed by the House of Representatives to consider and report on the Children (Amdt.) Bill.

The committee held three meetings in addition to a large number of informal consultations and we were able to reach agreement. First of all, I think it is important for me to say that the members of the committee approached the assignment in a problem-solving manner and we were able to reach agreement.

There were three amendments made by the committee and they are reflected in the Appendix to the Report. The first one dealt with redefining the concept of a place of safety. The second dealt with children or young persons who are used by parents or guardians or anyone who has custody of children for the purpose of drug trafficking. The third amendment gives the court the power to make an order for a person convicted of child abuse to submit to counselling.

It is also important to say that the committee was unanimous in making the point that the necessary infrastructure to make the legislation meaningful should be done expeditiously.

May I take this opportunity to thank all honourable Members of the Committee, not only for their contributions, but also for the spirit in which they approached the assignment, the parliamentary staff and the legal adviser of the Ministry of Social Development.

*JSC Report—Children (Amdt.) Bill*  
[HON. A. RAMREKERSINGH]

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I therefore beg to move that the Report of the Special Select Committee of the House of Representatives appointed to consider and report on the Children (Amdt.) Bill, 1994 be now adopted.

*Seconded by Miss Pamela Nicholson.*

*Question proposed.*

**Mr. Maharaj:** Madam Speaker because of the required majority may I suggest that you take the count.

**Madam Speaker:** On the third reading of the Bill.

*Question put and agreed to.*

*Report adopted.*

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

**2.05 p.m.**

*The House voted: Ayes 31*

**AYES**

Valley, Hon. K.

Manning, Hon. P.

Mottley, Hon. W.

Ramrekersingh, Hon. A.

Rowley, Dr. The Hon. K.

Eckstein, Hon. J.

Maraj, Hon. R.

Baboolal, Dr. The Hon. L.

Collis, Hon. K.

Griffith, Dr. R.

Imbert, Hon. C.

Lasse, Dr. The Hon. V.

Pierre, Hon. J.

Casimire, A.

Narine, J.  
 Hart, E.  
 James, Mrs. E.  
 Allum, D.  
 Maharaj, R. L.  
 Humphrey, J.  
 Sudama, T.  
 Singh, Dr. C.  
 Palackdharrysingh, R.  
 Hanoomansingh, G.  
 Sagewan, Miss I.  
 Panday, S.  
 Jurai, K.  
 Haniff, M.  
 Sharma, C.  
 Robinson, A. N. R.  
 Nicholson, Miss P.  
*Question agreed to.*  
*Bill accordingly read the third time and passed.*

**JOINT SELECT COMMITTEE REPORT**

**Indictable Offences (Preliminary Enquiry) (Amdt.) Bill**

**Adoption**

**The Minister of Education (Hon. Augustus Ramrekersingh):** Madam Speaker, I beg to move that this House adopt the Report of the Joint Select Committee appointed by the Senate and the House of Representatives to consider and report on a Bill to amend the Indictable Offences (Preliminary Enquiry) Act Chap. 12:01.

Madam Speaker, your committee held seven plenary meetings, in addition to several informal sub-committee meetings, especially to deal with problems of drafting.

Your committee was able to achieve agreement and consensus because of the open manner in which the discussions took place, evidenced by a genuine spirit of give and take. For example, the committee was persuaded by a proposal made by Members of the Opposition, and contained in a memorandum by the Law Association, that the Bill should be patterned along the formula used in the United Kingdom Criminal Justice Act of 1967, and the Trinidad and Tobago Sexual Offences Act of 1986 insofar as they give an option to an accused person to cross-examine any witness who gave a statement to the police, and upon which statement the prosecution intended to rely.

Once the committee accepted that amendment, the provision by which the Director of Public Prosecutions could apply for the written depositions alone to go forward would become unnecessary.

Your committee accepted the proposals of the Government Members, that notwithstanding the right of an accused person to cross-examine the witness on the statement that he gave, the statement should be subject to the law of admissibility of evidence, and be admitted into evidence by the magistrate. Further, the court would, in addition to considering the written statement, consider the evidence given in cross-examination to determine whether a *prima facie* case had been made out against an accused person. Basically, Madam Speaker, those were the three areas of difference and the committee was able to sort them out.

I should also mention that proposals were made by Members opposite about ways and means of improving the system of criminal justice which the committee felt should be looked at, not necessarily for purposes of the Indictable Offences (Preliminary Enquiry) Act, but for a more comprehensive review of the system.

Once again, may I commend all the Members of the Committee of both Houses for the spirit in which the exercise was undertaken. Without that spirit we would have been unable to reach an agreement. Additionally, all the Members of the committee who promised to do research and present the committee with literature, did so unflinchingly. That in itself facilitated the work of our committee. I also wish to commend the members of the Parliamentary staff, as well as the staff of the Chief Parliamentary Counsel, for their assistance during this exercise.

Madam Speaker, I beg to move.

**Mr. R. L. Maharaj:** Madam Speaker, in seconding the adoption of the report, may I say that the report of this committee clearly shows how both the Government and the Opposition can get together in passing legislation. It also shows that if the Government adopts a more open attitude, a more conciliatory



attitude, legislation can be passed. As a matter of fact, this piece of legislation quite clearly shows that it could have been passed on the floor of the House, if there was a little more give and take by the Government.

The Government has seen it fit to accept the proposals of the Law Association and the Opposition, but I think that all the members of the committee worked well and both sides worked hard in order to have this piece of legislation go through. I therefore support the hon. Minister of Education in complimenting both sides on having this piece of legislation go through.

This report also demonstrates the importance of select committees. And one sees that at times when a piece of legislation is not passed, perhaps if there was a Select Committee appointed to consider that legislation, with give and take, with people seeing the pros and cons of an argument, and not feeling embarrassed on the floor of the House, as one of the arguments go, that on the floor of the House people seem to take very hard lines, much of such legislation would go through. This might be a lesson to the Government to consider whether select committees should not be used more than they are at present.

Thank you very much, Madam Speaker.

**2.15 p.m.**

**Mr. A.N.R. Robinson:** Madam Speaker, first of all, I should like to congratulate [*Interruption*]

**Madam Speaker:** Let me propose the question and then the Members can speak on the motion. Actually, Mr. Maharaj went on. He was supposed to second it [*Interruption*] No, he took a little more latitude than he ought to have taken.

*Question proposed.*

**Mr. A.N.R. Robinson:** (*Tobago East*): Madam Speaker, first of all, I should like to congratulate the Member for St. Joseph, on bringing three non-contentious matters before the House in one afternoon. I think it is in keeping with his own amiable character.

Secondly, I should like to compliment the committee on having worked in such a way as to arrive at consensus, and in such a way as would be acceptable to Members of this House, and I am sure to the country at large. I, myself, was particularly concerned over removing from an accused person the right of cross-examination.

Those who have practised in the courts would know that a case can be disposed of in a short space of time through cross-examination. Even though the magistrate may send it to the higher court, the judge would see immediately that the case is a weak one, or that there is no case for the prosecution to pursue. It is very important to maintain that right of cross-examination and I am very glad to see that it has been maintained.

I should also like to draw attention to the importance—I think the Member for Couva South has made reference to it—the very great importance of the provisions of the Constitution which require special majorities. I happen to have had something to do with the drafting of the 1962 Constitution, and I know the intention of it was to bring both sides of the House together in circumstances where there could be effective give and take and real communication, rather than posturing, as so often happens when the television cameras and the press are present. I want to emphasize the importance of those provisions, particularly when we are dealing with sensitive matters such as justice and the police.

All over the world today those are very critical and vital issues: the administration of justice, and the control of the police and police functions. I want to emphasize on this occasion that it is absolutely necessary in dealing with these matters to seek to establish confidence in the country at large, and that confidence cannot be established in circumstances of acrimonious debate, nor in circumstances of name calling and vulgar abuse. It is extremely important that a responsible attitude be adopted in these matters. I am very glad to see that Members opposite are coming around to that point of view.

In the future, there is more that I would have to say, particularly in relation to the judiciary—as these matters also involved the Judiciary—the importance in the coming months and possibly years of taking steps to re-establish confidence in the Judiciary. Much damage has been done; much damage has also been done in respect of the police. I shall refer to certain sections of the Constitution when matters relating to the police come before us. What we are seeing is all the vital institutions of this country, and even outside of the country, are under attack. This situation needs to be corrected so that confidence can be restored in the vital institutions of the country and in the very future of the country. I am very glad. I hope this is a beginning, a foundation that will be built upon, and that Members of the Opposition will not be regarded as obstreperous and irresponsible. Now that the by-elections are behind us, there will be a calmer and more rational approach to these vital matters that come before this honourable House.

I thank you very much, Madam Speaker.

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I want to thank Members of both sides opposite for their observations. I want to show them that this Government would continue to use the mechanisms of the select committees, not only for Bills which require a special majority, but also for Bills which we believe would benefit from discussion in a select committee, such as the Companies Bill, which is at present before a select committee. It has been there since January.

We are conscious of the importance of select committees under our system. We have used them in the past, we shall continue to use them; we want to continue to strengthen our democracy. We want to thank Members on the other side for supporting these pieces of legislation.

**Mr. Trevor Sudama (Oropouche):** Madam Speaker, I merely wish to make a very small point this afternoon. It is reassuring to hear from the Member for Diego Martin Central that his side is committed to democracy in this country. I hope that in all aspects of the conduct of this House and the Government, they adhere to that commitment: listening to all the views; accepting views presented to them in the spirit in which they are given; and in fact giving people the feeling that they all can participate, and that they all belong to this country; that they belong to the governmental administration in its widest perspective and that no one is left out. On that note, may I add that when I left my office yesterday afternoon, I had no copy of this report from the Select Committee on the Indictable Offences (Preliminary Enquiry) (Amdt.) Bill.

Let me point out, let me make it absolutely clear that in the normal state of things, when a committee meets and it is a bi-partisan committee, and it reports to the House, there is, of course, the assumption—and a valid assumption at that—that consensus has been arrived at with respect to the recommendations of that report. We agreed with that. By and large those reports are not debated in this House. What is equally clear is that a committee of the House remains a committee of the House.

A committee of the House is subject to the overriding authority of this House in full session. When I do not get a copy of this report, and this report comes here for adoption, I am in the unenviable position that I really do not know what I am adopting. I am being asked to buy “cat in bag”. I will buy “cat in bag”, but not when those on the other side have an input into it. I am extremely sceptical.

**2.25 p.m.**

What I am saying is that when you come to adopt a report in this House the least the Government should do is arrange that every Member of this Parliament has a copy of that report so he or she could review it. If at the end of it some matters have been overlooked in committee, they could always be dealt with when the full House is in session.

What this really points to is a problem we have in this House with respect to its schedule and agenda.

**Madam Speaker:** Hon. Members, the Clerk of the House has informed me that the report was late and it was sent out late yesterday by police. Maybe, this is why the hon. Member did not get a copy.

**Mr. T. Sudama:** Madam Speaker, my point remains valid. Whether it was sent out or not, when I left my office yesterday afternoon at 5.00 p.m. I had not got a copy of the report. I am asked to come here and give approval to something of which I do not know the contents. I just wanted to make that point. There is a larger problem with regard to the agenda and programme of this House. We seem to go in an ad hoc fashion.

If there was planning we would not have had a rush to present this report today and have it adopted today; we would have had it in our hands long before now in order to have considered it and have it adopted today. It is just that nobody seems to know, particularly Members of the Opposition, what is the Government's agenda from day to day; whether the House would be prorogued and, if so, when; what Bills are coming up for debate. Sometimes we are told that a certain matter will be debated; then when we reach here there is another order of debate.

**Mr. Valley:** Madam Speaker, I take objection to that. I do not think that at any time we stated what would be debated—and I do that when I adjourn the House on every occasion—and did not normally follow that pattern.

**Mr. T. Sudama:** Madam Speaker, I am speaking from my own experience in this House. Whatever the Member for Diego Martin Central says, we come here from time to time and we are told, look, this matter would be debated first, when it was way down on the Order Paper, so that Members did not have a chance to research it; so something comes up for debate for which we are not the best prepared, so to speak.

As I said, if there was an agenda to the proceedings of parliamentary affairs in this House, then we would not have a situation where I would not be able to get

the report on the Indictable Offences (Preliminary Enquiry) (Amdt.) Bill before it came up for adoption. This is the point I wanted to make.

I am saying that the way this Parliament is run and dictated to by the Member for Diego Martin Central will not do, and something has to be done about parliamentary reform.

**Mr. Valley:** Madam Speaker, whatever we do in this House is in consultation with the Chief Whip.

**Mr. T. Sudama:** Madam Speaker, I hope that in future if I am asked to adopt something in this House, I would have a copy of that before me, before I give my approval.

Thank you.

**Madam Speaker:** Hon. Members, the Member's remarks have been noted. The Clerk of the House, I imagine, has also noted the Member's comments.

*Question put and agreed to.*

*Report adopted.*

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

*The House voted: Ayes: 33*

**AYES**

Valley, Hon. K.

Manning, Hon. P.

Mottley, Hon. W.

Ramrekersingh, Hon. A.

Rowley, Dr. The Hon. K.

Eckstein, Hon. J.

Maraj, Hon. R.

Baboolal, Dr. The Hon. L.

Collis, Hon. K.

Griffith, Dr. R.

Imbert, Hon. C.

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Lasse, Dr. The Hon. V.

Pierre, Hon. J.

Casimire, A.

Narine, J.

Hart, E.

James, Mrs. E.

Allum, D.

Bereaux, H.

Maharaj, R. L.

Panday, B.

Humphrey, J.

Sudama, T.

Sagewan, Miss I.

Palackdharrysingh, R.

Singh, Dr. C.

Hanomansingh, G.

Panday, S.

Jurai, K.

Haniff, M.

Sharma, C.

Robinson, ANR.

Nicholson, Miss P.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

**SPECIAL SELECT COMMITTEE REPORTS**

**Adoption**

**Population and Development Report**

**The Minister of Social Development (Dr. The Hon. Linda Baboolal):**  
Madam Speaker, I beg to move that this House adopt the report of the Special

Select Committee of the House of Representatives appointed to consider and report on population and development.

Madam Speaker, your committee was appointed on January 21, 1994, and held four meetings. At these meetings, we requested that the Population Council, representatives of the Ministry of Planning and Development, and the Family Planning Association be present to assist in the deliberations by submitting data papers and by appearing personally. The discussions proved to be open and informative, with members of the committee addressing a number of issues and asking questions which were answered to their satisfaction.

At the end of its deliberations, Madam Speaker, your committee was satisfied that the Ministry of Planning and Development, the Population Council and the Family Planning Association of Trinidad and Tobago were all adopting strategies for ameliorating population impact.

I thank the members of the organizations which appeared before us for their participation, and also the members of the committee for their interest and participation in this exercise.

Madam Speaker, I beg to move that the report of the Special Select Committee of the House of Representatives appointed to consider and report on population and development be now adopted.

*Question proposed.*

**Dr. Carl Singh** (*Tabaquite*): Madam Speaker, I rise to support the Motion for the adoption of the Special Select Committee Report on population and development and to echo the sentiments expressed by the Member for Barataria/San Juan. We had a smooth sailing as we are having here this afternoon.

*Question put and agreed to.*

*Report adopted.*

#### **Universal African Improvement Association (Inc'n) Bill**

**Dr. Rupert Griffith** (*Arima*): Madam Speaker, I beg to move that this House adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Universal African Improvement Association.

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

*Glory Church (Inc'n) Bill*

*Friday, September 02, 1994*

### **Glory Church (Inc'n) Bill**

**Mr. Jarette Narine** (*Arouca North*): Madam Speaker, I beg to move that this House adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Glory Church and matters incidental thereto".

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

**2.35 p.m.**

#### **MAXI-TAXI (AMDT.) REGULATIONS**

**The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert)**: Madam Speaker, I beg to move the following motion:

*Whereas* it is provided by subsection (1) of section 13 of the Maxi-Taxi Act, 1992, that the Authority may with the approval of the Minister make such regulations as it considers necessary for the operation of this Act;

*And whereas* it is provided by subsection (2) of section 13 of the said Act that regulations made under subsection (1) shall be subject to affirmative resolution of Parliament;

*And whereas* the Maxi-Taxi (Amdt.) Regulations, 1994, were made by the Administering Authority on the 17th day of August, 1994;

*And whereas* it is expedient that the Maxi-Taxi (Amdt.) Regulations, 1994, be affirmed:

*Be it Resolved* that the Maxi-Taxi (Amdt.) Regulations, 1994, be affirmed.

Madam Speaker, the regulations before this House fall within the general context of developments and evolution of public transportation in Trinidad and Tobago over the last 15 years.

Before I go into the actual regulations themselves, I think it is necessary to provide some general information on the operation of maxi-taxis, the evolution of the maxi-taxi trade since maxi-taxis were first introduced in 1979 and the various improvements and changes that have been made to the legislation over that period.

Madam Speaker, as you will be aware, maxi-taxis were first brought into operation in Trinidad and Tobago in 1979. The Maxi-Taxi Act, No. 48 of 1979,



provided for controls over maxi-taxis in three specific areas; namely, the passenger capacity of the maxi-taxis, the ownership and operation of the maxi-taxis and the route allocation for maxi-taxis.

The original Act defines the maxi-taxi as a public transport vehicle seating between nine and 12 passengers. At that time the Act confined ownership and operation of a maxi-taxi to the owner only. The Act also regulated the geographical distribution of maxi-taxis across specific areas in Trinidad and Tobago which was broken up into six routes—five in Trinidad and one in Tobago.

Initially, the public, as I stated before, did not accept the maxi-taxi over the conventional five-seater taxi as the preferred mode of transportation. The authorities sought to assist the maxi-taxis by giving certain tax incentives by way of relief from customs duties to owners and operators and, as a result, the number of maxi-taxis on the road began to grow.

In 1982 it was considered necessary to further modify the maxi-taxi system by allowing the larger maxi-taxi—the 13 to 25 seater—to come into operation, and the original 1979 Act was amended by Act No. 8 of 1992 to include maxi-taxis with a seating capacity of 13 to 25 persons. In 1983 further changes were made to allow maxi-taxis to be operated outside the allocated route areas for non-scheduled purposes, such as sightseeing, sporting and religious tours, charters and so forth.

There was considerable growth in the number of maxi-taxis. The first batch of 1,000 maxi-taxis was brought in, in the first three years—1979 to 1982—and then in 1990 and shortly before there was an addition to the fleet based on reclassification of old, used vehicles from "T" and "P" registration—this would be vans and so forth—for use as maxi-taxis.

In respect of the larger maxi-taxis—the 13 to 25-seater—after the initial importation where approximately 630 vehicles were brought in—

**Madam Speaker:** Is the hon. Member's microphone on?

**Hon. C. Imbert:** Yes, Madam Speaker.

**Madam Speaker:** I am having difficulty in hearing you.

**Hon. C. Imbert:** I will try to speak a little louder, Madam Speaker.

In respect of the larger 13 to 25-seater maxi-taxis, after the initial importation of approximately 630 vehicles between 1982 and 1985, no other large maxi-taxis were brought into the service for some time. By 1990 the age of the fleet and the

*Maxi-Taxi (Amdt.) Regulations*  
[HON. C. IMBERT]

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safety problems that arose led to the approval of additional numbers of vehicles, both large and small. What we initially saw was that a batch was brought in, there was a control on the numbers, but by 1990, again there was an opening up of the market.

However, during the period where the numbers increased, the cost also increased. So that whereas in 1979 a small maxi-taxi cost \$35,000, in 1990 it had increased to close to \$100,000 and the large maxi-taxi over \$200,000—now, I understand the cost is in excess of that.

The increasing cost provided a major challenge for maxi-taxi owners which led to two fundamental responses. It became difficult, almost impossible, for one owner/operator, as envisaged in the original Act, to operate the vehicle on a continuous basis and make it a viable economic operation. As Members may be aware, the Motor Vehicles and Road Traffic Act restricts the number of hours that a taxi driver may spend on the road. So that with a single owner/operator with the maxi-taxi not being operated on a 24-hour basis or even a 16-hour basis for that matter, it became difficult, with the increased cost, to make it a viable economic operation. Owners therefore began to employ drivers who were not owners of maxi-taxis and thereby began to break the law.

In addition, there was the whole evolution of the type of music in maxi-taxis—there was much debate in this House on that matter. Initially, music was installed in maxi-taxis to establish a competitive advantage over other forms of transportation, but as the numbers of maxi-taxis increased and we began to see competition among maxi-taxi operators rather than between them and conventional five-seater taxis, the music began to be used as a form of competition among maxi-taxi drivers themselves and elaborate sound systems began to be the order of the day.

**2.45 p.m.**

This loud and aggressive music, among other factors, led to a deterioration in the behaviour of maxi-taxi drivers. It also led to an increase in touting and a general breach of traffic laws at various maxi-taxi stands, where the pace of growth of the numbers of maxi-taxis ensured these stands were always filled beyond capacity.

What we saw over the years, as the numbers of maxis increased—there are now over 3000 maxi-taxis was that the stands were inadequate to accommodate all the maxi-taxis at the same time. Of course, this is not realistic, but the accommodation was also inadequate to allow all the maxi-taxis that wished to be in the stands to be accommodated at all times and, therefore, there was intense

competition, and the music was used to compete among various maxi-taxi owners.

The public hue and cry that prevailed over the years about the loudness of the music, the type of music being played, together with the growing indiscipline within the maxi-taxi trade, forced the authorities to review the governing legislation. Over the period 1992 to 1994—I had quoted an inaccurate statistic—the maxi-taxis were in excess of 5000 in operation on the various routes.

The Ministry of Works and Transport took a decision to suspend the registration and licensing of additional maxi-taxis in the trade. This was in recognition of the evidence at the time that there were sufficient maxi-taxis on the road and that increasing the numbers would lead to indiscipline and a sort of dog-eat-dog situation which we would wish to avoid. The policy at this time and the policy since then—from the end of 1993 actually—has been to allow only replacement vehicles. One would always be faced with the problem of an aging fleet and the safety problems that arise from that. Therefore, it is rational to allow replacement vehicles for all the maxi-taxis that have become unserviceable or unsafe.

Madam Speaker, you will recall that we had to re-enact the original Maxi-Taxi Act, 1992 with the requisite constitutional parliamentary majority because of a legal problem where the original Act was adjudged unconstitutional. The re-enacted Act in 1992 was almost identical with the 1979 Act with a few minor changes, one of them being the introduction of a tribunal.

We also made significant improvements in the amended Act of 1994. This Act came before this Parliament in February or March of this year, and it was passed after much debate and some give and take on both sides. I wish, at this time, to thank the Members on the other side for the part that they played in having the Maxi-Taxi Act passed earlier this year.

The features of that Act essentially were to control the excessive loud, lewd and obscene music that had become a feature of the maxi-taxi trade. Another feature was to separate the owner/operator provision because the Government took a policy decision at the time to allow persons who were not owners of maxi-taxis to be operators of maxi-taxis. We therefore removed that requirement and it is now possible, through the Maxi-Taxi Act of 1994, for an individual to invest in a maxi-taxi and not drive it himself, and to employ an operator or driver to ply the vehicle for hire. As a matter of fact, more than one.

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The new law allows for an operator who would be given a special permit after appropriate testing by the Licensing Authority, and from this group of operators the maxi-taxi owner can employ a driver. There is a fundamental shift from the 1979 stipulation that the owner should be the sole operator of the maxi-taxi. The Act also dealt with controls in respect of musical instruments. Section 12(a) stipulates those controls and by Legal Notice 124 of July 1994 the specifications and parameters for the equipment that can be used in maxi-taxis were laid down.

In this Legal Notice it was specified that the musical equipment in maxi-taxis would be restricted to a radio only of a certain wattage, certain power and two speakers will be allowed for the small maxi-taxis and four for the larger maxi-taxis. We have also required that the maxi-taxi operator carry with him or her a document from the Transport Commissioner which identifies the specifications of the radio in terms of size, power, serial number, make and type, similar to the provision where a motorist is required to have his permit and his insurance policy on his person, or in the vehicle at all times when he is driving, so if he is stopped by one of the enforcing agencies he can be called upon to produce this permit.

What we have done with this provision of the radio is to require that the owner or the operator carry this document with him when he is operating the vehicle, and produce it for inspection by the enforcing agent. In this way we have put very, very tight controls on the type of equipment in the maxi-taxis, and it has become quite difficult for persons to use or to install equipment that does not follow the specifications placed in Legal Notice 124 of July 1994.

I noticed the Member for Couva North was trying to catch my attention. I can now report that although it is not six months yet, the specification of the type of equipment and the requirement that one must carry a signed document specifying the equipment for production to the police or any other enforcing agent, have led to a significant reduction in the playing of loud, lewd and obscene music in these vehicles.

**2.55 p.m.**

May I also say that the complete ban on television sets and videos has led to an almost complete elimination of this offensive equipment in maxi-taxis. I do not know if that is the matter—

**Mr. B. Panday:** I merely wanted to ask the hon. Member whether the provision in relation to radios was working well.

**Hon. C. Imbert:** As I just said, the specification of the limits of the equipment, in addition to the requirement that the operator must have a signed document with him at all times for production to the police, has led to a significant reduction in the playing of loud and lewd music in maxi-taxis.

**Mr. B. Panday:** You do agree with me that we were right in the first place.

**Hon. C. Imbert:** I do recall earlier in my presentation thanking the Opposition for their contribution to the Maxi-Taxi Bill. Perhaps the audio equipment is not functioning. I have said we did benefit from the contribution of the Opposition in that debate and it has led to an improvement in the legislation.

**Mr. B. Panday:** Are you also thanking me for the Bail Bill?

**Hon. C. Imbert:** Madam Speaker, as you know, I cannot refer to irrelevant matters in this debate.

One of the other improvements in the Maxi-Taxi Act this year was the increase in fines and penalties. One of the fundamental flaws of earlier maxi-taxi legislation was that it did not specifically provide for breaches of the regulations. This was a serious hindrance to the enforcing agencies and it may have been difficult for them to control the behaviour of maxi-taxi operators. May I also say that I do believe that the fine of \$5,000 has also assisted in controlling loud music in maxi-taxis.

**Mr. B. Panday:** For the purpose of my own clarification, I noticed that in the regulations which are before us, in regulation 20 the authority may revoke permits of persons. Instead of “revoked”, you used the word “cancelled”. Is there any mechanism for appeal against the decision of the authority?

**Hon. C. Imbert:** I am going to go through all the regulations one by one in numerical sequence. I shall locate regulation 20 within the existing law.

The increase in fines and penalties has assisted the enforcing agencies in controlling the behaviour of maxi-taxi operators. There has been considerable focus on this aspect of the regulations within recent times and we have sought to impose penalties that are high enough to promote improved behaviour on the part of maxi-taxi operators in certain instances. I think the Member for Couva North has referred to it. There is provision for penalties to be applied immediately via the process of cancellation. I would deal with that in due course.

The authorities believe—as I said, I would locate it within the framework of existing law—that the immediacy of this provision would be an extremely

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important ingredient in ensuring proper observance of maxi-taxi laws and regulations.

The new regulations also seek to address the vexed question of touting. We have introduced a new category of person, the conductor. This has been also brought about by the very need for these conductors, particularly in the larger vehicles, where the driver may not be able to attend to all the passengers in the vehicle because of the size of the vehicle. The legislation would permit an operator to use a conductor, but the regulations provide strict guidelines for the conduct and behaviour of these conductors, as well as the process by which a conductor's permit can be granted and cancelled by the Licensing Authority.

One of the other problems that have developed at maxi-taxi stands, again, because of the competitiveness and the large number of maxi-taxis on the road, is the problem of queuing. In the regulations which I would refer to in due course, we have placed restrictions on the manner of queuing and designated the method of queuing. This provision is to deal with the current situation where there is insufficient capacity to accommodate all maxi-taxis in the stands, at all times of the day.

There is an ongoing process of modification and improvement of the location and operation of maxi-taxi stands. We recognize that the stands as they are at present, are inadequate, but we believe that they would operate better and that there would be less indiscipline if maxi-taxi operators observed a proper queuing system. In this regard, the new regulations stipulate a queuing process for the operation of maxi-taxi stands and penalties for the breach of these provisions.

At this point, I should also inform Members on the other side, who may not be aware, that the Ministry of Works and Transport has been actively looking at the entire issue of maxi-taxi operations and stands in particular. We have started with the City of Port of Spain. We are also actively looking at the City of San Fernando, and the Borough of Chaguanas. We are seeking to find alternatives that would provide an improved system for maxi-taxi operations and public transport vehicles generally.

It is our intention to shift the location of many of these maxi-taxi stands and the actual operation of the maxi-taxis themselves—I am talking now about Port of Spain—from Independence Square, and feeder roads to Independence Square, to South Quay and the environs of the Public Service Transport Corporation at South Quay. An initial step in this direction has already been taken with the relocation of the Diego Martin and Petit Valley or yellow band maxi-taxi stands, from

Independence Square and the area between Chacon Street and Abercromby Street, to the western end of South Quay, in a triangular section at the end of the Beetham Highway.

We have found that this new yellow band maxi-taxi stand has worked very well. We have given the control of this maxi-taxi stand over to the maxi-taxi operators themselves. We are actually assisting them in making improvements to this stand at present. We have already constructed covered areas for passengers and a queuing bay. We have fenced the area and put in gates. In addition, we are presently constructing stands for concessionaires, public toilets and office facilities for the Diego Martin/Petit Valley Maxi-taxi Association.

We expect that within a few months the yellow band maxi-taxi operators would have a fully developed maxi-taxi stand of their own. As I said, we have handed over control of that area, which they can utilize to make improvements and generate revenue for the general welfare and improvement of the condition of yellow band maxi-taxi operators. We are using this as a model for the eventual relocation of all maxi-taxi operators and maxi-taxis to similarly designated areas over which they would have control; where they would have proper facilities; shelter for their passengers; office facilities; concessionaire stands and public conveniences.

We believe that this would uplift the trade and take what is now generally an indisciplined sector of our society into a situation of order, discipline, and as I said, upliftment. The regulations have a particular provision in clause 15 which stipulates that maxi-taxis shall ply for hire and pick up passengers only in the stand so provided. This is based on our experiences out of the yellow band maxi-taxi experiment. We found that a small number of errant maxi-taxi drivers found it inconvenient to go into the new stand and queue up and await their turn. They were picking up and discharging passengers by the traffic lights on Wrightson Road, even when the traffic light was on green, thus creating a hazard to traffic at that point. We are making it illegal for maxi-taxi operators to pick up and discharge passengers outside a stipulated distance from the maxi-taxi stand.

### **3.05 p.m.**

I might also say that available research indicates that the Public Transport Service Corporation is the minority transporter of people in the country; available information indicates that the PTSC transports less than 10 per cent of the travelling public. The maxi-taxi trade, however, transports a considerable section of the population, in addition to private transportation, and conventional route taxis. Maxi-taxis transport the vast majority of our citizens—who do not own or operate motor vehicles—to and from work, or on their daily business.

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As a result, the maxi-taxi industry—if I may call it that—has become the single-most important transporter of people within the public transport domain in terms of numbers. The maxi-taxis transport far more people than does the PTSC. Therefore, in recognition of this industry that has evolved over the last 15 years, the Government is seeking to upgrade the facilities and conditions of operation for these maxi-taxis.

**Mr. Jurai:** Madam Speaker, would the hon. Minister give way to a question, please? The hon. Minister said that the Public Transport Service Corporation transports fewer people than maxi-taxis. Can the Minister say whether the difference in transportation is because, overall, there are more maxi-taxi vehicles than PTSC buses?

**Hon. C. Imbert:** Madam Speaker, it is difficult for me to give a precise answer to that question. We have had an experience over the last 15 years—and I was careful to stress “15 years”—that maxi-taxis have become the major transporter of people. The reasons for this are numerous, but the PTSC—and this is not within my portfolio so I would not wish to speak at length on this subject—requires considerable financial support from the Treasury, and over the last 15 years has required hundreds of millions of dollars worth of such support.

The Member can examine that for what it is worth, and consider what would happen if there was increased activity, whether there would be increased losses or a reduction in losses. Again, as I said, I do not want to stray into that area.

The Government has recognized that maxi-taxis are the primary mode of public transportation in Trinidad and Tobago. In recognition of that, the Government is seeking to upgrade the personnel situation; the condition of maxi-taxi stands; and to up-lift the trade generally.

Also, since it is used by the vast majority of the travelling public, we are seeking to introduce certain controls on the behaviour of the operators of maxi-taxis, which the public has long cried out for. I am just putting these Maxi-Taxi Regulations in context. The reason for these Regulations is to put into law a number of regulatory provisions to control the behaviour of drivers when operating maxi-taxis, in view of its importance within the public transportation system of Trinidad and Tobago. Since the vast majority of the people who travel on maxi-taxis have been crying out for a long time for many of the controls which have been put in these Maxi-Taxi Regulations, we have sought to bring them to this honourable House.

The new regulations also attempt to foresee problems that may arise in the future. As time goes on, however, we expect that there may be need to further



amend the legislation. The Maxi-Taxi Act, and its attendant Regulations, must be viewed in the context of the laws relating to motor vehicles. I am talking now about the Motor Vehicles and Road Traffic Act, which is the primary governing legislation which covers the operations of all motor vehicles, of which maxi-taxis form a part. It was in that context that I referred to a question raised by the Member for Couva North.

Let me now go into the actual regulations. The first two regulations deal with the title and interpretation. The third regulation also deals with interpretation, but I need to explain this regulation. We have amended regulation 2 of the original regulations—there are already existing regulations accompanying the re-enacted Act of 1992—and these regulations amend those regulations. There is an addition to those regulations that already exist, except for those provisions that delete existing regulations.

The existing Regulations refer to a permit for an owner/operator. Since we have introduced a new provision for an operator, and we have removed the owner/operator provision—we now have a register of owners—it is necessary to delete the definition of “permit”. We now have a register of owners kept by the Licensing Authority and a permit to operate a maxi-taxi for persons plying maxi-taxis for hire.

There is an important point here: all persons—and I wish to stress this—who previously held, or who now hold permits to own and operate maxi-taxis, automatically receive a permit to operate a maxi-taxi. Anyone who is presently the holder of an owner/operator permit, automatically becomes the holder of a permit to operate. I have made this statement in the context of certain statements I have seen reported, to the effect that persons who have owner/operator permits are being harassed.

### **3.15 p.m.**

It is clear that anybody who has an owner/operator permit, at present, automatically has a permit to operate. New persons who are not presently owners will have to apply for a permit to operate. As I said, this came about because of the Government's recognition that it may not be financially viable for a single person to operate a maxi-taxi at the level that is required to make a reasonable economic return to repay the loan to the bank and also have something left over to provide for one's family and oneself.

Regulation 4, revokes regulation 5 of the original regulations and substitutes new forms of application. If we look at the forms in the First Schedule, we have

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Form 1A "Application to be Registered as Owner of a Maxi-Taxi", Form 1B, "Application to Operate a Maxi-Taxi", Form 1C, "Certificate to Acquire a Maxi-Taxi", and so forth. These replace the existing forms for application to be an owner and operator. So we now have persons who can purchase, acquire, and require to operate, and not be owners of maxi-taxis.

We have put in a new provision arising out of the deliberations of this House and in the other place; and in view of the widespread public sentiment that we should place controls on the type of people who become maxi-taxi operators, we are now requiring, in addition to the certificate of good character from the police, that a person wishing to operate a maxi-taxi shall obtain recommendations from two persons who hold responsible positions in the community.

In other words, we require persons of good social standing to make recommendations on behalf of a person applying for a maxi-taxi operator's permit, in addition to the police certificate of good character.

As you know, Madam Speaker, one can have a police certificate of good character but may not be a person of high integrity; one may have a certificate of good character but that is quite limited in terms of the information it relates to, for example, convictions and so forth.

This clause came about for many reasons but relates to a letter from a school principal in south Trinidad—I will not say where it is from—who lodged a complaint to the police on two conductors being used on a maxi-taxi in the Moruga area. The principal complained that these persons assaulted one of the pupils of the school and gave some details of what happened during that alleged bodily assault and went on to say: I recommend every effort to ensure that Mr. "So-and-So"—I will not call his name—"does not function as a conductor on a maxi-taxi". We believe, in view of what we have seen, and letters like this, that we now require persons to have two character references before they are permitted to become maxi-taxi operators. Still on regulation 5, the Second Schedule relates to the permission—Permit to Operate a Maxi-Taxi.

Regulation 6 is amended by deleting from the words "grant a permit" to the end, and substituting the words "register a person as owner of more than one maxi-taxi." So that although we have changed our policy decision of 1979 where we just wanted one owner/operator, we have retained the policy that only one person shall be allowed to own one maxi-taxi. In other words, a person shall not be allowed to own more than one maxi-taxi. We have a register of owners and only one person can own a maxi-taxi, but there may be several drivers. In the

conventional route taxi arrangement, there are many persons who have taxi badges and they can drive any taxi, once they have the permission of the owner, and similarly, this is where we are moving with these amended regulations.

In addition, we are amending the regulations regarding the route area in which maxi-taxis can operate, and regulation 7 (1) indicates that:

"Subject to regulation 8, the operator of a maxi-taxi shall, on normal working days, operate the maxi-taxi only in the route area for which the maxi-taxi is registered."

We have amended regulation 8 to delete the words "specified route" and substitute the following words—

"A maxi-taxi may, on normal work days, be operated outside of the route area for which it is registered."

This is to allow maxi-taxis to be operated outside their route areas on weekdays for charters or tours. Although there is only one route in Tobago, in Trinidad there are five, and therefore there may be a situation in the tourist sector where maxi-taxis may wish to operate outside their route area during the week for charter tours, tourist excursions, and so forth.

In this context, I would expect that "normal work days" is the standard convention accepted in Trinidad and Tobago within the public service of a five-day, forty-hour week. That is in relation to any question that may arise as to what is a normal work day. We are talking about week days, therefore the regulation does not apply on weekends, at least, it is not intended so to do.

Regulation 9 allows the owner of a maxi-taxi, with the prior approval of the Licensing Authority, to change the route area for which the maxi-taxi is registered.

New regulation 11 is to bring more discipline into the trade. We are requiring the operator of a maxi-taxi to prominently display his or her permit and produce it on the request of a police officer in uniform or a licensing officer.

In addition a new regulation 12 that no maxi-taxi shall have painted, written or otherwise displayed on its front or rear windscreen, or its windows, any picture, painting, advertisement, or caption of any sort. This is in recognition of the proliferation of paintings, advertisements, stickers and other objects on the glassed areas of maxi-taxis which have resulted in a reduction in driver and passenger vision, and it is also aimed at removing the possibility of lewd paintings or pictures being placed on the glassed areas of maxi-taxis.

However, in recognition of the culture of Trinidad and Tobago where it is seen that many maxi-taxi operators wish to identify themselves by name, rather than the number of their vehicle, we have included a provision to allow the owner of a maxi-taxi to display his name, or the name of the maxi-taxi, on the front or rear windscreen of the vehicle within an area not exceeding 15 cm, which is just over 6 inches from the top of the windscreen, so that the traditional names that one sees on most maxi-taxis will still be allowed, but the other paintings, pictures, lewd advertisements and so forth will not be allowed.

In addition to displaying his permit in a prominent place in the maxi-taxi, the operator is now required to display his destination sign in the lower left hand corner of the front windscreen of the maxi-taxi. Again, this is a measure which was born out of the observed indiscipline in maxi-taxi stands where maxi-taxis of the same colour—yellow, red or whatever—operate side by side in the same location but have different destinations. The Maraval maxi-taxis are yellow as are the Petit Valley maxi-taxis; then we have the red band with a variety of sub-routes.

What you find is that maxi-taxis switch lanes in recognition of some competitive advantage they may have. They switch lanes and jump the queue, so that we are now requiring them to display their destination signs, so that a maxi-taxi going to a particular area cannot switch the lane, jump the queue at the expense of somebody else.

We are also introducing some elements that will assist passengers. A maxi-taxi operator shall not be permitted, without reasonable excuse, to refuse to be hired by a passenger when the maxi-taxi is at a stand, or refuse to accept a passenger with a reasonable amount of luggage. This section is almost a verbatim quote from the Motor Vehicles and Road Traffic Act, Chap. 48:50 which refers to the operation of public service vehicles—taxis.

Regulation 15: Where a maxi-taxi is at a public stand, the operator must now remain standing by or seated in the maxi-taxi and if he does not wish to do so he must show good cause. This, again, is an almost verbatim quote of regulation 81(2) of the Motor Vehicles and Road Traffic Act as it relates to the operation of conventional five-seater taxis. We have sought to bring in some omissions and oversights in the original regulations that evolved over the years—some of the provisions that apply to conventional taxis which were missed in respect of maxi-taxis.

Regulation 15 also deals with queuing: maxi-taxis standing for hire in a public stand shall receive passengers and leave the stand according to their priority of position in the stand. That, again, is to promote a sense of order. They cannot just drive in and out, jump the queue, and so forth. To further strengthen that, on the departure of a maxi-taxi from a public stand, the maxi-taxi next in line shall move forward and occupy the vacant place. These are all now prescribed in law and in like manner all other maxi-taxis to the rear shall move forward and occupy the vacant spaces immediately in front of them. This is to promote order on the maxi-taxi stands.

As I said before, we have now put in a stipulation, regulation 15(4), that the operator of a maxi-taxi shall not receive passengers within 100 metres from the public stand for the route along which he is plying for hire. This has come from our experience of operators who refuse to use the stand to queue; who go on the outside and use the services of touts to attract passengers away from the stand and the queue, and thereby gain an unfair advantage over the more orderly and disciplined operators who, as I have said, are the vast majority of maxi-taxi operators.

In addition, dangerous trends have evolved with regard to the operation of maxi-taxis and regulation 16 now makes it the duty of the operators to ensure, for example, that the doors of the maxi-taxis are closed while the maxi-taxis are in motion. You will be aware that a teacher in south Trinidad, again, was thrown out of a maxi-taxi because the door was kept open. While she had a difference of opinion with the driver, she was flung from the maxi-taxi while it was in motion. A secondary school student was also flung out of a maxi-taxi in east Trinidad, so that we are now prescribing, in law, that it is the duty of the maxi-taxi operator to ensure that the doors are closed while the maxi-taxi is in operation.

We are also requiring the operator to ensure that all passengers are properly seated, that no one stand on the footboard of the maxi-taxi while it is in motion, that no passengers in excess of the numbers stipulated can be carried in the maxi-taxi and, a very important provision, that the maxi-taxi is not used for any indecent or immoral purpose. We have already banned videos and television sets to prevent the showing of immoral movies, and so forth, with a penalty of \$5,000 which we are putting in this regulation to deal with other indecent and immoral acts in maxi-taxis.

We also require maxi-taxi operators to be suitably attired. Madam Speaker, we spent some time over this. I was persuaded by the female advisers to the

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Ministry of Works and Transport that it would be difficult to designate type of dress for female maxi-taxi drivers, that it might be discriminatory if we prescribed the length of skirt, distance from the knee, the length of the cuff, and so forth. So that rather than be accused of discrimination, and quite properly so, we have left it as "suitably attired".

There is precedent in the existing law with regard to conventional five-seater taxis with regard to this provision, and we believe the court will come to a reasonable conclusion on what is "suitably attired". I do not believe that maxi-taxi operators would be discriminated against for this provision.

Regulation 18 deals with a new category of person: the maxi-taxi conductor. We are now allowing maxi-taxi operators to engage the services of a conductor. However, that conductor must hold a maxi-taxi conductor's permit and there will be specific provisions relating to that permit. The conductor must have attained the age of 18 years, have a certificate of good character, and there are now stipulations with regard to the conductor. They shall not use obscene or abusive language, make insulting gestures, attempt to influence persons to travel on a particular maxi-taxi; stand in the maxi-taxi while it is in motion, consume or be under the influence of any alcoholic beverage, or any narcotic and, the conductor, also, must be suitably attired.

Regulation 19 deals with penalties and we have aligned them to the penalties described in the Act—\$500 for the first offence and \$500 on revocation of the permit for any subsequent offence. Let me go now to regulation 20.

Member for Couva North, I am now dealing with regulation 20.

**Mr. B. Panday:** Thank you.

**Hon. C. Imbert:** Madam Speaker, regulation 113 of the Motor Vehicles and Road Traffic Act, Chap. 48:50—and this is existing law—reads as follows:

"The Licensing Authority may cancel any taxi driver's licence... if the holder thereof is convicted of any offence against any of the regulations contained in this Part or if the Licensing Authority is satisfied that it was obtained by any false representation..."

The provisions in regulation 20 are an almost exact reproduction of the provisions in regulation 113 of the Motor Vehicles and Road Traffic Act. So that there is nothing new in this regulation. In existing law, once a person has one conviction with regard to the Motor Vehicles and Road Traffic Act, the Licensing Authority may cancel that person's permit. We have sought to introduce in the

same way as in regulation 113, some recourse to natural justice, where the person has to be informed of the substance of the allegation against him and he may make representations in writing; bring witnesses; or make representation in person.

There is, in essence, a hearing of the matter. I do not know whether this assists the Member for Couva North, but what I would say is that it is already in the existing law.

**3.35 p.m.**

**Mr. B. Panday:** Madam Speaker, the Member is telling me that there is no right of appeal in these regulations which are put before the House. I am referring to regulation 20(1), (2), (3) and (4). There is no right of appeal.

**Hon. C. Imbert:** What I am saying, Madam Speaker, is that for operators of conventional five-seater taxis, once a person has been convicted once, the competent authority may cancel his permit. We could not see any rationale, therefore, to discriminate against operators of conventional five-seater taxis, where already in law—and this law has been on the books for a long, long time—there is provision that the Licensing Authority can cancel one's taxi driver's licence, and not allow it in maxi-taxis.

In any event, there is a question of interpretation over exactly what is a taxi-driver's licence. So that it was raised that regulation 113 could be used against maxi-taxi drivers anyway. But, in answer to the question for Couva North, there is no right of appeal, either in existing regulation 113 or in regulation 20 of these amended regulations.

I hope I have been able to fully explain the regulations before this House. I hope I have been able to place maxi-taxis within the context of the evolving society of Trinidad and Tobago. I hope I shall be able to answer any points that will be raised by Members on the other side in my closing remarks on this Motion.

Let me go back to a point that I made, which is necessary to stress. I have seen a clear misinterpretation in the reports in the press. It is clear that some persons do not understand that persons who hold owner/operator permits at present, automatically receive operator permits. I just wanted to make that clear. All persons who, prior to the passage of these regulations, had owner/operator permits, automatically have operator permits.

I thank you, Madam Speaker.

I beg to move.

*Question proposed.*

**Mr. Basdeo Panday** (*Couva North*): Madam Speaker, I only wanted to raise one point. My colleagues will deal with the other points. It is the point I was trying to clear with the hon. Member, so I shall be extremely brief, indeed. I was raising the point that in the new regulations before the House, Regulation 20(1), (2) and (3) empowers the Licensing Authority to revoke the permit of a maxi-taxi driver, to revoke the permit of a maxi-taxi operator, to revoke the permit of a conductor, and I was merely asking when—and if you read them, you will see that they are very wide indeed. It says that the Authority may revoke the permit of a person who breaches any of these regulations or section 12A of the Act; and where the Authority proposes to revoke a permit, the Authority shall inform the operator of the substance of what is alleged.

If he wants to bring witnesses, he may bring witnesses and then they shall simply give him a notice saying that his licence to operate has been revoked. Suppose this is being revoked maliciously because of a corrupt act, or for any other reason or a host of reasons? I am not accusing anybody; I am just saying, suppose the Authority is acting without justification, what happens? Is a person who has a taxi-driver's badge not entitled to an appeal? My Friend referred me to the Motor Vehicles and Road Traffic Regulation 113 which says:

"The Licensing Authority may cancel any taxi driver's licence (which expression when hereinafter used shall include a duplicate licence) if the holder thereof is convicted of any offence against any of the regulations contained in this Part or if the Licensing Authority is satisfied that it was obtained by any false representation... The Licensing Authority shall inform him of the substance of what is alleged against him..."

My point is, it does not matter if it is in the Motor Vehicles and Road Traffic Regulations. That is not my point. My point is not that it has been on the statute books with respect to non maxi-taxi drivers. My point is that a society moves forward, from stage to stage, and the fact that it has had a law lying on the books there for a very long time, is not a justification for not saying, "When we have an opportunity, let us review it. Circumstances are changing and society is becoming much more democratic and when an opportunity presents itself, let us change it."

So that the fact that it is on the books with respect to non maxi-taxi drivers, where they have no appeal, really does not alter the argument. I raised this argument, Madam Speaker, and, in fact, what the Minister has told me is that there is no appeal, that the authority may revoke somebody's licence and there will be no appeal.



I raised this point because you will recall that the original Maxi-Taxi Act was invalidated for some reason or the other, and in 1992, the Government came before the House—the hon. Minister referred to it—to revalidate the Act. We, on this side were saying that we would agree to revalidation of the Act provided that they introduced one new clause. That new clause that they had introduced on that occasion, 1992, was that the Government set up an authority which allowed a person who had applied for a maxi-taxi badge or permit, and who had been refused, to appeal to the Authority. In fact, it was in keeping with the struggle we have been carrying on in this House for a very long time, that is to say, that there should be monitoring committees to monitor the implementation of various pieces of legislation. In fact, I am referring to my own contribution on that occasion which was on July 3, 1992, in which I said:

"I rise for a very short moment, and only to reinforce the point being made by my colleague from Nariva; and it really has to do with the regulations themselves.

Now, there was one change that was made in the old Act, as far as I recall. It had to do with the introduction of the tribunal, so that when someone applies for a permit to own and operate a maxi-taxi and he thinks he has been discriminated against—treated unfairly or whatever—he can go to the tribunal. These are regulations which come before you, but they omit, totally, any procedure of how to go to the tribunal."

And we are asking what is wrong.

**Madam Speaker:** Is it in connection with the revocation? The revocation is subject to some sort of review under 20(1); the operator notifying the Authority; hearing representations and so forth.

**3.45 p.m.**

**Mr. B. Panday:** I am talking about 20(1) of the regulations which are before the House. If there is review, I should be grateful if someone would point it out to me; I do not see any.

**Mr. Sudama:** They can make representation.

**Mr. B. Panday:** The very authority which is going to revoke your licence says, "we are going to revoke your licence; come and tell us why it should not be revoked. It shall give you a hearing and then hang you.

**Hon. Member:** It is from Caesar to Caesar.

**Mr. B. Panday:** The Authority says, okay, I have heard you, I shall revoke your licence. What I am asking is: Does a person have an appeal against that? Suppose the Authority is acting wrongly for one reason or another.

The point I am making is that when the Maxi-Taxi Bill of 1992 came before this House, was a Bill to revalidate the original Maxi-Taxi Act that was declared unconstitutional. We on this side, as I recall—I think the Member for Tobago East spoke on that occasion—were saying, yes, we would revalidate that Act but on condition that the Government set up, among other things, a committee which would monitor the implementation of the Maxi-Taxi Act; that was a committee to which people could go if they felt that they were unfairly treated.

That was, in fact, done. That is part of the Maxi-Taxi Act. Incidentally, that argument took place on May 29, 1992—I am referring to my own contribution that I made on that occasion. When regulations came before this House on July 3, 1992, I again asked what had happened to that committee. Why was it not put into operation? Why were regulations not made?

I made that reference today for this reason. The right of appeal may allow for that very committee that was set up under the Maxi-Taxi Act. Do you see what I am saying, Madam Speaker? In 1992, I got this House to agree to set up an authority which would review decisions of the Licensing Authority, had it acted wrongfully in one way or another. The Government comes before the House now with regulations which give powers to take away a person's licence, bread, livelihood. That should not be taken away willy-nilly and not leave him with the right to appeal to some authority that would review the decision.

The appeal I am making to the House today is that the hon. Minister introduce into these regulations a right of appeal to the Authority that we set up under the Maxi-Taxi Act in 1992. If my friend argues that Order 53 Judicial Review might apply, that would apply only to the procedure. I am going further and saying that if it is really in the nature of an appeal as to the content, why did the Authority decide to have the decision reviewed—not the procedure, but the substantive content of the decision.

Madam Speaker, that is the only point I wanted to make. My other colleagues have prepared themselves for the debate, so I am sure they would deal with the other matters.

Thank you very much.

**Mr. Trevor Sudama** (*Oropouche*): Madam Speaker, today we had a rather lengthy introduction to the Maxi-Taxi Regulations which went into every detail.

We are happy that on these not so consequential matters, the Minister can be so forthcoming. I hope that the Government would be forthcoming on significant matters in this House. He went into the history of the maxi-taxi system and he attempted to define the role of public transportation and the maxi-taxi system in that whole system of public transportation.

What the Minister did not tell this House was that by Government policy it was empowering the maxi-taxi to be the key element of public transportation but, at the same time, having the system operated through private arrangements. There is nothing wrong with that, except that if you are operating something as a public utility then you ought to give guidelines and regulations to control. Those ought to have been brought in long before now.

I emphasize, there is a cost to this. Yes, he argued that, look here, the Public Transport Service Corporation is operating at enormous losses and so forth, therefore, the Government, by deliberate policy, decided to introduce maxi-taxis to take over the bulk of the public transportation system. The public transportation system involves a cost to the taxpayer, but did not have the negative consequences associated with the maxi-taxi system. While it relieved, to some extent, the burden on the Treasury, there is a cost in terms of the indiscipline in the maxi-taxi system and the effect on children. There are complaints by people who use the system.

You cannot have it both ways. You took a policy decision that maxi-taxis would be the key element in the public transportation system, but side by side with that, there were no suitable or appropriate regulations and, in fact, there was no enforcement of regulations. This is why we have reached to the sorry pass we are in today, that the Minister came here and talked about the indiscipline in the maxi-taxi system—complete indiscipline. It is an indiscipline which was fostered by the Government because of its lack of monitoring, lack of control of this growth in the maxi-taxi system.

It also refers to the question: to what extent competition is functional. When you introduce competition and you say it is going to redound to the benefit of the consumer in terms of lower transportation cost, to what extent has that become non-functional, and when it was approaching that point of non-functionality what did the Government do to control the system?

We should have dealt with this question of the maxi-taxi and its control a long time ago, but the Government felt that this was an issue on which it could get political mileage, some sort of electoral advantage, so a whole hysteria was

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whipped up in the media that the Opposition was opposing a reasonable regulation and the enforcement of discipline in the maxi-taxi system.

We on this side were deemed the obstructionists, when all we were saying was that we were for discipline; but when the Government brings laws to this Parliament the Government cannot go to the extreme, it cannot be dictatorial. This is why we had insisted that, at least, retain a radio with suitable regulation of the intensity of sound that is emitted. If that suggestion was accepted initially, then the Bill would have been passed a long time ago and regulations would have been in place. Today, we are here so many months later dealing with the approval of regulations.

**3.55 p.m.**

I make this point because while there are laws, it is how the laws are administered that is important. The Minister has a reputation with respect to the administration of law—a dictatorial, high-handed attitude—whether it is with respect to maxi-taxis—which are now regarded as villains of the piece—or whether it is with respect to the wayside venders. Whatever it is, once he has the power to enforce law, he does it with the full severity of an unconscionable administration. So that he goes and breaks down venders' stalls willy-nilly. He sends the grader and other equipment which he does not have to fix roads, but when it comes to breaking down venders stalls, this is what is done; and now, the prosecution of people who operate maxi-taxis.

The Minister has admitted that for investment in a maxi-taxi to be viable, the owner/operator could not operate it all the time. He can operate it for only a certain number of hours per day, but if its operation is confined to those hours, the maxi-taxi would not make sufficient money to pay the instalments and recoup the investment.

The Government knew a long time ago that owner/operator permits had to be reviewed. What did the Government do? The Government permitted people who did not own maxi-taxis to operate them by condonation. The reality was that the Government had to permit operators of maxi-taxis to operate in order to make this thing viable and in order that the owner/operator would have an additional person to operate the maxi-taxi and bring in revenue to make up the instalments. The Government knew that was the reality and yet it retained in the law that it was illegal merely to operate a maxi-taxi if you were not the owner.

I cannot for the life of me understand a Government that sees the need for something and would not do it merely because it wants to exercise authority.

Today, a category of operators is being created by law as a result of this Act and the regulations. Due to no fault of the people who wish to operate maxi-taxis, they cannot get permits, firstly, because the regulations are not in place, and secondly, because there are no forms. Do you know what the Government is doing? The Government is charging people who were operating maxi-taxis with the permission of the owner—they proceed to pull them off the road, charge them and employ the heavy hand of the law on these people who are trying to earn a livelihood, and as the Minister himself admitted, are making a contribution to the recouping of that investment.

That kind of attitude by the Government, I cannot understand. It is irrational, unreasonable and dictatorial, and it shows a certain measure of vindictiveness. When I look at the Member for Diego Martin East, I remember when there was a protest in Woodford Square—with respect to how he unconscionably demolished vendors' stalls and there was a placard which said "Imbert is a beast." That reflected how people perceived the manner in which he runs his ministry and how he employs the law in a very heavy-handed fashion. I said, no, he is not really a beast, he is the dragon man. His only claim to fame is having taken down the perceived dragon from atop the Red House in order to bring good luck to the PNM administration.

I have raised this matter in the House as to why the police are prosecuting people who operate maxi-taxis, and not the owners. The Minister got up in this House and said that it is illegal to do so. I said that the Government has been condoning this for years. The Government has been condoning an illegality which has become a necessity, and it has been doing so for years. Why is the Government putting people through so much inconvenience by the manner in which it administers the law?

In an article in the *Trinidad Guardian* dated September 1, 1994, it states:

"Several maxi-taxis plying the Sangre Grande/Arima route were debarred from operating early Tuesday morning when they failed to produce their operator's licence."

How can one produce an operator's licence when the regulations are only before us today, there are no forms, and the Authority has to approve one's application for an operator's permit?

Now the Government has been doing this, and the Minister admits that. These are people who are trying to make a livelihood in a situation where the

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Government cannot provide employment; assisting the owner in the operation of the vehicle, but the Government goes and harasses them. The article goes on:

"Some 15 drivers who felt the heavy hand of the law, complained they were unfairly treated since they had already made several visits to the Licensing Office in Port-of-Spain, but were told they could not obtain the licence because the necessary arrangements were not in place to provide the document."

It was no fault of their own. Here the Government has this penchant for harassment. It continues:

"When contacted, an official in the maxi-taxi section of the Licensing Office admitted that there was no mechanism in place to produce the documents for the maxi-taxi operators."

This was reported only yesterday. It goes on:

"The officer said, 'We do not have any application forms for the permit, neither do we have the mechanism in place to deal with the situation.'"

Yet people are being prosecuted left, right and centre. I should like to address the country and this House on what kind of Government we have here. It shows in every action it undertakes.

It is these matters which the Minister should be addressing—denying people a livelihood and prosecuting them. Do Members know what the fine is? Five thousand dollars. Imagine a poor operator of a maxi-taxi—he does not own it—due to circumstances that are outside his control, is faced with the possibility of a fine of \$5,000. Do you not see who is responsible for the escalation in crime in this country today?

The operator is told he does not have a licence so he cannot operate, and in addition is being prosecuted and faces a fine of \$5,000. Where will a man who is just barely trying to earn a livelihood by operating a maxi-taxi find \$5,000 to pay to the courts? Do you understand where the genesis of crime is? Partly in the very attitude, activities, actions and policies of this so-called caring Government?

I am happy to see that a number of the suggestions we made on this side in the debate have been incorporated in these regulations. One would recall that I made the point in the debate that the owner/operator of a maxi-taxi is a very responsible individual because he has a key role to play in the public transportation system.

**4.05 p.m.**

Therefore, you ought not to give a permit to any and everybody. There ought to be certain recommendations. I am happy that in addition to having a certificate of good character, the applicant to operate a maxi-taxi should have:

"recommendation from two persons who-

- (a) are not related to the applicant;
- (b) have known the applicant for at least three years;
- (c) hold a responsible position in a company, organization, or the Public Service."

I am asking whether this is not too restrictive. Suppose someone is a professional, he is a self-employed lawyer, or doctor. He does not hold a responsible position in a company, and he wants to give a recommendation to an applicant for a maxi-taxi permit. Is he debarred according to these regulations? I am saying that (c) should be expanded to include "members of recognized professions." Let us suppose the person does not know anybody in a responsible position in a company, in an organization or in the public service, but he holds a responsible position in the church, for example, I suppose that could come under an organization; but suppose he knows a member of a recognized profession, would that mean that he cannot get a recommendation to substantiate his claim for a maxi-taxi permit?

The second question I am asking is: What does the certificate of good character denote? If the certificate of good character from the police merely denotes any convictions which that person may have, then the question we have to ask is, if you have convictions at all, will you get a certificate of good character, whatever the nature of the convictions? You are not supposed to. Therefore, if someone has a conviction for a minor offence, like an accident, does that mean he is debarred from getting a certificate of good character from the police, and therefore does that mean that he would not qualify for a maxi-taxi operator's permit?

In driving, people do get into minor involvement with the law, I am wondering how this certificate of good character from the police is obtained in the first place, and whether it would be inclusive of minor offences which would operate to debar an applicant for a maxi-taxi permit.

When we are passing laws in this House we should be passing reasonable laws, laws that make sense, laws that are not unduly restricted, laws that do not

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unduly deny people's rights. In this instance you are talking about a very significant right, and that is the right to earn a livelihood. I understand there is need for discipline and there is need for control but the law should strike that balance where there is that need—

**Mr. Imbert:** Hon. Member, thank you for giving way. It refers to serious offences.

**Mr. T. Sudama:** I trust there is some definition of "serious offences" so that minor offences would not operate in a way to debar someone from applying for a maxi-taxi permit. Under regulation 5A.:

"...where a person applies to be registered as the owner of a maxi-taxi, the Authority shall, on being satisfied that the applicant has complied with section 6 of the Act and regulation 5(1), issue to the applicant a certificate authorizing the applicant to acquire a maxi-taxi pending the grant of registration."

Madam Speaker, this person will proceed to acquire a maxi-taxi. My concern is, having acquired that maxi-taxi, how long would he have to wait for the grant of registration as owner of a maxi-taxi, given the way the Authority functions? If that is a long period, you would understand what would happen. This person has made a huge investment in the acquisition of a maxi-taxi, but he is awaiting the grant of registration which may take a considerable amount of time. In the meantime, he is not permitted to operate the maxi-taxi, and therefore he cannot earn the revenues in order to meet the demands of his investment.

I should like to have some assurance that the Licensing Authority would proceed as expeditiously as possible in granting the registration, having given the applicant the permission to acquire a maxi-taxi, because it is only then that the person would be in a position to regain his investment.

The question of public transportation and the disciplining of maxi-taxis has to be taken in the wider context of what is happening in the traffic situation in the country generally. We see generally a lack of discipline on the roads, occasioned by a total breakdown of effective monitoring of the traffic situation anywhere in Trinidad and Tobago. There are no patrols on the roads.

I travel three times during the course of the week from San Fernando to Port of Spain, and I could not see one policeman on patrol. The mere presence of the police on the highway would curb the number of accidents, the negligence and the indiscipline which some drivers exhibit on our roads. But we do not have that. We have all sorts of regulations about loading of trucks and the speed at which people



must drive, but there is no monitoring police presence at all—whether of the police or of licensing officers on the roadway. And that is partly responsible for the gross indiscipline that we have on our roads. Merely targetting the maxi-taxi drivers who ought to be targetted—of course it is a key element in the transport system—is not going to deal significantly with the problem.

I see at regulation 12(1):

"subject to sub regulation (2) and regulation 13 no maxi-taxi shall have painted, written or otherwise displayed on its front or rear windscreen or its windows, any picture, painting, advertisement or caption of any sort."

At the moment many maxi-taxis have these paintings on their rear windscreen, windows and so forth. Would they be given a period in which to regularize the condition of their maxi-taxis, or would the Government as seems to be its habit, immediately on passing this regulation go and charge people?

Would there be a transitional period to allow them to comply with these regulations? While I agree that these regulations ought to be imposed, do not forget that there are all kinds of advertisements on the buses of the Public Service Transport Corporation. If the Government is going to deny advertisements on the body of maxi-taxis, would it do the same for the buses of the public transport service?

**4.15 p.m.**

**Mr. Imbert:** It is the windows, the glass area.

**Mr. T. Sudama:** We have the problem of tinted windows and the difficulty that creates for the police. Now, according to this, the Government is going to prohibit maxi-taxis from having their windows and windscreens with any picture or painting advertisement which in effect blocks the view from the outside to the inside. What is the Government doing about the heavy tinting of the windows in motor cars, where one cannot see inside from the outside? It poses a problem for the police in identifying personnel in motor cars who could be criminals or who have been engaged in infractions of the law.

Is there a regulation with respect to tinting in this country and its effects, and if there is, is it being implemented and monitored? If the Government is so enthusiastic about charging maxi-taxi operators who cannot produce a permit on demand when the regulations are not in place, what is the Government doing about people who tint the windows of their vehicles very heavily and cause a problem? Nothing!

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I come to regulation 16(e). We have to deal with transparency in law. We ought to have public criteria to the extent that it is possible. While we want to give enforcing authorities a discretion, we cannot put everything down in law. At the same time, to the extent that it is possible, we should tell people, in advance, of the possibility that they may break the law.

We have that the maxi-taxi be not used for any indecent or immoral purpose. We fully endorse that. Of course, the question is: What is an indecent and immoral purpose? What may be indecent and immoral to my friend the Member for Tobago West, may not be to a liberal man like the Member for St. Augustine. I am a little concerned that, leaving this as it is to the absolute discretion of the authorities, may result in charges that could be variously interpreted as being laid against people. Was it possible not to indicate what is moral or decent behaviour, but what may constitute immoral and indecent behaviour?

In the same way, we talk about "to be suitably attired." That point was raised already. What is it to be suitably attired? He talked about female taxi drivers. I want to know whether the attire of my colleague the Member for Caroni East is considered acceptable attire and anything that falls short of this standard is not suitable attire to drive a maxi-taxi. She does hold a maxi-taxi badge as well.

I would have preferred if there were guidelines which gave an indication of what is not suitable attire. Give some guidelines so that when a driver gets behind the wheel in the morning he would have an idea that he should not dress in that way, and if he does, he runs the risk of being charged and punished and would have to pay a fine. I make that point because I feel that it would cause a fair degree of confusion when these regulations have to be implemented.

We come now to the conductor of the maxi-taxi. He makes an application to get a conductor's permit. All he has to provide is a police certificate of good character. Given the role that the conductors play, I am wondering whether they as well ought not to be required to produce at least one recommendation, saying that they are persons who are well known in the community, and they have had a history of good behaviour. If we do that, I do not think we would be too stringent in the measures that we would like to see implemented, and in the requirement to become a conductor.

The Minister indicated to this House how the conductors behave with a degree of indiscipline and how they contribute to the problems created in maxi-taxi operation. In order to ensure that a conductor of a maxi-taxi does not use obscene or abusive language, or make insulting gestures, there must be policemen at

vantage points to see that these people do not behave in this way. I am arguing that to an extent it is a pre-emptive measure.

If it is certified that he is a person of good character and he can get one or two persons to recommend him as such, then people would not deliberately recommend people who use obscene or abusive language or make insulting gestures. That is a preventive measure, instead of having the conductor in place, and then having policemen monitoring whether he is using obscene or abusive language.

The question of an appeal from a decision of the Authority, where someone is given notice that his permit would be revoked, has already been dealt with by the Member for Couva North. I would not go into that question.

There is an existing situation where it is illegal for one to have a radio in a maxi-taxi without the permission of the Licensing Authority. What is happening at this moment is that people have radios in maxi-taxis, but the arrangements are not in place for them to get a permit in order to use them. If they have other equipment like videos and cassettes, they should have taken those off, but in addition they had radios. The vehicle as of now has a radio. Where are the administrative measures to indicate that the radios which are currently installed in the maxi-taxis satisfy the regulations of the Maxi-Taxi (Radio) Order, 1994?

**4.25 p.m.**

A situation may develop where a policeman stops someone with a radio installed in his maxi-taxi, which may very well conform to these regulations, and the policeman asks the person to show him his permit for the radio. The driver may say to the policeman that the regulations have not yet been passed. The policeman then says he does not want to hear that, just show him the permit. The driver says he does not have a permit. The policeman then charges him and he is required to pay a fine—I believe the fine is \$5,000—for a matter in which this person who operates the maxi-taxi is not at fault.

**Mr. Imbert:** Madam Speaker, I thank the Member for giving way. The relevant prescriptions were in the legal notice I referred to earlier this year. The stipulation in that legal notice is all that is required. The regulations do not apply to that. They are already in force.

**Mr. T. Sudama:** The regulations do not apply? I will read this regulation:

"An operator of a maxi-taxi shall not use a radio or speaker installed in a maxi-taxi, unless the installation of the radio or speaker, as the case may be,

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has been approved, in writing, by the Administering Authority and the operator has the letter of approval with him in the maxi-taxi."

**Mr. Imbert:** The order was already passed.

**Mr. T. Sudama:** The Minister said it is already in the order, but what I am saying is that if there is a situation where you have to issue something in writing to a maxi-taxi operator and he does not have it, because you do not have the administrative arrangements at the Licensing Office to issue this, he operates a radio which could be within the prescription here, would he be prosecuted? If he is, is that a reasonable thing to do?

When we come to this Parliament to pass laws, we must look at how those laws will impact on the citizens. It is all well and good for us to sit here as legislators. None of us is a maxi-taxi operator, and I do not know if anybody, except me, travels by maxi-taxi, so we do not have first-hand knowledge of the situation as it affects both the maxi-taxi operator and the passengers who use these maxi-taxis.

In principle, we have agreed to the regulations; in principle, we have said that there ought to be more discipline imposed on maxi-taxi operators and conductors. We have made suggestions and many of these have been incorporated in the regulations. What we are concerned about though, is whether the administration of these Regulations will be done in a fair and reasonable manner, or whether the enforcing authorities will be exercising the kind of discretion which would indicate to the maxi-taxi operators and others involved that these regulations are being applied in a high-handed and dictatorial manner, not taking into account the circumstances of the operators concerned.

We on this side say that it is better late than never. The problem of the maxi-taxi came about as a result of the negligence of the Government to bring laws to regulate maxi-taxis. Laws and regulations to regulate maxi-taxis should have been brought to this Parliament a long time ago to bring a measure of order, discipline and comfort to those involved.

**Madam Speaker:** Will the hon. Member be much longer?

**Mr. T. Sudama:** No, I shall not be very long, Madam Speaker. As a matter of fact I did not intend to go on for this length of time.

Yes, we agree we have a few problems with some of the regulations, like the way some of them might be administered. We have a few problems with the review aspect—any indication that someone may have his permit revoked. We

have problems with respect to guidelines to things like suitable attire and with respect to who could provide recommendations for applicants who need a permit.

We are always willing and ready to support and to participate in the making of good laws. In view of the input we have had in this particular legislation where we forced the Government to agree that at least a radio must be retained and properly regulated in a maxi-taxi for the comfort of passengers, we give our support to the regulations.

I thank you, Madam Speaker.

**4.31 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Mr. Mohammed Haniff** (*Princes Town*): Madam Speaker, I wish to make a short contribution on the Maxi-Taxi Regulations before us, and to point out that I have been looking on at the proceedings in Parliament, the behaviour, and the temperament. I noticed quite clearly when we debated the Maxi-Taxi Bill on the last occasion, the spirit of compromise and understanding was there. It seems to be here, again, today.

When we debated the Bail Bill the same thing happened. I ask the question: Why is it that a spirit of understanding and compromise, which naturally redounds to the benefit of the nation, is not always there?

**Mr. Valley:** Madam Speaker, all the Member has to do is to talk to those two Members in front of him; we are willing at all times to have that spirit of compromise, to bend backwards, to meet the Opposition. [*Interruption*]

**Mr. M. Haniff:** It is misunderstood, because I am naturally speaking about the behaviour on that side.

Madam Speaker, the Maxi-Taxi Regulations have come before us six months later than they should. The Minister said in February that the regulations would have been before us six weeks after we debated the Bill. Six months later, we are here, debating the regulations. These regulations—incidentally we are discussing them at the time when school is about to be reopened—have a significant effect on the school population. The question is whether the authorities are prepared to deal with the situation outside there?

My colleague the Member for Oropouche mentioned this article appearing in the *Trinidad Guardian* yesterday, which has to do with the authorities not being

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prepared to deal with the existing situation. What this has been causing, and will no doubt continue to cause, is great inconvenience to all concerned.

I have been meeting and discussing with operators and conductors, and it is a situation where unemployment is rampant. I do not know whether the Minister and others understand that in the maxi-taxi trade nowadays, persons are assigned one and two days per week, only to get a little chance to earn some funds. When this kind of situation occurs, it affects their family affairs. This is a serious matter.

The point is, that these regulations should have been in place, and we cannot over-emphasize the point. This is just a reference to so many other aspects of operations in our country. These regulations ought to be in place—sometimes the taxi-drivers come out to make two days per week; sometimes the conductors come out to make a day or two per week. That is the kind of situation you have.

When that is coupled with the overall hardship being experienced all over the country where job opportunities are scarce, it is manifest that not only in respect of the Maxi-Taxi Regulations is action necessary but that the authorities need to take steps to put the machinery in place and have it working so efficiently that these setbacks would not take place.

Madam Speaker, it causes confusion even in the ranks of the police officers: this is nothing short of a total embarrassment to all concerned. This situation here. I quote from the document:

"The maxi-taxi drivers were allowed to remove their vehicles around noon after police had cleared-up the matter with officials of the Licensing Office. In the circumstances I ask: Will there be other situations like this? If not, what steps have been taken to deal with it in the interim?"

Madam Speaker, as I said, the school reopens on Monday, and you have that great number of school children depending on the maxi-taxi system, with the resultant chaos. Transportation generally in this country needs regulating and organizing. There is a high demand for organized transportation in many parts of the country. In certain areas the Minister is aware, I am sure, that there due neither buses, nor maxis, nor conventional taxis. Well, there are certain questions to be asked: How are we going to deal with that?

Madam Speaker, do you know what was brought to my attention? The games of Play Whe and Lotto are now rampant in the maxi-taxis. I am not raising it in the sense of castigating anyone, but I am doing so because of concern about what is happening with the school children; the sort of operations taking place in the maxis in which they are liable to be involved.

What then are we doing to deal with that situation? Has anyone given thought to it? Perhaps it has not been raised, and Ministers are not aware. But something is happening with the regular operators and regular passengers where this 'Play Whe and Lotto' are played inside the maxi-taxis. I thought, if only for monitoring it, there is need to see whether it is causing concern within the community.

Madam Speaker, Regulation 5(1) says:

"An application to be registered as an owner....accompanied by a fee of one hundred dollars:"

There is a situation where we shall have to regulate the number of maxi-taxis in the country. I have listened to the hon. Minister and he says that there have been periods when they were not adding new maxi-taxis to the system. In that situation, I want to enquire whether the authorities would continue to accept applications and take that hundred dollar fee from them even though the Government is not allowing further additions to the existing number of maxi-taxis.

### **5.20 p.m.**

If there is a period when the Government decides that it is not going to bring on additional maxi-taxis, is it going to continue that register? Would-be owners would want to apply hoping that if and when new maxi-taxis are to be added to the list, they would be considered in that order of priority. I ask the question: Is it fair to take applications together with the hundred dollars that is suggested here, and keep them there even if the Government is not going to add new maxi-taxis to the existing list? To deal with that situation, the Government may need to develop a system to register these would-be owners, these applicants, and have them pay if and when their applications are agreed upon.

There are a few other points that I should like to make. Regulation 14 states:

"The operator of a maxi-taxi shall not, without reasonable excuse—

- (a) refuse to be hired by a passenger when the maxi-taxi is standing for hire at a taxi-stand;"

To what extent can we monitor this? What claim does that passenger have if he or she is not treated fairly? That passenger may have a reasonable claim. On the other hand, we are saying:

"(b) refuse to accept a passenger with a reasonable amount of luggage"

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Do we have guidelines? Sometimes we must agree that it is not reasonable. Some people may be reasonable but in other people's view that person might be unreasonable, but that person is seeking to get clarification. As a result, I think there is need for guidelines. Perhaps, weight or size of luggage.

My main concern, however, is maxi-taxi stands and the queuing up of maxi-taxis. In many parts of the country we do not have adequate maxi-taxi stands, as was stated by the hon. Minister. When would these maxi-taxi stands be developed and what would happen in the interim?

The regulations are very strict. One of them deals with preventing maxi-taxis from taking up passengers certain distances from the maxi-taxi stand. At the same time, it is causing major congestion in many of our towns. There is urgent need for regulating what is happening in Princes Town. If one has to pass through Princes Town on mornings before the police arrive or, if for one reason or another, the police are not on the streets, one would see that there is chaos. Therefore, there is need to establish and regulate maxi-taxi stands. The Minister mentioned it but I am of the view that there is need to deal with it much faster than is taking place at the moment.

In addition, there is a situation where there is need for officers from the Licensing Office to look at these regulations and implement them. Most of the regulations seem quite workable, but do we have a sufficient number of officers from the Licensing Authority, from the Traffic Branch arrangement; from the police to supervise and see what is required here? The situation could be lovely regulations, no monitoring: everything gets out of hand.

As far as the conductors are concerned, these regulations seem reasonable on paper. Are we looking at what really goes on there on the maxi-taxi stands and the streets in the absence of police and other officers to monitor what is happening? I have been looking on at the operations and it is harassing to the members of the public to pass near to any maxi-taxi stand or wherever they operate when they are hustling and trying to get their maxi-taxis filled.

In the circumstances, the conductor is not expected to use abusive or obscene language. If in such a situation the conductor uses such language, how would the matter be dealt with? In the normal process where one must get witnesses and go to the police; which is time consuming, I thought the Minister would have told us how it is intended to operate that aspect of it.

Madam Speaker, regulation 18(4)(d) states:

"A conductor of a maxi-taxi shall not -



- (d) consume or be under the influence of any alcoholic or narcotic substance while on duty."

It applies also to the driver. If either is under the influence of any alcoholic or narcotic substance, how would this be dealt with? In such a case, is this not a situation where the police ought to be equipped to deal with such a complaint? For instance, a breathalyser or some kind of equipment could be used to determine whether the person, be it operator or conductor, is under the influence of alcoholic or narcotic substance.

The maxi-taxi culture is very disturbing, nay, distressing when one considers the attitude one encounters outside there. These regulations are attempting to deal with the situation but let us understand that it is a massive situation that has to be dealt with.

May I also enquire whether cigarette smoking is allowed? I hope that it is not. It ought not to be allowed in a public vehicle, but it happens. I recommend that cigarette smoking be disallowed, totally, in all public vehicles. Trinidad and Tobago is small and I think the smokers can await the next destination before that next cigarette is lit. This needs to be looked at.

With respect to narcotics and alcoholic substances, there is a situation in Trinidad and Tobago where, for some reason, the maxi-taxi—and its operation—was allowed to get away with a lot and much indiscipline still continues. We must call on all concerned because this is a crucial part of our transportation system.

Maxi-taxis create employment for some of those who are unemployed, but is it not at the expense of the Public Transport Service Corporation? What is happening with the Public Transport Service Corporation? Are we going to develop the PTSC side by side with the maxi-taxi, or are we going to continue to let it go down, send home the workers and allow the maxi-taxi trade to pick up? While it is picking up, what is happening?

### **5.30 p.m.**

We have the matter of payment. The operator goes down the road at great speed because he or she is expected to make a certain sum of money within a prescribed period so that it could pay for the maxi and pay the owner, the operator and the conductor.

My colleague pointed out—and it is true—that there are not enough patrols on the road to look at what is happening. That situation is encouraging youngsters to go out there and work for little or nothing and it brings into focus the regulation of wages.

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First of all, there is need for a Minimum Wages Act to be implemented. Workers all over this country have been asking—and we have raised it in this Parliament—and it is likely to affect them because it is unreasonable to continue allowing people to work for very small sums of money under all sorts of conditions when there is no regulation—not even a thought—for minimum wages. I would imagine that the conductor who is applying for a permit must attain a certain age and, therefore, he is an adult and expects to earn a reasonable sum.

**Miss Nicholson:** What is reasonable?

**Mr. M. Haniff:** That is why we ought to be guided by the Minimum Wages Act, which ought to have come before this Parliament a long time ago. This is not the only category of worker who is affected; other categories of workers continue to ask what is the situation.

I have mentioned the need for officers—proper monitoring cannot be really underestimated. When one goes to the maxi-taxi stands there is no officer there. The maxi-taxis are cutting in and out, hustling, there is congestion, there is noise—all sorts of things, and as a result there is need for officers to be present.

There is a situation, even in Government offices—last night I heard that the post office, apparently, is sending home workers. There is an increase in the number of unemployed people, and chaos is building up. There is confusion on the roads—accidents are caused. Some 99 persons have died on our roads. Unfortunately, some of these deaths are due to the attitude of the operators of maxi-taxis.

We have heard about motorbikes coming on stream—the police are being given motorbikes. I do not know what the situation is, but we have not seen any in Princes Town, and in many other parts on the highway, we are not seeing them. I have observed that if there is one police officer, the attitude of drivers is different—operations tend to go much more smoothly than if there is no police officer at all. It is a way of life; it is not what ought to be, but it happens and as a result we need to find out whether there is need for additional officers and where that need is.

We have a certain number of officers on our staff, but we need to find out whether there is any attempt to put officers on patrol so that we could get some ease up on that situation out there.

Perhaps the Minister can tell us—since this is a form of employment—are these workers expected to be registered under the National Insurance Scheme by

the owner or operator of the maxi-taxi? What system is there? Naturally, as workers they need to be taken care of.

**Miss Nicholson:** PNM does not bother with that.

**Mr. M. Haniff:** That is the point, Madam Speaker; Maxi-Taxi Regulations, yes, but in the context of what is happening in the country today, we need to examine all the operations.

Madam Speaker, I am not going to allow my time to go by without pointing out that there are many areas in the country where maxi-taxis cannot go, the reason being the condition of the roads. What is happening in such a situation? As I mentioned on the last occasion, I have been going to the authorities, but nothing is being done, and they are saying it has to do with the funding.

I want to plead with the Minister—I will not dwell on it—to look at these complaints, because school children and teachers are affected and it is not reasonable for a Member of this Parliament to come here or write to the civil engineers, or whoever, about the terrible situation. We are not talking about paving roads now; we are talking about a situation where maxi-taxis, private cars cannot go—buses we do not have at all—and as such, children are affected. One cannot force a maxi-taxi to go in a situation like that, but the overall picture needs some attention.

My brief intervention really has to do with my concern with maxi-taxi stands and how they are operated; how they are monitored by police officers, licensing officers, and Traffic Branch arrangements with road signs, taxi signs and what have you. To have had 99 people killed on the roads so far this year is quite a figure, and I feel sure that if there is a collective and deliberate effort, the maxi-taxi system could develop to become what we hope it will; but it really needs much work on the part of the authorities, first of all, and collectively—the nation at large.

Thank you, Madam Speaker.

**Dr. Carl Singh (Tabaquite):** Madam Speaker, the spirit of goodwill continues for the rest of the day and I shall be rather short in my contribution.

**Mr. B. Panday:** They are not short on goodwill.

**Dr. C. Singh:** Madam Speaker, we are here, today, debating the regulations put in place for the efficient and safe functioning of the maxi-taxi service. This has been brought about through the abandonment of the railway transport system

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in the 1960s. This is, in a way, putting the duty on the private sector to provide public transport for the people of Trinidad and Tobago.

The regulations are before us today—and as the Member for Princes Town alluded—rather belatedly. They are late. They should have been here long before. He has alluded particularly, to the situation that exists in Princes Town. I do have reason to go there frequently, and a short distance of less than half a mile, at peak hours it can take anything like 25 to 45 minutes to cover that.

In this very Parliament, the Fourth Session, many requests and attempts were made to have the Minister of Works and Transport consider the acquisition of the M1 and M2 roadways in the vicinity of Princes Town. These are roadways built by Caroni (1975) Limited. The recommendation will help ease the congestion in Princes Town, particularly. It is a small town and when there are 25 or 30 maxi-taxis on the roadside picking up passengers, I do not know how they are going to negotiate. With the regulations to charge you for picking up passengers within 100 yards of the specified station, there would be real chaos.

**Mr. B. Panday:** Everywhere is within the 100 yards!

**Dr. C. Singh:** As the maxi-taxis pass along the roadway one can hardly get in and out of the business places. The roadways I am talking about, the Caroni M1 and M2 will help traffic that is passing through and beyond Princes Town on the eastern side. The roads are built to transport heavy vehicles—cane trucks of 10 to 20 tons. It needs very little work to put them in place to alleviate the suffering of these people in Princes Town.

One has, also, to appreciate the problem of pollution that exists in slow traffic in a small town—petrol, noise, stress and strain. Nerves are on edge and there are fights and incidents of that nature.

I alluded to the lateness of these regulations because sections 3 and 4 of the Motor Vehicles and Road Traffic (Amdt.) Act of 1978 are unproclaimed. Section 3 deals with the conditions to be satisfied before renewal of licences. Section 4 empowers the Licensing Authority to designate premises for the examination of vehicles. One should go to the Licensing Office in San Fernando and see the chaos down there. It is really something to worry about.

**5.40 p.m.**

Madam Speaker, regulation 5 says:

"(1) An application to be registered as an owner of a maxi-taxi shall be made to the Authority in the form set out as Form 1A in the First Schedule and shall be accompanied by a fee of one hundred dollars.

(2) An application for a permit to operate a maxi-taxi shall be made to the Authority in the form set out as Form 1B in the First Schedule and shall be accompanied by a fee of one hundred dollars and the recommendation of two persons..."

Is this going to be an annual exercise? Or, if one had been issued with a licence to operate the maxi-taxi, one does not have to reapply? Does the owner who operates his maxi-taxi have to pay a fee of \$100 as owner, and also another fee of \$100 as operator? These things are not clearly stated here, and I think some consideration should be given to them. Because, if one is the owner and operator, one should not have to pay two fees of \$100 each to get the owner's and operator's licences.

In looking at Form 1A in the First Schedule, one sees—

"Declaration in respect of application to be registered as owner of a maxi-taxi"

For giving false information, the person is liable to a fine and imprisonment. Breaches of the Maxi-Taxi Act carry a fine of \$5,000—that has been specified—and breaches of the regulations in respect of conductors carry a fine of \$500. In this circumstance, where a declaration in respect of application to be registered as owner is liable to a fine and imprisonment, at whose discretion? Would he be charged whatever the Authority wants? I think it should be specified directly what is to be the fine for such breaches.

Regulation 18 states:

"(1) Subject to subregulation (2), an operator of a maxi-taxi may engage the services of a conductor at such times as he thinks fit.

(2) An operator shall not employ a person as a conductor unless that person is the holder of a maxi-taxi conductor's permit."

The operator of a maxi-taxi "may engage." I think it gives a discretionary power to the operator. In the circumstances where we have maxi-taxis carrying 25 passengers, it would be inconceivable for the operator to do everything himself; it should be mandatory that a conductor be employed.

Secondly, I think Regulations 18(1) and (2) should be deleted and replaced by—

"The operator/owner shall employ the services of a licensed conductor."

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As it goes on to define in regulation 18(3)—

"The Authority shall, upon application in writing, issue a maxi-taxi conductor's permit to a person who has attained the age of eighteen years and who has a police certificate of good character."

When the operator applies for his licence he has to produce two recommendations. One would also appreciate that the conductor interacts more with the passengers and I do believe—as the Member for Oropouche alluded—that it should also be a requirement that two recommendations accompany an application for a conductor's licence.

Regulation 20 states—

"(1) The Authority may cancel the permit of a person who breaches any of these regulations or section 12A of the Act."

When it says "a person", does this mean that the owner's, the operator's or the conductor's licence can be cancelled? It should be specified as to whose licence can be cancelled. One cannot disqualify the owner of a maxi-taxi if the conductor breaches a regulation. Or, if the operator breaches a regulation, disqualify the owner and the conductor. This would probably need further elucidation.

Madam Speaker, I promised to be very short. Those were some of the concerns I had to express. One cannot operate an organization without regulations; I think they are essential, and I do hope that they would be expeditiously implemented.

Also, where facilities are not as available as they are in Port of Spain, better policing should be implemented to regulate these vehicles as they create chaos, confusion and other problems. Finally, let me emphasize that the acquisition of the M1 and M2 roadways in the Princes Town area would be a very important step in relieving the congestion that exists there.

Thank you, Madam Speaker.

**Mr. Krish Jurai** (*Nariva*): Madam Speaker, I rise to make a small intervention on the Maxi-Taxi (Amdt.) Regulations 1994. I should have thought that the Government would have come today with a comprehensive piece of legislation to deal with some of the major areas that affect the operation of the maxi-taxi trade.

In 1992 the Minister said that comprehensive maxi-taxi legislation was to be brought to Parliament soon and would address areas including whether conductors

should be licensed—we are dealing with that today; the issue of tinted windows—we have not seen anything of that to date. We dealt with music, and the need for special driving tests for operators.

There are a number of areas in addition to those which the Government has not touched upon with respect to the Maxi-Taxi Regulations, and I should like to reiterate some of these: tinted and obscured windows, defective tyres, ensuring passengers' safety and comfort, investigation of passengers' complaints, the provision of adequate maxi-taxi stands and parking—of course the Minister dealt with some of those today: rebate of customs duties, the breathalyzer test for drunken drivers and rebate on the motor vehicle tax payable on the purchase of vehicles.

**5.50 p.m.**

The Member for Oropouche has already mentioned the dark tinted windows that affect our view from the outside into vehicles. Since the country is plagued with crime, I think the Government ought to seriously consider what the level of tint on windows should be or whether there should be tint at all. I just want to recall an incident that occurred earlier this week.

On Tuesday afternoon as I was driving along the Churchill-Roosevelt Highway in the vicinity of Tunapuna—I was on the right hand side of the two lanes. Two vehicles ahead of me, a car, had dark tinted windows. A police jeep pulled in front of the car. Of course, I thought the police had a right to do so because you could not see inside the car. Several policemen with guns came out and surrounded the driver.

When the driver turned down the window, what we saw was a family—husband and wife with two children in the back seat. Immediately the police had to withdraw. It just goes to show the concern that these tinted windows cause. You do not know what is taking place inside these vehicles. I think there are sufficient reasons for the Government to consider taking action against dark tinted windows.

Much has been said about defective tyres. I simply want to recall that sad experience we had last year around Christmas time when a tyre of a maxi-taxi blew out. It is alleged that the maxi-taxi had a defective tyre, and several lives were lost.

I know there may be regulations to the effect, but we wish to see more stringent control on defective tyres to ensure passenger safety and comfort. There

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is need for investigation of passenger complaints. At present it appears that there is no one to whom passengers can turn with complaints about maxi-taxi drivers and touts. Apparently there is need for legislation or some authority to whom passengers can address their complaints. The reason I quoted this is that I want to read for you an article which appeared in the *Guardian* of January 15, 1994.

It says:

"Conductor fined for pushing girl from maxi-taxi"

An Arima magistrate blamed loud music in a maxi-taxi as the reason the conductor bodily threw out a school girl passenger from the vehicle.

The court prosecutor told the magistrate before he passed sentence:

The court must take cognizance of the fact that young children going to school are not safe even in maxi-taxis.

Yearwood told the court that 16 year old Rena Antoine a Form 5 student at the St. Augustine Comprehensive School was a passenger in a maxi-taxi on the Priority Bus Route near Arouca on October 19, last year, when she asked Shepherd to turn down the music. She stated at the time she was trying to study while travelling home."

Although there is legislation controlling the music, I understand there are some maxi-taxi drivers who still play loud music, and dub music in particular. But I am sure that with the stiff penalty that is in place, that would take care of them.

The article continues:

"The prosecutor said Shepherd grabbed Antoine and dragged her from her seat and when the driver stopped the vehicle Shepherd pushed her out on the road causing her to hurt her shoulder. Shepherd threw her books and her pair of glasses valued at about \$1000 out of the vehicle."

I am wondering whether the courts are sufficient to handle these matters because we have to consider the lengthy delays before these matters are aired in court. I am wondering now with the prolific growth of maxi-taxis, whether there should not be some Authority in each region or area to which passengers may complain.

In the form before us today—Application to operate a Maxi-Taxi—the particulars of the operator must be stated. I would suggest that the permit to be granted should bear the photograph of the operator so that people could see at a glance whether the licence agrees with the person who is operating the vehicle.



I should also like to see that this permit to operate a maxi-taxi be of a fairly large size, and it should be displayed in a prominent place so that anyone entering or leaving the maxi-taxi could clearly see who is the operator of the vehicle; his badge number and also the vehicle number should be displayed inside the vehicle so that the passenger would be able to see exactly which maxi-taxi he or she is travelling in.

From my experience when I am travelling, the first things I look for are the vehicle number, the badge number and the operator's name and address. I take note of those because I am scared like hell whenever I am traveling, particularly in strange vehicles.

Let me just go back to passenger complaints. Earlier this year there was a serious complaint of a passenger, a school teacher who was travelling with school children. Because the maxi-taxi was overloaded she objected and she was subjected to much humiliation and embarrassment. Eventually the matter ended in court.

This incident occurred in Rio Claro and some seven or eight months later. I see this matter is listed to be heard at the Sangre Grande Magistrates' Court. I wonder if there is a Magistrates' Court in Mayaro and Rio Claro. Why is this matter brought seven or eight months later to the Sangre Grande Magistrates' Court? I think there is need for someone *[Interruption]* you are putting the complainant at a disadvantage—from Rio Claro to Sangre Grande?! When you can have it transferred back.

### **6.00 p.m.**

At the beginning of each year there is a massive build up of traffic at the Licensing Office caused by persons seeking renewal of motor vehicle licences. I am wondering why the Government has not introduced staggering of the renewal of motor vehicle licences, as it has done with driving permits. I think that would ease many of the problems that exist at the three major offices in Trinidad and Tobago.

I am also wondering why the Government has seen it fit to close the Sub Licensing Office which was operating very successfully in Sangre Grande for over 50 or 60 years. The closure has been causing severe hardships to people who live in those areas because they have to come to Port of Spain from Toco, Matelot, Sangre Grande, Fishing Pond and Biche. More than that, many of the farmers have to bring their vehicles all the way to Port of Spain for inspection and licensing.

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One of the common complaints is that the tyres on the farm equipment are not suitable and as a result when they are driven on the roads the tyres are damaged. They put these vehicles on trailers but when they get to the Licensing Office in Port of Spain there is no offloading bay to take these vehicles off the trailers, so they have to go down to Wrightson Road to find an embankment where they can offload the vehicles. I think that if the Sub Licensing Office is reopened in Sangre Grande, it would ease much of the hardship that is presently being experienced by the farmers.

If the Government can decentralize health, I do not see why the emphasis is on centralizing the operations of the Licensing Office. I do not know if this is a fact, but it needs mentioning. I have been told that since the operation was centralized the Licensing Office has had a shortfall of \$17 million for the first half of the year. The Minister may wish to correct this later on.

I cannot help but mention some of the problems that affect my constituency. I say this because the maxi-taxi drivers are having severe problems driving on these roads. When I raised the issue earlier on, the Minister said that these are not main roads, but I wish to point out that the Cunapo Southern Road links Sangre Grande to Rio Claro. That is a major link road. I do not see how the Minister could say that that is not a road which needs immediate attention.

In addition, there is the Plum Mitan Road and more recently, the Little Coora Road which my friend the Member for Toco/Manzanilla knows very well has become virtually impassable. In those areas the smaller maxi-taxis have more difficulty in operating these roads because of the major potholes. In addition, Bonair Road, Mafeking Road, Guaico Tamana Road, Coalmine Road, Coalmine/Tamana Road, Rio Claro/Tabaquite Road are all connected to the constituency of the Member for Tabaquite.

I have to appeal to the Minister to do some immediate emergency work on these roads. If the roads are repaired, it would ease the hardship on the passengers because the maxi-taxis would be able to operate as they should. Normally, when the drivers of these maxi-taxis leave these country areas in the morning, they prefer to work on the main roads. They come out on mornings, work all day on the main roads, and return in the evening. As a result, the people in those areas suffer severe hardship transportation wise.

I am calling on the Minister of Works and Transport to look into the repairing of these roads and so ease the hardships on the maxi-taxi drivers.

Thank you.

**Mr. Gideon Hanoomansingh** (*Pointe-a-Pierre*): Madam Speaker, I hope neither you nor hon. Members would see my contribution, though brief, as a deliberate attempt to keep back Members unduly in this House. We are getting into a recess which I have been asking for since the second day I got into the House. I also give the hon. Leader of the Opposition the assurance that I am nobody's victim as I saw in the newspapers over the weekend.

I think that what I have been listening to and the conclusion that I have drawn is that there is really need for proper record keeping in Trinidad and Tobago. I believe that no amount of legislation would be effective in any way at all if we really could not police the laws of the country properly and effectively. I say this because from time to time, legislation is passed in this honourable House—intended to ensure the safety of the people of the country—and for one reason or the other the policing of it is woefully inadequate.

I have no doubt that the same thing would happen if those charged with the responsibility of ensuring the safety of the population and the enforcing of the legislation did not do their job effectively; and it does not matter what we say in the House, or what we do in terms of any collectivism, we would continue to run into difficulties.

My understanding is that one of the reasons for this debate is the loud and lewd music played in maxi-taxis. Whilst there is a provision in the legislation that if an operator plays or allows to be played in his vehicle loud and lewd music he would be found guilty of violating the laws, I am wondering to what extent this takes into consideration what appears to be the breakdown of the moral laws of the society.

If young people, who are influenced to a large extent by what they hear as they grow up, decided to abide by the provisions of the Maxi-Taxi Act, and they walked with their Walkmans, as they disembarked from these vehicles who is to stop them from playing that loud and lewd music influencing their young minds? This is why I submit that if there is the ineffective policing of the legislation, it does not matter what we say in this honourable House, it would not work.

On the point of record keeping, I have heard quite a lot about the shrinking job market. The Minister indicated in his moving the Motion that recommendations are necessary in order to allow people permits to operate as operators, and from what I understood from the Minister's presentation, one needs not only a certificate of good character, but also a recommendation from a person of good social standing in the society.

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My thoughts are whether these are sufficient to allow a person a permit to operate a maxi-taxi. When we consider the shrinking job market in Trinidad and Tobago and the concomitant social consequences; and when we take into consideration the fact that there are people who are gainfully employed in this country as policemen, fire officers, members of the teaching profession and public servants who operate maxi-taxis, I wonder whether people should be required to produce only a certificate of good character and a recommendation from someone of good social standing to be allowed a permit.

I know of instances where there are school principals in this country who operate taxis on a daily basis after school; sometimes during school hours and you can well imagine during the vacation period much of this takes place. What it does to the society is to add to the jobless community. I feel the Minister should apply some measure of restraint on these people.

Even though there are people who are gainfully employed in the professions in the country, governed by some kind of legislation like the Police Service Commission, the Teaching Service Commission or the Public Service Commission, they are the ones who violate the laws. And if they violate the laws without the policing, then what is going to happen to the legislation that we are now looking at? I feel that we should very seriously consider this as an aspect that would lead to the eventual control of the legislation.

The Minister spoke about ownership. I believe to some extent this allows for the control of the free enterprise system introduced in Trinidad and Tobago by previous PNM administrations. I say that because it is now that we have come to the point where only one person can own a maxi-taxi. The free enterprise system in Trinidad and Tobago in the past catered for any number of persons owning any number of vehicles and property. Now, we have reached a point where we are determining that one person can own one vehicle. That is all well and good.

For record keeping, how are we going to determine that one person who has an enormous amount of money cannot buy five or six maxi-taxis under different names and operate them?

**Mr. B. Panday:** They can now.

**Mr. G. Hanoomansingh:** My understanding, from what the Minister was saying, is that there is a limit to the number of vehicles one person can buy. If that is the case, is there a mechanism in the law to trace every aspect of the transaction from one owner, or perhaps to determine how best we can stop one person from purchasing five or six vehicles, so that another person who really deserves an

opportunity to earn a living would be able to do that? I feel that is something we should look at.

The Minister spoke about legislation that would prevent a certain measure of indiscipline in the trade where a maxi-taxi would not be allowed to take up passengers 100 yards from the designated stands. What I am wondering is, if a person boards a maxi-taxi 100 yards away from the designated stands, whether we cannot have legislation to curb that, and help to foster a disciplined commuting society.

It happens in other countries. I have been to Malaysia where I have seen that no matter what happens if one tries to stop a taxi outside a designated pick-up area, whether it is 100, 200 or 300 yards from the area, the taxi would not stop because the driver knows the consequences of the law. If we are trying to develop a system whereby we can create a disciplined society, perhaps, in a two-way system, if it is that you apply the law to the operator of the maxi-taxi, I feel to some extent the law should also be applied to the person who is assisting the operator in violating the law.

I feel this is the way we should go if we are to really develop this disciplined society that we are talking about. The Minister said that maxi-taxis would benefit from a self-contained maxi-taxi stand system. Developing these designated self-contained maxi-taxi stands, would facilitate the growth of the maxi-taxi industry. And we would find out from the Minister—with the increasing number of maxi-taxis that would be on the roads not long from now because of the increasing commuting population—how possible it would be to sustain that idea.

When you talk about the construction of public conveniences, self-contained stands with offices, I have no doubt they would work effectively, once the proper mechanisms are in place. With a shrinking economy and the quest to provide all the amenities for the people and the social consequences, I ask, to what extent that suggestion would be a reality before long in Trinidad and Tobago?

I feel that whilst we look at all the positive points of the legislation, at the same time we must be realistic about what we do and the provisions for our citizens. I feel that it would be instructive for us all to look ahead to the greater aspects of the legislation in the interest of the population, and we should take into consideration all the factors so that we would not end up with just mere words, by way of legislation that would not redound to the total benefit of the society.

Thank you, Madam Speaker.

**6.10 p.m.**

**Mr. Subhas Panday (Nariva):** Madam Speaker, my concern about this piece of legislation is whether it would suffer the same fate as the Litter Act, in that, we have the legislation, but it is not implemented nor policed. The current number of policemen is certainly inadequate at this time. If we depend upon the regular police service to police this piece of legislation, it is certain that it would suffer the fate of the Litter Act.

What we suggest is that more persons should be brought into the system to police this piece of legislation. And the time, probably, has come for the appointment of traffic wardens. We shall release policemen to deal with the more serious crimes for which they have been trained. If one finds it difficult to bring in traffic wardens as private people into the system, maybe, we could look at the use of SRPs. There are about 500 SRPs, it is said, who have already been trained, and they are unemployed, and this may be a good opportunity for the Minister and the Government to bring in SRPs to police this piece of legislation.

The wages of SRPs, especially those who are not regular, are \$42 per session of three or four hours on the beat. The cost of bringing SRPs into the system to deal with this type of offence will certainly be balanced by the rewards that will come into the coffers of the Government. That is one area in which we should like to see some action taken to ensure that the laws are being obeyed.

This piece of legislation tries to deal with indiscipline at the maxi-taxi stands. But the indiscipline does not end there; it continues along the road. One sees on many occasions that the maxi-taxi drivers stop suddenly, anywhere passengers stop them; stop at the top of a hill and at a corner, thereby causing accidents, or causing traffic jams.

In order to have discipline not only at the maxi-taxi stands, but also along the route, maybe the setting of certain maxi-taxi stops along the road, so that other drivers would know where the maxi-taxi stands are, and would expect the maxi-taxis to stop there, and not have the problem where a maxi-taxi stops in the middle of the road, on a corner, at the top of a hill, moves off 100 feet and stops again. So that if we have these stands *[Interruption]* How it cannot work? PTSC has bus stops, and you knew where to go to the bus stand, to get the bus. If we do that, it might be an incentive to the travelling public to use that system.

Maybe build shelters wherever you have these maxi-taxi stops. We want to have order and discipline in the society. We must have discipline, as the Member for Pointe-a-Pierre has said, not only on the part of the maxi-taxi operators and

the people who use the public transport system, but indeed, throughout the whole society. That is why, as we say, we are in the mood at this time in the history of the Parliament of coming together, where we are giving, and we are putting forward ideas, so that the society could be a better one for all of us to co-exist.

This honourable House has passed legislation dealing with loud and lewd music in the maxi-taxis with cassette recorders. When one listens to the type of music coming from certain radio stations, one would understand that the only effect we had was moving away the cassette recorders but we are having the same type of music on the radio.

Maybe the Government could use its offices to let the radio stations know that they have a role to play in society—not merely to criticize—a positive role in moulding the society. The press puts pressure on the Parliament; the Government now must put pressure on the media to ensure that they perform their role so that the society would improve.

**6.20 p.m.**

What the media do is talk about other people having roles to play in order to make the society better. They give you that on the one hand, and they put pressure on you, they make you a target in society. On the other hand, they themselves perform activities which bring down the morality of the society. The time has come when everybody must perform their functions to have a better society. We call upon the Government here today to call upon the media and to use all its influence and let the media know that they also have a very important role in moulding the society.

My Friend the Member for Nariva spoke about last Christmas when a tyre blew out on a maxi-taxi and a number of persons were killed. At the Licensing Office there are a number of irregularities. It is well known to every one of us that there are many people who just pass something under the table and they get their certificate of extension. This certificate merely indicates that one's vehicle has passed inspection, and when one obtains that certificate then one can pay for one's licence.

As a result, what one finds is that in the system somebody passes money under the table and a vehicle which is not roadworthy is permitted to go on the road. Shortly afterwards, this public service vehicle, which is not roadworthy, goes on the road and that is a recipe for accidents. I humbly submit that that is one of the major reasons for most of the accidents involving maxi-taxis.

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The Licensing Offices do not have the manpower to deal with that important issue. Therefore, we suggest that the time has come when the Government should license private garages to carry out inspections. These garages should be monitored.

**Miss Nicholson:** That would be worse.

**Mr. S. Panday:** They should be reputable garages. If a vehicle has been authorized by a private garage, it goes on the road and it is found to be defective subsequently, then one could go back to the private garage's system to find out what irregularity took place.

**Miss Nicholson:** I am not supporting that.

**Mr. S. Panday:** Madam Speaker, my information is that this takes place in other countries. For example, in England, there are the MOT garages. If we put pressure on the private garages to perform efficiently, I am certain that the situation would be better than at the Licensing Office. A person's integrity would be at stake; there would be the free enterprise system and competition to be efficient. Also, employment would be created at these private garages for the young people who are coming out of the trade schools, junior secondary schools, senior comprehensive schools.

When one goes to the Licensing Office, as the Member for Oropouche has stated, one spends the whole day—sometimes one or two days—in order to get one's vehicle inspected. When one goes through the system one finds that it is riddled with irregularities.

I humbly submit, that if it is made simpler for owners to have their vehicles inspected, one would find that instead of paying something under the table, instead of waiting two or three days at the Licensing Office to have an inspection, one may prefer to pay a small fee to the private garage and have it done quickly.

### **6.30 p.m.**

Another way we can deal with this system of indiscipline, is perhaps to introduce the points system. When one finds that a certain driver or operator has breached the law on several occasions on the same issue, ticket, or offence, one does not necessarily knock him out. You should set up defensive driving schools, similar to the private schools in the education system, where the syllabus could include studies in defensive driving, courtesy, and so forth, and when he completes his studies he gets a certificate and can get back on the road. So eventually we would develop a new breed of drivers.



The points system is not really to be used punitively, as in other parts of the world—three tickets and out you go; you are knocked out of the system. What we are saying is, maybe, three points, yes, but instead of knocking you out of the system, you are made to go to defensive driving school and get a certificate—keep on sending them to school until they learn.

The free private enterprise system increases the desire to make money and survive. But we, as legislators, must ensure that while taxi drivers are performing that function we have to protect society and guide the country in the direction we want to see it go into the 21st Century.

The point which the Member for Oropouche and other Members made, and I am certain that Members on the other side will agree, is that if we release our policemen from this type of minor traffic offence, we could release them to be on the highway—not the traffic wardens—our regular TTPS policemen. In that way we could bring back speed traps because it seems to me, if one checks the record, that timing has gone out of the system. As a matter of fact, there are no timing clocks at the stations now—no equipment, no police strength—and the time has come when we must put more policemen especially on our major highways, like the Churchill Roosevelt Highway, the Eastern Main Road, the Solomon Hochoy Highway and various other major highways.

Once taxi drivers know that police are on the road, once one person is caught everyone knows, because as they travel on the highway one starts seeing flashing lights. The moment operators know that police are on the road, they immediately start to take stock of themselves and drive properly.

In the meantime, while we are setting the education process in place, it may be necessary to have a strong contingent of policemen on the road and when they see the flashing lights, everyone from 120 kilometres away is back in order. Not only would it help our travelling public, but it will also make a serious dent in crime in the country.

Because if the criminals know that from San Fernando to Port of Spain, Arima, Sangre Grande, there will be no policemen on the road, then they could travel with guns, drugs or what have you. But if they know there are policemen on the road who would make spot checks, these drivers would find difficulty in travelling and that would deal with the problem of delinquent drivers, but it would also make a dent in crime.

So we should put our regular policemen on the road, not to perform one function for the maxi-taxis and travelling public alone, but also to control crime,

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leaving our traffic wardens, SRPs, on foot patrol throughout the cities and towns to deal with minor traffic offences.

The last point I want to make is that when one looks at regulation 18 with respect to conductors, one sees that it merely says that they must be 18 years of age and have a police certificate of good character. Then, regulation 18(4) states—

"A conductor of a maxi-taxi shall not—

(a) use obscene language..."

shall not do this and shall not do that. Instead of having it in the negative, I humbly submit that these conductors should also be trained and they should also take a test, just as they did in the days of the public service bus conductors. In order to get a licence, they did not merely have to be 18 years, have a certificate of good character, pay a fee and get a licence, but they also had to learn regulations as to the way they should behave. They did not deal only with the 'don'ts' but also with the 'dos.' I humbly submit that when conductors behave badly and breach the Regulations and tot up their points like the operator, they should be sent to school as well, before being permitted to come back on the road.

I humbly ask the hon. Minister to look at these various aspects of the Maxi-Taxi Regulations with a view to ensuring that we do not merely pass regulations for the sake of passing them and adorning our law books, but to ensure that our society will be proud of each and everyone of us in this honourable House.

I thank you, Madam Speaker.

**The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert):** Madam Speaker, it is a pleasure to get to my feet to wind up this debate, which was expanded to include virtually every aspect of the Motor Vehicles and Road Traffic Act.

Let me deal with some of the more salient points raised by some of the earlier speakers. The Member for Couva North spoke about the right to appeal with regard to the provisions of regulation 20 and I have had some discussions with him. I refer to section 3 of the Motor Vehicles and Road Traffic Act, Chap. 48:50, which provides for the establishment of a body called the Trinidad Transport Board. Its membership comprises the Chief Technical Officer of the Ministry of Works; the Commissioner of Police, the Licensing Authority, the chairman of the Road Safety Association of Trinidad and Tobago, a Member of the Trinidad and Tobago Automobile Association, and seven other members to be appointed by the President. The President may also appoint any person to act in the place of the

chairman. This is an independent body, the majority of whose members are appointed by the President.

Clause 3(3) states as follows:

"The Board shall hear and determine any appeal submitted by any aggrieved person against any order or decision of the Licensing Authority or of an Automotive Licensing Officer, and the Board's decision thereon shall be final and conclusive."

So there is an appeal process already in law, where any decision of the Licensing Authority can be challenged by an aggrieved person, and the decision of the Board, which is appointed, primarily, by the President, shall be final and conclusive. We have held discussions and the Leader of the Opposition has agreed that there is sufficient recourse within the law to deal with that.

Let me move on to some of the more important points. I think we cleared up the issue of the police certificate of good character. Minor traffic offences would not apply there. I think the Member for Oropouche asked if someone applies to acquire a maxi-taxi whether he would have to wait a long period before approval is granted. Actually this procedure is intended to speed up the process so that a person who is given approval to purchase a maxi-taxi can go and make his arrangements with the motor vehicle dealer and be assured that as soon as he presents the vehicle for licensing, it will be licensed. The purpose of this regulation is to speed up the administrative process, so that the person does not have to wait to get final approval to be a maxi-taxi owner—it is automatic, once approval to purchase is granted. I do not know whether that issue is clarified.

#### **6.40 p.m.**

With regard to what, exactly, is “suitably attired,” and what, exactly, is “indecent or immoral”, I shall refer Members to the Motor Vehicles and Road Traffic Act which was first enacted in 1934, some 60 years ago.

It has identical provisions—we took these provisions verbatim from the Motor Vehicles and Road Traffic Act. Regulation 117 of that Act states—

"The driver of a taxi shall not himself use, or knowingly permit the taxi to be used by any other person for indecent or immoral purpose."

This has been on the books for a long time and I believe there is sufficient precedent in the courts as to exactly what constitutes an indecent and immoral purpose. Similarly, for suitably attired—

**Mr. Sudama:** Madam Speaker, would the Minister give way to a question? This is exactly what I was trying to get at. That law was passed in 1934, and I am sure one would agree that what may have been regarded as indecent and immoral in 1934 may have changed somewhat after 60 years. Therefore, I would think that 60 years later one would need some amended guidelines. This is the point I was trying to get at.

**Hon. C. Imbert:** Madam Speaker, in all of these cases it is extremely difficult to define in legislation precisely what is meant. Law evolves over time and there are decisions that take place which supercede earlier decisions. I do believe that there is sufficient evolving precedent in the courts to deal with that. Also, the other issue, regulation 9—

"Every driver of a taxi on a public road shall be suitably attired."

We thought it best to leave this up to the courts. We cannot define precisely what this means.

Again, the question of what is the meaning of "reasonable." That has a legal definition and we thought it best to leave that up to the courts. There was much repetition, and I am trying to leave out the issues which Members repeated.

A question was asked about workers being registered for national insurance, but clearly, under other law if one employs somebody, one has certain statutory obligations to register the person for national insurance. This applies to all employers in the country.

The Member for Tabaquite asked whether the payment of fees was an annual exercise. At this time it is not intended to be. Certainly, one would have to pay twice because there will be a person who will never apply for a permit to operate a vehicle. What we are trying to do is to set up a cadre of owners who may or may not be operators and a cadre of operators who may or may not be owners. These are two distinct activities; therefore, two distinct fees and application forms are necessary.

At some point in the future, like the driver's permit, we may ask people to renew their operator's permit on a tri-annual basis, but at this time we have not seen the need to do that since it is a new category we are putting in.

Also raised was the question of what type of references. There is a difference in some of the provisions with regard to references. We felt that the persons giving references should be persons who belong to organizations, because the maxi-taxi trade impacts on the public so that we require recommendations from

persons within schools, responsible organizations, and so forth, rather than from individuals who are not so involved. We felt that it should be someone working within an organization because the maxi-taxi trade impacts on the public.

That brings me to the point that the Member for Point-a-Pierre made about the music and the possibility that school children could carry musical equipment into a maxi-taxi and as soon as they step out of the maxi-taxi they would expose themselves.

**Mr. B. Panday:** If it is a Walkman it is not going to be heard.

**Hon. C. Imbert:** The point is that the problem with music was not essentially a problem with the person playing the music; it was the effect of that music on the other people in the maxi-taxi and the right of a person to travel in peace and quiet. So that the law was aimed at persons who might abuse the rights of others rather than persons who may wish to play music for themselves. In any event, the Maxi-Taxi Act and regulations cannot legislate for persons who are outside the maxi-taxi trade. We cannot do that in this law; other laws will have to deal with that.

Finally, the Member for Naparima spoke about allegations of corruption at the Licensing Office. I would just like to say that it is under this administration that we have been able to stem the tide at the Licensing Office and so far 10 officers—I am not happy to say this; I am actually quite sad about this—of the Licensing Authority have been charged with fraud. Since we had to put in some police operations into the Licensing Office some time ago, five more have been recently suspended, and I understand they will be charged with fraud very soon. *[Interruption]* These are 10 senior officers I am referring to. It is my understanding that the illegal activities that used to take place there have been reduced. That is my understanding.

In winding up, Madam Speaker, I should like to thank all who contributed to this debate for their very insightful comments. I should like to thank the Leader of the Opposition for agreeing to listen to my—

**Mr. Jurai:** Madam Speaker, before the Minister winds up, could he say whether he is willing to include the photograph of the operator on the permit to operate a maxi-taxi?

**Hon. C. Imbert:** Madam Speaker, the permit will have the photograph of the person on it. If one has ever travelled in a taxi and taken a good look at the taxi driver's badge, one would see that it has his photograph on it. It goes without saying.

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As I was saying, I should like to thank the Leader of the Opposition for listening to my counsel in this matter and for his co-operation in agreeing to allow these regulations to be passed as we also had a similar situation in the other place—I know I am not supposed to refer to the other place—but after we had some discussion, good counsel prevailed and we were able to move forward.

I beg to move.

*Question put and agreed to.*

*Resolved:*

That the Maxi-Taxi (Amdt.) Regulations, 1994 be affirmed.

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I beg to move that this House do now adjourn to Friday, September 9, 1994 at 1.30 p.m.

[MR. DEPUTY SPEAKER *in the Chair*]

#### **Lifeguards (Mayaro Beach)**

**Mr. Raymond Palackdharrysingh (Caroni Central):** Mr. Deputy Speaker, when I communicated my intention to raise this Motion, I indicated that I was concerned about the number of drownings taking place and the response capabilities of the lifeguards, the facilities provided, the frustrations of the public, and the ambiguity of warning signs and symbols.

Sir, you know that Trinidad and Tobago has been blessed with so many natural beautiful beaches. On the other hand, Trinidad and Tobago has been cursed by the PNM Government which turned these exhilarating resorts to waters of death and nightmare by its wanton neglect of the safety of our beaches.

#### **6.50 p.m.**

It would appear that the Government has resolved to traumatize our population by its determination to allow our people to walk into perilous waters so as to relieve themselves of the responsibility of providing for their safety and welfare. One would be appalled to know how many of our people have died by drowning during the period.

It goes like this: 1988—42 males, 11 females=53; 1989—45 males, 6 females=51; 1990—41 males, 4 females=45; 1992—56 males, 5 females.

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**Mr. Valley:** Mr. Deputy Speaker, is the Member talking about death by drownings in those years, or is he talking about incidents? Because there is a distinction.

**Mr. R. Palackdharrysingh:** Mr. Deputy Speaker, I am indicating to you that our beaches are not safe places anymore.

**Mr. Deputy Speaker:** I am afraid that is not the answer to the question. The Member is merely seek clarification on what you are referring to. Could you answer that, please?

**Mr. R. Palackdharrysingh:** Yes, Sir. Why must so many of our people perish by drowning? Must we be satisfied with rationalizing that their time came and that the end of their lives was pre-determined?

If you look at the document you would see that things are far from satisfactory. You only have to get a glimpse of what takes place on the beaches. Look at what is happening. For example, I had the unfortunate experience of witnessing the deaths by drowning of two young boys at Mayaro beach. This population enjoys the summer vacation at our beaches; you wonder why this neglect.

From the *Daily Express* of Thursday, August 11, 1994 this comes:

"Vishram, 10 and Vidar, 8, brothers of Tableland Village drowned at the Bon Esquire Road beach, two and a half miles south of Mayaro, while bathing with their parents on Tuesday.

Eight people have drowned at Mayaro for the year to date. Last month the victims were two brothers and their cousin of Borde Narve Village near Princes Town.

On Easter Sunday, Sharaaz Mohammed, of Rio Claro, drowned at Atlantis beach in Mayaro. Avinath Ramgoolam and Dianee Sindy Lutchman, both 14 years old, drowned at the same spot following their baptism."

Mr. Deputy Speaker, a gentleman named Hogan said:

"Mayaro beaches must never be trusted," but added that wanton disregard for basic bathing safeguards was the main cause of Mayaro casualties.

"People know there are only 12 lifeguards to patrol 14 miles of beach front. Yet people take their families to secluded beach spots, out of reach of any lifeguard," the TDA official said.

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Mayaro police said yesterday that tragedy struck the Basdeo family while the two boys and another brother, Videsh Basdeo, 13, were bathing alone.

Videsh told the *Express* that his parents, Jokhan and Sumintra Basdeo had left the water and sat on the beach talking. "We were in two feet of water when suddenly the water started spinning three of us. Vidar screamed out that the current was pulling him," Videsh said.

The pertinent question is the number of lifeguards patrolling the Mayaro beach of 14 miles. I am told that there are only 12 lifeguards, and you are talking about places like Plaisance, Dumont, St. Anns, Church Road, Bon Espoire and many other places where people bathe.

Why is it that this Government, over the years, has failed to recognize that there is a tremendous amount of bathing activity taking place on beaches such as Mayaro and other parts around the country, and in Tobago? Why is it the Government has not found it fit to increase the number of lifeguards to the required level?

My own observation is that lifeguards go out in these areas one by one. I am told it is the required practice that lifeguards function together, so in case of difficulty the two of them would sustain each other. But this is not so. I am also told that there are 24 lifeguards who have been trained but they are not in the employ of the service because the requisite funding is not made available.

There is a complete disregard for treating the bathers of our country with the concern they deserve. Merely by putting a handful of lifeguards who will not be able to adequately deal with the great length of coastline, as obtains at the Mayaro beach and elsewhere in Trinidad and Tobago, is not providing an adequate safety measure.

There are certain signs that one has to take note of: I have two of them with me; they read:

- “1. Do not bathe where you see a red flag.
2. Bathe only between the red and yellow flags.

I want to show the House two flags displayed.

If you look at them you would not be able to say what is their colour. But one is supposed to be a red flag. If you look at the edges you are going to see that it ought to have been a red flag. Immediately you are going to see that there are



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several flags like these on the Mayaro beach that say, red, when in fact, there is nothing really looking like red. Secondly, this is supposed to be red and yellow.

One flag states bathe between the red and yellow flags; this flag is both red and yellow and this one is red. There is no complete understanding of whether I bathe between a red flag like this and a red and yellow one like this, or whether I bathe between two flags like this. The caution is very ambiguous.

**7.00 p.m.**

This is the best place to bring up this matter so that people would know. That has to be addressed because people might misunderstand the signs and walk into the danger, and because of not having the lifeguards there. I hope they would understand.

There is another sign that says:

"Warning. This beach is serviced by lifeguards during the period 10.00 a.m. to 5.30 p.m. Bathers must ensure that lifeguards are at their posts and warning flags planted before entering the water. Dangerous currents may exist. Bathers must exercise caution."

At 2.00 p.m. one Friday afternoon, I was on the beach where I saw one of the lifeguards take out the flags. I asked him why he did so and he said that he had to go for his salary. I asked him what was the meaning of the sign. He said that they should have been paid the day before, but the officer did not come; it was Friday and if they did not go for their salaries they would starve during the weekend. He said that he could not do better and he had to go for his salary.

In the meantime, in the area where he removed the so-called 'red flag,' about 12 little children came to bathe. I then had to act as a lifeguard by telling them not to bathe in the particular spot because the water was dangerous. Do you see why I was moved to bring this Motion to Parliament?

The other point is that having done this, I decided to walk to the station from where these lifeguards operate. When I reached there, I was appalled to see the conditions. One of the lifeguards was kind enough to give me a tour of the station where he pointed out the number of leaks. There was no equipment. He said that nobody ever cares. With that sort of accommodation, it is very evident that this Government cares nothing about our bathers around our beaches. The accommodation even for the lifeguards is terrible.

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The people are concerned, but somehow this concern seems to be ignored. There is an article in the *Newsday* dated Friday, August 12, 1994. Page 3 states:

"The bodies of two brothers who drowned while bathing at a Mayaro beach on Tuesday evening were left lying on the beach for more than six hours after they were washed ashore awaiting the arrival of the District Medical Officer."

It continues:

"Relatives told *Newsday* that the bodies of the children were left on the beach while parents and relatives wept, not only at the grief of losing their children but the fact there was no doctor to give permission for their removal to the Forensic Science Centre at Federation Park, where autopsies were due to be held yesterday.

Parish Priest of the church, Fr. Garfield Rochard, said yesterday that the number of drownings taking place at Mayaro was a cause for concern since there were no signs or indications to inform bathers of the dangers. The risks he noted, are the strange currents, the jelly fish menace and the huge waves which sometimes burst out of nowhere.

Fr. Rochard lamented the fact that the bodies of the children had to be left lying on the seashore for long hours before the DMO arrived on the scene. He noted that such tragedies are occurring too often and it is time something is done to alert bathers and visitors to the risks involved while seabathing in the area."

There is concern by the general community at large. I hope that what the goodly parish priest had to say would be noted and acted upon. But that is not all.

On March 18, 1994, my colleague the Member for Couva South raised the issue concerning the security of tenure of lifeguards. In response the Minister of Finance indicated how committed they were to the security of tenure of lifeguards. I want to quote what the Minister said in response to my colleague the Member for Couva South in this matter:

"Madam Speaker, the Member for Couva South has raised a non-controversial matter: the question about the security of tenure for lifeguards. There is no question at all that the lifeguards do yeoman service in Trinidad and Tobago. Indeed, at the beaches of Maracas and Mayaro which are probably the most widespread used beaches, they do extremely valuable service. I have seen them at work saving the lives of several individuals. Maracas beach is within my own constituency..."

*Lifeguards (Mayaro Beach)*

*Friday, September 02, 1994*

He went on to indicate that there was a body called TIDCO where the necessary provisions would be made for not only the security of tenure, but also for putting the required number of lifeguards on the beaches so as to save the lives of our people and also to enhance tourism. Today, I do not believe that anything progressive, serious or reassuring has taken place.

**7.10 p.m.**

This is the way, I believe, the Government intends to treat serious matters affecting the people of our nation. Therefore, let the Government tell us what it intends to do about the inadequate patrolling of all the beaches of this nation where our people bathe, especially at vacation time; tell us what it intends to do to provide the necessary resources for the life-guards; tell us what it intends to do in terms of rectifying ambiguous signs, and of course, in educating the population at large.

I do not want to anticipate that the Government would say that funding is a problem, because, as you know, when it wants funding for anything, it knows how to get it. And if it puts its priorities in place with respect to sea bathers, then you are going to see that funding will be no problem. This is a country where there are many pleasure activities taking place with respect to boating and fishing and so forth. Marine equipment of all sorts is sold.

It is very easy for the Minister of Finance and the Government to work out a scheme whereby some additional funding can be accessed to meet the needs of servicing our bathers at the beaches by giving them well-trained lifeguards in adequate numbers so that people would not perish.

Therefore, I hope that the Government would take note of the concerns raised, not only by me, but also by the rest of the citizenry of this country.

Thank you very much.

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Deputy Speaker, I would have shared similar concerns with the Member for Caroni Central if, in fact, the statistics he quoted in terms of death on our beaches were correct. Because if, in fact, 45 persons or 48, or 61 persons died in 1991, which you would note is more than one per week, I think not only the Parliament, but the whole country should really be concerned. But I think, in doing his research the Member made an error in terms of accidents on the beaches and actual death.

*Lifeguards (Mayaro Beach)*  
[HON. K. VALLEY]

*Friday, September 02, 1994*

The information I have is for 1992 and 1993. For example, the number of drownings recorded in 1992 was one at Las Cuevas—this information is from the Ministry of Tourism. In 1993, there was one drowning recorded at Mayaro.

The number of recorded incidents during duty hours is as follows:

In Las Cuevas in 1992, there were seven incidents; 12 in 1993; none in Manzanilla. In Maracas there were 48 incidents in 1992 and 54 in 1993. In Mayaro there were seven in 1992 and four in 1993. In Tobago, the only recorded drownings between 1991 and 1994 were at Mount Irvine in 1994, where two persons perished.

The number of recorded incidents in Tobago are as follows:

In 1991, there were nine rescues; in 1992, 11; 1993, 12; and to date, seven.

I would ask them to check these figures once more. Even if they are off, one has to stretch one's imagination to believe that 61 persons died by way of drowning in 1991. I think we would have had an outcry in the country.

Having said that, I think the Member for Caroni Central pointed to some inefficiency at our beaches. Let me say that, as a fact, with the new Ministry of Tourism and with TIDCO, the lifeguards have been transferred to the Ministry of Tourism. I think there were about 49 of them, and we were just about staffing TIDCO—the organization—especially the tourism section. Given that the Government has placed emphasis on tourism, one expects that these matters such as lifeguards and so forth, would be given due consideration.

### **7.20 p.m.**

I assure the Member that the Government would be taking steps to ensure that our beaches continue to be protected. You would see from the information that the lifeguard performs quite a good job.

The ministry is aware that in other places throughout the country where there are no lifeguards there might be drownings. The ministry points out that there are other contributory factors to drowning, such as individuals who seek to bathe in secluded areas on occasion. As you know, some of us go on the beaches to have a good time so we drink our alcohol, eat our food and then go into the sea. That would cause some problems. Hikers with heated bodies dive into the water without allowing their bodies to cool and they possibly develop cramps and so forth. These are some of the problems that we face on our beaches.

*Lifeguards (Mayaro Beach)*

*Friday, September 02, 1994*

As I said, I can assure you that the Ministry of Tourism with TIDCO will be looking at that area because of the fact that the Government has placed tourism at the forefront, and obviously, if we want to push tourism we must protect our beaches.

I assure the House that the problem is nowhere in the vicinity that the hon. Member attempted to—

**Mr. Palackdharrysingh:** Mr. Deputy Speaker, I hope the Member would be gracious enough to make an apology.

**Hon. K. Valley:** Mr. Deputy Speaker, I would do that if, in fact, 61 persons died by drowning in 1991. However, I note that this Government was not in office for the whole of 1991. If that occurred, I would graciously apologize. That would really be a problem for our country.

I thank you.

**Mr. Deputy Speaker:** There seems to be a discrepancy in both figures from the Central Statistical Office (CSO). I think the House would be well guided if those figures could be verified.

I am advised that the Motion standing in the name of the Member for Oropouche has been postponed to next Friday.

**Mr. Sudama:** Mr. Deputy Speaker, I seek your leave and that of the House to ensure that this Motion will be dealt with next Friday.

**Hon. K. Valley:** Mr. Deputy Speaker, my word is my bond.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.25 p.m.*