

Leave of Absence

Tuesday, August 30, 1994

SENATE

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The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave to Sen. Gordon Draper to be absent from the sittings of the Senate with effect from August 25 for a period of about two weeks.

I have also granted leave of absence from today's sitting to Sen. Prof. John Spence and Sen. Stanford Callender.

LATE ARRIVAL

Mr. President: Senators Diana Mahabir-Wyatt and Andre Maloney have indicated that they will be a little late for today's sitting of the Senate.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have been advised that his Excellency the President has appointed as temporary Senators, Mrs. Norma Lewis-Phillip in place of Sen. Callender who is out of the country; Mrs. Eloise Bertrand during the absence of Sen. The Hon. Gordon Draper and Sen. Dr. Edmund Chamley with effect from August 29, 1994 and continuing during the illness of Sen. Carol Mahadeo.

REVOCAION OF APPOINTMENT

Mr. President: His Excellency has also revoked the temporary appointment of Dr. Kenneth Ramchand with effect from August 29, 1994.

OATH OF ALLEGIANCE

Senators Dr. Edmund Chamley and Eloise Bertrand took and subscribed the Oath of Allegiance as required by law.

BAIL BILL

Bill to amend the law relating to release from custody of accused persons in criminal proceedings and to make provision for legal aid for persons kept in custody and for connected purposes; brought from the House of Representatives [*The Attorney General*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate [*Sen. Dr. The Hon. L. Saith*]

Question put and agreed to.

PAPER LAID

Report of the Auditor General on the accounts of the Deposit Insurance Corporation for the year ended December 31, 1993. [*The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith)*]

RENT RESTRICTION (EXCLUSION OF PREMISES) ORDER

The Minister of Housing and Settlements (Dr. The Hon. Vincent Lasse):
Mr. President, I beg to move the Motion standing in my name, which reads as follows:

Whereas it is provided by section 4(1) of the Rent Restriction Act (hereinafter referred to as "the Act") that the President may, if he thinks fit, by Order subject to affirmative resolution of Parliament, exclude from the operation of the Act any specified premises, or any specified classes or descriptions of premises in a specified area;

And whereas the President has on the 22nd day of July, 1994 made the Rent Restriction (Exclusion of Premises) Order, 1994 whereby housing units, the erection for which is completed after July 31, 1994, are excluded from the operation of the Act;

And Whereas it is expedient that the said Order now be affirmed;

Be it Resolved:

That the Rent Restriction (Exclusion of Premises) Order, 1994 be approved.

1.40 p.m.

Sir, the Rent Restriction (Exclusion of Premises) Order 1994 was made by His Excellency the President of the Republic of Trinidad and Tobago on July 22, 1994. The Rent Restriction Act Chap. 59:30 became law on October 9, 1941.

It was passed at that time to restrict the rent of certain premises and the right to recover possession of them.

Before I delve into the genesis of the Act, permit me to address briefly the Rent Restriction (Re-Enactment and Validation) Act 1941, and the Motion I moved on January 5, 1993 that the Rent Restriction Act, Chap. 59:30 shall continue in force for a period of three years commencing on February 24, 1993. I said then that the Act was passed to restrict the rents of certain premises and the right to recover possession of them. The rationale given then for extending the life of the Rent Restriction Act was that there was still a considerable unsatisfied demand for shelter in Trinidad and Tobago, including shelter under rental arrangements, and as such the Government was of the view that the Rent Restriction Act should continue in force for a period of three years, commencing on February 24, 1993.

I said then that the life of the Act should be prolonged pending more comprehensive legislation. I would now explain why this amendment is being brought at this time. The question could be asked whether this 54-year-old legislation is still suitable and applicable because of the prevailing social and economic considerations, or whether amendments are necessary to bring it in line with current realities.

I contend that it is in the latter light that the legislation should be examined to fully appreciate why an amendment is now necessary. Prior to 1941 there were other pieces of legislation which were passed as temporary measures to deal with the housing situation and to deal specifically with housing shortage which emerged in the wake of the First World War, and subsequently the great depression of 1920.

It also was relevant due to the influx of immigrants into Trinidad and Tobago at that point. This prompted rent control legislation to deal with what was considered a crisis in housing and rental units. The Rent Restriction Act of 1941, however, marked a watershed in rent control in Trinidad and Tobago.

It sought to capture practically all categories of commercial and residential premises with a view to sanctioning all increases in rent. Because of emergency conditions during World War II, investment in private housing construction declined significantly. At that time, citizens were encouraged to invest in war loans or war saving certificates for the benefit of the population as a whole, rather than make other types of investment for personal gain.

Naturally, such a policy led to an acute situation in rental housing in Trinidad and Tobago. We now talk of a depressed economy, but the conditions which

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operate are certainly not those which were engendered or fostered by war conditions. The 1990 population census revealed that units in the private rental housing structure decreased from a total of 51,000 units in 1986, to about 36,000 units in 1990. This has now become the crux of the problem, hence the need for this amendment.

The decrease from 51,000 units to 36,000 units represents a 30 per cent decrease over a ten-year period. Further to this, statistics also reveal that the majority of rental units are rented for less than \$1,000, rent control limit. In fact, about 70 per cent of all rental units are rented for \$500 per month. This means that most rental units in the market are subject to the Rent Restriction Act and the Rent Restriction (Dwelling-Houses) Act.

It would appear therefore, that there is some connection between rent control legislation on the one hand, and the decline in the rental housing structure, on the other. Also, empirical work done suggests that private developers have not been constructing new units and they are not interested in renovating or replacing units which have become dilapidated. Further, dwelling units are being taken off the rental market.

I submit that if certain reports are to be taken account of, there has been little incentive for private developers to invest in low or middle income housing. Now apart from the low rental return on investment, the Rent Restriction Act imposes an onerous procedure for landlords to regain possession of their dwelling units. Legislation has in effect negated the right of the landlord and tenant to bargain freely *vis a vis* rental relationships.

1.50 p.m.

I contend that while there has been no study done to link the virtual stagnation in rental housing construction with the rent control legislation, one cannot dismiss the obvious fact that with the cost of living increasing worldwide, the cost of maintaining dwellings may be more than the rental received. This is especially significant given the previous figures that about 70 per cent of rental stock is rented for less than \$500. The Government is acutely conscious of the state of affairs which exists today and is giving consideration to how this legislation could be updated to meet the needs of the present economic climate.

Apart from this, bearing in mind the unsatisfied demand for housing units, the Government has embarked upon a series of initiatives designed to address this question. For example, the Government has returned to a comprehensive approach to housing, recognizing, of course, that land development on its own would not

and does not satisfy the needs of the majority of citizens. The Government is actively pursuing the question of squatter regularization whereby security of tenure would be given. The Government has embarked upon certain joint ventures, the latest is in Valencia where some 100 units are being constructed for low-income families and to date 71 per cent of the units have already been sold. The Government is also pursuing the IDB-assisted sub-programme in housing whereby some 5,000 lots are being developed and beneficiaries can apply for loans ranging from \$20,000 to \$95,000.

All these initiatives are designed to address the acute housing situation. We feel that there is dire need for some measure in the interim to stimulate on the one hand the rental construction industry, and on the other to satisfy the housing needs of the population. One has to create a delicate balance of the needs of both parties—the landlords and the tenants.

To prevent the great consequences of a sudden shock on the rental market, this amendment is proposed as one step towards freeing landlords from a restrictive piece of legislation so as to encourage construction and foster the concept of free bargaining between landlord and tenant. However, one does not want to remove the security of long-standing tenants whose very existence is arranged around the present rental situation. It is for this reason among others that I move that the Rent Restriction (Exclusion of Premises) Order, 1994 as made by His Excellency the President of the Republic of Trinidad and Tobago, under section 4(1) of the Rent Restriction Act, be affirmed.

Question proposed.

Sen. Carol Merritt: Mr. President, I rise to participate in this critical debate on housing in Trinidad and Tobago, introduced by the hon. Minister of Housing and Settlement. This Order seeks to place all housing units completed after July 1994, and relevant lands, outside the operation of the present Rent Restriction Act of 1981. In effect, none of the constraints on rent outlined by the Act of 1981 will be relevant after July 1994. The Government's argument is that the operation of the Act has had a negative impact on the construction of such rental units so that its removal would therefore act as an incentive to stimulate construction activity in this regard.

The 1990 Population and Housing Census conducted by the CSO revealed that the number of dwelling units in the private rental housing stock decreased from a total of 51,000 units in 1980 to 36,000 units in 1990, a fall of some 30 per cent. This is despite the fact that the total population has increased over the period by

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100,000 persons. It can be argued that some of those tenants eventually went on to build their own residences. The data indicates that there has been a concurrent increase in the level of squatting. Between 1986 and 1991 the number of squatters increased by 500 per cent, from 10,000 to about 50,000. The logical conclusion is that persons moved away from renting towards squatting due to the economical hardships being experienced. Taking the increase in the level of squatting into consideration, it is obvious that there is a shortage of adequate affordable housing in Trinidad and Tobago.

2.00 p.m.

I am asking the hon. Minister whether he examined the other contributing factors that caused this decline in rental units—the factor that the cost of building materials has escalated during the last 13 years, and the factor that our economy has stagnated. All factors have to be taken into consideration when seeking to make critical amendments that will affect so many lives. This Order goes further than what the Minister is stating here.

The Order completely removes relevant new construction from the applicability of this Act. This Order changes the spirit of the Act, and in fact, in the case of housing units completed after July 31, 1994, the law is repealed. That is the fact of the matter. The Rent Restriction (Dwelling Houses) Act, Chap. 59:55, 1981, was passed to make certain amendments to the operation of the principal Act of 1941, which is Chap. 59:50 with respect to the fixing of rents.

In the early 1970s through the early 1980s, our country had a boom period due to the high oil prices on the world market. As you know, we had sufficient resources to provide housing for the 1.5 million people in our society, along with the basic infrastructure of adequate water, electricity, roads, proper drainage and telephones, had those resources been managed properly and not squandered by some of those corrupt Ministers of the last PNM regime. Some of whom are in this present regime.

Within the period 1970 to 1981, if that regime had its priorities set right, every family in this country would have been properly housed today. Some of those Ministers should have been brought to justice, jailed for their corrupt acts. This is also a form of crime. As a matter of fact—

Sen. Robinson-Regis: Mr. President, the Member is stating that there are corrupt Ministers in this regime who should be brought to justice and jailed—I think she said. I am of the view that that statement should be withdrawn, and I am seeking your ruling.

Mr. President: The hon. Senator knows that she cannot impute improper motives to any Member, Minister or otherwise.

Sen. C. Merritt: Mr. President, if the Minister was paying close attention she would have heard that I said Ministers in the last PNM regime, and some are even in this regime. I am specifically referring to the hon. W. Mottley who was the last Minister of Housing and Settlement. He had contracted a firm from Brazil—

Mr. President: Sen. Merritt, before you go further, I am repeatedly reminding Senators that the conduct of any Member of either Houses of our Parliament cannot be raised, except upon a substantive Motion for the purpose. We must obey the rules!

Sen. C. Merritt: Mr. President, I am guided by your instructions.

Mr. President: I am just reminding you, hon. Senator, of what you are supposed to know from the Standing Order.

Sen. C. Merritt: If there were proper management of our resources that were gained through the oil boom, and if the priorities were set straight, we would not have been in this terrible position today.

Sen. W. Mark: That is a fact; they wasted the money.

Sen. C. Merritt: The Minister says that there has been little incentive for private developers to invest in low and middle income housing units. I should like to inform him that the returns on these investments would be low, because quite a number of workers in the lower and middle income brackets have either been retrenched, or their salaries have been reduced by the removal of their cost of living allowance and other benefits. Take for example, the existing situation with teachers and public servants, and the promise that was made to them to reinstate their cost of living allowance, and also, to offset what was owed to them against their mortgages with the National Housing Authority. I should like to quote from page 3 of the *Daily Express*, dated August 22nd, 1994:

"Teachers say Gov't failed to honour agreement.

The Trinidad and Tobago Unified Teachers' Association (TTUTA) has written Finance Minister Wendell Mottley to express its disappointment at Government's failure to settle its debt to public servants in some of the agreed methods.

In a letter dated August 12, TTUTA general secretary, Frank Ramnanan, complained about the "undeclared suspension of meetings" on the issue, noting that there had been no meetings between the National Trade Union Centre (Natuc) and the Ministerial team since May.

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Ramnanan said Government has failed to implement an agreement whereby the debt owed to workers could be used to offset National Housing Authority (NHA) mortgages, but noted that both Mottley and Prime Minister Patrick Manning had publicly announced its introduction.

In the letter, Ramnanan said retired teachers were being excluded from the arrangements made for the debt to be used to offset income tax arrears and added that, while the Chief Personnel Officer (CPO) had expressed surprise at their exclusion, they were still not being included in the arrangement.

The letter also called on Mottley to respond to Natuc's call for public servants to be paid their Cost of Living Allowance (COLA)."

I am just using this argument to highlight the problems that teachers, public servants, or workers in general, are experiencing here today, where they cannot afford to make timely payments on their monthly mortgages. The promise of that debt settlement has not yet been properly addressed.

I think it is time that we in this Senate became serious about these issues, and stopped trying to look at side issues. People are trying to cover up things, but no matter how they try, the records are there for everyone to see how much corruption has taken place in the past. The nation knows. History has been written, so to whoever wants to stand and object to what I am saying, I repeat, the records are there.

With reference to the Rent Restriction (Exclusion of Premises) Order 1994, this obviously acts as a deterrent to existing landlords from making significant improvements to their property. In fact, it would appear more economical to allow the property to become dilapidated without repairs, eventually forcing the tenants to vacate the condemned buildings. The landlord will then renovate or rebuild, and reap the benefit of escaping the restriction of the Act. This does not seem far-reaching. Many people would say what I am stating here might not be so, but we have to realize that we are dealing with human beings, and everybody is looking to safeguard himself. If landlords are given this sort of incentive, some of the unscrupulous ones might wait until the building is beyond repair and the tenants move out before they renovate or rebuild, so that they could be excluded from the Act.

2.10 p.m.

All this measure will encourage is an escalation in the prices of rental units in the future. It is not a measure to alleviate the critical need for housing by the growing number of poor in the society. It would seem that this amendment originated from a promise or a measure that was imposed in the 1993 Budget by the Minister of Finance. Page 31 of the 1993 Budget Speech states:

"Efforts to stimulate construction activity and employment

In an effort to kickstart the construction industry we propose to implement measures that will exempt from personal and corporation taxes all rental income that may accrue from residential, industrial and commercial properties, the construction of which begins after January 1, 1993 and is completed by December 31, 1994. In addition, gains or profits including capital gains derived from the initial sale of such newly constructed properties will also be exempt from tax.

The construction cost of the residential unit must be in excess of \$250,000, exclusive of the cost or value of the land in order to qualify for the exemption... This benefit will extend up to the year 2000 and will accrue to the owner of the property, whether such owner is the original builder or a purchaser."

Looking at this amendment, it would seem that it is being brought in keeping with the promises that were made in the 1993 Budget Speech by the Minister of Finance. I think that is the genesis of the present Order.

The Government in its manifesto of 1991 criticized the NAR Government for not building a single house during its term of office. It sought to give a long-winded housing policy, that up to this time has not borne one single fruit. The present Government is only continuing the programme that was implemented by the previous Government. This Government and the previous ones have failed to realize that housing is a tool for macro-economic development, which should be viewed as complementary to other sectors.

The United National Congress recognizes that inadequate shelter, absence of water and sewerage facilities, or lack of access to income-earning opportunities contribute to low family income, poor health and the low ability to absorb education, thus, the creation of a criminal element in our society. This is one of the root causes. Whether you want to believe it, or not, it is.

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Because of the low income of a wide section of our population, many cannot afford to accept the various NHA sites established under the Inter-American Development Bank Loan Agreement. Many families are living below the poverty line. There are men and women in this country today who are being paid \$150.00 or \$200.00 per week for their labour. This is a fact. These wages are set by those—strong words—criminals who sit in the board rooms, and want only to realize more profits at the end of each financial year, without paying the rightful wages to their employees. Some are even trying to take away from the workers benefits gained in the past. They treat their animals better than their workers. That is a fact in this society today.

I am calling on the President of the Chamber of Commerce to address these malpractices taking place with members of his Chamber, before he attacks anyone else. How can any man or woman [*Interruption*] Are you the President? How can any man or woman earning \$150 per week afford any rental unit at all? The reality is that over 30 per cent of the population cannot afford to pay rent. Man's basic needs are food, clothing and shelter. When any government fails to provide these basic necessities, or not to have them available to a large section of the population, it is only breeding the criminal element within the society. I do not have to tell you, the records every day speak for themselves. It would take more than a Bail Bill or hangings to deter what is happening or would continue to happen. If this is not addressed quickly the crime rate would escalate further.

The majority of this sector squat because they cannot afford to pay rent. Some have even been evicted from NHA units and have since gone on to squat. Market forces do not permit them to buy. It seems as though this amendment is being made to make provision for the conditionalities as set out by the international lending agencies—the World Bank, the IADB and the IMF.

The fact that this Government will implement all the conditionalities that are laid down for every sector of our economy by those international lending agencies, shows that this Government does not have the "stones"—for want of a better word, Mr. President; I do not mean to be disrespectful—to tell the Washington folks where to get off, in the same manner that it is planning to tell the Privy Council in London that they do not understand the culture and the psyche of the people of Trinidad and Tobago. The Government must be bold enough to let the IMF and the World Bank know that their conditionalities will further hurt the social fabric of our country.

John John is an area just outside the inner city limits. The majority of residents there are squatters. Every time there is a fire in the John John area, not

only one dwelling house is destroyed or lost, but several, therefore rendering many families homeless. The houses and little shacks are built very close to one another and this is the reason so many houses are destroyed in one fire.

I recommend to this Government that it seek to implement a squatter housing upgrading programme in order to raise the welfare standard of these unfortunate people in this area and other similar areas. If an upgrading programme is implemented, it would lessen the risk of fires, therefore, preventing more homelessness. We already have a problem with vagrancy and homelessness in the two main cities in Trinidad and Tobago and the major towns. We should have some sort of programme or policy to deal with this problem.

What we need is a comprehensive housing policy that will take into consideration all sectors of the population—the higher income earner, the middle income earner—if they still exist—the lower income earner and those below this, who earn little or nothing at all on a monthly basis. This last group cannot even consider entering the open market for housing, which is at present being introduced to the country.

In drafting comprehensive legislation for housing, the hon. Minister of Housing and Settlement would need to introduce measures to provide housing for this latter group who could never be accommodated by the present system. Also, in the drafting of this policy, Government should seek to remove all impediments that one has to go through in order to get planning approval from the Town and Country Planning Division. I would not go into all the stories I have heard about that Division, suffice it to say, it needs to be streamlined. The regularization of squatting must be addressed urgently and effectively.

The 1992 Task Force on Housing and Settlement did make some recommendations on pages 34 and 35 of its report. I would not bother to quote because I think every Member of this House received a copy of that report dated August, 1992. Most of the recommendations, I am in total agreement with. I think they did a comprehensive study of the housing situation in the country today.

Our people must also be encouraged to use the indigenous building materials of this country. They are not used sufficiently, especially by the conglomerates, who are at present constructing condominium-type dwellings. I understand that even their architects and engineers are imported. This is just an allegation; I do not know how true it is. This, in effect, will put a great demand on our scarce foreign reserves. It is said that our people prefer everything foreign, when our country has the natural and human resources available. Maybe the next thing we would want to import is a foreign government, if we do not have one already.

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The Government should encourage our citizens to own property so that everyone would have a sense of belonging and not be alienated.

In conclusion, may I say that the Order appears simple in nature, but it has far-reaching consequences. Although, it may be argued that the limitations of the Rent Restriction Act acted as a deterrent to new housing unit construction, and therefore, contributed in no small way to the problems of squatting, it does not follow that decontrolling new constructions will have the opposite effect. It is more likely that the rents of newly constructed houses will be relatively high, reflecting higher input cost of construction and the basic law of demand and supply. In effect, the 1981 Act has been repealed as regards new construction.

Thank you, Mr. President.

Sen. Everard Dean: Mr. President, let me first of all congratulate the Minister of Housing and Settlement on being very honest in his approach in presenting this Bill. If anything he has made a case for the total repeal of the Rent Restriction Act. I am going to take a radical view of this. I do not think that the Act as it is, 53 years old, amended in 1993, is serving the purpose that was originally intended.

This Rent Restriction Act is a disincentive for both homeowners and tenants. It is a disincentive to owners simply because in many cases they are not collecting enough rent to maintain the housing stock. Hence, the reason why, in his own words, the Minister indicated the reduction from 51,000 housing units to 36,000 or a decrease of 30 per cent over a ten-year period. The bureaucracy that the homeowner or the landlord has to go through to get into his premises, far more to get an increase in rent, is ridiculous. It is a disincentive to the tenant in the sense that if he is paying \$200 a month rent, why would he want to own a house? It would be stupid for anyone paying a rent of \$200 to go and take a mortgage for \$1,000 or more.

It is my view that this Rent Restriction Act needs, not simply amending, but as I said before, repealing, or a comprehensive look taken of it. When one looks at the water rate, the house tax and so on, the annual earnings or receipt from those premises are no longer economical. It is better you tell the tenant to remain there, and do not pay any rent; look for a place and go as soon as he can. It is having that effect right now.

2.20 p.m.

I visited Belize not too long ago, and what I noticed that they were doing, which probably the Minister may want to consider, is purchasing some mobile

homes and putting them in specified areas at a cost of US \$8,000. In our currency that would be about \$48,000 to \$50,000. It is semi-furnished. It carries with it cabinets, a refrigerator, a stove, two bedrooms, a bathroom, dining room and living room. Believe it or not, the tenant or purchaser will have an option to move into a conventional type house when it is completed at the same cost and rent paid.

I commend this as a possible alternative. After all, it is Government's responsibility to provide, among other things, shelter. This Act was passed in 1941; it is 53 years old and I think for the next 53 years the position will not change and it will be the poor homeowner who will be paying the penalty for inactivity in increasing the housing stock. I think in these days of liberalization and market economy we should be consistent not only with trade but with housing as well.

I understand that it is politically correct to do what we are doing here now and to come every three years and ask for an extension of the Rent Restriction Act but, to my understanding, this will not ever solve the problem.

I know that one of the principles of a career politician is to save his own skin and I believe this piece of legislation is almost a piece of welfare legislation paid for by some citizens of this country.

I end my short contribution by calling for the abolition of the Rent Restriction Act.

Thank you, Mr. President.

Sen. Junior Barrack: Mr. President, finally we know exactly where we stand as far as the People's National Movement's housing policy is concerned. We know for certain that they are going to liberalize the rental housing market, and I must thank the Minister for his frankness in this area.

I do not believe that if you repeal the Rent Restriction Act it would result in benefits to all citizens of Trinidad and Tobago. I believe that we are not looking at the reason why the Act was passed in the first place. The reason was to protect tenants from being forced out of shelter and finding themselves on the street. Are you saying that you are going to allow a market to exist where there will be no regulation? What is going to determine who is to be put out and under what conditions they are to be put out on the street? What is going to regulate that situation? We must have some form of legislation, some form of control.

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This measure, as put forward by the Minister of Housing and Settlement, will, undoubtedly, take care of the problems experienced by homeowners who could not raise their rents and their premises became dilapidated. At this point, if we do not take effective measures to safeguard the people who rent these premises, we would find that landlords would be able to walk in and throw out people and they would not be able to say anything on this matter.

Mr. President, one of the things that I am concerned about in this Motion is where it states:

"And whereas the President has on the 22nd day of July, 1994 made the Rent Restriction (Exclusion of Premises) Order, 1994 whereby housing units, the erection of which is completed after July 31, 1994, are excluded from the operation of the Act;"

I am not certain of the meaning of "the erection of which is completed after July 31." What has happened is this. Although it might appear simple, in my research I found that in 1954 there was a Rent Restriction (Execution of Premises) Order and in that Order under Part II(d) there was a definition of what "completion" is.

2.30 p.m.

"Completion" in that definition has to do with the actual occupancy or entering into the particular home or premises, before one can say it is completed. If we were to go for that definition, we would find that not only houses that are physically completed after July 31 will be exempted from the operations of the Act, but also houses that are completed before July 31 which have not been taken possession of by rentals or occupiers until that particular day.

So we can have houses built any time before July 31 and these rentals are not entered into; as such they will fall under the operations of the Order, which will not deal only with houses physically completed after July 31, 1994. So I should like to have a clear definition of what this completion date is about.

We have an unemployment situation which is horrendous; we have not been able to solve it. Although approximately 30,000 people leave the education system every year, the unemployment figures seem to remain the same. It is amazing! I do not know where these people go, or what they do—I do not know what happens. For the last 10 years there is an unemployment figure that seems not to be moving anywhere; it is just 130,000 and we have churned out over 200,000 people within that period. It means that there is a significant unemployment problem.

When people are unemployed and cannot afford the present rent they are paying, the liberalization of the housing market would mean an additional burden on persons who have to use that system as the major source of shelter. I believe the Minister and the Government will have to take this into consideration.

We are actually in a virtual state of war with the crime situation as it was when the Act first came into being in 1941; the War was being fought in Europe. Today we have a war against unemployment and crime. To liberalize the market at this time would mean additional hardship on people who cannot now find jobs. I have known people who are renting to other people and allow them to stay in their houses because these people have lost their jobs and cannot find one. It is not a question of not wanting to pay—they just cannot find a job to be able to pay, and because of the benevolence of some landlords, they have extended little favours to these people.

If the government is going to liberalize the market now, where the landlord can get up one morning and sneeze and say he is going to raise the rent from \$200 to \$500 because there is John who wants the house for \$500 and you are occupying it and can only pay \$200, you find yourself in a situation where you have to either get \$500 or move out. Then when you go out on the street you find that because the whole market is moving as a result of supply and demand, it is so high that you cannot get a unit to occupy and you are now destitute. Are there not sufficient vagrants in this country, Sir?

Sen. Huggins: It seems that you want to join them.

Sen. Hosein: The Minister does not have to boast, why is he boasting?

Sen. J. Barrack: We should be very careful as to the way in which we implement this piece of legislation because it could have very far-reaching consequences.

There is another aspect of this Order that is coming to the fore and as the Minister has said, it is a part of a more comprehensive policy that will be introduced as time goes on. I listened to Sen. Dean making the point that a man will be renting a house for \$200 and will not move because he is enjoying a nice thing. That is one set of people. But there are some 40,000 people, between 1986 and this present day, who have found it necessary to squat. They went and built houses of their own and squatted on either privately-owned or state-owned lands.

What happened is that people have found ways in which to provide housing for themselves. Apparently, all they needed was—not even seed capital, because

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the banks do not lend these people money to build houses; nobody lends them anything. They use whatever little savings they have. I have a list of communes of squatters from Morvant to Carenage—thousands of households.

2.40 p.m.

When this Order is approved, with the present Government's policy of demolishing new squatting houses, one would find that people are going to have their houses demolished more extensively. It used to be that there was a most feared demolition squad operated by the PNM. When that squad moved into the squatting area it was a sight to behold. Women and children, sometimes a family of six were left in the mud after their houses were broken down by that squad.

The days of the demolition squad will return because there are no safeguards whatsoever, when the market is liberalized, for those who cannot pay even now. If we had a situation where the Government was solving the unemployment problems and the effects of the resurgence of the economy were reaching down to the small man, then one could say the Government is heading in the right direction, but daily the people are being pauperized and would have to turn to squatting. If they turn to squatting, the Government's policy at this time is to break down houses. If those houses are broken down, families will be brought to destitution. The days of the demolition squad are going to return. This Government has failed to keep its promise on the regularization of squatting in certain parts of this country.

Firstly, I would quote from the NAR manifesto—

Sen. Nanga: Joint platform! Pamela Nicholson said do not count her in that.

Sen. J. Barrack: The Senator got an opportunity for comic relief. This is no joke.

In the NAR 1991 manifesto on page 40, under "Squatter Regularization," it states:

"A third major initiative of the NAR government has been its squatter regularisation programme. Many people have been living for decades on State lands with no kind of tenure, poor infrastructure and a life of fear and insecurity."

I am talking about 50,000 households—

"Under the NAR's squatter regularisation programme, thousands of such people are having their status regularised and the necessary amenities are

being put into their homes. At the present time this process of regularisation and the placing of amenities is being conducted on some three thousand (3,000) lots at thirty-one sites."

Among them is River Estate, Diego Martin.

If we look at the PNM manifesto for 1991, we would see a similar direction here. According to the PNM Manifesto at page 30—

"The PNM stands committed to

- The provisions of Act. No. 20 of 1986 which provide for security of tenure for squatters, for transfer of title at 25 cents per square foot and an annual lease rental of \$1.00
- Regularisation of existing squatter settlements through proper demarcation of lot boundaries and upgrading of basic infrastructure."

There is pandemonium in River Estate at this time. The people do not know what is going to happen next. The Government is planning to completely move these people out of this area and bring in a developer who will build new houses; these people will be carted out from there and they will lose the prime lots they have worked on and developed. They have made it a hospitable place.

Despite its commitment to regularizing the squatters where they are, the Government is now going to move these people. When the Government starts its programme, most of these people are going to be dislocated. They would have no control over the rent situation and people would be virtual destitutes.

Sen. Nanga: You have read from the PNM and NAR manifestos, why not read from the UNC's manifesto?

Sen. J. Barrack: I am going to read from the UNC manifesto. Does the Senator want to hear it?

Mr. President, the UNC manifesto for 1991 is, indeed, a work of art! *[Laughter]* It embodies a comprehensive philosophy of man. I will now read from that manifesto—

"We in the UNC hold as our founding principle the belief that the purpose of mankind's existence is happiness. We believe that God in his infinite mercy made man to be happy; it is the reason and object of his existence. Without happiness life would have no meaning. While it is true that each person will

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find happiness in his/her own way, it is also true that happiness is hardly possible without the basic necessities for a decent living—"

Those basic necessities as announced by the UNC are food, clothes and shelter.

Sen. Robinson-Regis: What is the policy on housing?

Sen. J. Barrack: I will give the philosophical perspective first. The Senator is not aware of that, is she?

Mr. President: The Senator should be allowed to make his contribution without any interruptions and the Verbatim Reporter would have a problem in hearing too many voices at the same time.

Sen. J. Barrack: If the Government is not concerned about the housing needs of its citizens then it is not fit to hold office. It has been the continuing experience of the people at mass levels in this country, as attested by the 50,000 squatters in this country, that the PNM Government has consistently failed to deliver on this basic requirement of a decent living for citizens.

2.50 p.m.

I go on to deal with our housing policy. Page 25 of the UNC Manifesto states:

"The UNC recognizes that housing is critical to the development process in both social and economic terms. The following programmes will be implemented towards engendering this development process.

- (1) Full and rapid implementation of 'sites and services' projects in which occupants will contribute to the development of their own homes. These plots will be levelled and furnished with access roads, drainage, water, sewerage, electricity as well as community services and land for agriculture."

Do you hear that? That is what is going on at Blue Basin. In the Blue Basin area there are plots of land where people are not only living, but also making a living. They have their gardens; some of them sell and subsist on plots there. That site would have been ideal for a programme such as this for the UNC especially when the Government cannot provide employment for the people. What is it going to do? Build a number of houses in Blue Basin and people cannot eat? Does the Government want to create bandits and criminals?

The article continues:

"One hundred sites have already been identified for such development.

- (2) The squatter regularization programme will be fully implemented and completed within eighteen months."

How long has the governing party been in power? It is over 30 years. I am going to read an article from people who have written begging this Government to have compassion on them. They had formed party groups. Since 1969 people have been begging this Government to give them some kind of tenure so that they could live decent lives and have some kind of security. In 1969 there was party group 4. Mr. Lennard Lane, President of Seventh Avenue, Malick North, spoke about how the people are living. I do not know how to deal with it. It is persistent wickedness!

The article goes on to state:

- “(3) A squatter housing, up-grading programme will be implemented through a mixture of collective, individual, private and public sector resources, in order to elevate the welfare standards of these unfortunate and neglected persons in our society."

Do you hear how we are able to empathize with people?

Sen. Capildeo: Tell them! Listen to the word "empathize."

Sen. J. Barrack: The article continues:

"Security of tenure will be given to squatters on state and state enterprises lands by means of legislation."

The squatters in Trinidad and Tobago have faithfully voted for the People's National Movement and it is keeping them on a carrot. It is over 30 years. It is now going to liberalize the market. It has broken down squatters' homes and it is going to move people by force from River Estate. It would bring back the demolition gang and that would be the opening of a sad and tragic chapter in the history of this country.

The article continues:

- “(4) Supervisory, technical, administrative and financial assistance will be provided to all communities in which self-help and mutual-help projects are to be undertaken."

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Again, this is the policy of the UNC where we would bring the community together and use the extended family, where people on their own come together, and provide housing for themselves.

The article goes on:

"(5) Seed capital for appropriate housing financial institutions will be provided."

That would be done. I think that in the long run we would have to develop institutions to take care of those houses.

"(6) All housing policies and programmes will be carefully re-evaluated and reassessed in accordance with the householders' capacity to pay. Mortgages will be renegotiated and loans rescheduled with the assistance of the state".

Do you know what happened after 1986 and 1987, after the oil boom? People who got houses for which they applied before 1982, by 1985 and 1986, were paying rents and mortgages that their salaries could not afford. The expected rise in salary was forthcoming. What happened? People were just leaving the houses and running all over the country. There are housing schemes in this country, such as Malabar, with serious problems in terms of tenancy. People have just left these homes. They just cannot pay for them. People do not even want to rent them. There is no real restriction as far as rentals in these places are concerned.

"(7) The UNC's innovative approach contemplates the establishment of strategic urban and rural development planning units on a decentralized basis in order to adequately service the housing requirements of the country. Within these strategic housing development planning units specific recommendations will evolve in the context of:—

- (1) Land zoning;
- (2) Land reform/land tenure;
- (3) Housing cum rural agricultural development."

3.00 p.m.

This is the point I was making earlier about the River Estate area which I believe must be looked at carefully. I believe the Minister should realize the way that the people settled in Blue Basin is destructive. They did not settle in close proximity to one another. They left space for planting and so forth, and I believe

that any development programme in that area should take into consideration the needs of the people. Fourthly, we have the development of productive communities on a comparative basis.

I would like to emphasize to this Government the need to protect landlords from a piece of legislation that might restrict them from developing their assets and getting a proper return on their investments, but I would also like to warn this Government to take the necessary steps to protect tenants—which I do not see in this Order or anywhere else—because it has exempted all housing units completed by July 31 from the operations of the Act. Once they have done that, it is open season in that respect of anybody operating in that market.

I am saying that the government will create further hardships for the people of this country. I believe that a so-called caring Government should take this into consideration and come back to this Senate quickly with measures to protect the rights of the tenant.

Thank you very much.

Sen. Rev. Daniel Teelucksingh: Mr. President, the Rent Restriction Motion is, in my opinion, a very feeble and inadequate attempt to address one of the nation's most serious social problems, namely the housing crisis.

The hon. Minister of Housing and Settlement made reference to the housing situation—the housing shortage and squatter regularization. I want to make reference to these.

As a device to encourage more persons to invest in apartments for rent, I think the Motion is woefully suspect. The present decrease in the construction of apartments by investors as observed by the hon. Minister, I believe, is partly due to what appears to be the unlimited, possibly ever-increasing, rights of tenants. Previous speakers made reference to this. Undoubtedly some of these rights are justified, but there have been problems and there are certain owners of properties who complain that in the history of rent legislation in this country, the legislation seems to be blowing hot and cold: today favouring the tenant and tomorrow favouring the landlord.

In fact, the hon. Minister made reference to three years but the proposed legislation, I do not believe, will cause much change of heart. Do you think that investors will want to invest their earnings in providing rental apartments not being too sure when the next change of legislation will be? Will there be a policy

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change in three years if the Government makes concessions to would-be investors today? I believe that as a device to ease the housing crisis, this dependence on the whims and fancies of investors is not reliable. I believe that Government must find other answers. I am not excited about the Motion. The housing crisis is not well addressed in these ad hoc measures envisaged by the Motion.

I want to make reference to the Minister's comments on squatter regularization. In the *Trinidad Guardian*, 23rd of this month, on page 12, there is a photograph. Thousands of our citizens must have seen this and wondered what kind of Government we have and what kind of people we are. I have a copy of the photograph with a man standing where his house once stood, two pieces of galvanize at the back, near him under the open sky is a stove, a 20 pound cylinder, a mop and a clothes basket. He is out in the open because his little house was demolished. He begged for some time. He lived in Tarouba, New Settlement, Marabella, for about five years. I think we as a nation should ask ourselves some very serious questions about this kind of activity directed against one of our own.

A man stands there and the article says: "... a tearful Lewis was sitting on the edge of a drain contemplating his next move." He has been on that site for about five years. A very poor citizen stands near his bulldozed shack and we are asking ourselves: "Where do we send him now that we have sent the squad to destroy his little house?" He was there for five years. I wonder where the squad was when he put up the first pillar.

For how long again will we use such methods against our people? This happened only a few days ago. This photograph is an illustration of the desperation of the poor. It is a photograph, too, of the lawlessness of squatters. Oh yes! I want to identify with that very important problem that the Government has. I do not know how they will solve it, but they have a squatting problem.

It is a photograph also that tells me of the determination of the state to make amends for its apathy and negligence. I say apathy and negligence because we have permitted squatting communes to be so well established, and then we either move to demolish or spend millions to regularize, regularize meaning merely acknowledging them.

I want to make a few suggestions. The first one is: What about those field officers at the National Housing Authority? What about those field officers at Town and Country Planning? What about those field officers of the Ministry of Environment, the field officers from the county councils? I wonder if they could not leave their air-conditioned offices sometimes and monitor these areas where the poor are building or attempting to set up their communes.

Look along the highways. It is like nobody is seeing. Are they not seeing these buildings going up? We wait until they are well established and then move in to destroy them years after. Near the sea, on the river, not to talk about the old train line, on the edge of the swamp, on the hillside. They present a serious problem. What have our officers been doing? We have many officers in so many of these ministries in our nation inclusive of the Highways Division and Transport; I wonder if they are concerned. They pass along the roads and they see pillars going up. They know a house is going up and do they tell anybody anything? Or is it that they are waiting to demolish many years after? I think we need to get our field officers busy in these areas, possibly to bring to the notice of those in charge that something is happening and possibly give warnings. I think it is easier to remove a pillar, rather than destroy a man's home and put his stove and everything out under the open sky.

3.10 p.m

Secondly, I think we need to get the support of the population. I do not know how one can mobilize the population, Mr. Minister, to assist in reporting very early to the authorities, the construction of illegal buildings on state lands. But the Government needs to get the help of the population to assist the field officers.

We have to halt these demolitions, because one of these days we are going to move in again with the demolition squad to clear up the Uriah Butler Highway. There are some houses along the swamps right now, and we wonder with no sewer facilities and proper garbage disposals, what a serious environmental threat that would be if we allow that to continue for the next two years.

Finally, I want to compliment the Government on finding those 5,000 lots the hon. Minister mentioned, costing from \$20,000 and up. That is a good move. However, I still believe that Government needs to identify lands for housing for those who cannot even afford that \$20,000. We could not find these lands, but the squatters have found them, and this is my argument. They have found them, and after many years we are now moving to regularize them and recognize the occupation of those properties.

One asks the question: Can they build their own houses? If one goes to the squatters communes one will notice that the answer is, yes. Provide lands for the very poor people—that is keeping them away from some of the areas I have mentioned along the highway—and however humble, these people are going to build their own homes, I think we have to do that. Find a proper place for them to build the same little shacks they build along the highways, and let them help

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themselves through the principle of self-help. Give them the land, sell them the land, rent, or lease, so they will not build in areas where the state will have to remove them by force.

Thank you very much, Mr. President.

Sen. Wade Mark: Mr. President, let me bid welcome to the hon. Minister, Dr. Vincent Lasse to this august Chamber, and also, to the newly installed Senator on the PNM Bench. I always like to see new faces on the PNM Bench from time to time.

Sir, on Wednesday, August 31, 1994—tomorrow, Sir—our country, Trinidad and Tobago will be celebrating 32 years of national Independence. We on this side are asking: Exactly what are we celebrating? We are dealing with a very important Motion, where the Government is seeking to virtually exclude all premises that were under erection, based on the Order, on July 31, 1994.

What this Government has done in its two and a half years, coupled with the 30 years of its predecessors, is to transform our citizens—who were former owners of assets of national wealth—into tenants. We have actually become tenants in our country as a result of a policy being issued by the People's National Movement.

We have always argued on this side that government is for the poor, that the government is for the dispossessed, that government is about the ordinary people. We have argued that the rich, the powerful people and the influential people do not need government, they have enough resources. Therefore, the first responsibility of any government is to look after the poor; to look after the dispossessed; and to look after the aged and the handicapped. But, what we have after 32 years of Independence is a democracy for the rich, of the rich and by the rich.

We ask the Government in this particular Motion: Who is going to protect the homeless and the poor? What this Minister has not fully appreciated in his presentation is that by introducing this Motion, he has effectively done what Sen. Dean longed and cherished for—the effective repealing of the Rent Restriction Order. That is what is going to be the end result of this measure that is before the honourable Senate today.

I thought that the Government would have been interested in stability; that it would have been interested in consensus and in co-operation. If it were interested in these things—rent is a key element in any prices and incomes policy that is necessary for us to have national stability in Trinidad and Tobago, for us to bring the social partners in our country within one framework.

Clearly, the Government is punch drunk; it is completely intoxicated with the diseased liquor of liberalization, and, therefore, what we are witnessing here today, in spite of the fact that the Minister has attempted to convince us otherwise, is that the Government is really seeking to free-up another aspect of the marketplace.

The Government has freed-up the exchange rates, so we have a so-called floating dollar. It has freed-up interest rates and it has freed-up prices, so that, for instance, basic commodities that were once under price control have now been liberalized. What the Government is now seeking to do with this measure before us is to free-up the housing market, particularly the rental market.

That must have some consequences for the ordinary people of Trinidad and Tobago. It is bound to have an adverse effect. We have no problem with the businessman investing in apartments; or that he is investing in some kind of economic activity, making a reasonable return on his investment. We have a problem though with what has been described as abnormal and obscene returns on investments. Mr. President, somebody pays for that.

3.20 p.m.

This Motion is going to put the tenant at a great disadvantage vis-a-vis the landlord. I would like the landlord to make a reasonable return. How do we balance—the Minister has described it as a delicate balance—the interest of the landlord as against the interest of the tenant?

Mr. President, as you would know, the markets in Trinidad and Tobago have abolished virtually the Public Utilities Commission. Right now the PTSC can just raise fares as they have been doing. Every two months a new price list is put in the newspapers, a new fare structure, at will. For this year they have increased bus fares twice. Last year they were also increased because they no longer have to go to the Public Utilities Commission to justify why they must increase their fares.

Similarly, Mr. President, do you know what would happen to electricity when the sell-out of T&TEC takes place? They have already abolished the PUC. These foreigners who are going to come in here will determine when they want price increases for electricity, similarly, for water, when the government leases out and eventually sells out the Water and Sewerage Authority to foreigners.

What we are seeing here is a pattern on the part of this Government. Who is going to protect the poor man? Who is going to protect those people who are helpless and defenceless? Who? It is the Government of a country that is

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supposed to protect the poor. This Government is one for the rich, it is a government of the rich, and it is a government by the rich. That is what this Government is all about.

We are not talking about a motion that is now going to allow anyone who constructs a home after July 31, 1994, to have exclusive power to determine the value that he or she will charge for his or her premises. I have no problem with that. I believe that in a liberalized market environment, one of the conditions, one of the imperatives, one of the necessities that we must not ignore is a regulatory mechanism. You must have regulatory mechanisms.

In England, the mother of privatization, the mother of liberalization, they have established regulatory mechanisms. For instance, the consumer is not taken undue advantage of. How are we going to ensure that when I go to rent a place and I am told it is \$2,000 a month or \$1,500 a month that I am not being taken advantage of? How am I to determine?

3.25 p.m.

Who is to determine the services I enjoy? The landlord! The Minister talks about bargaining. What bargaining is he talking about in a society where there is a chronic shortage of housing? What is the bargaining to be like? Who will have the strength? What is happening in the labour market today? The labour market today is one in which power has shifted from the trade union, to some extent, to the employers. That is why today there are people who are working for \$75, \$100 and \$125 per week. How they are living, we do not know. The Government does not care. If it cared, it would have passed the Minimum Wages Bill, to safeguard the interest of those who are helpless and defenceless and cannot get trade union representation.

We advise the hon. Minister that while he is seeking to carry out the dictates of international agencies and of his own local class, the parasitic oligarchy, that class which is in charge of this Government and the Government is merely fronting for this particular gang—If this Government could tell the population, the poor people—I heard my colleague say 50,000; it is not 50,000; there are close to 100,000 persons who are squatting both on private and state lands today. This is a large number.

The Minister, in his presentation, alluded to the fact that when this Act first came into being there was an emergency situation in our country—the Second World War—and prices were escalating, and the Government needed to introduce some measure of price control to ensure that people could have accessed housing

even though it was scarce. What has changed 54 years after? The market is still unstable. The economy is a shambles. In 1992, there was 0.5; in 1993, 1.5 per cent, and, from all indications, there will be negative growth at the end of 1994. The economy is not growing; it is contracting. People's salaries have been frozen. Some salaries and wages have decreased. Where are people going to get the money to rent or build?

The Government talks about sites and services. It is establishing many lots and sites, and I congratulate it on that. It is establishing lots and sites but nobody could buy them. Those who can buy them cannot afford to build because they do not have the income. If the cost is \$20,000, they could take 10 to 15 years to pay that off; but what after that? You have a piece of land and you cannot build because you do not have access to credit in the country. This Government is not looking at housing in a comprehensive, integrated, multi-dimensional way. It is not dealing with housing in that kind of context. It is a hit or miss approach. It is a "vaps" the Government gets from time to time. We have a "vaps" Government.

I have a table from the Central Statistical Office (CSO) which deals with monthly income groups and it says that at the end of 1993, the total number of men and women—all occupations—tallied, 204,400 persons. It says:

<u>Monthly Incomes</u>	<u>No. of Persons</u>
Less than \$250	27,800
\$499 or \$500	28,000
\$749	42,000
\$1,000	40,000
\$1,200	50,100
\$1,500	16,300

What does this tell us? Over 204,000 citizens are working on an average monthly wage of between \$250 and \$1499. Do you know how much it is for an average three-bedroom house in Trinidad and Tobago today, which, in 1975 had cost \$40,000 and in 1979, \$70,000? That now costs close to \$170,000. Which supermarket worker, working for \$150 per week or which store worker, working for \$75 per week can ever afford shelter? I have predicted that there would be thousands of young people in this country who will never be able to construct or have their own homes. They would never be able to do so! They would have to live by their parents throughout their lives. If their parents have property they

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could allow them to construct something at the back. If not, they would have to go and squat on private or state lands. What is the Government doing about that? What kind of programme is the Government offering the people in this country?

The Government is talking about a sites and services arrangement. Instead of selling these properties for \$20,000—the infrastructure cost is very important in this context. The sewer system that it puts down; the drainage system it establishes—these things escalate in cost in terms of the final amount you are called upon to pay.

The Minister of Housing and Settlement should be thinking about a progressive policy, whereby in terms of construction of houses, there would be self-help—Eric Williams must be turning in his watery grave in the Gulf of Paria.

Sen. Capildeo: That is why he was not buried.

Sen. W. Mark: Mr. President, if you look at the Government's Second Five-Year Plan you would see that the PNM at that time understood, to some extent, the crisis in housing and came up with many innovative ideas. They had a new approach to housing—the self-help project where the people of Malick built houses on what the Task Force Report called “sweat equity.” They built their houses. The Government encouraged them. At that time the cost of living was lower but, at the end of the day, this commitment that people have to mortgage banks and trust companies that they would never be able to fulfil—that is why so many houses have been abandoned.

You buy a property for \$100,000 and, after 30 years, you have paid the mortgage company \$500,000, half a million dollars. A total rip off! How can we move towards bringing about a property-owning democracy? Why must I be called upon to pay rent to some landlord who can get rich and leave me in perpetual dependency? Why does this Government not try to get away from rentals and give people an opportunity to own and have a stake in their country? This is property democracy.

Why must only one class of people own and control the wealth and assets of our country? Why can the poor people not own and control and have a stake in their land as well? This is what we advocate on this side. This is what we have been arguing. We would like to strive for building a home-owning democracy, a property-owning democracy where ordinary people would be able to have a stake in their land?

Instead, what we have is a vicious, brutal, callous Government that goes about destroying, dislocating people's homes, people's sole means of livelihood. It destroys these things. While all this is taking place it gives incentives to its friends.

Sen. Capildeo: Duty free concessions!

Sen. W. Mark: People who can afford get debt forgiveness, but poor people who cannot afford are being crushed and brutally destroyed by this heartless, wicked, cruel Government. Then, this Government tells the country that it cares. Whom does it really care for? Is it the ordinary people? Is it the ordinary man and woman? Or does it care about a class, a clique, a gang that has it under control? That is why the Government hates us. That is why the newspapers are against us. That is why the parasitic oligarchy want to murder us. They cannot manipulate us. We are not dolls or puppets.

3.40 p.m.

That is why the *Guardian* and *Express* newspapers and everybody will attack us every day—because they like the PNM. Sabga got a big contract to build, design, finance and construct NHA. We want to know: How much is it costing the country?

Mr. President: You were going well all the time. All of a sudden you have started to call names.

Sen. W. Mark: All right, sorry, Sir; I withdraw that. You see, in our country we have many opportunities to build and develop, but the Government is not listening to anybody. It is giving incentives. I am not calling any names, Mr. President, but in the *Gazette* of July 21, 1994 fiscal incentives in the Trinidad and Tobago Methanol Company Limited Order, 1994—Mr. President, this Government is privatizing, selling out our methanol plant and giving it to a firm called Ferrostaal of Germany.

While this Government is demolishing people's homes and not offering workers incentives to do anything, and not giving poor people an opportunity to grow, it gives its friends duty-free concessions. Imagine this Government—in the face of so much poverty, starvation, hardship and malnutrition in 1994. We only have to look at this lady, Coritia John, from Balandra—five children, living on the edge of poverty. Is this the kind of nation we are nurturing, Sir? There are many Coritia Johns in our country.

The Government gives the Methanol Company, effective from September 1, 1996 and thereafter for five years, total relief from corporation tax and customs duty in relation to the approved product.

Sen. Capildeo: We will have to amend that.

Sen. W. Mark: So big companies are getting concessions. They are not paying

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corporation tax or customs duty but the Government is telling poor people, "Let the market decide." Is the market God? The market is not God, the market is man, and in Trinidad and Tobago man controls economic policy and people's destiny. Market forces may be abstract things, but in real life they are real things.

If there is a monopoly, as in Trinidad and Tobago, where one company—Mr. President, if you have a son and he is dismissed from Neal & Massy or McEneaney Alstons, he cannot go to the 100 companies owned by Neal & Massy to get work again, you know. They have him on the computer. One conglomerate owns over 100 companies in Trinidad and Tobago and they would blacklist him. The same with McEneaney Alstons. If he get "lick-up" there, he cannot get work anywhere! The Government is doing the same thing now.

Where are we going? The Government has come with an amendment to the Rent Restriction (Exclusion of Premises) Order; but it has not convinced us that it has thought out this matter properly and knows what it is doing. This Government operates by remote control. We know this. It is not operating in the context of seeking to develop a proper housing policy. When one "boils down the bahje," when one looks at the crux of the matter, what it comes down to is the failure on the part of the Government to establish a sound housing policy for the people of this country.

We now have a penchant for importing everything, even wines! There is a condominium at Westmoorings where all the prefabricated things have been imported. At a time like this when our country is in a serious exchange rate crisis—we have a chronic shortage of foreign exchange—we should not be importing material from abroad willy-nilly. We should try to use our indigenous culture, imagination and creativity to construct our own houses. If one goes to Guyana one will see an example of this. Many of the houses there are built with timber products from Guyana. I am not saying that they do not import things, but we import too much.

If we want to save foreign exchange, trigger the construction industry and provide employment for our people, we can use the housing industry to do so. This Government has built 71 units, according to Dr. Lasse, and that is a big boast.

Mr. President do you know how many houses we need to build to keep pace with our growing population on an annual basis? Close to 14,000 houses, and that is a conservative figure given some time in 1985. We are in 1994, maybe it has gone to 16,000 because in 1980 according to the population census, there were

240,000—250,000 households in this country; and at the end of 1990, based on the latest census date, we had over 300,000 households. There is a massive deficit in the housing market.

The Demas Task Force Report showed that we had a shortfall of close to 120,000 units in 1983, not to mention overcrowding. One just has to go to Laventille, for example, to see the kind of overcrowding that exists, as well as John John, Morvant, Belmont, Gonzales and different parts of the country. There are six or seven people living in one bedroom, Sir!

I thought that the Minister of Housing would have come to this Parliament to say that the Government wants to abolish rent control; it wants the market to be freed up so that people can determine how much they will charge. There are people in this country who have homes and may need \$20,000—\$50,000 to repair them. Give them that at one per cent! If you are giving the Methanol Company five years tax free, no corporation tax; you sell out our natural gas to NUCOR at 60 cents, when T&TEC has to buy it for US \$1.10—so next year electricity rates will go up by about 250 per cent—we will go back to coal pot and flambeau!

The Government is giving big business from foreign countries many incentives, Sir—and I do not understand the business class here; Mouttet is so caught up with attacking Panday and the UNC and trying to promote the PNM, that he does not have time to understand and examine what is taking place in this country—he is so caught up with being the "Assistant Prime Minister."

As far as we are concerned, the Government needs to recognize that when we on this side talk about housing, or look at this Motion before us, we anchor the Motion in a particular context. We look at it from the framework of a housing policy and the failure of the PNM Government to provide a proper housing policy for the people of Trinidad and Tobago. We have to deal with the economics of housing because when we talk about rent restriction and liberalizing that market, the reason for doing so, as explained by the Minister, is to stimulate the housing and construction industries and satisfy housing needs. That is what the Minister said. If what he is saying is true, what I am advancing is that somehow the Government has not been able to focus in a serious way on the economics of housing in relation to what it can do.

Housing is supposed to be a labour intensive industry, but it has become more capital intensive, an example of which is the apartments at Westmoorings which are being built today. It is capital intensive. When one looks at the whole prefabricated building system that the PNM imported in the 1970s, which ripped-

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off people; just go to Maloney, La Horquetta and see the concrete jungles that were built for people—when you go there you sweat. If one goes there at 10 or 11 o'clock in the morning, one has to run outside. It is amazing how people live there! That prefabrication was a rip-off! This country lost millions and millions of dollars as a result of the rip-off by people who were involved in that particular programme.

The Government has to understand that when we talk about housing we are talking about employment, local consumption of our material within Trinidad and Tobago, and trying to reduce some of these costs. In privatizing the Cement Company the Government wrote off many of its debts. Cement used to cost \$9.00 a bag. As soon as Government privatized, it went to \$23.00. How can poor people buy cement for \$23.00, when they cannot even get \$10.00 to buy bread? These are matters the Minister ought to address in a serious way. He should not come here with a Motion and say 10 words and feel that he is going scotfree. We do not operate like that in the Senate. We have to hammer him and let him know what are the concerns of the alternative government, because we are the alternative government—understand that!

I know that when I say that, it pains some of them, but that is the reality. That is one of the things they just cannot escape; and we will welcome them as part of our national government.

Hon. Senator: All of them are very upset.

Sen. W. Mark: Mr. President, I would like the hon. Minister, in winding-up, to tell this Parliament what kind of regulatory mechanism he is going to establish to ensure standards. We want standards. I am fed up of the rip-off. Landlords rip-off tenants; some tenants rip-off landlords; we want to establish a balance now. We want equilibrium. We want to know what kind of mechanism your Government is going to establish to ensure that I have standards when a man tells me I have to pay \$2,000 to rent a place, or become a vagrant—sleep on the sidewalks. The Minister must tell us that, because tenants have rights too!

There is talk about bargaining. Is the Government saying that the tenants must form a trade union and bargain with the landlords? What is this plea bargaining about? When you want a house or a home, with whom are you going to bargain? One should be able to make a call and ask, is your house available? Okay, \$1500? Could I break him down? He says, no, because he knows there is a shortage.

Sen. Rahael: That is bargaining.

Sen. W. Mark: Yes, that is bargaining, Rahael—you are a landlord, so you must know what I am talking about. You are a landlord and a tenant?

These are some of the matters we are concerned about on our side. It is not to say that we want to discredit the hon. Minister's attempt this afternoon in any way. What we are trying to do is to be as rational and as objective as possible, because whenever we talk about property and the acquisition of quality, affordable property, we cannot escape the functional relationship between property and income levels, and particularly disposable income. We have to look at people's income capacity to acquire these properties, Sir.

I am hoping that the Minister would be able to tell us in closing exactly what the Government has planned for this situation. We have indicated through our other speakers, what our policy is on housing: that is very clear. We want the hon. Minister to tell us precisely how he is going to establish this delicate balance between the landlord on the one hand, and the tenant on the other. How are we going to ensure this?

In Britain they have regulatory mechanisms. The Minister must give us an appreciation so that my rights as a tenant can be safeguarded. There is too much unfairness in our country and we can no longer turn our faces and forget the unfairness that is taking place. As a party that is vying for government, we want to ensure that in everything the Government brings here, there are mechanisms to ensure the interests of the majority, the poor, the homeless, the jobless, and those who are defenceless. That is our concern.

3.50 p.m.

We have always stated that our job is to protect the innocent, and the Government must deal with the guilty. We want to know what the Government is doing to protect the livelihood of the innocent people in this country. That is what we want to know.

Mr. President, I did not want to be so long in my contribution, but sometimes this happens when I rise to speak on a matter like this, which is very close to my heart, as I know of many people who are homeless and are always asking for help because of this crazy Government.

There are two generators at T&TEC: one is called "Sitting Bull" and the other "Crazy Horse". I want to know if the PNM is a crazy horse government. It is not focussing on the issues that affect the population. Maybe, the only way the Government will be able to resolve this matter is that come 1996, or before, we

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must form a united-front government in which the PNM and the UNC will have a stake, and where all those forces in our country who are interested in the progress of our nation will have a stake.

Therefore, if we put our heads together and have a common programme and policy, we are saying that we will call a cease-fire of all this antagonism and opposition and move together to build our country, to develop our nation and to give our youths hope and a chance in life.

Right now it is a pipe dream to acquire property in Trinidad and Tobago. The point about it is that the PNM stands alone. It was born alone and it will die alone! That is the arrogance of this Government. The United National Congress continues to extend an olive branch of peace. *[Laughter]* We are truly committed to a government of national unity—a united front government—to deal with the crisis, because when we come into power in 1996, or before, we would obviously have to invite all other parties to consider being in the Senate. We would ask Dr. Lasse to take his position in the Senate, because we know that he will lose in Point Fortin.

Thank you, Mr. President.

The Minister of Consumer Affairs (Sen. The Hon. Camille Robinson-Regis): Mr. President, I rise to give support to my colleague's Motion before this Senate this afternoon. I also rise at this time, after Sen. Wade Mark, to indicate to him that the PNM stands alone and wins alone. *[Applause]*

Sen. W. Mark: Mr. President, before the hon. Senator proceeds, can she indicate to us in what capacity she is here today? On the last occasion she was the Attorney General, is she still?

Hon. C. Robinson-Regis: Mr. President, as I said, I rise to support my colleague's Motion before the Senate.

The Minister of Housing and Settlement has clearly pointed out the reason for bringing this Motion here today. I feel that I must also reiterate what he has said. He has pointed out that the Act has been a disincentive to persons who would normally have constructed a house for rental or may have added an apartment to the house in which they live for rental within a particular price bracket.

The statistics have shown that the price ceiling stipulated has, however, tended to be uneconomic. Clearly, as the Minister stated, the effect of the Act has been that in 1980 there were 51,000 units available for rental at the price that has been stipulated. However, within 10 years the number of units fell to 36,000 units.

It is clear that a measure which had its genesis in attempting to ensure that persons within the lower income brackets were properly housed in rental accommodation, resulted in some accommodation being provided, but it also resulted in making many units unavailable, as we have seen by the decline in the number of units and indeed, in many instances in making the units that were occupied being kept in a dilapidated condition.

As a Government mandated to seek the interest of all members of the population, we are of the view that through this Motion it must intervene to change decline—a decline which has, unfortunately, aggravated the problem which the Act was intended to solve.

Whereas persons should have been enterprising, and worked towards construction of units for rental in this price bracket, the effect of the Act has been to stymie this type of enterprise. We as a Government need to ensure that we do all in our power to facilitate the return of this enterprise.

We recognize that we cannot provide all the houses that are necessary to house the people of Trinidad and Tobago. So, it is incumbent upon us to facilitate construction so that there is not this continuous shortfall in the number of houses available for rental.

In an attempt to assist in the construction of houses, the previous government did negotiate a programme with the IADB to establish incentives for low income housing which required that those persons seeking houses through this programme had to pay \$30,000 before they could get their lease documents.

When this Government came into office, it recognized that this could by no means provide an incentive to persons, given the high cost of this programme. Consequently, the present Government renegotiated arrangements with the IADB in an effort to permit a lower level of contribution to this sites and services programme.

Now, the situation is that a person can have access to this programme by a downpayment of \$1,200 and be made a part of the programme. What happened with the previous government's negotiations with the IADB was that very few persons were able to access this programme.

At present, because of the reduction in the figure for accessing the programme, we are seeing that quite a number of persons are accessing it and moving forward building their own homes.

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4.00 p.m.

In addition to this, an examination of recent newspaper reports would clearly indicate that the Government is moving quite assiduously towards implementing a comprehensive housing policy. Recent advertisements in the newspapers have shown that the Ministry of Housing and Settlement has been inviting applications from persons to own houses in various parts of Trinidad and Tobago. The advertisements have clearly stipulated the sites for these proposed constructions; the number of units that would become available and the process of applying for them.

In our manifesto, the People's National Movement clearly outlined a comprehensive housing policy ranging from the encouragement of expenditure on high priced units to the other end of the continuum of squatter regularization, as seen in areas such as Maturita Triangle, Bamboo Settlement and Bagatelle. We have been very clear in our mandate to ensure that all persons are taken care of in all aspects of their lives. Construction of houses is also taking place in San Fernando, Valencia and Laventille.

Clearly, Government's housing policy is wide ranging and takes into account every citizen of Trinidad and Tobago who may be in need of housing. We are pleased that there are those persons who from their own resources fund their own homes, and the state permits relief for them by non-taxable interest on mortgage payments. That is one aspect of the policy of this Government which is meant to encourage construction of houses. Another aspect is that persons can seek, through the state, mechanisms to access land, as I said, through the IADB Programme and others.

In contributions from the Opposition, we heard the claim that most materials were imported for the construction industry. If we look even cursorily at the materials that are necessary for, or the major inputs in the construction industry, we would see that the major inputs are steel, concrete and labour. If we look at steel, that comes from Point Lisas. As I understand it, Point Lisas is a part of Trinidad. If we look at concrete, sand and gravel they all come from the quarries of Trinidad. Cement comes from Claxton Bay. As far as I know, labour comes from the people of Trinidad and Tobago. Three of the major inputs in construction are not imported. As construction is encouraged, employment levels would rise.

Sen. Wade Mark clearly stated that the housing industry triggers employment. It is clear by this Motion that we are attempting to increase the housing stock by encouraging construction of houses. I am glad to see he is in agreement with us

that this would trigger employment in Trinidad and Tobago. We also heard quite a bit about the situation with squatters in our country.

The Government recognizes the presence of the squatting community and individuals on state lands. By Act 20 of 1986, the Parliament at that time gave a cut-off date which said that up to so and so day, we would recognize the presence of squatters, and regularize persons who were squatting up to that time. However, between 1986 and 1991, the squatter population exploded. We are now faced with a situation where there is a clear need for us to regularize squatters, not only as individuals, but also, more comprehensively, as squatting communities.

The Ministry of Housing and Settlement has indicated not only in this Senate, but also at other fora, Government's policy on squatter regularization. There is a policy of regularizing squatters on a community basis and the Government is going about this regularization through persistent and unabated programmes. It is a programme that is intended to make sure that when we deal with the regularization of squatters, it is dealt with in such a way that we do not have a situation where the squatter population explodes again.

It is therefore appropriate that squatter regularization must take place by community, and not through individual regularization. The Government is putting the necessary infrastructure in place to ensure that squatters are dealt with on a community basis. Like my colleague Minister, I am contending that this is a measure which should receive the support of the Members of this Senate. It is a measure clearly designed to ensure that the housing stock is kept at acceptable levels.

Government recognizes that it cannot supply all the houses for the number of people who need houses in Trinidad and Tobago. It is also a measure which would ensure that those units which are now under a particular level of control are kept there, so that those persons who are now occupying houses at a particular level, would as the Motion indicates, be in houses or apartments that are protected.

I commend this Order to the Senate and I am asking that Members support the Motion.

Thank you.

Sen. Muntaz Hosein: Mr. President, this Motion comes at a time when there is a shortage in housing; citizens are unable to pay rent and to buy food to sustain their families. The Government is unable to supply jobs and housing units. The

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squatter population escalated conservatively to 50,000. Bulldozers are working regularly to displace people from their houses and jobs.

4.10 p.m.

The question that we must ask is: Who owns Trinidad and Tobago? We all like to say that Trinidad and Tobago is owned by its citizens. I should like to subscribe to that and I know that the Minister would like to do so as well, but if that is to be real, we must see tangible benefits accruing to our citizens. Only then would we be able to say we really and truly own Trinidad and Tobago.

If one had examined the newspapers recently, one would have seen, contrary to what the Minister mentioned, that a family at Bamboo Settlement was bulldozed from its property. And that is the order of the day in Trinidad and Tobago for people who are involved in trying to house their families. Further to that, only recently—and I am happy to see that the Minister is here, although he is not in his seat—the Minister of Works and Transport was involved in bulldozing vendors on the highways of Trinidad and Tobago who, if they cannot make a living, would not be able to pay their rents, and who have therefore to aggravate the squatting population in Trinidad and Tobago. One must ask whether this Minister and the Government really care, as they say they do, about people.

If the Minister's relatives were vending on the highway, would he have bulldozed them? If the house at Bamboo Settlement was owned by a friend or relative of the Minister of Housing and Settlement, would the Government have bulldozed such a person? The answer is, "Not on your life!" It would not have done that. But it is far removed from the population of Trinidad and Tobago; it is far removed from the poor people of Trinidad and Tobago and I often wonder why it is that when people get into government they do not walk the streets of the ordinary citizen any more. Why do they not speak to the ordinary citizens any more? Why do they not listen to what they have to say? If they did any of those things they would not behave the way they do. The tears of these people will fall on this Government.

Bringing a Motion of this type is an admission by this Government of its failure in the area of housing. For this Minister to tell us that the housing stock was reduced from 51,000 to 36,000 is an admission of failure by this Government and the one before, because all this happened under the very nose of this Government, and nothing was done to stop the slide of the housing stock in Trinidad and Tobago.

When one looks at housing, one sees that it boils down to two things: Government's responsibility versus private developers. These are the two major players in the housing industry. The concern of private developers is to build houses and to get a return on their finance. We have no argument with that. We support that. The Government supports that. This is what this Motion is about. But what about Government's responsibility?

With the cost of housing today, when you free up—and I have no problem with that; you have to do that in order to get your housing stock for a particular bracket of people up to par. We have no problem with that argument. The problem is that it will satisfy only a small portion of the market; will satisfy only a certain bracket of people. Government's responsibility is to look after the more vulnerable in our society—those who cannot afford to buy land and build houses.

There is another bracket which we now call the new poor. Those were the middle-income owners who are no longer middle-income. They have now dropped to between middle and poor. They are the new poor because they are unable to pay their mortgages; they are unable to send their children to school in the manner in which they ought to—with proper books, food, clothing and so forth. So, Government's responsibility and the stock it normally would have had to take care of has increased. It is no longer the poor only.

If you consider anyone who is working for \$2,000, up to \$4,000 per month, that person is unable to buy land or to build a house on his own because of the escalation of the cost of living. Those people, therefore, now fall within the bracket that Government should look after. There is no way that this Motion can look after that. If a developer builds property now to be rented, the rents will be too high—out of the reach of those people and the poorer ones. One has to understand that. I am totally flabbergasted that this Minister would not address the Senate with regard to the responsibility of the Government to deal with that problem which is now emerging.

I read in the newspapers only recently that some Members pointed out to the Government available land for people who wish to build houses. I want to congratulate them on this. I thought the Government never listened to what we said, but it is listening now for that is a UNC policy it is adopting. The difference is that the price is too high. Twenty thousand dollars is too high a price, and there is a parallel. Look at what Sou-Sou Land is doing. That is a private developer which can make available to people lands at far cheaper prices than the Government can at \$20,000. Perhaps the Minister can tell us how the Government

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arrived at a cost of \$20,000. We should like to know because we have some difficulty.

Whenever the Government is making available to citizens of Trinidad and Tobago any facility, it always goes back to the party-card holders. This is a legacy of this Government because today, if you want "10-days" you have to show a party card or you have to join the party. I want the Minister to assure me today in his winding-up that he will desist from this kind of behaviour.

This type of partisan politics must stop. This country is already sufficiently divided, and we cannot afford further division. What the Government is doing is definitely sending a message of division to the society.

4.20 p.m

I also want to say partisan politics has taken a new dimension in Trinidad and Tobago. I attended last year's Independence parade at the Queen's Park Savannah Port of Spain—tomorrow is Independence Day, and we are going to have another parade—and the hon. Prime Minister came to that parade with a PNM tie, with the balisier! That is partisan politics at a national event, and it must stop! It is totally out of place and wrong! We will not put up with that nonsense.

The Members on the other side do not understand; they have no idea of what kind of society we are building. When the country is divided in such a way, it is totally wrong and it is immoral. *[Interruption]* I do not expect them all to understand, some of them come here with empty heads, and therefore, one can expect that nothing would come from them; I feel sorry for them.

I want to address myself to an idea put forward by Sen. Dean. I believe that Sen. Dean missed the mark completely—*[Interruption]* when he spoke about buying mobile homes for US \$8,000, that is TT \$48,000! That US \$8,000 is hard-earned foreign exchange leaving this country, which we can ill-afford. We ought not to be thinking of importing more. As a matter of fact, we have sand, gravel, bricks, cement, galvanize, iron, and most importantly, wood. *[Interruption]*. Why can the Minister not build starter houses with local labour and local material for TT \$48,000? I am certain that it can be done. I am certain that if we mass produce those starter houses, we could even reduce that \$48,000. I shall have to disagree, quite respectfully with my colleague, Sen. Dean. I cannot accept, and I will not support, the Minister importing mobile homes.

We also have to take into consideration the fact that Trinidad and Tobago is also a country in the hurricane zone. One only has to look at the television stations

to see what happened during the last hurricane that hit Florida. The mobile homes were the ones that were most devastated and blown away. I want to disabuse that Member and the Minister's minds—I see he is taking notes, I hope he was not taking basket. As I said before, I will not support that, because it is not in the best interests of Trinidad and Tobago.

If one looks at the housing policies of this country, one will see that the Government was ill-advised, in that it was taking prime agricultural lands and building houses thereon. I hope that this Minister will not be party to that sort of thing. I am speaking about Five Rivers. I am sure that you are familiar with what took place there. The Minister of Planning and Development is here and he is aware of what is taking place at Aranguez, which is the food basket of the country.

At Aranguez, a highway has been built within agricultural lands, and although the Government—and we thank them for that—had indicated that Aranguez farm land would be for farming only, the truth of the matter is that people have been building houses on those lands; they have been putting down businesses on the farm lands; and the Government is not doing anything about it.

On the one hand, the Government is saying that its policy is one thing, but its actions show otherwise. One has to be very careful of what is happening in Trinidad and Tobago and I want the hon. Minister, particularly, to be aware. Aranguez is known as the food basket of Trinidad and Tobago and for many years has supplied this country with fresh vegetables. We should like to keep it that way, and I should like to put the Minister on notice, that the farmers of Aranguez will not accept—because one has to understand, the owners of the Aranguez Estate are living abroad; they have made little or no contribution to the development of Trinidad and Tobago and everything that is paid to Aranguez leaves this country. I also want him to be aware that the Aranguez farmers will not allow the Government or anyone else to walk in there and use those lands for any other purpose.

Sen. The Hon. Camille Robinson-Regis pointed out that after the squatter regularization exercise is completed, the Government will ensure that squatting does not happen again. Well, I am glad to hear that, but I want her to know that it does not work by just saying so; one cannot just wish it away. If we examine why people squat, we will see that one of the main reasons is that they cannot afford to buy land. They may be out of a job; or a husband and wife may have been working before; today only one of them is working and they cannot afford to pay

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rent. These are some of the reasons why people squat and therefore the Government would have to deal with those problems.

If the Government does not provide the infrastructure for people to get jobs, they will squat! What else can they do? I am asking Sen. Dr. The Hon. Lenny Saith, if he, his wife and his five children had no place to go, and he was making only \$2,000 per month, what he would do. Obviously, the answer is that he would squat too. There are just so many pavements to sleep on in Port of Spain; there are just so many pavements to sleep on in Chaguanas.

Unless this Government deals with the root cause of squatting—whether it is regularized today or not—we will always have squatters in this country. Everyone has ambition and wants to live a good and happy life *[Interruption]* It is very disheartening to be talking about a subject that deals with people's lives, and some of the Members on the other side could only laugh and giggle; empty shells, nothing in them.

4.30 p.m.

I see that the hon. Minister is not party to that, and I congratulate him. Do not allow that disease that sits around you to contaminate your brain, because if you do, you are going to find yourself just like them.

I, therefore, wish to advise the Government that the key to the subject matter is that the Government must deal with its responsibility; that it must deal with the poor and the new poor. The Motion you have brought here today will deal with the upper income bracket. I have no problem with that, but you deal with your responsibility, you tell us what your responsibilities are; what your plans are to deal with the root cause of the housing shortage in Trinidad and Tobago, and give people work, so that they may live decent lives.

I thank you, Mr. President.

OATH OF ALLEGIANCE

Mr. President: As indicated earlier on, we have a temporary Senator to take the oath, and I invite all present to stand whilst Mrs. Norma Lewis-Phillip takes the oath.

Sen. Norma Lewis-Phillip took and subscribed the Oath of Allegiance as required by law.

4.33 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

RENT RESTRICTION (EXCLUSION OF PREMISES) ORDER

Sen. Diana Mahabir-Wyatt: Mr. President, I rise to very briefly support this Motion, and I have some very specific grounds that I want to mention as to why I am supporting this Motion. I am glad to see the Minister here because we do not often get the chance to see him. Although this is a point I probably made in the past, I do not believe he was here present; therefore, I am grateful for his presence here today.

I am a representative of a group which is in the majority in this country and not very often taken into consideration when legislation is being contemplated or passed—that majority group happens to be female. One of the groups I am very concerned about includes the aged—female aged. Very often what happens in this country—because women frequently marry people who are older than they are—due to the pension structure insurance companies and regular companies have, the policyholder would receive a pension for seven to ten years, or life, whichever is longer. Frequently the widow outlives the policyholder and if he dies after 10 years of retirement she is left with no income.

In many instances in this country, elderly women, as a result, with no income have turned to the expedience of renting out the family property in order to survive. As time went on where the property came under the Rent Restriction Act such elderly women virtually became paupers because they had nothing to live on—the small rental that they were able to bring in decreased in value. For that reason and hoping that this does not continue to happen, I am supporting this Motion. In supporting it, I wish that the Government would consider co-ordinating some of its policies.

This afternoon we have heard much about the Government's housing policy, of which this Motion is a part. The Government has other policies—policies which deal with population, status of women, family development. I accept what Sen. Robinson-Regis said, that the Government cannot supply houses for all the people who need them; and I do not feel that this is necessarily the Government's primary obligation. The National Housing Authority (NHA) covers a fair amount of housing stock. I appeal, once more, to the Government to co-ordinate its policies and consider granting priority in giving such housing to families with children, particularly women who have children and are on their own.

In the last allocation—I do follow these things in the press—there was a substantial number of single men in whose names the leases were granted. While I have no objection to providing housing for men, I think that where it is scarce, the

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priority should be for children. There is nothing that is more desperate and sadder than seeing homeless children. And we are seeing more and more of them.

Very recently on my way to the Senate, I passed a woman with two small children sitting on the curb, carrying all her belongings in black plastic bags—she had two and each of the children had one. The look on those children's faces, their eyes were completely dead, they were completely blind and completely hopeless. When I left Parliament that evening—we had a sitting which ended after 6.30 p.m.—they were still sitting in the same spot with the same bleak despair on their faces.

I have come across instance after instance where women get public housing—these are people who are disadvantaged—in half with their husbands and they are thrown out by their husbands who want to bring in other women to live with them. The mother and children are thrown out on the streets to fend for themselves, while the man lives with his new partner.

There are instances in other countries in the region—the Bahamas is one of them—which have had a policy for some time where if public housing is granted to a couple, it is put on the wife's name because 99 out of 100 times, when a couple breaks up it is the woman who ends up with the children rather than the man.

Once again, Mr. President, I appeal to the hon. Minister to try to get those policies co-ordinated because I know that the policies are there and they are worthwhile, but it is just that we do not seem to co-ordinate them in a practical way.

Thank you, Mr. President.

Sen. Dr. Eric Baldwin St. Cyr: Mr. President, I want to make some very brief remarks. I support the Motion but in doing so I note that it is only a very temporary relief in a very small area to assist in bringing supply, demand and price into line largely in an urban setting. This is clearly not the solution to this major problem of, what I call, affordable housing. Even the very attractive Valencia project, the price quoted is outside the range of the vast majority of people in desperate need of housing.

My view is that we need a comprehensive settlement programme. I personally think that we would need to give more emphasis to rural development in which land would clearly be a central matter; how we develop and distribute land and the size of the various lots which are sold. The elements would include, in my

view, land, self-help construction because people now do build their houses when they squat. If we can organize, as it were, how we settle people on land and get some starter housing going and allow people to build their own houses—I really do not think that the market-oriented approach would reach the lower half of the needs of the population for housing.

5.10 p.m.

In saying this, I know how difficult this is, but we really do need in our policies to take a much longer view of what we are attempting to do. Too often we try to see the big impact in three to five years when we should, probably, be thinking of seeing the impact in 10 to 20 years. Having said that, Mr. President, I wonder whether you would allow me to ask a question. I heard the figure of \$30,000 mentioned for the IADB project, and I wondered whether that was 30 or 20, or whether that was the top end of a range.

I thank you very much, Mr. President.

The Minister of Housing and Settlement (Dr. The Hon. Vincent Lasse): Mr. President, I want first to use this occasion to thank all Senators opposite, who have contributed to this debate. When I presented this Motion I did not realize that it would have generated this much debate, because it was the type of Order which was being put forward as an interim measure, while we consider a comprehensive law dealing with the question of housing in general. However, I wish to thank Senators for their contribution and I shall try to address concerns and answer the many questions which have been put to me.

First off with Sen. Merritt. I wish to indicate that there is really no hidden agenda in what the Government is trying to do, which is simply on the one hand to address the needs of persons seeking rentals, and on the other hand, create a situation whereby persons who may wish to go into the rental business would do so, knowing that they would be able to negotiate for their units.

Sen. Merritt did touch on the squatting situation and I thought that by now we should have been able to put that question to rest, because so much has been said about squatting and on many occasions the Government has made its point very clear, so I simply wish to address it briefly. The squatting community really escalated between 1986 and 1991. At that time there was Act No. 20 of 1986 in place to deal with the question, but apparently nothing was done, and the squatting community moved from some 8,000 squatting families in 1986, to 50,000 by 1991. That is a statement of fact.

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But, this Government in addressing the situation by way of Act No. 20 of 1986, had intended to address a small number of squatters. Now that we have to deal with 50,000-odd squatters we have to approach it on a community basis instead of one by one. So when Sen. Barrack made the point that in a certain manifesto they were going to regularize some 50,000 squatters in 18 months, I said to myself, that is bordering on madness. Because if you are calling for a tribunal and persons have to come in one by one to be regularized by a certain date, I cannot see how you could do that in 18 months, but I will come to that point a little later on.

I want to state also, following on what was raised by Sen. Merritt, that the Government has put in place a \$30 million housing construction programme under the NHA, and it is going very well. To start with, some 271 units have been constructed. The Senator raised the question of Cook Street, John John, and I wish to inform her that a contract has been awarded for the construction of 25 units there.

Sen. Dean's contribution, in my view, was very good, and I want to commend him on it. However, there are certain aspects I wish to point out. The Order before us does not relate to the repeal of the Act. As I mentioned, it is a measure that is being contemplated while we are looking at comprehensive legislation on housing.

On the question of the mobile units, I could not agree with that because the cost involved would be much more, in some instances, than those we are trying to develop vis-a-vis our squatting communities. We have two approaches to dealing with the regularization of squatters. We have a programme under the IDB where 2,500 lots are being developed and we also have a programme under the NHA, which is the national programme, and 2,500 lots are also being developed. At the end of the day with infrastructure being put in under the IDB segment and the incremental approach being put in under the national programme, one can construct a starter/core house for under \$40,000.

I now turn to the contribution of Sen. Barrack. His major concern was the date of completion. I should like him to know that when a house is constructed, there is a certificate of completion given, and that can be used effectively to determine the date of completion.

I also mentioned the question of joint venture, whereby the NHA is now engaged with a joint venture partner in Valencia, where some 100 units are being constructed and to date 71 per cent of these units are already taken. He mentioned

the question of regularization of squatters. I want to point out to him that the Government has completed the infrastructure work at two areas, Bamboo Settlement No. 3 and Maturita Triangle. Some 631 households are going to be regularized. Infrastructure work has already been done.

5.20 p.m.

I was a little concerned about something the Senator mentioned and I hope he is not one who would be inclined to encourage squatting.

I wish to dwell a bit on the River Estate scenario with which the Senator seems to be somewhat familiar and would bring him up-to-date on this because I think the information he has is not quite accurate.

At River Estate, under the \$30 million construction programme being administered by the National Housing Authority, 51 units will be built. The only problem we are encountering—I believe it is about to be solved—is that four persons are farming in an area where we are about to construct some of these units. The persons concerned have their homes in other areas; they decided that these lands are arable and have just seized them and started farming, so to speak. We have negotiated with these farmers whereby they are to be compensated for their crops, and I believe that is the end of that situation.

We are dealing with a committee called the River Estate Homesteaders—not squatters—and they have agreed to assist the Government in ensuring that those persons who are doing farming—

Sen. Hosein: Mr. President, if I understand the Minister correctly, he is saying that there are four farmers in River Estate with whom the Government is negotiating to leave the land. Am I to understand that the Minister is going back into the same scenario where the Government is taking arable agricultural land to build houses? Could the Government not find another area where the land is not as arable as those lands? Is that not a better solution?

Sen. Dr. The Hon. V. Lasse: Mr. President, I thank the Senator for the question, but there is something we call a delicate balance. One has to balance the fact that two or three persons are doing farming in an area where 51 houses are about to be constructed to house persons. Would the Senator allow two or three persons to prevent 40 persons from getting accommodation? That is the question.

Sen. Hosein: That is the question I asked: Can the Government not find another place where the land is not as arable?

Sen. Huggins: Do you have any property?

Sen. Hosein: Sure, do you want some?

Sen. Dr. The Hon. V. Lasse: I believe I have answered the question.

Sen. Teelucksingh referred to the Motion as a bill, but, in fact, it is an Order which calls for a specific condition as of a certain date, and this is really to alleviate the rental shortage on the one hand and to stimulate the construction industry on the other whereby employment would be generated.

It was rather unfortunate when the Senator mentioned an article—and sometimes we really must not take all that we read for granted. The area he spoke about is Tarouba in which there is a containment unit which goes out on a daily basis to see what structures are going up. At no time would the containment unit deal with homes that are already constructed with persons habiting these homes. What we try to do is to arrest a situation before it gets out of hand.

Really, what that article may have been referring to—I did not see it—may be a structure that was being erected which had to be dismantled. I think that is really what is happening in Tarouba. It is not a case where homes are being dismantled which have been built and persons are living there for five or six years.

The Senator also referred to some 5,000 lots; I should like to develop this point a bit. The 5,000 lots I referred to are lots being developed under the IDB segment, and persons within the so-called low income bracket can apply for these lots. For the squatters on the other hand, lots are being developed in two areas—again, under the IDB-assisted programme and under the national programme—but there is a difference between the prices one would have to pay for IDB arrangement and for the squatter situation.

The Government has been consistent with the point made that squatters will be regularized on payment of \$.25 cents per square foot for the land and \$1,000 lease, 30 years renewable. That is the position which has been clearly spelt out in the manifesto, and that is the situation of this Government—that is really for the raw land.

I must congratulate Sen. Wade Mark on being so rational. The Order, as I mentioned, is not an attempt to repeal the Rent Restriction Act. It is an attempt to stimulate the construction industry, create employment and also allow for bargaining between landlords and tenants with specific reference to houses constructed after July 31, 1994. I think that is very clear. The Senator's reference

to Point Fortin, I think, is not clear, because the PNM will be in Point Fortin for a long time, and no retired politician could be imported—

Sen. W. Mark: It is Mervyn you are worried about?

Sen. Dr. The Hon. V. Lasse: The Government has nothing to worry about.

I wish to elaborate a bit to appease Sen. Wade Mark concerning what the Government is doing. The Government will continue to provide homes for the homeless and land to the landless within its means. The programme is clearly defined and to date we have been moving steadfastly to deal with the situation because this Government is a stable one, committed to addressing the needs of the population. Our major concern, as demonstrated in our programmes for those who have eyes to see, is progressive.

As I mentioned before, and I will continue to mention, we are dealing with a comprehensive approach to housing, not a piecemeal approach; a very comprehensive approach and that again was mentioned very clearly in our manifesto. It is on that manifesto that we are here today. The people believed that we were going to do certain things and we are about to do them; in fact, we are doing them.

5.30 p.m.

Sen. W. Mark: I would like the hon. Minister to address the question of a regulatory mechanism in terms of how we are going to ensure standards. If he is going to free up the market after July 31, how do we ensure that the people who are going to rent homes have some standards? I would like him to address that question for me.

Sen. Dr. The Hon. V. Lasse: I believe that the question of standards is already well defined. In order to have approval for a home you have to go to Town and Country Planning, unlike the Sou Sou Land approach. That is why it is not working.

I want to assure Sen. Hosein that the people at Bamboo Settlement No. 3 are very happy with what the Government has done for them. There would always be a few situations where persons would want more than they should get. The problem is where persons decide to occupy two lots in building one house in what we consider a squatter settlement. That is not all. He also mentioned that a home was bulldozed.

I want to put the record straight. A structure was being erected by a person who neither owned nor had any right to the parcel of land, and it was removed. It

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was a structure, not a home. I want to make that very clear. The individual himself went to the news media and mentioned that he had no authority to build. An application form which he had was simply an application form; he did not pay the \$1,000 to enter the programme. I hope that would put that matter to rest once and for all.

Sen. Hosein: It appears to me that what you are saying to us regarding that matter is contrary to what the gentleman in question is reported to have said in the newspaper. It is contrary and therefore you are saying that he is lying.

Sen. Dr. The Hon V. Lasse: I am not using that kind of language. I am simply saying that he went to the newspaper and mentioned that he did not pay \$1,000 for the land in question. All he had was an application form. Normally, I do not use a certain language. Having said this, let me continue. I believe I dealt with the structure that was being erected, and of course, it was removed, and not demolished.

Through the Government's housing policy, NHA is developing 2,500 lots, of which again, Bamboo Settlement is an integral part. On the question of the Aranguéz land, the Government's policy is very clear. At this point the Government has not contemplated utilizing land set aside for agriculture in Aranguéz to construct units. *[Interruption]* Mr. President, I am hearing a grunting. May I get some protection please?

As regards Sen. Mahabir-Wyatt's contribution, of course, the Government is very conscious of the points mentioned. It is conscious of the plight of common-law arrangements, especially in the squatter settlement areas, because there have been situations where persons would have a joint arrangement, and when they have seen the light at the end of the tunnel, the gentleman would come forward and say that his name was on. We view what has been done as a joint arrangement and one person has to arrange with the other to be released. That is how we would be handling the situation.

I mentioned that in the squatter regularization programme very much attention is being paid to the single parent. In the majority of squatter situations, we have encountered many women and children, and there is an absence of a male in the home. We are dealing with that situation.

Sen. Mahabir-Wyatt: I wonder if the Minister would take into account in the policy which deals with—what I am aware of—one person having to sign a release, that frequently the agreement to sign that release involves a certain

amount of domestic violence and intimidation, the result of which is that the woman signs the release.

I know that there are social workers in the department. I am just requesting that this be taken into account, because in many cases you would find that applications have been made for protection orders in such instances, or other action taken or reports made. Unfortunately, it is so.

Sen. Dr. The Hon. V. Lasse: I would take note of what the Senator has said.

Further to this, the Government is very conscious of situations where there are pensioners under the NHA arrangement and preference is more or less given to persons who are so disposed. Among other things the role of the NHA is to provide housing to low income families and to ensure that persons who are more in need would receive the assistance. We have been approaching our work along those lines.

Going back to the point raised concerning the question of intimidation of one person or the other, we have had that situation in one of our settlements and it has been fairly well attended to. However, there is also a risk whereby persons who may wish to speculate may come forward and say that they are no longer residing as man and wife. That is why we need this type of assurance in writing by a sworn affidavit from the person.

There was the point raised by Sen. Dr. St. Cyr, about certain instances where the range at which the houses or units may be going may fall outside the scope of many persons. That is true to a certain extent, but there is a safeguard in that, for as I mentioned, under the IDB programme persons who have a salary, although it may be small, would be able to access a loan from the IADB.

The persons who are not working would be those considered under the squatter element of the regularization programme. Of course, we have a two-pronged approach. On one hand, the incremental approach is where persons do self-help, prepare their roads and drains, and on the other hand, we have the IDB-assisted programme where this work is done up-front and persons would be paying.

5.40 p.m

The arrangement that we have negotiated with the IDB is that persons, after their initial down-payment of \$1,000 to enter into the programme—and all one would have to pay is something like \$280.00 which will bring one up to line with

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the payment of 25¢ per square foot—the infrastructure cost would be spread over a 30-year period and someone may end up paying as low as \$30.00 or \$40.00 per month to live in an area which has been developed with roads, electricity and so forth.

Sen. Dr. St. Cyr: Could the hon. Minister say whether there is room for non-squatters? If someone is squatting he could be regularized, but if he is not, and he does not have a job, is there room for him to access some land?

Sen. Dr. The Hon. V. Lasse: That situation mentioned would be where persons applied for units through the National Housing Authority. Of course, we would try to deal with the situation but it would depend on the means. That is one of the reasons why the Government has moved back into, what we consider, the comprehensive approach, where we are now contemplating the construction of high density unit starter homes, which would address the needs of those who will find themselves at the bottom of the economic ladder.

Having said this, I think I may have covered—

Sen. Barrack: Mr. President, the hon. Minister touched on two points that I would like to have some clarification on. Firstly, how long would it take the Government to regularize the present squatting population? Secondly, how would the Government maintain the Rent Restriction Act, and at the same time liberalize the rental market?

Sen. Dr. The Hon. V. Lasse: For courtesy I would try to answer the hon. Senator's question, although he already had his chance. With respect to his first question, how long the Government will take to regularize 50,000 squatters, I would tell him that it will take as long as it will take, because again, I cannot say 18 months.

With reference to the second point raised, the safeguards are already built into the Rent Restriction Act. If the Senator was listening carefully, he would have heard me mention that a delicate balance ought to be created and persons who are already in units are safeguarded, because they have access to the Rent Assessment Board to deal with the situation.

Mr. President, I now beg to move.

Question put and agreed to.

Resolved:

That the Rent Restriction (Exclusion of Premises) Order, 1994 be approved.

MAXI-TAXI (AMDT.) REGULATIONS

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Mr. President, I beg to move the following Motion standing in my name:

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 the Maxi-Taxi (Amdt.) Regulations, 1994, were approved by the Minister of Works and Transport 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.

Mr. President, the regulations before the Senate arise out of the proceedings in this honourable Senate and the other place, and a number of meetings and consultations held with maxi-taxi drivers, owners and other practitioners; the police; the Traffic Management Branch; the Transport Board; and the other relevant agencies in the Ministry of Works and Transport.

I shall now go through the regulations and give an explanation of the reasons for them. The first two are quite straightforward; they deal with the interpretation and the title and so forth. The third deals with an amendment to the definition of 'permit'. In the previous legislation, there was a permit to own and operate a maxi-taxi. With the new Act which was passed earlier this year, we now have a register of owners that would be kept by the Licensing Authority, and a permit to operate a maxi-taxi for persons plying the vehicle for hire. The reason for this has already been well ventilated, but I would repeat it briefly.

We moved from a system of owner/operator, where the person who owned the maxi-taxi had to operate it because it was not economically viable, in that, over the last 15 years, since the original Maxi-Taxi Act, the cost of a maxi-taxi has

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increased significantly and it is now quite difficult for a single person, especially a lower income person, to own a maxi-taxi.

The new regulations now allow a person to get together with others to finance a maxi-taxi, or to become an investor, and may or may not operate the vehicle by himself; therefore, he would have a cadre of drivers. The definition of 'permit' has been changed to mean a permit to operate a maxi-taxi. No longer is there a permit to own and operate.

The fourth regulation amends, essentially, the application forms for applying to operate a maxi-taxi. This also deals with the First Schedule which deals with the particulars of the application. In this instance, we have upgraded the requirements for persons who wish to operate maxi-taxis. As a result of our experiences over the last 15 years, persons who wish to operate maxi-taxis must obtain two recommendations from persons of good social standing in the community. In the past, all that was required was a police certificate of good character, which would just deal with convictions and might not deal with the actual circumstances surrounding the applicant.

5.50 p.m.

I have in front of me a letter dated February, 1994, from the principal of a secondary school, in which he lodged a complaint about the operations of certain persons involved in the maxi-taxi trade, and recommended that these persons not be allowed to own and operate maxi-taxis because of their behaviour. They were involved in certain violent acts. So we have upgraded the requirement for persons who wish to operate maxi-taxis; they must now get recommendations from two persons of good social standing in the community, in addition to the police certificate of good character.

We have also made some administrative improvements. If we look at regulation 4 again, we see we will be granting a certificate to acquire a maxi-taxi, so that when the application of a prospective owner is approved, the applicant would be given a signed document from the Licensing Authority authorizing the purchase of a maxi-taxi which he would then bring, after he has purchased the maxi-taxi, for licensing. This is to allow some control over the number of maxi-taxis on the road, the number of owners and prospective owners.

Regulation 6—We have retained the policy of one owner, one maxi and we are not deviating from that policy.

Regulations 7 and 8—We have amended these regulations to allow maxi-taxis involved in tour operations to operate outside their route areas, but only for tour purposes, not for scheduled or route services.

Regulation 9 deals with amending the owner/operator provision and removing the owner/operator's permit.

Regulations 11 to 18, again, trying to bring some discipline to the maxi-taxi trade, we are now requiring the operators to display their maxi-taxi operator's permit in a place that is visible to the public and the enforcing agencies. It will have all the information regarding the identity of the operator, so that any motorist, any passenger, any police officer who has some difficulty with a maxi-taxi operator can get the information immediately.

We have placed restrictions on windscreens and the glassed areas. No longer shall maxi-taxis be allowed to have any painting or any sign or advertisement on the windows or windscreens of their maxi-taxis. This provision is to prevent what had become a problem with the reduction in driver's vision, occasioned by the cluttering of windscreens and glassed areas with all sorts of stickers and paintings. In addition, this will deal with the problem of lewd paintings and pictures being placed on the glassed areas of maxi-taxis.

However, in recognition of the culture of Trinidad and Tobago, we will allow maxi-taxis to display the name of the maxi-taxi, either on the front or the rear, within an area not exceeding 15 cm, or approximately 6 1/2 inches from the top of the windscreen. Hon. Senators will be aware that many maxi-taxis identify themselves by name, and we will allow them to put the name on the maxi-taxi, but in a limited area.

We are introducing a provision in regulation 13, that maxi-taxi operators must now display a destination sign. This is a disciplinary measure. This is in the situation where maxi-taxis of the same colour, such as the yellow-band, would be operating to different destinations, but they may wish to switch lanes and jump queues, and so forth, depending on how advantageous they believe it to be at the expense of others. We have now insisted they must display their destination sign in addition to the colours of their maxi-taxis, so that they will not be able to jump queues and switch lanes.

We have also introduced some provisions in these Regulations which apply to the motor vehicle. In regulation 14, for example:

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

- (a) refuse to be hired by a passenger...
- (b) refuse to accept a passenger with a reasonable amount of luggage."

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They cannot, for flippant reasons, tell people that they will not accept them as passengers in their maxi-taxis. In addition—again this is to maintain good order and discipline—Regulation 15 says:

“15(1) Where a maxi-taxi is at a public stand, the operator shall, unless he can show good and substantial cause for doing otherwise, remain standing by or seated in the maxi-taxi.”

This is to deal with the prevalence of unattended maxi-taxis—no driver, no occupant—in the middle of the road, and so on. Again, in this same regulation, we are requiring maxi-taxis to receive and discharge passengers, and to enter and leave the stand according to the priority of position in the stand.

In other words, we are going to make a system of queuing mandatory, so that as maxi-taxis come into the stand, the maxi-taxi at the end of the stand cannot receive passengers, only the one at the top can do so. So that you would not have a mad scramble—maxi-taxis rushing all over the place—as they sometimes do at present.

In addition, we have put in another provision which has come out of our experience with the relocation of the yellow-band maxi-taxi, that operators of a maxi-taxi shall not receive passengers within 100 metres of a stand. What we find with the yellow-band maxi-taxis that were relocated to South Quay is that some of the more indisciplined maxi-taxi operators do not wish to go into the stand and queue up and behave in an unreasonable manner, so that they are discharging and receiving passengers by the traffic lights, some distance away from the maxi-taxi stand, and this regulation is to deal with that.

There are also some dangerous trends that have become almost standard practice with some maxi-taxi operators. Regulation 16 says:

"16 The operator of a maxi-taxi shall ensure that—

(a) all the doors of the maxi-taxi are closed while the maxi-taxi is in motion;"

Some Senators will be aware of an incident where a teacher in South Trinidad was thrown out of a maxi-taxi because the maxi-taxi driver refused to close the door and drove off with the door open. We have introduced a number of stipulations here, such as:

"(b) all passengers, including the conductor must be properly seated;

(c) no one stands on the footboard of the maxi-taxi, while the maxi-taxi is in motion;

- (d) no passenger in excess of the number for which the maxi-taxi is licensed...”

is allowed in the maxi-taxi.

- “(e) the maxi-taxi is not to be used for any indecent or immoral purpose;”

Sen. Mahabir-Wyatt: Mr. President, I wonder if the Minister would advise me whether 16(e) would include the showing of pornographic videos.

Hon. C. Imbert: That was already taken care of in the Maxi-Taxi Act, where we banned altogether the use of all electronic equipment, except radios. So that videos and television sets are banned, and there is a fine of \$5,000 for that. This is also to deal with other indecent and immoral acts in maxi-taxis. There is also the requirement that maxi-taxi drivers be suitably attired.

We have put in a provision to create a new category of person called a conductor. We are allowing the maxi-taxi drivers to engage conductors. We are going to control the behaviour or the actions of these conductors. They must apply for, and receive, a maxi-taxi conductor's permit. We have a number of provisions which deal with the behaviour and character of conductors which include that a conductor shall not use obscene language; make insulting gestures, call out or attempt to influence a person to travel by his maxi-taxi; stand on the footboard of the maxi-taxi while it is in motion; consume, or be under the influence of alcohol.

We hope that, given time, this would eradicate the touts that now are an ugly feature of the maxi-taxi trade. We have introduced some penalties as follows: for the first offence, a fine of \$500; for the second offence, revocation of the permit and another \$500 fine.

6.00 p.m.

We have also introduced—and this is the last provision—one for immediate revocation of the permit if the Licensing Authority is of the view that a person is a repeat offender or is showing absolutely no regard for the provisions of the law. However, in recognition of the principles of natural justice, we have set out a number of procedures to give the person the right to reply, the right to a hearing and so forth. I shall read Regulation 20:

- “(2) Where the Authority proposes to revoke a permit, the Authority shall inform the operator of the substance of what is alleged against him and shall consider any explanations or representations made by the operator in writing in connection with any such proposed revocation within seven days thereafter.”

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The operator may make oral representations or bring witnesses in connection with the proposed revocation of the permit.

What we have sought to do—and I had my officers go through all the *Hansard* contributions of hon. Senators, particularly those to preceding debates—is to take out all the issues that hon. Senators raised and put those that we found feasible into the regulations, and I do believe that we have covered most of them.

Sen. Daly: Mr. President, before the Minister takes his seat, may I ask whether any provision has been made for someone to produce a medical certificate certifying that he or she is medically fit to hold a maxi-taxi driver's licence? I am sure I raised that. If it was rejected when they combed the *Hansard*, I should like to know why.

Hon. C. Imbert: No, we did not introduce that at this time. The ministry is operating under certain guidelines approved by Cabinet and we felt that we should proceed under those guidelines. However, it is an important point and we shall be amending the Motor Vehicles and Road Traffic Act very shortly and we would perhaps be able to incorporate something along that line.

Sen. Rev. Teelucksingh: Why does the Minister give me the impression that being under the influence of an alcoholic or a narcotic substance is to be treated so mildly as the use of obscene language and influencing someone to travel on your maxi-taxi rather than on somebody else's maxi-taxi? I consider regulation 18(4)(d) to be very serious and it should not be logged with those. This is a very serious one and it should be by itself.

Hon. C. Imbert: Yes, I thank the hon. Senator. That is an important point. I also was looking at the various penalties but we are constrained by the Act which governs these regulations. The Act that was passed set a maximum penalty of \$500 and we are constrained by that. I would have to amend the Act.

I beg to move, Mr. President.

Sen. Dr. Chameley: Mr. President, on page 3, item 14, you would run into problems with the word "reasonable." Everyone's definition of reasonable is different:

- “14. The operator of a maxi-taxi shall not, without reasonable excuse –
- (b) refuse to accept a passenger with a reasonable amount of luggage.”

Each person’s reasoning is different and this will be challenged.

Mr. President: Hon. Minister, you notice I have not proposed the question for debate. The reason I have been a bit liberal is that I got some feedback that a few Independents wanted to ask questions rather than make a short contribution, so you may answer them as part of your presentation.

Hon. C. Imbert: Thank you, Mr. President. My understanding is that there is a legal definition of "reasonable," where there is an established precedent in the courts and that is up to the judge to determine.

Sen. Rev. Teelucksingh: Mr. President, how do you deal with this serious question of excessive speeding by a taxi, maxi-taxi or bus?

Hon. C. Imbert: Mr. President, that is covered under the Motor Vehicles and Road Traffic Act. It is already an offence under that Act. As I said, we have just completed a comprehensive review of the Motor Vehicles and Road Traffic Act, which is quite an old Act, and I shall be bringing it to Parliament shortly and we shall be cleaning up many of the obsolete areas and upgrading many of the penalties which are now quite redundant. There are very trivial penalties in the existing Act.

Question proposed.

Sen. Muntaz Hosein: Mr. President, the Maxi-Taxi (Amdt.) Regulations 1994, subject to an affirmative resolution by Parliament, were necessitated by the enactment of the Maxi-Taxi (Amdt.) Act, 1994. As you are well aware, this was passed in the other House on March 18, 1994, and in the Senate on April 19, 1994. It was assented to on May 27, 1994.

Mr. President, you would recall that there was extensive public debate as to whether all forms of electrically and electronically produced sound or music should be banned and whether such a ban could be effectively enforced. Eventually a compromise solution was arrived at and the new section 12A of the 1992 Act was agreed upon. Section 12A(1) bans the use of all forms of electrical or electronic equipment in a maxi-taxi subject to subsection (2), which permits the use of radios upon conditions and specifications specified by the administering authority.

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The Maxi-taxi (Radio) Order 1994 was made on June 24, 1994 and published as Legal Notice No. 124. The Order specifies the use of one radio and two or four speakers, depending on the size of the maxi-taxi, which may be used.

It should be noted that under section 4 of the Order no owner is to install, and no operator is to use, a radio and speakers unless written authority to do so has been given by the administering authority, that is, the body charged under section 4 of the Motor Vehicles and Road Traffic Act with registration, licensing and control of motor vehicles.

It seems to me that since this Bill was passed there has been compliance, so far, with this aspect of it. I seldom hear loud music in maxi-taxis any more, and I am very happy to say that this seems to be very effective up to this point, but I want to deal with enforcement. A general point should be made here about the enforcement of this Order. How are these regulations going to be effectively implemented and enforced?

6.10 p.m.

Mr. President, you may recall that in that debate we recommended to the other side that one of the ways in which they could be effectively enforced would be that plainclothes policemen could travel in maxi-taxis, perhaps on a few occasions, and the offending maxi-taxi driver could be easily caught, pulled in; and, once they are fined and their maxi-taxi impounded, it would be the end of the story, because maxi-taxi drivers have their instalments to pay and would not want this to happen to them.

Once an example is made of one or two of them, the matter of loud music will disappear completely. I hope the Minister will tell me whether they are enforcing the law via that route, or what mechanism is now being put in place to do so, or whether it is a voluntary enforcement on the part of the maxi-taxi drivers themselves. It would be very important for us to be aware of what is happening regarding this.

The same sort of questions need to be raised about the regulations themselves. Section 8 of the 1994 Maxi-Taxi (Amdt.) Act inserts a new section 11 in the 1992 Act. This creates a new offence of being the owner and allowing a person without an operator's permit to drive the maxi-taxi registered in the owner's name. Whereas, the new section 12A creates the offence of using unauthorized or excessively noisy equipment, the new regulations create several new offences. Regulation 19 provides for summary trial with maximum penalties of a \$500 fine

for a first offence, and a similar fine and possible revocation of the permit on a subsequent conviction. The real question is: Are more police officers being allocated to the maxi-taxi stands? A little while ago the Minister mentioned that taxis can no longer jump the line from way in the back and go to the front.

Obviously, we would all want to have order at the maxi-taxi stands, but I wondered to what extent the Minister could enforce this regulation. If there is neither voluntary enforcement by the taxi drivers themselves, nor policemen on duty, how would this regulation be enforced? It is important that this is done, or will this be another example, like the Dangerous Drugs Act of 1991, of numerous offences and enforcement powers being created but no implementation, once they are on the statute books?

How, for instance, are the already overloaded Magistrates' Courts to cope administratively? If there are all these offences coming before the court—and this is not the only set of regulations that impacts upon the court with all its backlog, there are so many of them—one would like to know whether the Government is dealing with the backlog in the courts. It is important for these regulations as well as other areas that the courts cover—murder, treason, what have you—because the courts are all clogged.

Recently I brought a Motion to the Senate dealing with bad cheques and you will know this is a problem that business people face every day with the court system in this regard. As a result of a court system that seems to be in disarray, people find ingenious ways of frustrating it, because they know they are protected by it.

Enforcement is an argument we on this side have had with this Government for a long time. Many of the measures that they bring before us are reasonable, and in the majority of cases we do not have a quarrel with them. We may have little difficulties, here and there, and we try to get amendments; but we do not have major problems with the general tone of what is being brought. We have major problems with the enforcement, because if you bring legislation to the Parliament without the mechanisms in place to enforce it, there will be some difficulty.

Only recently I read in the newspapers where mentally disturbed and dangerous patients—convicts—simply walk out of the St. Ann's Hospital without anyone observing that they had left. So the question of enforcement is an important matter and I ask: Is this Government serious about enforcement? If so, then I expect the Minister to tell us what measures he has taken, or intends to take, to deal with that.

I want to deal with regulation 7, revoked and substituted by 7(1) which states:

"7 (1) 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."

I ask the question: What are "normal working days?" Long ago Sunday used to be sacrosanct—you could not even open a parlour on Sunday. But today we are seeing a different mode. One can find groceries and rumshops open on Sundays, so that the normal work day that we recognized in the past as being Monday to Friday, and half day on Saturday has gone out the window, and I wondered whether the Minister might consider defining what he means. Because people's perception of what the normal work day is, may be different from that of the people who put this Bill and these regulations together. Perhaps, in his winding-up the Minister can address that.

I also want to address regulation 11 which is dealt with in paragraph 9—"Regulations 11 to 18 inserted". It reads—

"After regulation 10 of the Regulations, the following regulations are inserted:

"Operator to
display permit

The operator of a maxi-taxi shall prominently display his permit in the maxi-taxi and shall produce it on the request of a Transport Officer or a Police Officer in uniform."

I ask the question: Why not the conductor as well? Since the conductor is to be licensed, why not ask the conductor to have his badge on display, perhaps a clip badge or something like that, so people can be aware that this is the conductor who is telling them to do this or that, or closing the door, or asking them to close their window, or whatever the case may be. Perhaps, if the travelling public is aware of who the conductor is by way of a badge with his name and so forth, if he was offensive to passengers they could now make a complaint and say it was "John Thomas" or "Edward James" or what have you. I think we need to amend this to include the conductor as well.

I move now to duties of the operator. Regulation 16(g) states that he should be "suitably attired." I ask: What do you mean by "suitably attired?" Should he be dressed in a jacket and tie, should he be wearing a tee shirt and jeans, or would

Bermuda shorts be all right? I think it is important that the Minister clarify the situation here, so that whoever is reading the regulations will be aware of what is meant by "suitably attired."

6.20 p.m.

Regulation 18 which deals with conductors states that—

- "(4) A conductor of a maxi-taxi shall not—
- (d) consume or be under the influence of any alcoholic or narcotic substance while on duty."

I could not agree more, but should this not also apply to the driver? As a matter of fact, I think it is more important that the driver be brought under this regulation. Should we not insist that alcoholic beverages consumed by passengers on a maxi-taxi be restricted as well? Are we saying that it is all right for passengers to smoke a joint of marijuana in a maxi-taxi? Is it all right for the boys to take up a bottle of rum and go into a maxi-taxi, have a good time, drink and carry on? Is that not what is implied here? Or, should we not bring all the occupants of the maxi-taxi into the ambit of this particular regulation?

When specific reference is not made to the conductor, the driver and passengers, it is being implied that only the conductor falls into this category. I am suggesting that we should make an amendment here to include the driver as well as the passengers.

I ask: What about smoking in maxi-taxis? I know that the Minister of Consumer Affairs, Sen. The Hon. Camille Robinson-Regis, has tabled a Green Paper in the House regarding the consumers' welfare and so forth, and part of that has to do with a recommendation when her committee accepted my Motion—I think they went a bit further than the Motion. I am saying that the Minister should consider whether he wants to bring smoking into this or whether the Government intends to bring separate legislation. If separate legislation is being contemplated, I ask the question: How soon?

I would prefer that the matter be dealt with within these amendments—that there should be no smoking in maxi-taxis. There should be no smoking on any public transportation vehicle because it is damaging to the health of non-smokers as well as the smokers themselves. I do not wish to restrict the smokers from smoking, but I do feel that they should do it on their private property or in their homes, where it would not affect anyone other than themselves and their immediate families.

PROCEDURAL MOTION

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Mr. President, I beg to move that this Senate continue sitting until the conclusion of the debate on this Motion.

Question put and agreed to.

MAXI-TAXI (AMDT.) REGULATIONS

Sen. M. Hosein: Mr. President, if one goes down to subregulation (5):

"A conductor shall be suitably attired."

So, what applies to the driver will also apply to the conductor here, and I think the Government needs to clarify "suitably attired."

There is a bit more detail on the maxi-taxi touts/conductors. Regulation 18 provides that an operator/driver may employ a conductor, provided that person has a conductor's permit. Subparagraphs (a) to (d) of regulation 18(4) prohibit the sort of behaviour usually ascribed to maxi-taxi touts. Again, unless manpower and administrative resources are available, it is unlikely that this regulation will solve the problems it is intended to solve.

Perhaps, one example will illustrate the point. The *Daily Express* of August 23, 1994, at page 1, stated that the owner, driver and conductor of a maxi had been charged with a total of 13 offences for their response to a female teacher's request not to overload the vehicle with school children—I am glad the Minister referred to the same incident. The offences occurred on February 2, 1994 and the matter is listed for its first hearing at Sangre Grande Magistrates' Court on September 22, 1994. One would see the point I was making on the question of the court being clogged.

In a society which recognizes that laws were made for the better regulation of that society, the school teacher involved would not have had to wait seven and a half months for the first court hearing in the matter. Further, passengers have an interest in such charges being speedily processed where their safety is at risk by irresponsible and negligent maxi-taxi operators. One wonders how many adjournments there will be for want of court time, for the prosecutor to appear, or for the defendants to be legally represented before the matter is dealt with.

While the regulations—and indeed the Act itself at section 13(1)—sets out many matters which are important and relevant to the administration of the maxi-taxi system of transportation, perhaps, in both pieces of legislation an opportunity

has been lost for the better regulation of drivers and the condition of their vehicles.

For instance, the new Forms 1A and 1B in the First Schedule to the Regulations do not require the potential owner or driver to state whether or not he has previous convictions for traffic offences. Surely, since the records system and convictions are not computerized—unlike some other jurisdictions—or actually endorsed onto the driver's licence document this is a relevant question to ask when passengers' lives are at stake.

While I have the Minister's attention, let me digress a little and ask him to attend to Killer Junction. The Minister must be aware that the junction at Fifth Street, Sixth Avenue and the Priority Bus Route is called Killer Junction. If one looks at today's newspapers all headline a report that three more were killed in an automobile accident.

One cannot turn left or right onto Sixth Avenue across the Priority Bus Route when going along Fifth Street, but the sign which indicates that one cannot turn either left or right—depending on whether one is going east or west—is small and round with a little arrow and a cross over it. I believe that many people who are not familiar with that area may very well miss that sign. Perhaps, the time has come—a little late, but better late than never—that we should put a larger sign saying, "No right turn," "Dangerous intersection" or words to that effect. Too many lives are lost at that junction and we must do something about that now.

6.30 p.m.

Those of you who travel on the Priority Bus Route would see that on reaching Aranguez Junction, towards the east, there are no signs that say no right turn. If you turn right, you would be on the green light and there is another parallel road which is Fifth Street. If you turn right and you are not looking carefully, the possibility is that you could run into someone else or they could run into you. There are a few of these on the bus route that lend themselves to accidents. The Minister ought to take a tour of the route to observe this, so he could put some of these issues right, because lives are being lost in the interim.

I thank the Minister for bringing these regulations. All of them are very good. I have suggested a few changes to him to improve them. We on this side of the Senate have no problem with the regulations especially if he approves them with our amendments.

Thank you.

Sen. Carol Merritt: Mr. President, I shall not be long. Can the Minister indicate how many conductors an operator is entitled to employ at once? Maybe, he needs to define this. At present, some operators have more than one conductor. I know it is not legal as yet for them to have conductors, but the fact of the matter is that some of them do.

And since these conductors would be registered, would the operators pay National Insurance for them? I know that the salaries they would receive would be below the tax structure. I am not seeing where they would be able to pay income tax.

The other matter I am concerned about is that these conductors should not consume or be under the influence of any alcohol or narcotic substances while on duty. What mechanisms is the Minister going to put in place to monitor this? Would that be in conjunction with the Ministry of National Security?

Sen. Huggins: That is the work of the police.

Sen. C. Merritt: I know that is the work of the police.

Would he be introducing the breathalyser to determine whether the conductors or even the operators are under the influence of alcohol?

Sen. Huggins: No!

Sen. Capildeo: As long as Sen. Huggins is there, one would not see that.

Sen. C. Merritt: This is a serious matter. There might be conductors or operators who might be under the influence of alcohol or narcotic substances, so we need to have the system in place to monitor this. Basically, those are my two main concerns.

Mr. President: Sen. Wade Mark.

[Several Hon. Senators sighed]

Sen. Wade Mark: They could sigh and groan, but they have me here for some time, whether they like it or not. I would not detain them too long, though.

We have a few concerns and we should like the hon. Minister to provide us with some answers. First of all, the hon. Minister mentioned that he had widespread consultation. I should like him to tell this Senate when and where these consultations took place; who were involved; the dates and times. I am asking that because I was in contact with some maxi-taxi persons, and neither

they nor their organization knew anything about these regulations. With regard to what the Minister has said in this Senate, it would be useful to let us know what is the evidence to support this matter.

As outlined in this document, the regulations appear to give the administering authority, which is the Licensing Department, too much power. The guidelines that have been set out in the regulations to govern the work of the operator, as well as the conductor are basically safety measures designed to at least safeguard the interest of the passengers.

We have some difficulty with the kind of fines that are being imposed. After the contravention of these regulations, particularly as it relates to regulations 17 and 18 respectively, where you know life is extremely hard in this country, we find that the authority has a capacity to revoke persons' permits upon their committing the second offence. We would like the liberty of the subject protected, particularly when it involves the right of property. This is a person's livelihood and we think that the Government has to tread very carefully.

Some policemen have a bad reputation and they can really be mischievous, particularly those who are engaged in the maxi-taxi trade themselves. We know policemen who drive maxi-taxis. They can slap charges on persons for any of these things as they have mentioned. What is stated in regulation 19 is that those persons would be fined, first of all \$500 and secondly, another \$500 if a second offence is committed, as well as a revocation.

The Minister was brave to point out, and correctly so, I would say, that there is a procedure in regulation 20(1) to provide people with some measure of natural justice in the event that revocation is to take place, based on a violation of the recommendations in regulations 17 and 18.

I should like to go back to the old Act of 1992. We waged a relentless struggle as the Opposition to ensure that there was fairness as well as some element of justice in the issuing of permits. If you look at Act No. 6 of 1992, section 8(1) you would see the establishment of a review tribunal. I read this section to let you know why we insisted that this review tribunal be part of this Act. Section 8(1) states:

"There is hereby established for the purposes of this Act a Tribunal which shall comprise the following persons to be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition:

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- (a) a person who holds legal qualification; and
 - (b) two persons with knowledge of and experience in the operation of public service vehicles.
- (2) The Tribunal shall hear and determine all appeals from decisions of the Authority in the exercise of its functions and duties under this Act and, in particular, respecting the refusal of a permit under this Act.
- (3) No appeal shall lie to any court from a decision of the Tribunal."

These regulations provide the Licensing Authority or what is called the "administering "authority with an easy ability to possibly revoke persons permits, either as a conductor or as an operator.

6.40 p.m

We have to deal with employment of people in this country. The Government is totally incapable of providing jobs. As you know, the Government has left it to the private sector and they have said that they cannot provide jobs because there are no incentives and no concessions. Here, there is privatization in action in the maxi-taxi trade, and they are providing a service to the larger community. There are certain breaches that have been defined, and once they are committed a person can lose his conductor's permit or his maxi-taxi permit, as the case may be. I think that the Minister needs to look at this regulation.

We want to advise, and we are putting an amendment to this effect, that where the Licensing Authority or the administering authority revokes somebody's conductor's permit or an operator's permit, that person ought to have the right of appeal to another body.

Hon. Senator: What about the courts?

Sen. W. Mark: No, no, no; we know what the courts are about in Trinidad and Tobago; we are trying to expedite matters here; this is someone's bread and butter. Do you want someone to go to the court with a matter that may last 10 years? What we are saying, is, just as how we have this Review Tribunal in the Act, which says, "No appeal shall lie to any court from a decision of a tribunal"—the decision of the tribunal is final—one does not need to go to the courts. Our proposed amendment is:

"Any operator or conductor who is dissatisfied with a decision of the administering authority, may, pursuant to regulation 20(1) made within 14 days of such a decision, lodge an appeal with the Review Tribunal established by section 8(1) of the Act".

I want the Minister to get his drafters to advance guidelines in the form of an application, that the operator or the conductor can use to file his appeal to the Review Tribunal. I think that justice demands that the person whose permit is being revoked by bureaucrats down at the administering authority who might not like people, or who might be working in conjunction with the police who might deny a driver his bread—We cannot run away from it; in this society we have corrupt policemen and we have good policemen. We have policemen driving maxi-taxis and if they want to reduce competition they will simply have to revoke people's licences by giving them false charges.

What is meant here by "suitably attired?" For instance, as my colleague said, suppose someone is in some sort of difficulty—one would dress in something that he considers to be suitable, but the policeman says to him, "You see this morning, you are not 'suitably attired'" and charges him. That person is falsely charged, because in the view of the policeman he is not "suitably attired." *[Interruption]* No, you are talking about magistrates and so forth, hon. Dr. L. Saith.

What we are saying is that one is dealing with people's bread; one is talking about the Licensing Authority having the authority to revoke people's permits. *[Interruption]* We are saying in our amendment, that in the event that the administering authority decides to revoke someone's permit after they have heard his representations, they are in effect determining whether persons—*[Interruption]*—Yes, "Rambo", your problem is that you have no patience, that is why you lost your work! Mr. President, let me continue because if this fellow had the authority he would kill people in this country.

We are proposing an amendment because we want justice to prevail in this matter and we are standing very firm on our proposed amendment that in the event an operator is dissatisfied with a decision of the administering authority, that person must have access to the tribunal as outlined in the Act, so as to avoid arbitrary decisions and arbitrary rule, either by the police or the administering authority.

Mr. President, 20(1) of the Regulations says:

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

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It goes on to say in 20(2):

"Where the Authority proposes to revoke a permit..."

They are already proposing to revoke a permit even before they hear representations. We want these regulations to be amended. Instead of "Where the Authority proposes to revoke a permit", we have put in its place:

"Where a person appears to have breached regulation 20(1) or section 12A of the Act, the Authority shall inform the operator..."

Those are two important amendments we want to propose here because we feel that they are needed to safeguard the rights of maxi-taxi drivers, operators and conductors in this particular setting. There is too much arbitrary rule in Trinidad and Tobago and the Government seems to be bent on moving more and more towards a police state in this land. We want to ensure that these people have some rights, and in the event of any arbitrary decisions, they can appeal to a higher body.

Those are our concerns, Sir. We do not want to detain the Parliament—These measures are so important, but they come very late to the Parliament and then we have to rush through them. *[Interruption]* Well, you see when I got up to talk, your whole side started to carry on, they do not want me to talk for an hour, so I have to cut it short *[Laughter]*. Then my partner "Rookie", Sen. Rooks, does not want to hear me either! *[Interruption]* He says I am talking too much! Well, I am going to pause in a short while.

Mr. President, those are our concerns and we should like the hon. Minister to take note of them. We have them in writing and we shall pass them on to the Clerk to have them included as suggested amendments to the regulations.

Mr. President: Sen. Wade Mark, do you have all the amendments completed?

Sen. W. Mark: We have them in draft form, Mr. President.

Mr. President: It has to be an amendment to the Resolution, there is no committee stage.

Sen. W. Mark: Well, Sir, while we have no committee stage, I am suggesting to the hon. Minister—that in trying to ensure the protection of the operator and the conductor, he consider what we have advanced at this time. *[Interruption]* Yes, but I am going to have it now; I am going to circulate it to you!

Mr. President: Just a minute, Sen. W. Mark, I want to understand something, you want to leave it to the goodwill of the Minister to decide whether or not—

Sen. W. Mark: No, no, no; not to the goodwill of the Minister, I am going to propose to the Clerk our suggestions in writing.

Mr. President: You will have to propose to the Senate.

Sen. W. Mark: Yes, to the Senate, Sir, and then I will pass it on to the Minister. so that we can decide. I will write it out now; can I have a piece of paper, please?

Sen. Daly: Mr. President, I would like some clarification on this, please. Do we have to sit here while the amendment is written out, is that the normal thing to do?

Mr. President: It is not the normal procedure.

Sen. Daly: Because we have been here for six hours.

Sen. W. Mark: Sen. Daly, you do not have to sit; you can leave.

Mr. President: No, no, Sen. W. Mark, you cannot be wrong and strong; this is a resolution. You are free to make an amendment if you so desire, but you have to put it in writing. There is nobody else left to speak, therefore, the normal thing to do is to call on the Minister to reply, but if I do that, then there would be no chance for you to move your amendment. It is not fair to the Senators; they have gone beyond the normal time for sitting.

6.50 p.m.

Sen. W. Mark: Mr. President, I am trying to write the amendments. I think I will pass it to the Clerk to see if he could understand my handwriting. Rather than detain the Senate, I will pass on my rough notes.

Mr. President: Could you read out the amendments that you are proposing? The shorthand writer would take them down.

Sen. W. Mark: Mr. President, the amendment that I am proposing here, is a new subregulation 5 under 20.

Mr. President: The Resolution before the Senate ends with the words:

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

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If you want to move an amendment, you will have to say, add the words “subject to the following amendments—”

Sen. W. Mark: Mr. President, the amendment is as follows:

"Any operator which—

Mr. President: Which particular regulation are you referring to?

Sen. W. Mark: I am referring to regulation 20, but I am adding a new clause (5). Can I call it 20(5)?

Mr. President: You want to add subregulation (5), after subregulation (4), regulation 20.

Sen. W. Mark: Yes, Sir.

Mr. President: Proceed.

Sen. W. Mark: Add the following:

"Any operator who is dissatisfied with a decision of the administering authority made pursuant to regulation 20(1), may within fourteen days of such decision lodge an appeal with the Review Tribunal established by section 8(1), in the manner provided in Appendix A."

What I am suggesting in Appendix A is for the hon. Minister to get his legal draughtsmen to draw up a form outlining how the person would have to apply to make his or her appeal to the tribunal. I do not have all the facts before me, Sir.

Mr. President: Is that the only amendment?

Sen. W. Mark: The second part is the same regulation 20, but this is 20(2). I wish to delete the words, “where the Authority proposes to revoke a permit” and replace them by the following:-

“Where a person appears to have breached section 20(1) or 12A of the Act, the Authority shall inform the operator of the substance of what is alleged...”

Mr. President: Is that the end of the amendment?

Sen. W. Mark: Yes, Sir.

Mr. President: Are you seconding the amendment?

Sen. Hosein: Mr. President, I have amendments of my own.

Seconded by Sen. S. Capildeo.

Mr. President: At this stage if you want them you will have to pass them on to someone who has the floor.

Sen. Daly: Mr. President, on a point of order. These amendments are important because they involve courtesy for one thing; they involve timeliness, for another thing. Have we accepted a proposed amendment that refers to an Appendix A, but we do not have the Appendix A? Is that what we are doing? Can you guide me? Is that in order? Where is the Appendix A?

Sen. W. Mark: I agree with what Sen. Daly is saying. All I am saying is that we are rushing this matter. I am attempting to ensure that there are certain safeguards. I do not have all my thoughts—

Sen. Daly: On a point of order, Mr. President. Is this a second speech? I asked you to rule on whether we can accept an amendment without an Appendix A. We are not rushing anything; we have been here since 1.30 p.m. These amendments could have been circulated at 1.30 p.m. or before, in accordance with the usual practice. I ask for a ruling on whether we can accept an amendment without an Appendix A. We are not rushing anything.

Mr. President: It has not reached the stage of accepting or rejecting any amendments. I am merely trying to facilitate the minority group in the Senate in overcoming some of their shortcomings. Apparently they were not well prepared. I am trying to get the amendments crystallized so that they would be proposed to the Senate; the Minister could reply, and then the question as to whether the amendment makes sense or not, or can be accepted in its present form, will arise.

I agree with all that you have said Sen. Daly. Under normal conditions I should correctly say, "Too late for amendments, I cannot accept the amendments in this way." I try to assist and to help the Leader of the Opposition in doing something for which he obviously has not come here properly prepared to do.

The notice of this motion, as far as I am aware, was sent out with the Order Paper since August 24, 1994, so that all Senators had adequate time to formulate any amendments they proposed to do, and circulate them even before the debate started, and certainly, be in a position to put them in their proper form. Inasmuch as he had indicated that he wanted to move amendments, I tried to put it them before the Minister replied, because if the Minister rose to reply, I could not receive any amendments after that.

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I apologize to the Senate for delaying Senators more than is usually necessary, but we do not like to put up rules and regulations to frustrate Members in their efforts, if they are well intended.

Are you moving the amendments? At least if I get you to state them, you can write them, then the question can be put.

Sen. W. Mark: Mr. President, I want to indicate that if the appendix that I have not formulated is causing some difficulty, I would delete the reference to it. The principle that I am advancing is contained already, because as I said, I have not had the opportunity to formulate what I had in mind, and I was hoping that the Minister could have used his drafters to deal with it, but since that is going to cause some difficulty, I would delete Appendix A—leave out that part and the essence of the amendment would go forward.

My colleague is proposing that in regulation 16, the conductor should also display his permit.

7.00 p.m.

In regulation 11 we are saying to include "conductor." In Regulation 16 we are proposing operator and conductor. In 18(4) we propose the words "or operator or any other occupant" of a maxi-taxi. Those are the minor amendments that we are proposing for the Senate's consideration.

Mr. President: May I state broadly that the amendment proposed by Sen. Wade Mark, and seconded by Sen. Capildeo, now before the Senate. I ask that Sen. Wade Mark write out those amendments in a proper form and give a copy to the Clerk of the Senate and, hopefully, it would be in a form for me to read by the time the Minister has completed his reply. I believe that hon. Senators had an opportunity to understand the intent of the amendments but I would not be able to put them if they do not come in a proper written form by the time the question is ready to be put.

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Mr. President, in the interest of assisting Sen. Wade Mark I would try to speak for some time but I must confess that I had not intended to do so. Let me deal with some of the issues raised.

Sen. Hosein asked about enforcement and raised the issue of using policemen in plain clothes to catch transgressors of the law and so forth. One of the deficiencies of the original Maxi-Taxi Act was an absence of penalties. This was

one of the problems with the original legislation. There were no defined penalties. One of the features of the new legislation is the introduction of penalties.

We have been debating this legislation in this Senate and in the other House for a long time. In 1992, we re-enacted the original Maxi-Taxi Act of 1979, and there was considerable debate at that time. There were discussions throughout 1993, and in 1994, we made amendments to the Maxi-Taxi Act of 1992. In 1993, we passed regulations and so forth. What we have been seeking to do over all this time—on listening to the contributions of hon. Senators, in particular—is to try to plug as many loopholes that existed in the original Maxi-Taxi Act since it was quite outdated. I believe, when one examines the Maxi-Taxi Act of 1994, when one looks at these regulations, one would see that we have plugged virtually every loophole that existed at that time in the legislation governing the operations of maxi-taxis.

In particular, let me deal with the question of music. One of the requirements that we have put in the Legal Order is that a maxi-taxi driver/operator/owner, whoever is driving a maxi-taxi, must have in his possession, signed authority in the form of a written signed document from the Licensing Authority, and he must carry this with him at all times. It is similar to the provision that one must have one's licence and insurance in the vehicle when one is driving. A maxi-taxi operator must have a document which specifies the type of radio, serial number and other particulars of the radio with him. This makes it very easy for the enforcing agencies to enforce the law.

One of the reasons that we believe this law would work and the enforcing agencies would not have as much difficulty as they have with other laws, is that it is very easy to enforce this law. There are so many provisions and we have plugged virtually every single loophole. This is why I believe that it would work, and this is the type of legislation that we need—effective legislation.

This legislation has evolved over the years through debates in this Senate and the other House; we have all benefited from it, and I do not think we would have the type of problems in enforcing this legislation, particularly the situation relating to enforcement of music and electronic equipment, that we may have in other situations.

Sen. Hosein asked about normal workdays. I became a bit confused in listening to him and to Sen. Wade Mark. Sen. Hosein said that he had no problem with the regulations, and proposed amendments to make them stronger. Sen. Wade Mark

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said that he has a problem with the regulations and proposed amendments to make them weaker.

One of the questions asked by Sen. Hosein is: What is a normal workday? It is unfortunate that there does not appear to have been adequate consultation between the Senators on the Opposition Bench for Sen. Wade Mark is a trade unionist of note and the trade union movement fought very hard for an eight-hour day and a five-day work week. If Sen. Hosein had consulted Sen. Wade Mark, he would have known what a normal workday is. I commend that approach to the hon. Senator in the future.

It is accepted practice in this country that a normal work week is Monday to Friday—40 hours.

Sen. Hosein: That does not cover what we are talking about at all.

Hon. C. Imbert: Mr. President, as far as the legislation has evolved, we are now putting in stipulations with regard to conductors. I do not think it is necessary at this point to tighten that aspect of the legislation to require them to have badges. We are introducing a new provision, so let us see how it works and, as time goes by, we may see the need to enforce some kind of identity badge on conductors. That is my recommendation. Let us leave that alone.

With regard to what is the meaning of "suitably attired". I think there is sufficient legal precedent for that. We had a difficulty in actually stipulating "suitably attired," and some of the ladies on this side drew to my attention that if I stipulated a skirt of a certain length, I might be unnecessarily restrictive on female maxi-taxi drivers. We do not wish to discriminate against women so that we leave it as "suitably attired," and allow the court to decide. I do not think any court in this country would be unreasonable—at least, I hope—in determining what "suitably attired" is.

7.10 p.m.

This is already in the law. Conventional five-seater taxi drivers have to be suitably attired and this precedent has been established. I do not think anybody is going to be convicted for being unsuitably attired when he is not.

Sen. Hosein: The Minister mentioned just now that there have been some court procedures regarding taxi drivers' attire. I was trying to get from my legal friends as to whether this is true, but they cannot remember. Could he give us any instance?

Hon. C. Imbert: All I would say, is that the requirement in the existing law that taxi drivers should be suitably attired has been there for a very long time.

Sen. Hosein: So he is withdrawing the—

Hon. C. Imbert: There is precedent established about what "suitably attired" means and I do not believe that it is a matter that we need to put to the test at this time. It has been in the law for many years and I am not aware that someone has been convicted for being unsuitably attired when he was, in fact, suitably attired.

Sen. Hosein referred to "owner, driver and conductor... charged with 13 offences; a seven month delay", that sort of thing. What I would say is that one of the strengths of regulations 19 and 20 is that if a person has been previously convicted of an offence under the Maxi-Taxi Act—and this is something that Sen. Wade Mark, I think, did not understand—the revocation of the permit comes into play. It does not arise when the person has been charged. So the use of the words, "a person in breach," refers to somebody as being arrested, charged and found guilty—unless Sen. Daly can correct me on that. But if one breaches an Act, one has to be found guilty. So the question of revoking a permit comes into play after one has been convicted.

So what we have is a situation where someone has committed an offence, has been convicted and then the Authority can revoke his permit. So I think there is some sort of safeguard there. I do accept that it is possible, after someone has been convicted, that someone may be subject to undue pressure, and so on. But one of the problems with the maxi-taxi trade—and I am open to guidance here from Senators—is that this is a highly indisciplined sphere of operation and I do believe if someone is a repeat offender that the Authority should be allowed to revoke his permit. There are some provisions in here which give the person the right to bring witnesses, the right to representation, and so on—

Sen. Daly: Mr. President, it gets even later, and that is my difficulty.

May I ask the Minister why it is necessary to provide for the Authority to revoke when the court can revoke under regulation 19(b)? Why do we need to have revocation twice? The revocation under regulation 19(b) is purely for a repeat offence, so why do we need revocation under regulation 20 at all? That is what I do not understand.

Hon. C. Imbert: I thank the Senator for that intervention. As I said, regulation 19 provides for revocation on the second offence; regulation 20 provides for revocation by the Authority after the first offence. At least, that is my interpretation of regulation 20—that once a person has committed his first offence, the Authority can revoke the permit. The court revokes the permit automatically on the second offence. That is my interpretation, and I would be

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guided by hon. Senators, because the revocation of permits is already there in regulation 19 and if hon. Senators would wish to leave it so, I would be guided by them.

Sen. Wade Mark spoke about consultation. We have been engaged in consultation on this Act—at least I have, together with the officers at my Ministry—for at least the last two and a half years, and the Ministry of Works has been engaged in consultation on this whole question of maxi-taxi operations for at least six years—public consultation—as far as I am aware.

I cannot see anything else in here. I do believe regulation 20 should remain, that the Authority should be allowed to revoke a permit after someone has been convicted once, and I therefore move that this motion standing in my name be now affirmed.

Mr. President: In the absence of properly formulated amendments—do we have any—

Sen. Capildeo: Mr. President, I understand that the Clerk has gone to have them put in proper form and should be back shortly, so that I crave the indulgence of the Senate, at least until the Clerk returns.

Sen. Dr. Saith: Mr. President, may I ask for a five-minute suspension while we get the amendments?

7.20 p.m.: *Sitting suspended.*

7.31 p.m.: *Sitting resumed.*

Mr. President: The Minister of Works and Transport and Minister of Local Government is proposing an amendment.

Hon. C. Imbert: Mr. President, I beg to move that regulation 20(1) be deleted and replaced by the following:

"The Authority may cancel the permit of any person who is convicted of any offence against these regulations or section 12A of the Act."

Also where the words "revoke" and "revocation" are used in regulation 20 they should be replaced with the words "cancel" and "cancellation," respectively."

Sen. W. Mark: Mr. President, having regard to the fact that the wisdom of the Opposition has been manifested in the amendment that is proposed, and, in spite of the efforts to shoot down the messenger along with the message, I would

concede at this time. The important thing is that we have clarification and there is some consistency in the regulations.

Question, on amendment, put and agreed to.

Question on original motion, as amended, put and agreed to.

Resolved:

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

Mr. President: Once again, I wish to apologize to the Senate for the delay suffered by Senators, especially those who attended a Special Select Committee meeting here at 11.00 o'clock this morning.

Sen. W. Mark: Mr. President, I must say that you were doing a duty in protecting the rights of the minority group.

Sen. Daly: Is the Senator talking again, if so I would wish to speak.

Mr. President: I am grateful to the Senator for recognizing that I was doing my duty and not extending the courtesies to the minority group in the Senate. This is one of the responsibilities of presiding officers—to see that the rights of the minority are always preserved.

Thank you all very much for your patience and co-operation.

ADJOURNMENT

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith) Mr. President, I regret that I am about to impose another long day on Senators next week.

I beg to move that the Senate do now adjourn to Tuesday, September 06, 1994 at 10.00 a.m. when we propose to begin, and hopefully complete, debate on the Bail Bill.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.38 p.m.