

**HOUSE OF REPRESENTATIVES***Friday, January 17, 1997*

The House met at 1.31 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**PAPERS LAID**

1. Report of the Auditor General on the accounts of the Trinidad and Tobago Solid Waste Management Company Limited for the year ended December 31, 1995. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
2. Audited accounts of the National Helicopter Services Limited for the year ended September 30, 1995. [*Hon. R. L. Maharaj*]

*Papers 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.***ORAL ANSWER TO QUESTION**

**Independence Day Celebrations  
(Sangre Grande Regional Corporation)**

**15. Mr. Jarrette Narine** (*Arouca North*) asked the Minister of Local Government:

Would the Minister indicate:

- (a) What expenditure was incurred by the Sangre Grande Regional Corporation for the celebrations on August 25, 1996 to mark Independence Day?
- (b) The source of the funding for these celebrations?

**The Minister of Local Government (Hon. Dhanraj Singh):** Mr. Speaker, a total of \$40,507.01 was spent by the Sangre Grande Regional Corporation on its 1996 Independence Day celebrations.

The Sangre Grande Regional Corporation financed the celebration by viring funds from Head 02—Goods and Services, Subhead 001—General Administration, Item 18—Expenses to Head 02—Goods and Services, Subhead 001—General Administration, Item 16—Consulting and other contracting services.

Thank you.

**Mr. Narine:** Mr. Speaker, a supplemental question. Is the Minister stating that the sum of money was the total expenditure, as far as goods and services, and the monetary part of the celebrations?

**Hon. D. Singh:** Mr. Speaker, as far as the records would have it, \$40,507.01 was the total expenditure on those celebrations.

**Mr. Narine:** A further supplemental question, Mr. Speaker. Would the Minister care to find out how much money was used in goods and services from the corporation, by way of direct labour and equipment?

**Hon. D. Singh:** Mr. Speaker, that does not relate to the question.

**Mr. Speaker:** That does not fit a further supplemental question. *[Interruption]* Is the Member questioning what I said? I do not think it is a fit further supplemental question.

**Mr. Narine:** Mr. Speaker, that total expenditure is not factual.

**Mr. Speaker:** What I would say to the Member by way of guidance is that if he thinks that the answer is not accurate there are ways in which he can deal with that.

#### **CHOLERA OUTBREAK (VENEZUELA)**

**The Minister of Health (Dr. The Hon. Hamza Rafeeq):** Mr. Speaker, the Ministry of Health has been notified of an outbreak of cholera in Venezuela. To date there have been 344 cases with 14 deaths. The outbreak started in the state of Zulia where a state of emergency was declared. Since then cases have been notified from the capital city, Caracas.

Cholera is a serious intestinal disease which can spread rapidly if the conditions for spread exist. The main means of transmission is through water and food contaminated by the cholera vibrio, the causative organism.

Trinidad and Tobago has had no cases of cholera. However there is no room for complacency. In 1991 the country was placed on cholera alert for the same reason and even when the threat of cholera was reduced the alert was maintained, albeit at a lower level. As a necessary precaution, the alert has now been heightened due to the proximity of Venezuela, the frequency of travel between the two countries and the influx of visitors expected for the Carnival season.

The Ministry of Health is therefore ensuring that the measures are put in place to prevent cholera from entering Trinidad and Tobago; to detect early and treat effectively any cases that may occur in order to prevent spread. Several activities have been initiated. Surveillance is one of the main pillars in the fight against cholera and activity in this area has been stepped up at the various health facilities including the Public Health Laboratory. Monitoring of food and water has increased. The health institutions are in a state of readiness. The Ministry of Health is also liaising with other ministries and agencies to ensure that an effective cholera preparedness programme is implemented.

However, cholera is basically a disease of poor environmental sanitation and unhygienic practices, and the only sure protection against cholera is to practise careful hygiene. Emphasis is therefore being placed on educating the population about safe food practices and hygiene.

Let me take this opportunity to remind the public of some of the recommended safety measures:

- Drink only safe water, that is, water that has been chlorinated or boiled;
- Do not eat raw seafood;
- Wash all fruits and vegetables in safe water before eating;
- Wash hands with soap and water after using the toilet and before preparing and eating food;
- Do not eat foods from street vendors or from food places that are insanitary.

The Ministry of Health will keep the nation informed about any further developments.

Thank you.

**1.40 p.m.**

**PROVISIONAL COLLECTION OF TAXES (NO. 2) ORDER**

**[SECOND DAY]**

*Order read for resuming adjourned debate on Motion [January 15, 1997]:*

*Resolved:*

*Whereas* it is provided by subsection (1) of section 3 of the Provisional Collection of Taxes Act, Chap. 74:01 (hereinafter called "the Act") that where

proposal for general or supplementary appropriation of public funds are made to the House of Representatives and are embodied in an Appropriation or a Supplementary Appropriation Bill, the President may, for the purpose of raising revenue to meet the expenditure specified in any such Bill, by Order, provide for the imposition of a tax or the variation of an existing tax and from the date of the publication of the Order in the *Gazette*, the tax as imposed or varied shall be payable:

*And whereas*, it is provided by subsection (5) of section 3 of the Act that an Order varying an existing act shall cease to have effect if the Order is not confirmed with or without modifications, by a resolution agreed to by the House within the next twenty-one days after the commencement of the Order:

*And whereas* the Provisional Collection of Taxes (No. 2) Order, 1996 was made under section 3 of the Act, whereby provision was made for the imposition or variation of taxes in the written laws mentioned in the said Order to the extent and in the manner set out therein for the purpose of raising revenue to meet the expenditure specified in the Bill entitled "An Act to provide for the Service of Trinidad and Tobago for the year ending on the 31st day of December, 1997":

*And whereas* it is expedient to confirm the said Order:

*Be it resolved* that the Provisional Collection of Taxes (No. 2) Order, 1996 be confirmed subject to certain modifications.

*Question again proposed.*

**The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung):** Mr. Speaker, when we adjourned last Wednesday, I had started to indicate that the debate that these measures have created really allowed us, through your own tolerance, a lot of flexibility into areas that really were not part of the provisions that are under consideration today. As a summary, I could say that the debate, based upon the contributions by the other side, could probably be placed under three separate categories: the question of membership clubs and casinos being one, the question of a used-car policy with specific reference to the licensing of motor vehicles being another, and thirdly, the general measures that were introduced under the Provisional Collection of Taxes Order, which are more pertinent with respect to the tax measures that are included in these provisions.

Mr. Speaker, I propose to deal with these three in this order and hope that in the process, I would have addressed the questions and concerns raised by the Members on the other side, and that in my winding up I would have been able to

clarify points that had been raised which seemed to have been the subject of a lot of misinformation.

Let me state categorically, Mr. Speaker, that none of the provisions that we have introduced in this House can be considered to have been legitimizing casinos, and that in essence casinos are still illegal until this honourable House has introduced to it an amendment that will allow the introduction of certain types of gaming and gambling devices which are considered to be casino gambling. [*Desk thumping*]. I make the point because there is a lot of misinformation and misunderstanding as to what is being done this week in this honourable House. This House merely intends, as I said in my introduction of this motion, to introduce the measures that would be required under the Provisional Collection of Taxes Order, and which measures do not in anyway introduce casino gambling in Trinidad and Tobago at this time.

This Government is committed, as I indicated in the budget debate, to formulating a policy, which policy and amendments to the Gambling and Betting Act will allow casino gambling. These amendments would be published and would be the subject of consultation with as wide as possible a cross-section of the people of Trinidad and Tobago to ensure that all views are taken into consideration. We respect the views that have been put forward, but I believe Mr. Speaker, that the intent by some people—mischievously so—is to say that we have introduced casino gambling when, in fact, we have not done so.

Mr. Speaker, there are those on the other side who have been aware for many years of the existence of these membership clubs. These clubs did not turn up last year, or the year before; many of them have been in existence for many years. Under the law they had been allowed to operate very legally, and had been allowed to operate tables and devices which had been considered to be legal, subject to the number of raids that had been made by police authorities over the years; and which had been tested and tried over the years. It means that these clubs had tables and devices that had been used to carry on gaming and gambling, legal activities over the years. What I sought to do, firstly, was to regularize the amount of fees that they paid. Prior to 1996 the amount of fees that these clubs were required to pay was around \$300 with respect to the level of membership. In other words, if one had less than 100 members I think, the fee would have been \$300, and increased slightly, based upon an increase in the membership over and above that figure.

In the 1996 Budget, I increased the amount of that fee from \$300 to \$1,500. In 1997, based upon a study that had been done by the Board of Inland Revenue, we

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attempted to bring this more in line with what is reasonably expected that these clubs should pay. A number of bases had been considered Mr. Speaker, one of which, naturally, was a flat fee; so that we looked at the possibility of increasing that \$1,500 even further.

We also considered another basis and that is one under which we could charge, based upon the assumed or actual take that was made by these gambling clubs, so that a percentage of that take would have been one other basis that had been considered, but that, Mr. Speaker, had been subject to a number of abuses. As you know, Mr. Speaker, right now racing pools are basically being taxed on the basis of a percentage of their take, or rather, it is a combination of a flat fee plus a percentage of the take. This has been an exercise fraught with confusion because there have been arguments between the taxpayer, in this case the pool owners and the tax authorities.

The third basis that we considered, which is the one that is before this honourable House, is one under which we would charge a flat fee per annum based upon each description of a table. The Provisional Collection of Taxes Order is clear as to the taxes payable on gambling tables and other devices. Obviously, there is no way the law can cater for every single table or gaming device and, therefore, what we sought to do, based upon our own study was to use a fee that reflected upon the amount of assumed take that each table took on an annual basis. That is why the table specified a regular poker table, a Caribbean Stud poker table, a black jack table, and so forth. We could have done nothing more than assume the level of take on each table, and hence came up with flat fees that reflected in our mind the amount of take by each table.

Mr. Speaker, No. 9 on the schedule: "For every other table or device not mentioned above" was merely meant to be a catch-all phrase, one that would—

**Mr. Imbert:** I thank the hon. Minister for giving way. Is the Minister saying that the Government is aware that there are roulette and dice tables in Trinidad and Tobago and that these activities are legal? Is that what the Member is saying, that there are gambling clubs that have legal roulette tables and dice?

**Mr. Kuei Tung:** Mr. Speaker, let me just say that, personally, I have never visited a membership club. I am not a member of any such club. I have merely been advised by both the Police and the Board of Inland Revenue authorities who seem to be aware of this. I do not know myself what are the legal and illegal devices. I do know from my understanding that slot machines or "one-armed bandits" are

illegal, for whatever purpose that is. However, I do not know under which law they are illegal. There may be other tables that are considered to be illegal, I have no idea. But I certainly cannot sit and specify that I am aware that roulette tables or any other such tables, are in existence, having not myself visited these membership clubs Mr. Speaker. So that when we talk about "every other table or device"—and because of the question that was raised on the other side—I sought to ask what other tables or devices could be considered there, and I am sorry I did not seek the advice of the Member for Diego Martin Central who, apparently, seems to know these clubs quite well. I would have been able to get some advice from him, but I am told there is something—I think it is a Sip San table—called a Mah-jongg table.

**1.50 p.m.**

Therefore, as I said, this was merely a catch-all phrase that was intended to catch anything else that was not included in the table between items Nos. 1 and 8. It is not that the Government intends to tax what might be considered as illegal tables. If these tables or devices are illegal, we expect that the relevant authorities will take measures to enforce the law to ensure that these tables which are illegal are not considered legal merely because of the payment of a licence fee.

I have taken note of the contributions made and the Government would like to state clearly that it has no intention of legalizing stuff that is illegal under this device. It is merely a revenue-raising measure at this time, and it is meant to bring these clubs into the tax net at a reasonable rate, and this is something we will continue to consider from time to time.

There seems to be some misunderstanding as well, with respect to the registration and the certification of clubs. The fact is that each new club is required to be registered, and there is a registration fee. Each club that wishes to carry on gambling activities needs to apply to the Licences Committee and the Licences Committee, upon a certificate being granted, is required to pay the fees as specified under this new measure, the Provisional Collection of Taxes (No. 2) Order.

In summary, it seems odd that the Members on the other side, who were quite aware of the existence of these clubs, would find it in their hearts to criticize what can only be considered as a reasonable measure to raise revenues that should have been due to the state.

With respect to the question of the used-car policy, it is clear that what this Government has done in the last year is to approach the question of used-cars in as

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professional and diligent a manner as possible. In the first instance, one would recall when we came with our *Budget Statement 1996*, I indicated that there was a subcommittee of Cabinet which was appointed to look at the matter of the used cars and used-car policy. But that, in the meantime, the former government—and I keep coming back to this question of the hypocrisy of the other side—seems to ignore things for their own convenience. They must have been aware that there were a number of used cars that had been brought into the country, but instead of attempting to deal with it as a policy that could withstand scrutiny they preferred instead, to sweep it under the carpet.

**Mr. Valley:** Mr. Speaker, I had mentioned in my budget contribution that a note went to the Cabinet on the matter and Cabinet decided that, rather than legalize that business, they would reduce the duties on new vehicles and that was done and the Member is aware of that. To say that the previous government did not deal with the matter is incorrect. It dealt with it in what it thought was the correct way.

**Sen. The Hon. B. Kuei Tung:** Mr. Speaker, that is exactly the point I am making. Everyone in Trinidad and Tobago, except the former government, was aware that there were used cars on the roads of Trinidad and Tobago, and instead of seeking to find ways to bring them into the system properly, they sought instead to protect their friends in the new-car market and, therefore, chose to take a policy that would be a convenient cop-out. We chose to go the route of, at least, recognizing that these cars existed and, therefore, when the special registration fee was introduced, it was to allow these cars first to be subjected to a road-worthiness test, and secondly, having passed that test, to allow them to be registered because everyone but the government of the day knew these cars were on the road.

**Mr. Valley:** Is the Minister saying that since he knows there is cocaine in Trinidad and Tobago he would want to find a way to legalize it? *[Interruption]*

**Sen. The Hon. B. Kuei Tung:** Mr. Speaker, that is ample evidence of the way they approach government. They ignore the problems. They choose to ignore and assume that the problem does not exist. These cars were being driven on the roads; they were known and they were in demand. I sought to ensure that they could be brought into the system during 1996, as a transitional arrangement which would allow us, during that period, to review the question of a used-car policy. We are now introducing a full comprehensive used-car policy in 1997, and we are seeking to bring them in under the same regime as new cars, with the same provisos,



namely, that they must pass the road-worthiness test, and we took the opportunity at the same time to review the operations of the Licensing Department. Again, that side assumed that the Licensing Department's problems would just go away.

When the previous Minister of Works and Transport criticized these measures saying that the left hand does not know what the right hand is doing, what he was really criticizing was that we were attempting to correct the problems which existed at the Licensing Department, which they ignored for the last four years. These problems did not arise last week, or last month, or last year. These problems had been there for many years, but had been totally ignored by that side. The Member for Diego Martin East, rather than addressing the problems at the Licensing Department chose instead to ignore the irregularities that he became aware of and allowed them to continue in the Licensing Department.

In the first instance, as one of our first options, we sought to consider the possibility of having new cars registered on their anniversary date. When we looked at it, that measure in itself would not have been sufficient to streamline the flow of people into the Licensing Department to allow it ample time to address the demands being made upon it. However, the preferred option that came up ultimately, was the need to have each car licensed every year. We felt that rather than subject the motoring public each year—because it is widely accepted that one cannot provide an administration that will deal with one's entire bank of customers one day, one week or one month. It is just impractical because the amount of resources that one will need to do that would be wasted during the rest of the period when they are not being used. Therefore, we are seeking to abolish licensing fees and instead put the fee, as it were, at the pump.

It does a number of things. Firstly, it reduces the heavy demand that comes up at the Licensing Department at the beginning of the year. The unfortunate thing about measures like these is that people forget them very quickly, but at the beginning of this month there would have been utter chaos as there was for a number of years past, were it not for this measure. Secondly, it brings persons who have been evading or avoiding the need to pay licence fees into the tax net. Thirdly, it introduces a measure of equity in it because one is now being asked to pay, based upon one's own frequent use or lack thereof of the roads. The more one uses the roads, the more licence fees one pays, in essence. It means that we are giving further discretion to the motoring public in the sense that they decide how much fees they pay in terms of the amount of gas that they use and hence, the amount of licence fee they would pay.

Mr. Speaker, I can understand the jealousy with which the previous administration is now seeing these measures. These are measures that are simple in nature, but which require a certain amount of courage and conviction to introduce them.

When the Member for Diego Martin East talked about there being the need for people to return to the lines several times, I am not sure if I fully grasped the point he made. The fact is, the laws—and we are about to bring in regulation that will allow it—would require that vehicles are periodically tested for road-worthiness, whether they are private vehicles, goods or commercial vehicles. The law as it now stands, I think requires goods and commercial vehicles to be inspected every year.

Therefore, they would have had to make the line in any case. The one line that is no longer required is the fact that one does not have to line up at the beginning of each year to pay licence fees. So at least we have eliminated one need by every member of the motoring public to go to the licensing office but it was always required to inspect new cars at the time of registration. We will continue to use the same methods that have been in existence to ensure that the motoring public is safeguarded by the road-worthiness checks that were being done prior to this and will continue to be done henceforth.

**2.00 p.m.**

What we will seek to do in terms of what the Minister of Works has said, is to liberalize the system a little more whereby we will have licensing garages registered and all of those details will be worked out and are being worked out so that we will not have a long line, as it were, at one particular place. Cabinet has already decided that we would use state enterprises like PTSC, Caroni and so forth which garages are well-known and well-respected and these garages would be used for road-worthiness tests and checks in future. Additionally, we will bring other private garages into the licensing regime so that they can be registered and licensed and they, too, will be allowed to issue certificates of road-worthiness to the public. All of this is intended to alleviate the difficulties that long lines at the Licensing Office have created.

**Mr. Imbert:** I thank the hon. Minister for giving way. Just let me clarify. The Government has signalled that private vehicles—not new vehicles, but vehicles more than 10 years old—would have to be inspected. That is not presently enforced but it is coming and, therefore, that is an additional inconvenience. I was speaking about the inspection of private vehicles.

**Hon. B. Kuei Tung:** Mr. Speaker, the whole intent is not a question of harassing the people. It is to ensure that the road-worthiness of vehicles is maintained. We want to ensure that the motoring public is safe and that certain safeguards are put in place.

We are also going to ensure that the question of insurance is properly dealt with. We have discussions going on right now between the Minister of Works and the Association of Trinidad and Tobago Insurance Companies (ATTIC) to see if we can work out some reasonable approach to ensure that the inspections that will take place on the roads from time to time, can be done quickly and with ease. There is a possibility that the insurance stickers will be introduced as well, again, a measure that was meant to ensure that people are not subjected to long lines but, at the same time, that we can assure the motoring public that proper measures are in place to protect them from indiscriminate road users who seek not to insure themselves.

The final point that has been made is the question of the tax simplification exercise. The question of the tax simplification exercise, Mr. Speaker, is not an easy one and it is one that requires a great deal of conviction for us to make this paradigm shift from where we are in the old system, to a new system. To understand where we are heading we need to appreciate what happened in the past.

I recall that when I first attained working age, the highest marginal rate at that time was 70 per cent. It meant that every dollar one earned after that, one took home 30 cents and the Government chose to keep 70 cents. In those days, obviously it was a disincentive for anyone to earn more money unless there were measures that one could use to become more tax efficient.

In those days, the government of the day used this highest marginal rate as an incentive to steer people in a particular direction. It was effective and it worked. It worked because if I can save 70 cents in tax, then I would use the measures of the day that allowed me to become more tax efficient. Therefore, if unit trust was introduced and I was given a tax deduction for unit trust, it meant that for every 30 cents I put in unit trust, the government was willing to put 70 cents. It made sense.

Mr. Speaker, over the years the tax rates became a burden to most people, particularly when, because of inflation, all of these salaries increased and, therefore, many people found themselves having to bear an undue burden in tax. Additionally, in the late 1980s value added tax was introduced. We now had a

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situation where in terms of direct and indirect taxes, the people of Trinidad and Tobago began to feel that there was an unreasonable burden in terms of taxes. The government of the day therefore decided to seek as an objective, the lowering of taxes but a number of these allowances, credits and deductions, were already introduced into the system. In order to implement the strategy of lower taxes, then one had to address the question of these allowances, credits and deductions.

On the one hand I make the case that they are no longer an inducement if you have lower taxes. Today the highest marginal rate is 35 per cent. It is a half of what it was 20 odd years ago. It meant, therefore, that as an incentive and as an inducement for people, it is beginning to lose its impact, therefore one had to make a hard decision to remove these allowances, credits and deductions and that is precisely what I attempted to do in 1996. So in essence, when I signalled that there is a possibility that credit union allowances or credits will have to go, therefore I was clearly signalling that we were committed to the lowering of taxes, but that you could not lower taxes to a level where, if you keep allowances, credits and deductions, the whole tax base would be eroded. That is the position in which we find ourselves in 1997.

What I sought to do in the first instance in terms of the models and the exercises we did, was to see whether we could have removed all of these allowances, credits and deductions and what rate of tax should be applicable to ensure that the tax-paying public of Trinidad and Tobago is not put through any undue hardship. In the budget contribution I said when we completed our exercise, we came up with an arrangement that we felt first would cost the Government, in terms of lost revenue, at least \$100 million and, secondly, that we bring some relief particularly to the people in the middle income bracket who, over the years, have been forced to bear the brunt of the tax. These are the people whom we have addressed. In that instance we have allowed one allowance of \$18,000 per taxpayer as an allowance for things such as mortgage interest, annuities and pensions.

There is a reason for that, Mr. Speaker. The reason being that we did not want to extend it where all your previous allowances are now being lumped under \$18,000. That did not make sense but we recognized the need, as a transitional arrangement, to have mortgage payers begin some form of relief and we recognized the need for us to have the people who pay annuities and pensions to at least be allowed to make these contributions free of tax. Again, what we did in pursuance of this objective, was to put more discretionary income in the hands of

the taxpayer. We also gave each individual the discretion to choose whether he or she can maximize these allowances in terms of mortgage interest, as well as, in terms of pensions and annuities. That flexibility is something to which we are committed to.

Mr. Speaker, it is because the other side chose to ignore where we are heading, it is because the other side neither has the courage nor the conviction to introduce these kinds of measures, that out of jealousy, they feel they must criticize us. In their hearts they know that these measures are the required measures. *[Interruption]* I am a little more generous than that. In their hearts they know that there is no way we are going to move from the old system to the new, unless firstly, some transitional arrangements are made, and secondly, that some ease is allowed to the people during the transitional period. So that in essence, there is no system that is going to allow us to move from an old to a new, without some hardship or maybe some inconvenience, but we hope that the people who would be able to afford it are at the higher end. The people at the lower end and the middle income have been given enough relief. In our exercises and models I am assured that people at the lower end and middle income are allowed a great measure of relief.

**2.10 p.m.**

In terms of the special registration fee, I believe a question was raised as to whether one would be required to pay a special registration fee upon the transfer of a car from one owner to another. I wish to clarify the point that another special registration fee is not payable when a person who has paid a special registration fee seeks to transfer his car to another owner. The special registration fee is only payable once, on registration of a car.

Finally, let me make another point with respect to the question of mortgage interest. When I gave the undertaking in this House that each taxpayer can claim the mortgage interest of \$18,000, I did so obviously on the understanding that there may be some prescribed condition under which this would be applicable. I thought that the principle that each taxpayer can claim this mortgage interest had been put across. Obviously, there would be some terms and conditions. The only condition which has been clarified is that one cannot claim what one has not paid; namely, that if a husband and wife who both own a home and are joint mortgagors have only paid \$20,000, it is inconceivable that they would both claim \$18,000 each. In order to introduce this measure we felt that one should be the owner of the house and the mortgagor to claim this. It is merely an administrative measure to ensure that the Board of Inland Revenue can put it into effect. This can only be

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done if the requirements are simple enough so that both the taxpayer and the Board of Inland Revenue could understand them.

With these few words, I take this opportunity to recommend these provisions to the House and to thank the Members on the other side for their support in this measure.

I beg to move.

*Question put and agreed to.*

*Resolved.*

That the Provisional Collection of Taxes (No. 2) Order, 1996 be confirmed subject to the following modifications:

1. In paragraph 2—

(a) in subparagraph (a), by deleting paragraph (b) of section 5 and substituting the following paragraphs—

“(b) in respect of the year 1997, a certificate from the Board of Inland Revenue specifying the gaming taxes payable in respect of every gambling table or other device used or to be used on the premises of the club; and

(c) in respect of a year subsequent to the year 1997, a certificate of the Board of Inland Revenue that the members’ club is not in arrears in any taxes, interest or penalty payable to the Board in respect of the last six years prior to the year 1997.”;

(b) by inserting in subparagraph (a) the following subparagraph:

“(aa) in section 14(2) by deleting the fullstop at the end of paragraph (h) and substituting a semi-colon, by transposing the word “or” occurring at the end of the paragraph (g) to the end of paragraph (h) and inserting thereafter the following new paragraph:

“(i) that an offence relating to the payment of gaming taxes under section 23 has been committed.”; and

(c) by deleting subparagraph (b) and substituting as follows:

“(b) by deleting section 23 and substituting as follows:

“Duty on gambling devices 23. (1) Subject to this section, there shall, commencing in the year 1997, be charged on all gambling tables and other gambling devices used or to be used on the premises of a members’ club desiring to carry on gambling activities therein, a tax to be known as a gaming tax at the rates specified in the Schedule.

(2) Subject to subsection (3), the Secretary of a members’ club shall pay to the Board of Inland Revenue on or before 15<sup>th</sup> January, 15<sup>th</sup> April, 15<sup>th</sup> July and 15<sup>th</sup> October of each year commencing in the year 1997, an amount equal to one-quarter of the gaming tax payable by the members’ club as estimated by its Secretary at the rates set out in the Schedule.

(3) Notwithstanding subsection (2), the first instalment of the amount to be made on account of the tax payable under this section for the year 1997, may be paid by the Secretary of a members’ club on or before 28<sup>th</sup> February, 1997.

(4) Every members’ club seeking the renewal of a certificate in a year subsequent to the year 1997 shall, before the certificate

- (5) is issued, satisfy the Licensing Committee that there are no outstanding taxes, interest or penalty payable to the Board of Inland Revenue in respect of the last six years prior to the year 1997.
- (5) For the purposes of subsection (2), the estimated tax payable by a members' club in a year shall, subject to subsection (6) be taken to be the tax payable on the tables and other devices used or to be used on the premises of the club as disclosed in the statement under section 5 (5).
- (6) The Board may, where it is satisfied that the amount of gaming taxes estimated by the Secretary of a members' club is incorrect, revise the estimated gaming taxes payable by that club and the provisions of subsection (2) shall apply to the revised amount accordingly.
- (7) Where a members' club fails to pay the tax payable in accordance with subsection (2), the Secretary of the club is guilty of an offence under this Act and in addition the certificate issued to that club may be cancelled by the Licensing Authority.”.



2. In paragraph 4—
  - (a) in subparagraph (p) by deleting the words “sub-item 1.(5)” and substituting the words “paragraph 1.(5)”;
  - (b) in paragraph (q)—
    - (i) in subparagraph (I) by—
      - (A) deleting the words “paragraph 1” and “sub-item” and substituting the words “Part I” and “paragraph” respectively; and
      - (B) deleting the word “sub-paragraphs” wherever it occurs and substituting the word “paragraphs”; and
    - (ii) in subparagraph (ii) by deleting subparagraph (B) and substituting as follows:
 

“(B) in paragraph (a) of item 1—

      - (I) by deleting the words “(a) or (b)”;
      - (II) by deleting the word “owns” wherever occurring in subparagraphs (i) , (ii) and (iii) and substituting the words “is the registered owner of”.
3. In paragraph 8—
  - (a) in subparagraph (a)—
    - (i) by deleting the definition of the term “business of trust” and substituting the following:
 

“‘business of trust’ means business of a trust company;” and
    - (ii) in the definition of the term “merchant banking business” by deleting the comma occurring after the word “acceptance”;
  - (b) in subparagraph (c) by adding after subsection (1B) the following new subsection:
 

“(1C) In carrying out any business referred to in sub-section (1A), the Board may by Order charge such fees as it considers appropriate”.

**GAMBLING AND BETTING (AMDT.) BILL**

*Order for second reading read.*

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move,

That a Bill to amend the Gambling and Betting Act, Chap. 11:19 be now read a second time.

For quite some time now companies in Trinidad and Tobago have been engaging in sales promotion activities which could be interpreted as promoting lotteries which under the Gambling and Betting Act are unlawful. For example, there are cases where firms, well-known stores and supermarkets, promote contests in which purchasers of goods and services from such firms are eligible to participate with the view to winning prizes such as motor cars, radios and other prizes. Such contests are devices whereby the purchasers of goods and services from a business can use their receipts to enter those contests.

In essence, the contest is an invitation to a customer who has purchased goods and services to enter that contest by placing his name and address on the receipt and depositing it at specified locations. Thereafter, at a stipulated time and place these receipts are randomly drawn to determine the winners. This invitation to the purchasers is one which they can either accept or refuse. In other words, a customer is free to choose whether he would participate in such a contest or not. Since the method of determining the winner of a prize is based on chance, it is not quite clear whether such a contest, as the law now stands, falls within the definition of a lottery.

The general definition of a lottery is that it is a game of chance which is seized upon to regard these contests as a lottery and, therefore, unlawful. A lottery does not consist of only one ingredient, namely a game of chance. It constitutes or consists of another ingredient, namely that the person who wishes to participate in a lottery must purchase a ticket. In other words, there are two main ingredients which constitute a lottery, namely the purchase and drawing of a ticket where the element of chance is the crucial factor in determining the winner.

You will note that in the Bill the definition of the word "contest" means:

"any contest, competition, method or device organised on a sales promotion activity whereby prizes are distributed or allotted in any manner depending upon, or to be determined by, chance or lot, but does not include any contest, competition, method or device organised for profit;"

These are the important words, “not organized for profit”. Such contests have been in vogue for quite some time and are recognized and accepted as a form of marketing strategy dealing with the promotion of sales in a free market economy.

As such, there is nothing inherently wrong with such a device especially in a free enterprise system, but as the law now stands, such contests are perceived to be unlawful. It is doubtful whether they are.

**2.20 p.m.**

This Bill seeks to amend the Betting and Gambling Act by adding, immediately after section 40 of that Act, a new Part IIA, which regularizes the present commercial device and puts the law on an authoritative footing by making such a device lawful and confining it within the context of a commercial transaction.

Mr. Speaker, in order to ensure that these contests are not promoted for profit—that is charging a fee to enter such contests—but rather for the sole purpose of enabling a customer to win a prize, they are confined only to customers who have purchased goods and services from a business. In other words, only customers who have purchased goods and services from a business would be eligible to enter the contest.

To ensure that such contests are related only to the purchase of goods and services from a business, the Bill makes it mandatory that no person shall promote any such contest without first obtaining the permission of the National Lotteries Control Board. In other words, not any and every person can promote such contests. The reason for obtaining permission from the National Lotteries Control Board is to ensure that any contests promoted by a business must be related to the purchase of goods and services and must not be similar or equivalent to a lottery promoted, organized or conducted by the National Lotteries Control Board, which, under the Gambling and Betting Act is permitted to promote lotteries.

The scheme of this Bill, which amends the Gambling and Betting Act by adding new sections, namely sections 40A to 40H, is a very straightforward and simple one. The new section 40A defines the key terms of the new Part IIA which falls under the heading, “Contest”. The new section 40B permits any person, subject to the new sections 40C and 40D to promote a contest and this new section—that is section 40B—stipulates the manner in which the contest should be promoted. The new section 40C makes it an offence for any person to promote a contest without first obtaining permission of the National Lotteries Control Board.

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The new section 40D makes it mandatory for the Board to give its ruling within two weeks and the new section 40H allows the person to apply to the Minister to review a decision of the Board where such decision was a refusal to grant permission to a business to promote a contest, and the Minister, on receipt of the application, shall, after consultation with the Director of Public Prosecutions affirm, vary or set aside the decision of the Board.

Mr. Speaker, you will note that specific time limits are inserted in the Bill so as to ensure that the Board and the Minister act promptly, thereby ensuring that applications are dealt with in an expeditious manner.

The new section 40E empowers the National Lotteries Control Board to grant permission for the promotion of a contest only where that contest is related to the purchase of goods and services. I emphasize “only” where the contest is related to the purchase of goods and services. If it is not so related, then permission to hold a contest by the business will not be granted as there will be no jurisdiction to grant such permission.

The new section 40F, Mr. Speaker, gives the Board the power to stipulate the conditions under which a contest shall be promoted. The new section 40G is to ensure that every contest which is promoted will take place and will not be promoted for profit—to ensure that the contest is not a sham. This, in essence, is the content of this Bill which seeks to make lawful contests which are generally a recognizable and acceptable form of marketing strategy dealing with the promotion of sales in a free market economy.

This Bill is one which puts the law, with respect to the promotion of contests, based on the purchase of goods and services, on an authoritative footing, in that such contests will now be, beyond doubt, lawful. It is a Bill which will satisfy the representations of sections of the community to the Government, since it got into office, to have this situation examined to ensure certainty in the law. It is a bill in which the business community and the consuming public will all be winners.

I beg to move.

*Question proposed.*

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Speaker, when we received this piece of legislation, it was no surprise because this Government has gambling on its brain. When we read the legislation, we saw that this Government clearly has no regard for the proper conduct of this House. We were here on Wednesday, a motion was moved to continue the business of the House until it was concluded, 10 minutes after that—

**Mr. Maharaj:** Mr. Speaker, on a point of order. Just for the record, I think it is well known that the Member cannot raise matters of a past debate in a current debate.

**Mr. Speaker:** I do not interpret what is being said as raising, in this present debate, a matter that has been decided. I would not so interpret it. Please continue.

**Mr. C. Imbert:** Thank you, Mr. Speaker. Clearly, the Attorney General is a bit jumpy and obviously does not understand the Standing Orders. I think the hon. Attorney General needs some education in parliamentary procedures.

As I was saying, we were here on Wednesday and a motion was moved to continue the business of the House until it was concluded. A few minutes later, the House was mysteriously adjourned. At that time, we could have concluded our business within 20 minutes and dealt with this very simple piece of legislation. The Attorney General has no regard for the conduct of this House and likes to waste the time of this Parliament.

We are here today to deal with a matter which could have been dispensed with in 20 minutes on Wednesday. It just shows the disregard that Members on the other side have for the conduct of this House.

**2.30 p.m.**

I will read from the Explanatory Note of this Bill:

“Since the method of determining the winner of a prize in such a contest is based on chance it is not clear whether as the law now stands it is or is not unlawful.”

They do not even know whether the matter before the House is lawful or is unlawful, Mr. Speaker.

Mr. Speaker, it gives additional weight to the point I have put forward: that we should not have been here this afternoon to deal with this matter. This matter could have been dealt with on Wednesday or at another time since it is not an urgent, pressing matter. However, let us go to the matter itself. All this Bill seeks to do is to remove doubt—which apparently is in the mind of the Attorney General—that these contests put on by retail outlets such as Courts and Standard Distributors and so forth, where prizes are offered to customers to purchase some item—a refrigerator or television set or whatever—through a system of lottery or something resembling a lottery; where persons put in an application and one is selected; someone may win a prize: a car or something of that kind. This is something that has been going on in this country for years.

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Mr. Speaker, I would have thought that, bearing in mind all the uproar that has resulted with regard to the Government's signal that it wants to introduce casino gambling in Trinidad and Tobago, rather than coming with this itsy-bitsy piecemeal legislation; bikini legislation—

**Mr. Assam:** Like yourself.

**Mr. C. Imbert:** I would have expected that rather than come and waste our time here today, the Government would have done a comprehensive review of the Gambling and Betting Act, because as I say, this Government has gambling on its brain. We have a Minister of Finance and Minister of Tourism who is pretending that he has never been in a members' club. He does not even know what a roulette table is. Come on, give me a chance, Mr. Speaker!

**Hon. Member:** A chance? You do not want to have anything to do with gambling but you want a chance! *[Laughter]*

**Mr. C. Imbert:** It is clear from the Attorney General's introduction that he understands clearly the intricacies and the interpretation of the Gambling and Betting Act. The Attorney General understands it because he has found it necessary to bring this piece of legislation today, to clear up, what in his mind, was a gray area; an ambiguity in the law, where persons who had not gone through the procedures of applying through the Lotteries Board were conducting contests which resembled lotteries, and he, therefore, wished to plug this apparent loophole.

The Attorney General is versed in the interpretation and intricacies of the Gambling and Betting Act. However, the Minister of Finance and Minister of Tourism does not know that roulette is illegal in Trinidad and Tobago; he does not know that dice is illegal; he does not know what a roulette table is because he never saw one; he never went in a gambling club and when I use the local palance, "give me a chance", as I said, they have gambling on their brains, so they interpret that in a gambling way and make a big joke out of it. Mr. Speaker, everything is a joke for these hon. ladies and gentlemen, but I ask the Attorney General to look at a certain aspect of the legislation in his winding up; after he has dispensed with the "gallery" and so forth, I want him to deal with an important aspect of this Bill before the House.

There are commercial organizations, large department stores and so forth, which routinely conduct these contests—they do it every month: Standard Distributors, Courts and so forth. I think it is a bit cumbersome to request such

organizations, every time they want to have such a contest, to apply to the board. That is a point I would like the Attorney General to look at. There are organizations that would put on this contest every week or month, and I think it is unnecessarily bureaucratic and cumbersome to tie them down in this way. I could see where a company or organization could do this once a year or six months, where one would want the board to review every application. However, I ask the Attorney General, maybe in regulations—I do not know whether regulations of the Gambling and Betting Act, not necessarily this amendment—to allow for certain companies to be approved to carry out these contests in a certain format; according to certain guidelines, perhaps receive a licence to do this on a yearly basis and, therefore, remove from them the need to apply to the board on every occasion, which might be every week.

Apart from that there is nothing in this legislation that is offensive. If the Attorney General is of the view that it is an ambiguity or gray area that needs to be plugged, we on this side have no hesitation in supporting this amendment.

I thank you, Mr. Speaker.

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I am very surprised that the hon. Member for Diego Martin East could accuse Members on this side of having, “gambling on the brain”. It was the PNM which had gamble on the brain and called the last election. [*Desk thumping*] They beat their chests and said that they knew what they were doing and it was Members of the Opposition who slammed and thumped the tables on that occasion because they knew the Members on the opposite side did not even know how to gamble.

Mr. Speaker, this is a Government which acts in accordance with law—I know that is quite a different way from which the PNM operated—and it is a Government which acts responsibly. It is in that context, Mr. Speaker, that the hon. Member for Diego Martin East would find it very difficult to understand some of the ways in which we do things on this side of the House.

When the Member says that he does not even know if the matter before the House is lawful or unlawful, it reflects that he does not understand simple procedures. What is ambiguous is not the Bill before the House; rather it is the loophole which the Bill attempts to correct. Since the Member was in government he would have known that even at the time when the PNM was in government, there were difficulties and threats by the police and certain actions were taken in respect of this kind of practice. When this occurred during this administration, it did not go

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the route of the other administration, by dictating what the police should do. This Government believes that the police have a job to do and politicians should not interfere with the police. The way the Government approached it was to look at the law and decide whether it was ambiguous or not. If it was ambiguous, then the way of dealing with it, on the basis of due process of law, is for the Cabinet to make a decision on the policy of the legislation and for Parliament to decide, so that the police would administer the law according to the spirit in which it was passed. It is in this context that this Bill is before this House.

There were attempts to prosecute certain businesses which were conducting these practices. The law was uncertain and it would have caused an embarrassment to the system and, therefore, decisions had to be made. The Law Commission, the Director of Public Prosecutions, the Ministry of the Attorney General were all called in and, accordingly, discussions were held with the police and all the players. It was decided then, as a result of listening to what the business community, the public, the Law Commission and the police, had to say, that the best route to go was to make the law certain in this respect.

**2.40 p.m.**

Mr. Speaker, how can there ever be criticism of a Government which sees a situation where the law is ambiguous, where injury and injustice can be done to individuals, and a Government takes steps to correct that? The Opposition is saying that one must wait and do a comprehensive piece of legislation. Wait for another two years, three years, five years, while in the mean time, innocent people may be locked up; people may have to go to court, and clog the court's time? That was how the PNM operated while being in government. This administration operates in a more responsible way and acts in accordance with the law.

As Members of Parliament, we should try to behave in such a way that our behaviour can be emulated. Members of Parliament get up in this House and make statements which are not connected to issues, in which personal attacks are made and in which the privilege of the House is misused so as to make personal attacks. The hon. Member for Diego Martin East knows that he should not use offensive or insulting language to any Member of the House. He also knows that he should not impute improper motives to any Member of the House. He also knows that the conduct of any Member of the House should not be subjected to any other behaviour except a substantive motion. He gets up in this House and violates those rules.



Mr. Speaker, what is the relevance, in this debate, of the hon. Member for Diego Martin East saying that on the last occasion this House was adjourned in order for the motion this afternoon to be continued, and attacking the Leader of the House for adjourning the House? Of what relevance is that? It is because he had nothing to say.

**Mr. Speaker:** I think with the greatest deference, we need to put things in perspective. The hon. Leader of the House is referring to an issue on which I ruled a short while ago when, on a point of order, he referred to an utterance which was made by the Member for Diego Martin East. It was my view that he was indeed referring to something that had occurred in the debate on Wednesday 15, 1996, but it was also my view that he could not legitimately have referred to that aspect of things which was not to be reopened.

The objection that was made was not on the ground of attacking the character of a Member of the House, nor was it dealing with imputing impropriety of any sort on the part of the hon. Leader of the House. Indeed, had it been my view that is what was attempted, I would have no difficulty, whatever, in dealing with it and I certainly did not see it like that. Indeed, no Member on the Government's side raised any objection that that was in fact what was being done. So, I think that we have to be careful on both sides about bringing the Speaker, supposedly objective and independent, into issues such as this. I think that for the proper operation of the House, it is useful and indeed necessary that the rulings of the Chair be accepted, except they are questioned on a substantive motion.

**Hon. R. L. Maharaj:** Mr. Speaker, I am indebted to you and assure you that expressly or impliedly, there is no intention in my contribution, in any way, to undermine the ruling of the Speaker of the House. I was merely responding to what the Member said and, if you will recall, after your ruling he continued to make an attack on the Leader of the House. I am merely responding to the contribution of the Member for Diego Martin East and I assure you it has nothing to do, directly or indirectly, with your ruling. If it is one thing we would not do on this side of the House is to challenge your ruling in any way. [*Desk thumping*].

Mr. Speaker, what is the point that was made? When one looks at the contribution of the Member for Diego Martin East, one will see really that he has, in fact, made no point. As a plea in mitigation before he sat down, he said, "I would like the Attorney General to consider whether there should be applications made to the board to prevent business people from being kept back—[*Interruption*]

**Mr. Imbert:** Now that the Attorney General has finished the “gallery”, let me clarify what I was saying to him, Mr. Speaker. I am simply saying that there are businesses which may wish to engage in these contests on a regular basis; maybe every week. Therefore, if they have to wait two weeks for a response, it may be unnecessarily bureaucratic. Perhaps we could give them blanket approval.

**Hon. R. L. Maharaj:** Mr. Speaker, that is what I was going to respond to. I understood what the Member said. I understood everything that he said, everything that he tries to say, and sometimes I understand some of the things that he wants to say and does not say. *[Laughter]* Mr. Speaker, this is a matter which the Law Commission considered, the Ministry considered, and there was consultation with the business community and it was recognized that these things have to be planned in advance.

You have to have the machinery whereby there could be regulation and, therefore, it was felt that this kind of regulatory mechanism was satisfactory. It is in that context that if a business house wants to have such a contest, the business house would plan it, would have it in advance, and the institution would obviously consider making the application.

**Mr. Imbert:** Mr. Speaker, through you, I thank the Attorney General for giving way. Is the Attorney General saying, therefore, that a business house could apply for a year's programme in advance, saying that they wish to hold a contest once a week for 52 weeks?

**Hon. R. L. Maharaj:** Well, they can apply and the board will consider what section to grant, at what particular time, but nothing will prevent a business community from applying for a year's programme, but it will be at the discretion of the board whether to grant for the month of January or the month of February, initially. So, it may be a matter for the board to consider how it is going to exercise this particular discretion.

Mr. Speaker, I, however, thank the Opposition for supporting the second Government measure for the year. You saw this afternoon, that they supported the Provisional Collection of Taxes Order. *[Laughter]*

**2.50 p.m.**

**Mr. Valley:** Mr. Speaker, there was no comment on this side. In other words, the Opposition simply abstained on the vote.

**Hon. R. L. Maharaj:** Well, Mr. Speaker, I am subject to correction. I should put it this way, that the Opposition did not vote against the Government measure

and it is a good sign, because it shows that 1997 has changed the strategy of the Opposition.

**Mr. Valley:** Mr. Speaker, the Member is not correct. If he were to check the record he would see that this Opposition has supported quite a number of measures brought by the Government, because most of the measures were our measures that they brought here to the House. They have done nothing since they came into Government. There is nothing new.

**Hon. R. L. Maharaj:** I would have thought that 1997 would not have seen the syndrome, “coulda, shoulda, woulda”, coming into play. But it is good to see that in 1997 the Opposition has decided in the first measure not to vote against the Government. As a matter of fact, when one considers that they voted against the budget but they did not vote against this, one would see that there was obviously a change of heart.

I congratulate the Opposition for saying that they are supporting this measure.

I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 and 2 ordered to stand part of the Bill.*

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

*House resumed.*

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

#### ADJOURNMENT

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the House do now adjourn to Friday, February 7, 1997, at 1.30 p.m.

**Mr. Valley:** Mr. Speaker, I wonder if before you put the question, I could just ask the Leader of Government Business a minor question.

**Mr. Speaker:** There are a few other things before that is put.

*Adjournment*  
[MR. SPEAKER]

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Hon. Members, before the Motion for the adjournment is put, I wish to indicate that leave had been given by the Chair to the Member for La Brea to raise two matters on the Motion for the adjournment of the House. The first one deals with the deplorable state of the roads in the constituency of La Brea and the failure of Government to take any meaningful steps to correct this situation.

I have given him leave to raise it and I call upon the Member for La Brea.

**Deplorable Road Conditions  
(La Brea Constituency)**

**Mr. Hedwige Bereaux** (*La Brea*): Mr. Speaker, I thank you for giving me this opportunity to raise a matter that is most pressing. In fact, I thank the learned Attorney General for this short sitting of Parliament so that I could do it now and have the two matters brought.

A number of times people make statements about the constituency of La Brea and every time they speak about the roads. Good maintenance of the roads in the constituency is something that, if practised, would have some benefit and we would have tolerable roads.

I want to point out first of all, the constituency of La Brea also includes the area from Siparia to Erin. That area is so dotted with craters in the roads that motorists are dodging craters every 20 yards. I have written on several occasions to the Minister of Works and Transport, the Hon. Sadiq Baksh. He replied to me indicating that I should tell him the worst parts of the roads so that some work could be done. I did so, and again, there was no relief whatsoever.

That, I say, is the better part of the road. You have a situation as it exists today in the village of La Brea itself, during the past 13 months, no maintenance work has been done whatsoever. Indeed, the Ministry of Works and Transport has given the Government officials in charge of the road in that area five tonnes of coal-mix to deal with the road from the Godineau Bridge to—five tonnes of material.

What has exacerbated the position is that notwithstanding the comments made in this House by certain Members about the deep-water harbour in La Brea, that Brighton harbour is, at this time, functional. All the large pipes to be used in the gas pipeline and the pipes for the LNG plant come into Brighton, La Brea and the roads were not intended to take that weight of traffic and no maintenance work is being done.

**3.00 p.m.**

Mr. Speaker, in that area, because of the way the roads have been left unmaintained, what has happened now is that motorists keep bypassing La Brea and they use the Sobo road. The Sobo road is a local government road which was not intended for this type of traffic and as a result of that, the road is now in a terrible state of disrepair, to the extent that the sides are down and, a number of dwelling houses on the borders of the road are being threatened because the drainage is bad.

What is worse, and what upsets me and all the people in the south west peninsula, is that whereas this Government is quick to take credit for work being done on industrial development in the south west, it has abandoned any infrastructural development. This is evinced and clearly shown by the fact that the Government has started the construction of a highway, or whatever it cares to call it, from Princes Town to Mayaro. But it has put the proposed highway from San Fernando to Point Fortin on the back burner.

I am very pleased to see that the hon. Minister of Works and Transport is here. You see Mr. Speaker, the hon. Minister is a master at public relations, "politricks", and gimmicks. He goes around promising everything, but doing nothing. I am asking him now, to state for us when he is going to deal with that highway from San Fernando to Point Fortin.

Mr. Speaker, when the PNM was in power and we decided to do industrial development in Point Fortin/La Brea, the plans were afoot for upgrading the roads, and the water and electricity supplies. As soon as this Government came into power, it put it all on the back burner. All it is doing is moving towards trying to interfere with the hiring practices of the LNG plant operators, with respect to the construction people there.

In fact, Mr. Speaker, and I make no bones about it, I have a letter here from a constituent of mine and since the Minister of Works and Transport is here I propose to read a portion of the letter which was written to me by Mr. James Fortune of Los Bajos. It is a letter to the editor and he sent a copy to me. It reads thus:

"I would like you to publish this letter for the information of the general public and in particular to let Mr. Sadiq Baksh Minister of Works and Transport, and Dr. Lincoln Harrison Chairman of the Siparia Regional Corporation and the UNC/Tobago NAR Government know that they are fooling

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no one. Especially they are not fooling the people of Santa Flora Dalley's Village and Los Bajos.

You see, Mr. Editor, on Friday 3rd January, 1997 Sadiq Baksh and Dr. Lincoln Harrison were present at a gathering in Agapito Trace, Santa Flora taking names of persons who they were going to assist in getting jobs as security officers with the LNG plant at Point Fortin. Many persons went and I was one of those. However, very soon..."

**Mr. Speaker:** Again, I hate to interrupt a Member when he is in full flight, but I must ask you to confine yourself to that which I got notice of, which is the deplorable state of the roads in the constituency of La Brea and the failure of the Government to take any meaningful steps to correct the situation. I do think that although you may have the point, with respect you are going outside of it.

**Mr. H. Beraux:** I thank you Mr. Speaker, but I was so incensed by the behaviour of the Minister that I went off-track. I am very sorry.

Mr. Speaker, as I was saying, what has happened is that there is a situation at present in the constituency of La Brea and indeed in the entire south west peninsula, where the traffic is so heavy, the road is being damaged and the Government, notwithstanding, the letters we are writing to it, is doing nothing. It is so biased. Take for instance, there were 31 loads of coal-mix left over from resheeting Murray Trace in the Siparia Regional Corporation, and when representations were made by the PNM councillors in that area so that the 31 loads of coal-mix could be used to resheet the Sobo road that was damaged by the LNG traffic, the Minister of Local Government wrote viring those funds on those 31 loads, and using them to resheet San Francique Road although San Francique Road had another vote to do it. He utilized it improperly, Mr. Speaker. This is a clear case of victimization, a clear case of discrimination, inequity, and improper attacking of the people of the constituency of La Brea, simply because they appear to support a party that is not in government today. Totally wrong. Totally unjust.

Thank you Mr. Speaker.

**The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh):** Mr. Speaker, as you are aware, the constituency of La Brea, and indeed, the borough of Point Fortin are witnessing a type of development and activity, unparalleled in the history of Trinidad and Tobago. There are temporary hardships and inconveniences that accompany any type of development. In the specific case, deterioration of the La Brea roads are mainly due to increased traffic and axle load

weight. The Ministry of Works and Transport is aware that the roads in La Brea were not designed to withstand the volume and/or the weight of traffic that is required to traverse it at this particular time. In this regard, therefore, plans were made to address the situation in the short term. These plans involve the National Road-Side Drainage Programme which started and was initiated in the La Brea constituency.

In addition, Mr. Speaker, our National Pothole Programme continued on an ongoing basis. The extraordinary traffic transporting material from Point Lisas to Point Fortin did cause additional stress to the roadways. The Highways Act, however, allows the Minister to recover certain expenses in maintaining the highways by reason of damage caused by excess weight or extraordinary traffic.

As a consequence, discussions were held with the contractor involved and it was agreed that the roads would be maintained in a proper state while the works are proceeding. However, the Ministry was not totally satisfied at this stage with the ongoing maintenance programme of the contractor and, as such, decided to undertake to do this work itself and recover associated expenses from the contractor.

### **3.10 p.m.**

Mr. Speaker, I take this opportunity to apprise this House that the Ministry is aware of similar types of problems that exist in other parts of Trinidad and Tobago, including Waterloo Road and Carli Bay in Central Trinidad and the roads of Barrackpore and other areas. However, there is a long-term plan to address the problems in a comprehensive manner under the National Highways Programme which is scheduled to commence in the first quarter of 1997. Over a period of six years the programme will rehabilitate and maintain 2,800 kilometres of roadway in Trinidad and Tobago including the constituency of La Brea.

I am sure that Members present would agree with me that it is not practical nor prudent to undertake these types of long-term works at this particular time when we have a high volume of traffic transporting materials for the energy plant in Point Fortin at this particular time. However, over the years the constituencies of La Brea and Point Fortin have suffered from a lack of activities. Today, that has been reversed and, in fact, a number of activities are taking place due to the prudent policies of this UNC/NAR Government.

Mr. Speaker, in the meantime I stress that immediate relief in the short term has been planned not only for the constituency of La Brea, but other areas where

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high construction activities continue to cause inconvenience to a vast majority of the citizens who live in the areas where these heavy construction projects take place. We continue to attempt to provide better roadways for the people of Trinidad and Tobago now and in the future.

Thank you, Mr. Speaker.

**Unemployment Relief Programme  
(Discontinuance of Projects in La Brea)**

**Mr. Hedwige Bereaux** (*La Brea*): Mr. Speaker, when we have the hon. Minister of Works and Transport here we need to make him work for a change.

The motion which I have is the failure of the Ministry of Works and Transport—

**Mr. Speaker:** The discontinuance in 1996.

**Mr. H. Bereaux:** I am sorry, Mr. Speaker. The motion deals with the discontinuance in 1996 of certain unemployment relief projects:

- (1) Basketball court - Sobo Village, La Brea;
- (2) Orphan Road - Off Dam Road Extension, Three Hands, La Brea;
- (3) Children's Play Park - Corbeaux Town, La Brea.

Mr. Speaker, Sobo Village is well-known for having produced some top sportsmen in Trinidad and Tobago and with limited resources. The PNM, while I was the parliamentary representative, sought to put a basketball court in Sobo, La Brea, utilizing the services of the Unemployment Relief Programme. The project was on-going yet, when this Government came into power it stopped it. All of last year, 1996, not a blade of grass was cut nor a load of gravel put onto the project. It has been left there to languish.

We are talking of a project in an area where unemployment and the youth population are high, and the potential of the young people is great. We are talking about the village that produced Mr. Rougier of the Trinidad and Tobago national football team; Augustine Logie and Philbert Jones, yet, notwithstanding a letter which I wrote to the Minister dated October 14, there was no answer and nothing has been done.

Mr. Speaker, Orphan Road, off Dam Road Extension, is an area with about 30 families. There was a road which would have allowed those families to get onto the main road for the first time without walking in mud, but that project, too, has



been stopped. A number of my colleagues on the other side, from time to time, make surreptitious visits to La Brea and are always telling the people that they are deprived. Cobeaux Town, La Brea is one of the areas that is in the heart of deprivation and attempts were made to put a play park there, and, again that was stopped.

As I said before, the constituency of La Brea stretches from Siparia to Erin. In that area there are about 60,000 persons and at present there are only three functional community centres: one in Palo Seco Settlement, one in Los Charos and one in Rancho Quemado which is under repair.

What has happened? In 1995 there was a community centre and basketball court in progress in the village of Los Bajos. Mr. Speaker, Los Bajos is in the heart of the oil country. It is an area where there are the fumes from the secondary recovery steam and people are breathing that. We were making an attempt to give the community a centre and a basketball court for the people in the area. The basketball court is almost completed but the Ministry of Works and Transport, and the Unemployment Relief Programme have stopped working.

Mr. Speaker, Dalley Village had its community centre there for years, but because it was small and termite-ridden, we sought to remove it and build another one, but again, when this Government came into power it stopped that project. The difficulty is that there are members of the village council writing to their parliamentary representatives who in turn are writing to the Minister of Works and Transport. I got a letter from the Dalley Village Welfare Council dated September 24, 1996 which reads as follows:

“Having been mandated by my Council at a regular meeting held on 96, Sept. 18, at Teakville, Dalley Village, to communicate to you our concerns...

The Residents of our Community are distraught and hurt at the treatment meted out to us, real or perceived, regarding our Community Center. We are not unaware of some of the limitations that have befallen efforts made...”

by PNM

“...in the recent past with respect to the continuation of the construction of our Community Center and remedial works to our Football Field.

Notwithstanding these limitations Sir, we are also aware that we do not have use of the Building which was, prior to the construction, in use every day.”

*Unemployment Relief Programme*  
[MR. BERAUX]

*Friday, January 17, 1997*

**3.20 p.m.**

Mr. Speaker, I wrote on October 14 to the Minister of Works and Transport, Mr. Baksh, and I outlined in my letter to him the 12 things which I felt should have been done. This is what I said:

"I would like you to give me some indication as to when work will commence on the foregoing projects. Moreover I would like you to conduct a site visit with me to the incompleting projects."

Well, maybe, he thought I was trying to be friendly with him so he decided not to come; not even to answer me.

"Additionally work on the Learning Centre/Library at Palo Seco and the Basketball Court at Quarry, has been progressing at a most unsatisfactory pace."

I am doing his work for him and he is not even trying to help. Community groups involved in both these projects have made several complaints to me in this regard. They are not working and all one can find—and I am saying this here because I have evidence—while they are not doing anything here for me, they have a gang extending the office of the Member for Fyzabad and now Parliamentary Secretary in the Ministry of Works and Transport. It is bigger than any palace, and it is just for him to "lime".

I want to say, while I also have the Minister here, additionally, we have extensions and repairs to the Rancho Quemado Community Centre. There was a centre at Rancho Quemado which we tried to extend and repair, and again victimization. All that these areas have in common is that they are heavily supportive of the People's National Movement, but we are representing people, too, Mr. Speaker. Why are they doing this? Why do they on the one hand come and practise this kind of victimization and discrimination, and yet on the other hand this Government is talking about, national unity? It is disgraceful! And, believe, me in the month of Ramadan I do not know what this Minister could tell me.

**Mr. Hinds:** Bad shot.

**Mr. H. Beraux:** Mr. Speaker, I apologize if I appear to be emotional but I cannot understand. Mr. Speaker, I want to continue on a letter which I also received from Mr. James Fortune of Los Bajos.

**Mr. Singh:** I want to see the post mark. Contrived letters.

**Mr. H. Beraux:** This is all Mr. James Fortune said:

"I am saying to Mr. Sadiq Baksh that he and the UNC could keep their help to find a job because I have been living for years without their help and by the grace of God I will live for many years to come. However, as a resident of Los Bajos I want to let him know that in 1995 before God turn his face from this country on November 6th there was a URP project in Los Bajos where a Basketball Court and a Community Centre was being built and as soon as his government got into power they stopped it and has not started back. The site is now growing in bush."

Mr. Speaker, the Members on the opposite side may want to make light of this, but when one pressures a people—I remember two things—if one wants to keep a man in the gutter, one has to stand on him to keep him there, and stay there with him. That is why I am saying this; and the other thing is, they can push a people too far and if they continue to do that, this is our country, and if they want to do that and believes that they are helping the people they represent by mistreating the people whom we represent, I tell them that posterity will deal with them. If they escape us, posterity will deal with them. [*Desk thumping*]

I thank you, Mr. Speaker.

**The Minister of Works and Transport (Sen. the Hon. Sadiq Baksh):** Mr. Speaker, this Government of national unity represents all the peoples of Trinidad and Tobago. [*Desk thumping*]. I would like to start off by stating, categorically, that all Members of Parliament are entitled to government buildings and to have them kept in a proper state of affairs. The last Government really never thought about maintenance. It erected buildings and left them like that.

Mr. Speaker, allow me to advise this honourable House of the status of the projects identified by the hon. Member for La Brea. The basketball court at Sobo Village, La Brea, was started on March 6, 1995 and is approximately 45 per cent complete. The scope of work has included the construction of 380 feet of curb wall and slipper drain in addition to basketball court and 50 feet of retaining wall. This project during 1996 was not continued and in fact was placed under review.

The orphan road off Dam Extension, Three Hands La Brea: this project located at Pt. D'Or, La Brea, commenced on May 1, 1995. At present 65 per cent of the work has been done, and this project will now enter into a joint one with the Self-Help Commission and the Unemployment Relief Programme.

The Los Bajos basketball court was started on March 6, 1995 and approximately 45 per cent of this project was done. Work includes the construction and installation of four basketball rings.

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The community center at Dalley Village, Santa Flora: the extension and renovation started on July 24, 1995, and 10 per cent of the work has been completed.

The community centre extension at Rancho Quemado was started on June 12, 1995 and to date this project has reached a 10 per cent completion.

The children's play park at Corbeaux Town, La Brea included the paving of a playground and the replacement of swings. This project was undertaken by the Siparia Regional Corporation.

Mr. Speaker, during 1997 the projects that we were not able to continue in 1996 would be continued, and consequently a new thrust in the Unemployment Relief Programme will attempt to maximize the utilization of our material. However, during 1996 this programme participated in a joint project with the Ministry of National Security and started to undertake major construction projects in different communities. In fact, eight police stations at Rio Claro, St. Mary's, Moruga, Mon Repos, Gran Couva, Freeport, Cunupia, and Santa Cruz, respectively, are being constructed at this particular time. Mr. Speaker, during 1997, projects started would continue.

I thank you. [*Desk thumping*]

**Mr. Speaker:** Before I put the question I think the hon. Member wanted to raise an issue.

**Mr. Valley:** I just wanted to get some information from the Leader of Government Business as to what the House will be discussing when it meets on February 7.

**Mr. Maharaj:** Mr. Speaker, I would have thought that was clear because there are the Fire Service (Amdt.) Bill and the Free Zones (Amdt.) Bill, so those are the two matters that we would take on that day.

**Mr. Valley:** Is that the order?

**Mr. Maharaj:** If the hon. Member wants the order, the Free Zones (Amdt.) Bill first, and the Fire Service (Amdt.) Bill second.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 3.35 p.m.*