

*Leave of Absence*

Tuesday, 4th May, 1965

*Public Transport***SENATE***Tuesday, 4th May, 1965*

The Senate met at 1.43 p.m.

**PRAYERS**[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Mr. President :** Members of the Senate, I wish to announce that I have given leave of absence to Senators J. B. Stollmeyer and Margaret Lucky-Samaroo.

**Coast Guard Reception**

I have also an announcement to make that we have been sent an invitation by the Commanding Officer of the Trinidad and Tobago Coast Guard. He writes to say :

“ As you will know the official welcome and reception of H.M.T.S. *Trinity* and *Cowland Bay* will take place at No. 1 Berth, Port-of-Spain, on the evening of Tuesday, 4th May.

It will only be possible for very few people actually to board and walk round the ships on this occasion, and in order to afford a better opportunity of seeing them in greater detail yourself and ten members of the Senate are cordially invited to visit them between 10.00 a.m. and 11.00 a.m. on Thursday, 6th May.”

I may mention that this invitation will be sent to the entire Senate and I should be glad if Members of the Senate would find it convenient to accept the invitation to visit the ships between 10.00 a.m. and 11.00 a.m. on Thursday, 6th May.

**BILL BROUGHT FROM THE HOUSE****Public Transport Service Bill**

Bill to provide for the establishment of a Public Transport Service to operate road and rail transport facilities with a view to promoting the development of road transport and to facilitating the phased substitution of road transport for the existing railway system—[*The Attorney General*] read the First time.

*Motion made and question proposed.* That the next stage be taken forthwith—[*The Attorney General*].

*Question put and agreed to.*

**The Attorney General (Senator The Hon. G. A. Richards :** Mr. President, I beg to move.

That the Bill be now read a Second time.

It will be remembered that towards the end of last year when I moved in this hon. Senate the Second reading of the Motor Omnibus Concessions (Acquisition of Undertakings) Bill I indicated that it was Government's intention that the undertakings acquired under that Act should not be run as a Government department or to be directly conducted by Government for any length of time. Indeed, I believe Members of the Senate expressed the hope that before very long a Bill would be brought to this Senate setting up a statutory corporation for the control of the undertakings acquired under that Act. The Bill before the Senate this afternoon is in keeping with that undertaking. It seeks to set up a statutory corporation for the purposes mentioned in it.

In view of the fact that the principle of public ownership has already been accepted by the Senate I do not think it necessary

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for me to elaborate at any great length the reasons that led to the acquisition of these services or the conditions which forced Government to take immediate action, except to remind this Senate that over a long period there had been a great deal of public dissatisfaction over the conduct of the bus service and that there had also been much complaint about the manner in which service to the public was being performed; and above all that the subsidies granted to the bus companies involved a tremendous drain on the revenues of the country. It was, therefore, felt that if these undertakings came under public ownership the possibility would be offered to present to the public a more efficient and a more complete service than was rendered by the companies which operated under the concessions.

This Bill makes provision for these things and it is hoped that if it is accepted by the Senate and becomes law that we shall begin to see a new era in public transport. It also takes advantage of the opportunity to place under the control of the proposed corporation the existing railway services. That is in keeping with Government's announced policy of substituting in phases, road transport services for the railway. The Bill accordingly would empower the Corporation to control the railway services and to phase them out as conditions warrant. It will be realized that there will be many considerations involved in that exercise. There would be financial, social and other problems involved, and it is only right and proper that a board which has the general conduct of public transport be entrusted with these duties and responsibilities. I think Members of the Senate will join with me in the hope that we shall be able to create a system of public transport in this country of which we can all be proud.

And it is with this end in view that the Corporation is being set up. It is intended to appoint to it people with some knowledge of these matters; people with the sense of urgency that will be required to establish this corporation and place it on a sound footing; and people who have the public welfare at heart. We are confident that with a board rightly selected and supported by the sort of organization we contemplate we will be able to bring to the public a service which it has so long desired. I may state that immediately upon the acquisition of these undertakings by Government and, indeed, before the actual acquisition, consideration was being given to the nature and form of the organization which should run these services, and in keeping with that intention, Government sought assistance and advice from the United Kingdom.

The United Kingdom Government made available to us Mr. Weedy, who is an expert on public transport. He came to this country shortly after that Bill became law, assessed the situation, and he submitted his report on the transport system some time in February of this year. That report indicated that in order to establish a successful public transport system five things were required. In the first place he recommended that there be the creation of a strong managerial staff; secondly, an expansion of the existing fleet of buses in accordance with specifications that would be designed to meet the conditions under which the fleet would be required to operate; thirdly, that there should be a comprehensive training programme not only for drivers and conductors but for every other category of skilled worker—maintenance men and people of that sort. Fourthly, he advised on the construction of adequate offices, workshops, garages, and such places where the service could be properly accommodated.

Finally, he recommended the introduction of an administrative structure that would be capable of running the undertaking along proper commercial lines so that it would not only be able to maintain an identity apart from Government departments but would be able to adjust its operations to give the public satisfaction as well as make the service as self-sufficient as possible.

Members of the Senate would know that in keeping with the first of these recommendations, the Government of the country have sought technical assistance from the United Kingdom in three fields. The expert had recommended that it was essential that at least three persons be recruited as early as possible, people with qualifications, who are not available in Trinidad and Tobago at the moment.

#### **1.55 p.m.**

One will be a general manager with extensive experience ; one will be an engineer, skilled and experienced in the maintenance and equipment of a service of the sort ; and one will be a traffic manager. It is expected that very shortly the persons selected will be in Trinidad and Tobago.

As far as the second point is concerned, which is the strengthening of the existing fleet, it may be apposite to say that when the undertakings were taken over by Government there were, I believe, something in the neighbourhood of 250 buses. A high proportion of these buses were either obsolete or required overhaul or extensive reconstruction, and only about 60 per cent. of the fleet was in a fit condition to be placed on the road. The rehabilitation programme, if I may call it that, will include the addition to the fleet of something like 130 to 140 new buses, phased over a period of three to four years, so that any given moment the

service will be up to a considerable strength. Not only will the replacement of obsolete buses be required but a complete reconstruction of some of those buses that are not now affected will be undertaken. The United Kingdom Government have agreed to make a loan available to the Trinidad Government to enable them to finance the scheme by purchasing buses for the service and I think that tenders are now being invited from various manufacturers in the United Kingdom so that the correct type of buses, best suited to our conditions, may be obtained.

With respect to the third point, the training programme, negotiations have been undertaken in the United Kingdom whereby it is hoped that besides setting up a training scheme here under the direction of the people who will be coming, arrangements will be made for placing a certain number of employees of the Corporation in the garages and workshops of the manufacturers of the equipment so that they could acquire first-hand experience in their constructional maintenance. The working committee of civil servants which has been managing the enterprise in the interim period has also taken steps to prepare a plan for the construction of the necessary offices, workshops and garages. To some extent that will depend on the advice we receive as to the correct locations, or, in the case of garages, the actual requirements of the service in regard to the extent and scope of their equipment.

This Bill follows the line of many of the Bills which have set up corporations to conduct public services. It has all the usual features. Part I of the Bill deals with the establishment of the Corporation and the powers and duties which will be entrusted to it. I should particularly like to call attention to clause 8 of the Bill which imposes on the

[THE ATTORNEY GENERAL]

Corporation the duty of carrying on the business of operating the bus service so as to ensure the provision of a necessary, adequate, economic and efficient transport system adapted to the needs of the country. The Corporation will be given certain incidental powers as well. In addition, it will carry goods by rail or road. Not that it is intended that the Corporation will embark as a general public carrier for goods.

If I may give a demonstration. In the course of the phasing of the railway, if it is desired to discontinue the use of a particular line this might occasion some degree of hardship in a particular area and it may be necessary to institute a system of road haulage to meet the needs of that case. I need not harp on the matter. It is common knowledge that over many years the railway has been losing a considerable amount of money. It is not the fault of anybody in particular. It is due to the fact that the railway has outgrown its usefulness. In every country of the world railways pay only where they either serve areas with a highly concentrated population, and in such cases they generally turn to electrification, or where they haul goods over long distances.

None of these particular conditions occur in Trinidad and Tobago and it is impossible for the railway to be made to pay, for the additional reason that it lacks the flexibility of road transport. It is quite obvious that the railway cannot follow the drift of the population. It sticks to one place and as the population shifts, its area of usefulness is thereby diminished. In addition, the past few years have seen a steady decrease in the number of people who patronize the railways. They have shown a general tendency to provide their own method of transport. I believe the oil companies have used the railways less and less for the haulage of

heavy equipment. In the same way, the sugar industry has been making its own provision for the transport of canes and sugar. Those were the two customers who provided the bulk of the patronage for the goods services of the railway and, obviously, diminution of this patronage must affect the receipts of the railways.

In the same way, in passenger transport, there has been over the years a diminishing number of people who choose to travel by rail. It will be true to say that it is only on the Port-of-Spain-Arouca line that the railway is to any real extent patronized, and that is mostly by school children. Clearly if that service is discontinued provision will be made for its replacement because, obviously, it would not be reasonable to expose school children to the difficulties contingent upon getting their own transportation, and this Bill places upon the Corporation a specific responsibility to establish a school children's service where it is considered necessary. That will be explored in order to determine to what extent it will be required.

**2.05 p.m.**

By and large we do not anticipate that the discontinuance of the railway service, and especially its goods service, will occasion any particular hardship. It is just possible that in one area, on the Rio Claro line, cane-farmers in that district may be affected, but arrangements are being made to provide a sufficiently effective substitute by way of road haulage if the use of that line should be discontinued or the line be closed.

The point I am making in all this is that steps are being taken to consider all the implications that arise, and the problems will be solved as they arise, to the benefit and convenience of the people of this country and, we hope to the great saving of the

revenues of this country, because these vast subsidies will be gradually discontinued.

Over the past seven or eight years the deficits on railway operations have shown a steady increase, and in 1964, for example, it was anticipated that the deficits would be something in the neighbourhood of \$4 million. Well, we have had various experts who have come here and looked at the railway and advised us, and almost with one voice they have all advocated its replacement. The latest one who came here, the Swiss expert, Mr. Madory, gave certain figures indicating what would be involved even to maintain the railway at its present standard, the amount of money which would be involved in the investment on new equipment, and he could not see any future for the railway. He projected that at its best, over a five-year period, there would be subsidies to the extent of \$20 million to \$25 million. This would be necessary to maintain the railway service even as it is.

As Members of the Senate would be aware, in his report he considered other forms of transport, and he concluded by projecting a road transport service that could effectively meet the needs of the country, not only because the initial capital cost of equipment would be less, but the deficits accruing from the operation of the service would be less. For example, he suggested a possible figure, at the beginning, of \$1.6 million, as against what we spend at present—something in the neighbourhood of \$4 million on the railway alone. But it is not merely because of economic factors, important as they are, and they are very important because this country can no longer continue to spend \$5 million or \$7 million every year to subsidize services which are not effectively used and which do not meet the needs of the people of this country.

The other major consideration is the fact that there is a lessening demand for the service of the railway. And so I do not think anybody at this stage would seriously argue that the railway services should not be discontinued, discontinued of course in a manner in which it is phased out so as to cause as little dislocation and as little inconvenience as possible; and that is the intention here.

Along with the anticipated increase in road transport, plans are on foot now to consider the whole road position of the country. As Members of the Senate are aware, work is being done right now on one of the major roads of the country, the Chaguanas to San Fernando road, which is intended to be a four-lane highway, and on which work has commenced at one point along that road. That phase of the work is expected to be completed by the end of the year, and other phases are planned to follow. I merely want to indicate to the Members of the Senate that the position has been viewed in its broadest angle, and the complexity of the problem has not been lost sight of; that consideration of the problems attendant on the expansion of a proper system of road transport is well in hand, and, I have no doubt, will be competently handled and executed.

The Bill gives to the Corporation the powers which will be necessary to do these things, but it requires it also to conduct the service in a manner that as far as possible will make it self-supporting. Given the establishment of a well-organized service, and given the passenger potential that exists, I entertain no doubt whatever that the service will not only be effectively run, but will be made to pay, and this great drain on our revenue will be stopped.

[THE ATTORNEY GENERAL]

The financial provisions that are being made for the Corporation occur in Part II of the Bill. Clause 22, for example, deals specifically with that, where it requires the Corporation so to exercise and perform its functions as to ensure that its revenues are sufficient to cover operating expenses, including taxes, if any, and to provide adequate maintenance, depreciation and interest payments on borrowings; to meet periodic repayment on long term indebtedness to the extent that any such repayment exceeds the provisions for depreciation; and to create reserves for the purpose of future development.

Obviously, for the first at any rate, it may be necessary that certain funds be placed at the disposal of the Corporation, and provision for that is made in clause 23, which provides that funds may consist of such amounts as may be appropriated therefor by Parliament; and in addition any sums received by the Corporation in respect of its operations. I am sure we will all hope that the necessity for a subsidy from public revenues of the country will diminish steadily, and that before long the Corporation will be in a position to conduct not only a self-supporting service but one that is able to provide revenues for its own expansion. We have seen examples of that sort in this country, and there is no reason to doubt that this one will be less of a success than any other.

We have in existence in Trinidad and Tobago public corporations which are conducting utilities that serve the people of the country and which are able to finance themselves, in the sense that they are able to provide or make plans for the repayment of sums which they may have had to borrow for the expansion of their services. We have the Electricity Corporation, and not so many

years ago the Port Authority was set up. I do not think any of the Members of the Senate would say that the Port Authority has been anything short of a very great success in its operations. It conducts a very complicated series of services, and it has been a very fine example for the future of these public corporations in this country.

Part III of the Bill deals with the railway, and in addition to dealing specifically with the railway, it gives power to the Corporation to agree to construct highways on its property as part of the general scheme of solving transport problems.

Part IV deals with various miscellaneous matters, and I particularly want to call to attention the provisions of clauses 38-41, which place on the Corporation the obligation to maintain full and comprehensive third-party insurance in respect of its operations. I know that the fear has been expressed in the past in respect of some of these bodies that they would not be compelled to cover their operations by effective insurance and that those members of the public who use their services may suffer.

2.15 p.m.

That will not be so here because, as it will be seen, the Corporation is required to maintain proper third-party insurance and indeed the things that it must take guard against, the things that it must ensure in this insurance, are laid out in clause 39, which sets out what the policy must contain.

It even goes further and provides a rather unusual feature. In clause 41, which provides for the relief of victims of road accidents, provision is made for emergency treatment in the case of traffic casualties, and provision is also made where the Corporation has incurred expenditure in respect of these

matters that if an accident were caused by the negligence of other people the Corporation would be able to recover from such people part of the claim.

Finally, clause 46 makes provision for the Governor-General by Order to make such provisions as may be necessary for the purpose of giving effect to the transfer to the Corporation of the various assets, liabilities and rights that are to be vested in the Corporation. The Bill itself makes general provision but one can never tell. A clause like this is always useful. Some unanticipated snag may turn up and it is wise that special provision be made so that if any unforeseen difficulty arises it can be dealt with and smoothed over rapidly.

The Schedule of the Bill provides for certain minor amendments to certain existing legislation. They are generally not of very great importance, the most important one being the one listed on page 25 under paragraph D which gives the Corporation power to make regulations in respect of certain things in which the existing Motor Vehicle and Road Traffic ordinance is deficient—power to make regulations governing the conduct of drivers and conductors of public service vehicles when acting as such or power to require them to comply with certain directions and certain powers entrusted to the Court in respect of these people who commit a breach of the regulations. It also gives the Corporation the power to establish and proclaim bus stops. It is rather strange but the existing Ordinance and regulations do not specifically grant this power and it is necessary to give the Corporation power for appointing places which are on the property of the Corporation as bus stations, and give them the power to conduct and control the operations inside these bus stations.

I think that is all that I need call the attention of this Senate to and I desire to commend this Bill for their acceptance as being the first step in the settlement of our transport problems. There are other problems which will have to be tackled in the very near future; problems of the tightening up of many of our traffic laws, many of the regulations which govern the use of the road. These matters are being looked into right now and, I hope, will shortly come before Parliament. And so I think I may express the hope that the Senate will receive this Bill and pass it unanimously because it meets a need that exists and because it approaches this particular aspect of our problems in the only way in which it can be sensibly approached.

*Question proposed.*

**Senator B. O. Walke:** Mr. President, I intend to support this Bill because it is sensible and practical. Something had to be done to offset the heavy losses sustained by Government in running the railway. The railway, as we all know, was formerly managed by a board which, during its term of service, was unable to put it on a financially successful basis. It is to be hoped, therefore, that this new corporation with full scope and authority to manage will succeed in fixing a proper transport system and will preserve the necessary usefulness of rail transport.

As far as I am concerned, I am very sentimental about the railway because as long as I can remember myself I can remember the railway. The trains' whistles had a peculiar musical ring which fascinated me. In the good old days a train excursion from Port-of-Spain to San Fernando was a

[SENATOR B. O. WALKE]

grand occasion. I remember so well my parents discussing it with joy and enthusiasm.

What I do feel is wrong with the railway is that it has failed miserably to keep abreast with the march of modern times. In other words, the railway has missed the train. It is a great pity that a fast and efficient commuter rail service to meet today's requirements was not foreseen. As the hon. Attorney General pointed out to us, we are fully aware of the number of school children who have to use the railway to go to and from school. A number of city workers are in a similar position. If the rail service were scrapped, chaotic conditions would result on the main arteries to and from the city. Let us not forget that there are new industries being developed, industrial estates springing up on chosen sites of the city. These industrial estates are within easy reach of the already existing train system and it would certainly reduce the increasingly heavy burden on the roads if the railway were used in the development of these industries.

On occasions when it is necessary to move heavy concentrations of persons in and out of the city, the railway has proved invaluable. On such days as carnival, cricket Test Matches and the Siparia fete, vast numbers of people depend upon the railway. One can still see, when travelling on the road, that more and more of the traffic that was formerly carried by rail is being put on the roads. Heavy goods carried by trailers and buses, transport of sugar-cane by huge buses and trailers, large pipes to be used in the oil industry with a red flag at both ends, and the increasing passenger traffic by bus, taxi and private cars, have made the roads of the country increasingly hazardous.

2.25 p.m.

Is it too late to evolve a system whereby heavy traffic in sugar-cane, machinery and industrial goods could once more be carried by train? Failing this, could it be so arranged that heavy industrial traffic on the road be restricted to the night time as is done in big cities?

I understand that there are some employees of Trinidad Government Railways who have been in acting appointments for as long as five years and who have received only empty promises. Unless the position is regularized by confirming these people, I am afraid they will suffer serious losses when this new scheme is put into operation.

**Senator L. A. E. Wight :** Mr. President, one of the outstanding features of this Bill is that no hint of a date is given as to when this phased substitution is to take place. Is it this year, next year, some time or never?

The second outstanding feature is clause 20 which deals with compensation for loss of office. After all, a worker cannot exist on an indefinite compensation. He needs security. We all know the employment situation in the country today. Looking for a new job is like looking for a needle in a haystack. These employees are now living under the death sentence. They should be told definitely the date of absorption into the corporation, who are going to be absorbed, and which of the jobs are going to be redundant, so that they can have some idea of their future.

I should like the Attorney General to give me a detailed explanation of clause 12. I cannot understand it. I have read clause 12 many times. I have even shown it to a



qualified accountant, who referred to it as arrant nonsense. Clause 12 (5) reads :

“Nothing in subsection (4) shall apply to any person who, but for the provisions of the said subsection (4), would not fall to be treated as having indirectly a pecuniary interest in a contract or other matter, if the total value of his shareholding or other interest does not exceed such amount of the total nominal value of the issued share capital of the company or body as the Standing Orders of the Corporation provides.”

I do not see how it is possible for the total value of a person's shareholding in any company to exceed the amount of the total nominal value of the issued share capital.

Secondly, this subclause seeks to exonerate the shareholder under certain conditions but makes no similar provision for the employee who, under subclause (4) (d), is automatically treated as having indirectly a pecuniary interest in a contract with which the corporation is concerned.

Thirdly, subclause (5) completely contradicts subclause (2) which states :

“A member shall not take part in any deliberation or decision of the Corporation with respect to any contract or proposed contract with the Corporation in which he is in any way interested, whether directly or indirectly.”

So one minute a member may not take part in any deliberation if he has any direct or indirect interest ; in the next breath he can do so if the total value of his shareholding in any company does not exceed the amount of the total nominal value of issued share capital. One contradicts the other and, to me, it is nonsense.

I notice that the Attorney General has said that the railway has outlived its usefulness

but he would be very interested if he read some of the figures in the Quarterly Economic Report of October to December 1964. I was rather amazed. I am not saying that by drawing a few figures to his attention it means that we are not supporting the idea of scrapping certain haulage of goods by railway. There are two very significant factors at the present. In the first six months of 1964—and we can only compare 1964 because figures for the last six months are not available—the revenue from the railway was \$557,000. For the first six months of 1963 it was \$526,000 ; therefore there was an increase in revenue of \$31,000 in the first six months. For the first six months of 1964 the expenditure was \$2,022,000. For the first six months of 1963 it was \$2,235,000. Therefore, in 1964 the expenditure decreased by \$213,000 and the revenue increased by \$31,000. Likewise, revenue from passengers carried in the first six months in 1964 amounted to \$2,515,000 whereas for the first six months of 1963 it was \$1,952,000—an increase to the tune of \$563,000 for passengers carried in the first six months of 1964.

These figures are very interesting. Could it be that people feel more confident and safer travelling by rail? Or is the railway becoming more popular because it is going to be scrapped? But to say that we were still on the down trend in 1964 is not quite so, if these statistical figures are correct. If 2½ million passengers travelled by rail in the first six months of 1964, it is possible that five million passengers used the railway last year and that would exceed the amount of passengers who travelled by rail in any year from 1959 to 1963. I do not know how this sudden difference took place but it is very interesting. However, in the big industries such as oil and sugar there is no further need for the railway.

*Public Transport*

Tuesday, 4th May, 1965

*Service Bill*

[SENATOR L. A. E. WIGHT]

I think the passenger service from Arima to Port-of-Spain should be the last to be scrapped. In fact, we believe it should not be scrapped at all and the public road transport can succeed in Trinidad. We must also have a proper survey and plan for a proper network of roads. It is all very well to talk about it and to have a Transport Board but the roads are already congested and they will be even more so later on.

**2.35 p.m.**

In fact, I think before any phasing takes place there should be strict legislation with regard to implementing the provisions for fines or imprisonment for careless and reckless driving. This is a very serious problem in our country, and we know from statistics that we have a very high death rate on our roads, probably the highest in the world. That is of course on a *pro rata* basis.

Only a few nights ago, travelling from Port-of-Spain to San Fernando, I counted eleven cars each of which had only one headlight. Now, surely if a normal passenger can count eleven cars, those responsible for road safety, such as the traffic patrol, can also count to eleven and do something about it. But I believe that there are so many traffic cases pending that those who are responsible get fed up. I do not blame them. And so I think that whatever legislation can be brought to curb these tendencies should be introduced as soon as possible. Something should be done with regard to giving certain authority to traffic patrol men. The parking of trucks without lights and the driving of trucks without brake lights are prevalent; so often one cannot see beyond one's nose and because of the very wide trays of trucks there is no indication as to whether they are going to stop and this often results in accidents.

The Attorney General has emphasized safe travelling and he also referred to clause 41. I do not know whether he did so hoping that nobody would mention that it was still necessary to have a Crown Proceedings Bill; because if we look at the explanation to clause 37, we see that it clearly states as follows:

"Any limitation of liability in tort or contract under clause 36 would be void i.e. a nullity as respects a claim in respect of death or bodily injury."

It was consoling to hear the Attorney General say that we shall be very safe. But I still think that that is rather a stumbling-block.

With regard to a proper network of roads, I think that just as a survey was taken of the transport system, a proper survey should also be taken for a proper road system. I understand that the World Bank has made a loan of \$5½ million to Jamaica for high priority road projects. This, of course, is to help improve the road system there generally. Now, this project in Jamaica will cost an estimated \$11 million. This survey was undertaken by the United Kingdom Road Research Laboratory at the request of the Jamaican Government. I understand it was most satisfactory.

The Attorney General gave a run down of the United Kingdom Government expert who was made available to us and who submitted a report on the transport system in which he advocated the expansion of the existing fleet. The Attorney General also said that the United Kingdom was preparing legislation with respect to the purchase of these buses. Now, I should like him to give us an up-to-date run down on this also because I have read that the three gentlemen who represented Trinidad at the discussions

with regard to purchasing the buses in the United Kingdom have returned home, and that negotiations are now going on for buying United States or Japanese buses. I do not know how true or untrue this is, but I think we should be given some explanation, since it made headlines some time ago. I should like to know what the final results or hopes of this delegation were when they returned. Now, if the Japanese buses are purchased will we get the parts and the managerial experts to help us implement the transport system? And in that case what will happen to the loan agreement with the British Government? Can the loan be used to buy another nation's buses?

I think the idea of utilizing railway tracks for a road system is a very good one, and I would also suggest that if this is ever done that those particular roads be used only for heavy transport because it is a nightmare to travel with so many cane-trailers, and heavy trucks on the highway. Apart from being dangerous, it slows down the traffic considerably.

I should also like the Government to give a little thought to the question of water transport from Port-of-Spain to San Fernando and also from San Fernando to Point Fortin. Perhaps use can be made of high-powered launches and perhaps the use of hovercrafts, which are becoming very popular nowadays, could be introduced. I know they are extensively used in Italy, between Capri and Naples. They are also used extensively between the Isle of Wight and the mainland in the United Kingdom. They are becoming very popular. It would be useless to use them between Trinidad and Tobago because of the choppy seas but it would be worthwhile if not too expensive, to run such a sea transport between Port-of-Spain and the south of the island to Point Fortin.

I think many people will find it a much better way of travelling. For instance, the hovercraft would take about 20 minutes from San Fernando to Point Fortin and about 35 minutes from San Fernando to Port-of-Spain. There is also the possibility of attracting tourists by this type of transport from, say, Port-of-Spain to La Brea, to visit the Pitch Lake.

These are the minor observations I have to make. We have no quarrel whatever with the Bill but we do feel, and we should know—particularly those who are employed in the railway—that when the axe is used, proper compensation will be made. We also feel that the passenger service from Arima to Port-of-Spain should be continued.

**Senator Dr. A. R. Sinanan :** I should like to begin by quoting from *Hansard* a portion of a speech by Dr. Rudranath Capildeo delivered in the Lower House some two years ago. He has made this point so forcibly and so nicely that I think it best to read exactly what he said. I quote from the Budget Debate of Monday, 7th January, 1963, column 967 :

“Now let us turn to Railways. We have been telling them for some time that the service of the railways is governed by the logic of simple arithmetic, and that the fierce logic of simple arithmetic shows that the railways cannot pay, as he puts it here, roughly \$3 million—I think it is a little more, but we will not quibble with that—roughly \$3 million a year ; starting from \$2.3 million in 1956 to \$5.4 million in 1962. We have been telling them for some time, and we further underlined this argument, that railways in all countries, pretty nearly all foreign countries, have not been paying their way, that grave losses are being occasioned by

[SENATOR DR. A. R. SINANAN]

rail transport, and that the stress now is on road transport for many reasons, which I do not think I should advance here, as I have already taxed the hearing of this House for a long time.

We are very happy to see that this realization has dawned upon them, that the accent must be road transport. But while they embarked on road transport what do we find? We find taxes of a crippling nature imposed on the means of transport itself, right through. Taxes on petrol, gasoline, taxes on oil and taxes on the vehicles. Now this must mean that, since you are going to depend on road transport and since you have taxed the means of locomotion on roads, the cost of transport itself must become higher. If therefore, in the rise of the cost of transport you decide that certain people will not have to meet the cost of that rise, then you must take it out on others because the overall cost of transport will necessarily rise and remain. So if you want to say that certain sections of the population will not feel the weight of this rise in the cost of transport, you have to allow another section of the population to take that particular burden. So I feel that the Government must give this point very careful consideration. They are moving into road transport which is a right thing to do. There is no doubt in our mind about that. The railways have to be scrapped. They have wasted money on the railways; it is good to see that their prodigality has come to an end, even though late in the day. But you have to see that the road transport which you are bringing forward is not going to be expensive, because the effect will be felt in every phase of our existence. Everything depends on transport; everything

depends on movement, and when the price of locomotion is increased that increase must be reflected. You have immediately therefore raised the price of service in the country, and that must be reflected."

**2.45 p.m.**

The point which the speaker has made and which bears repeating is that if they are going to substitute rail transport with road transport, they ought to be extremely careful to see that road transport does not in the final analysis turn out to be more expensive than the rail, which they have found to be so costly over the years. I wish to emphasize that. And on this question of the phased scrapping of the railway the Government should proceed at such a pace that the effect on the economy of the country would not be too sudden with consequent adverse results. That is why we should have liked to see more public discussion and comment on this Bill. I do not know what bodies have been consulted. Have they consulted the Road Safety Association? Have they consulted the Trinidad and Tobago Automobile Association? For we on this side are sure that these bodies are in a position to put forward many constructive ideas with a view to increasing safety on our roads.

I shall again make the point we made during the debate last year on the public ownership of the bus services. And as the Attorney General would notice I took care to use the words "public ownership" because during that debate he was not too enamoured with the word "nationalization". He preferred the phrase "public ownership". Well, the point we made was that Government were acting a bit too hastily. They were actually rushing

into the business and you know the phrase, Mr. President—*festina lente*—hasten slowly. We are hoping that in this case they would make amends by hastening more slowly in so far as the scrapping of the railway is concerned. Because with the present congested state of our main road arteries it would be nothing short of madness to scrap the railway at too quick a rate, for goods which have now to be transported by rail would have to be thrown on the already congested roads.

Secondly, we should have liked to know to what extent consultation has taken place with the unions concerned. I refer to the Civil Service Association and the National Union of Government Employees. To what extent has consultation taken place with these two unions with regard to the welfare and the future employment of the employees of the railway? For instance, are all of them to be absorbed in the other sections of the transport services of the country? Can Government give this assurance at this stage? If they can, all well and good. If it is that certain employees will be declared redundant Government must make it known now—and here I think they have a moral obligation—what terms of compensation, what terms of severance are going to obtain with regard to these employees. As I said, these are some of the reasons why we should have liked to see Government hasten a little more slowly in this whole matter.

I come now to a point mentioned by Senator Walke. It is one which I believe I mentioned twice before in this Senate—during the debate on the Motor Omnibus Bill and in the debate on the Five-Year Development Programme for Trinidad. It is this question of heavy vehicles being made to travel at night. It is a phenomenon

which I believe the hon. Attorney General himself admitted that he has observed in larger countries. For instance, if a person wants to transport heavy goods from Liverpool to Birmingham, from Birmingham to London or from London to Edinburgh, it has to be done at night so that the roads are fairly free for the heavier traffic during the day. And when I say “heavier”, I am speaking in terms of numbers.

I think this system can work well in this country. And not only would it work well but I think in the long run the economy of the country would benefit, because there will be people putting in more man-hours of work at night transporting goods, and we shall have the business men of the country paying them. That is one of the good things about it, because it is not Government which will have to pay them. Government do not have to pay a single penny here. I think it is something which should be considered in this context.

As it is, with the fast rate of increase in the numbers of larger vehicles on our roads the situation has now reached the point where when a person travels from Port-of-Spain to San Fernando and he gets caught up behind a large gasoline truck or some other large transport truck carrying heavy goods, he has to travel all the way to San Fernando behind that truck and then there are at least 40 or 50 cars behind him. Then, two or three of the drivers get impatient and try to overtake out of turn and that is how accidents occur. So I think Government or this future transport board should well consider this point.

#### 2.55 p.m.

I take this opportunity to touch upon the appointment of this transport corporation. It is a point which I made during the debate

[SENATOR DR. A. R. SINANAN]

on the establishment of a central bank, and I said then that the Central Bank was of such importance to this country that Government could not afford to fool around by making appointments merely on the basis of party affiliation. I consider transport to be very important to the economy of the country, and, as I have quoted from this book, the entire economy of this country depends on transport and locomotion. The transport service of this country is so important that I do not think any government should fool around with it by making appointments to this transport corporation merely on the basis of party affiliation. When you appoint people to do something which they know nothing about your standards fall, your efficiency flies out of the window, and you make yourself a laughing stock in the eyes of people from abroad. I think that it is my duty to make this point, just as I did during the debate on the Central Bank.

This is all I have to say, except to repeat that Government should give more consideration to the question of heavy transport being made to travel at night. Government should also make sure that the authority they set up will pay attention to the little breaches of traffic regulations which cause so many of our tragic accidents. For instance, just to mention this question of the overloading of heavy transport, just as surely as I am standing here, on my way back to San Fernando I am going to encounter a large truck stalled at the foot of the Pointe-a-Pierre hill because it is overloaded. These people who load their trucks in Port-of-Spain know that they are overloaded and that they are going to stall at the foot of the Pointe-a-Pierre hill, but they persist in doing this with the result that every evening you have a traffic hazard at the foot of the

Pointe-a-Pierre hill. All these little breaches of regulations are the things that need to be looked into if we are to obtain, as this Bill says, a safe, adequate, economic and efficient transport service in this country.

**Senator M. T. I. Julien:** When the Motor Omnibus Concessions (Acquisition of Undertakings) Bill was debated on 17th December, 1964, well do I remember pressing the Attorney General to give us an indication of how early he thought this Bill before us would be brought to the Senate. Of course, in his usual, inimical style, he talked for fully two minutes and at the end of his speech I was none the wiser save that he did tell us that it would be some time during 1965. That was only five months ago. I must say that, for him, this is rather good going, and I wish to take this opportunity to congratulate him.

I should like, however, to refer again to that debate when I endeavoured to get him to grant us three amendments. They were rejected, but I think he did give us an indication that he would look into them and see what he could do. Whether he has looked into them I cannot say, but I have failed to find any indication in this Bill. The first amendment, as Senators may remember, dealt with the question of the right to sue the Crown. Of course, that does not arise on this occasion, except that the right to sue and to be sued by the Corporation does arise.

In the past, in all Bills, it was necessary when establishing a corporation to insert such a clause. I have noticed—I do not know whether this is since independence—that this clause is no longer inserted. Perhaps the Attorney General could tell us whether, because of the way in which the new Interpretation Act is worded, with almost everything

put into it, he no longer thinks it necessary. However, as a matter of convenience, it does seem very necessary to put in such a clause in order to avoid many of us having always to be going right back to the Interpretation Act to see whether certain things can be done or not. It is so simple to put everything into an Act rather than to ask us to go back and read the Interpretation Act.

There were two other matters. The first one dealt with the Motor Vehicles Insurance (Third Party Risks) Ordinance, Ch. 16, No. 4, section 8, subsection 2 (a) :

“No sum shall be payable by an insurer under the foregoing provisions of this section :—

(a) In respect of any judgment, unless before or within 7 days after the commencement of the proceedings in which the judgment was given the insurer had notice of the bringing of the proceedings.”

I should have thought that Government would have taken the opportunity as early as possible to have this iniquitous subsection repealed. I cannot see why it could not have been done in this particular Bill because I notice that this very Act has been mentioned in some of the columns of the Schedule in which a number of them have been repealed. So I think you could have safely inserted at the bottom of page 27 the following :

“by repealing subsection 2 (a) of section 8 thereof.”

That would have covered the position admirably.

The second amendment dealt with the Compensation for Injuries Ordinance, Chapter 5, No. 5, sections 6 and 7. Section 6 reads :

“An action for the recovery of compensation under this Ordinance shall not

be maintainable unless notice in writing that injury has been sustained is given within six weeks, and the action is commenced within six months, from the concurrence of the accident caused in the injury, or, in case of death, within twelve months from the time of death.”

Section 7 gives you the particulars to be contained in that notice and the mode of service of notice. But do you see what would happen? If you do not bring your writ within six months or twelve months you would have no remedy at all. This Ordinance, as I mentioned on that occasion, was passed as far back as 10th December, 1896, in the days of the horse and cart. I think the time has come when we should get rid of this iniquitous piece of legislation and at the committee stage I intend to move an amendment to it.

There are two other observations which I should like to make. The first is on page 21, clause 38, subclause (4), and I mention this because I am a member of a statutory body, the Port Authority, and I would hate to think that I may be liable to such penalties and convictions. Thank Heaven, that Ordinance has not got such a thing, but subclause (4) of clause 38 of the Bill reads :

“Where the Corporation is convicted on an offence against this section...” and I may mention here that this means failure to pay your insurance—

“every person who at the time of commission of the offence was a member...” and I stress the word ‘member’—

“or General Manager or Secretary of the Corporation shall be deemed to be guilty of that offence unless he proves that he exercised all due diligence to prevent the commission of the offence.”

[SENATOR M. T. I. JULIEN]

Is this Bill fair to a poor member? As a member, you get only a travelling allowance. You get no salary and you are really doing a public service. Should he be hauled before a court to be convicted and liable to pay a fine because either the Secretary or the Manager or one of these officers had been neglectful of his duty by not paying the insurance? I cannot understand why the Attorney General saw fit to include members. He has already made the Corporation itself liable, as well as the General Manager and the Secretary, why the poor member also? I think that a terrific onus has been thrown on the member of a corporation and I would ask the Attorney General to think it over and, if possible, to have it deleted.

The other, which I hope is a printer's error, is on page 22—clause 41 (1). I think it is line 10. It says :

“...the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim's being made...”

I think the word intended to be used is “claim” and, if I am right, I would ask that the necessary correction be made.

Subject to these criticisms, I am in favour of the Bill.

### 3.05 p.m.

**Senator J. F. F. Rojas :** Mr. President, I am inclined to support this Bill, because I think it is absolutely necessary at this particular period in our national history.

But at the cost of repetition I think I must support the comments made by Senator Wight in respect of clause 12, subclauses (5) and (6). There are too many persons in this country who could be selected to serve this corporation, and therefore there should be no doubt in the minds of those people who may

be serving on the Board of this corporation that when they have any personal interest in some proposed contract they should resign or would be called upon to resign from this Board. To think that somebody would not know that there is going to be some discussion on some particular matter in which he has direct or indirect interest is, to my mind, not so acceptable. In all seriousness, it should be provided that persons who have direct or indirect interest in any public transport contract should be made to resign immediately, or they should have the good moral bearing to resign.

With respect to subclause (5), and perhaps subclause (6), like Senator Wight, I do not know I am quite clear on it. Maybe it is something which calls for some more clarification from the Attorney General.

Then again I should like to support Senator Wight, and my sister Senator on this side, Senator Walke, in connexion with clause 20 dealing with compensation for loss of office. Provision is made in the Bill for compensation for loss of office. But I should like to emphasize that job security at this time, when there is vast unemployment in this country and no employment insurance should be given the greatest consideration in the establishment of this corporation, and in the transitional period in which we are moving from the railway to road transport. In all trade union contracts, in all good trade union organizations, they have always endeavoured to see that people who must face retrenchment, if at all, should be properly compensated. We want to be assured that in any transference from the railway to road transport consideration would be given to the employees who for some reason or other may have to be retrenched.

Severance pay, good severance pay, should be provided for these employees, as well as



good compensation for the services which they have had to give in a department where I do not believe the employees have ever been well paid. I understand—I am not quite sure about it—that some of the employees have been acting in the railway for five years. Never in my wildest dreams as a trade union leader, in the days when I actually negotiated, could I have conceived that people could have been employed in any department or any industry on a probationary period for as long as five years. Three months is good enough, six months is a long enough period, but to talk of having people on probation for five years is unimaginable. If we have people acting for such a period, then I can only hope that in this transference honest efforts will be made to see that these people are confirmed somewhere, not necessarily in the new road transport organization, because you find people who have been accustomed to the old order of things in the railway, the *laissez faire* attitude and so on, may not necessarily be suited for this road transport system, which perhaps calls for a more business-like approach.

I have heard this evening from the Attorney General himself that the Port Authority has done well. That is an example of what could be done by this new corporation, and that is perhaps because you have businessmen at the head of the Port Authority. I have heard that there is some improvement in B.W.I.A., headed by Sir Patrick Hobson. Again there is a business man at the head of that organization. Business men take a business-like approach to these institutions, and can always bring about the desired result.

I say this with all due respect to the civil servants who may be in the railway and who may like to be attached to the Corporation for job security and so on. But they must get a new outlook. That is always the fear

when we talk about nationalization or state controlled organization of a business institution. The fear is that people always think there is a bottomless financial chest and we can go along carrying on in the same old fashion. But a new look must be given to this new institution, a business-like approach, to make it succeed, and if the old fixtures and furniture in the railway are not suitable to this new organization, then we can shift them out to some part of the Civil Service where they can serve and give good service. If they are to be kept, then I can only hope that in this new institution the manager, chairman or director would adopt some of the policies which are adopted in some advanced industries, and that is to bring your employees together at some time and let them understand the need for taking a particular interest in the institution, the need for productivity, the need to feel they are part and parcel of the institution, so that the institution can benefit in the interests of all concerned.

So I want to re-emphasize that those employees who are in the railway and who may be transferred or retrenched as a result of the phased replacement of the railway by road transport, should be given a very very square deal, and those who have been acting, if they are not utilized in this new organization, ought to be confirmed in some other Government institution. After all, it is important at this stage of national life that job security should be given the utmost consideration. These are two points which I thought I could safely put to my brother and sister Senators in this discussion.

**3.15 p.m.**

To my mind, they are very important.

There is also the question of road safety. I hope that the people who will be responsible for the administration of this organization

[SENATOR J. F. F. ROJAS]

will give regard to road safety in conjunction with any other road safety institutions or organizations operating at the present time. Maybe it will be necessary to have one or more road safety officers. It may be necessary to concentrate on getting drivers interested in safe driving. Once a year, or every two or three years, safe driving awards should be given in order to induce drivers to take a greater interest in this new institution.

If, as a national institution, the Government were only an instrument for administering and conducting the affairs of this new Board, Corporation or institution, whatever it may be called, I can only hope that machinery will be set up whereby we shall get the employees of this corporation to take a deep interest in it and to feel that they are part and parcel of the institution. This is the only way we can hope to succeed. A man responsible for a bus every morning must know that his livelihood depends upon the maintenance and safe driving of that bus and he must realize that here is his means of gaining his livelihood.

We cannot understate the question of road safety. Senator Wight said she counted the number of cars with only one headlight when she was on her way to Port-of-Spain. Quite recently—I think it was Saturday last—I was travelling from Arima to Port-of-Spain and I saw a truck and trailer with a pole projecting a long way out. They carried a flag at the front which was not necessary, but no flag at the end of the pole; only a little celluloid reflector on its end. I felt I had to hurry and overtake that vehicle because it was extremely dangerous. The road safety officers, if and when you think it necessary to appoint them, should work in conjunction with the police and when they see such unsafe vehicles on the road, they should be able to put them off the road

immediately because they are dangerous. We must think of road safety at this time because our roads are narrow; we need better roads. We are abandoning the rail and going on to roads, which are already narrow, limited and overcrowded, and so we cannot overlook the question of road safety. Road safety officers should be employed, trained and given power and responsibility to fine those persons who commit breaches of traffic regulations on the spot if we are going to take the responsibility of increasing the traffic on our already overloaded roads.

I have no desire to repeat some of the things which have already been said but I support this Bill and ask those responsible for its administration to give some thought to the things said on this side of the Senate.

**Senator R. Lange:** Mr. President, one of the advantages or blessings of getting to an old age like mine is that one can look back very much further than a younger person. When it comes to the question of the scrapping of the railway, whether in one operation or by phasing it out, I think I can go further back than my Friend, Senator Sinanan; in fact I can go back to B.C., that is, before Capildeo. I can go back to 1955 when, among the many experts who came here, there was Mr. Jessop. At that time the Transport Board, of which I was a member, made strong recommendations and endorsed the Jessop Report which called for the scrapping of the railway. But before that there were local people like Mr. Urquhart and others who sat on the Railway Board as business men and recognized that a system such as the railway was completely uneconomical in those times, much less today. It would need a miracle to make it pay.

I remember asking Mr. Jessop before he examined the situation whether, if this country had no railway at all, he would, as

an expert on a railroad system, advise Government to put one in. His answer was no. The mileages are not long enough and therefore we must come to the conclusion that a railroad system is not a system which could be made to pay in a country as small as this. I keep repeating that while we have wonderful ideas about ourselves; we must always try and keep ourselves in perspective. We cannot just pull ideas from other countries and say, "This works there and this works there and therefore it should work here." What will work in a big country—a railroad system with thousands of miles between points—cannot operate in a small country like Trinidad and Tobago.

I must say that it has taken a great deal of thinking on the part of Government to take steps to carry out what was an inevitable conclusion to phase out the railroad system into transport by road. As I look back, I have to admit that at the same time we made the recommendations to scrap the railway, recommendations should have been made to nationalize or to create public ownership, if you prefer the words, of the bus transport system. It is obvious that one must have very grave concern for the employees of the old system who looked to that system, above all to a system run by a Government, for the life security of their jobs. That is a very serious problem that is going to face Government and the Corporation being set up to carry out this very delicate operation. I was very glad to hear from the Attorney General that it is Government's intention to run the bus service in an economical manner and that steps have been taken to obtain suitable experts in such field. We should not fool ourselves and expect this change overnight.

**3.25 p.m.**

I endorse Senator Rojas' remarks on efficiency. Other Senators also emphasized the need for efficiency. Of course, we want efficiency, but there must be other considerations. Phasing is a very apt word. The decision to turn all our transport over to road means that Government must now direct their attention to the roads of this country. Some of the roads of this country are in a deplorable condition. I shall not belabour all the points made about safety but it means that if Government are going to have a road transport policy then it automatically means that they are going to be committed to provide better roads. Transport is more basic than food or clothing because without transport there can be no conveyance of these commodities. We are dealing with a very fundamental industry. I sincerely hope that Government will choose the right people to materialize the expression of views for an efficient bus service about which we can all be proud.

I do not blame Government in any way for abandoning the use of the railway, which system is antediluvian; it is anachronism and was never really suited to the needs of this country at all. Literally, Government are now behind the wheel. They are behind the wheel of buses; they are behind the wheel of taxis; they are behind the wheel of transport and they know that there is a great deal to be done to bring about an economical form of transport. In many instances the taxi form of transport which has grown up in this country is best suited to certain conditions, but totally unsuited to others. It should be the duty of the Corporation to sort out the needs for all conditions.

Finally, I am glad to see the first step in the phased abandonment of the railway.

*Public Transport*  
[SENATOR R. LANGE]

Tuesday, 4th May, 1965

*Service Bill*

Unlike Senator Walke, I have no sentimental thoughts about it, although I can relate a lot of experiences encountered with the railway. I hope that I may live to see the letters on the Port-of-Spain Railroad Station read "R.I.P."—railway is phased.

**Senator Sir Patrick Hobson:** Mr. President, I shall be very brief in what I have to say. The Government in power have been criticized in the past, and rightly so, for not having a transport policy. The Bill which is before us declares that policy. It includes the phased substitution of road transport for the existing railway system; it includes the setting up of a corporation to deal with all forms of surface transport on land.

I merely wish to say that I am going to support this Bill fully. This is a rather historic occasion as when this law is enacted a very important corporation will come into existence in Trinidad.

As the head of one form of transportation I take this opportunity to offer the new corporation and its chairman-designate my congratulations and very good wishes.

**Senator T. T. Bleasdel:** Mr. President, the Government now must realize that the governing of the country is serious business, especially in independence. It is my experience that politicians gag a lot. We have heated debates at times in which we strip suggestions to pieces and challenge various clauses of Bills. All this is done in the interest of the people of the country; but the hard core which is running of the country is an entirely different matter. No business, no country, not even a home, can be run successfully without proper management.

I believe that the failure of the railway, to a great extent, is due to poor management.

With all due respect to the personnel concerned, no blame is thrown at them, because I believe that they are doing their best. Their best is not good enough for there is no trained administration. The Attorney General told us that the expert from the United Kingdom strongly recommended the introduction of an administrative structure. Our country and Government are lacking in administrative ability.

I believe that if the management of this new corporation is good, well trained, and competent, it can go into the railway as is now, because the railway is going to last for some time before it is scrapped, and it should be able to formulate plans to reduce the recurring deficit of the railway.

3.35 p.m.

I believe that Government are aware, and have always been aware from their Five-Year Development Programme, of all the difficulties that they would have to encounter in the scrapping of the railway and substituting road transport. Our roads at the moment are already overburdened and hazardous with traffic, particularly in the northern area, and to use the exact words of those who prepared the Five-Year Development Programme, "our roads are burdened with difficulties." I do not know what Government plans are with respect to roads because they have not really indicated this to us, but unless Government do something very specific about our roads it would be difficult to increase our road transport with our roads in their present condition.

I see here in the Quarterly Economic Report that in the first half of 1964 there were 2½ million persons and 3½ million tons of luggage transported by rail. Most of these passengers, I am sure, travelled between

Port-of-Spain and Arima. I cannot see that section of the railway being scrapped for a long time to come; because it does not seem that there would be any improvement in the present condition of our roads. We have the Churchill-Roosevelt Highway, which is a very good highway, and the Eastern Main Road, on which not much can be done other than putting footpaths on the sides; and these two roads are always very congested. I cannot see the possibility of putting additional road traffic.

So I believe, as I have suggested to this hon. Senate before, that the Government should introduce an electric train service between Port-of-Spain and Arima. There is at the moment a very speedy train, almost like an electric train that transports most of the passengers between Port-of-Spain and Arima. If Government introduce an electric train between these two points I am sure this would be a success. I have also suggested to Government that a shuttle service can be run between Toco and Arima, Sangre Grande and Arima, Manzanilla and Arima; Santa Cruz and San Juan, Maracas and St. Joseph, which would avoid the increase of road transport. The buses that now ply between Port-of-Spain and these areas need not come into Port-of-Spain; they can do a shuttle service between these various railway stations and these ports of call.

I see here that the Government have suggested that there is a possibility of their converting the present railway track into a public highway for road transport. I think this is an excellent idea. How soon this can be done is another matter.

Trinidad and Tobago is a very wonderful country and we have very wonderful people too. I believe that we must know best what is good for us, and while the Government seek expert advice from abroad

I think they allow a lot of business experience and a wealth of knowledge to go a-begging among our local people. It is all there for the asking. There are old business men in this country who are prepared to give any assistance to Government if they would request it. I admit that we have a wealth of young economists who are very efficient in theory. But we need the experience of our business men, because the running of a country is a business and we need these older persons with their experience to guide our young economists.

It would be no indication of bad management on the part of Government if they request these experienced people to give assistance. I see right now we have a Member of the Opposition heading a committee to investigate what will be Trinidad's position if Britain entered the European Economic Community. Similarly, we can have other committees headed by various people—business, trade unionists, Government and Opposition Members—to investigate the internal operation of our country. Transport is among the things required for the smooth running of our country, and if we hope to have our country run efficiently and effectively we must investigate in detail all the problems that face the country.

I should like the Attorney General to explain whether the taxi service comes under this corporation, because here public service vehicles are involved. And in the explanatory notes here it is clearly stated:

“The general duty of the Corporation would be to operate road and rail transportation services in Trinidad and Tobago, and for this purpose the Corporation would be empowered to carry on the business of transporting passengers and goods by road and rail...”

[SENATOR T. T. BLEASDELL]

Now, this is the important part :

“...The exercise of this responsibility would be to the exclusion of any other persons or authority except taxi services and persons authorized so to operate ancillary bus services by the Corporation.”

My humble interpretation would be that the taxis are under the Corporation.

But if we look at clause 8, subclause (4), we see that—

“Nothing in subsection (3) shall apply to the carrying of passengers by road in a hiring car (within the meaning of the Motor Vehicles and Road Traffic Ordinance) adapted to carry less than six passengers and used for plying or standing for hire in a street, or to the carriage of goods by any other person for hire or reward or otherwise.”

This makes it clear here that taxis do not come under this corporation.

**3.45 p.m.**

But then again in this very sub-clause (4) it says :

“...the Corporation may, in its discretion, authorise any person to operate public service vehicles of any special class or description upon such terms and conditions, including payment of any such fee therefor as may be prescribed, in any area or district where the Corporation on economic or any other grounds does not consider it suitable or expedient to operate its own service.”

What I interpret this to mean is that if the Corporation cannot operate a service in any remote part of the country, in which there is a taxi service which the Corporation feels is not doing such a good enough job, then it will appoint any other person for hire or reward or otherwise to operate public service vehicles of any special class. It may appoint,

perhaps, a private person to operate a vehicle carrying ten passengers or so and that in my view, will be competing with the taxi service. And that is something I should like the Attorney General to explain.

I have seen here the question of the Consolidated Fund. Now, in the explanatory notes the sixth paragraph states :

“Part III would require the Corporation to carry on the existing railway system in such manner as would enable it to dispose of so much of the property comprising such system as the Minister directs, within such time as is reasonably practicable on the best possible terms available and without avoidable disturbance of the transport system of the country. The proceeds of the sale of such property would be paid into the Consolidated Fund and would not form part of the funds and resources of the Corporation, but such funds and resources may include sums from time to time appropriated by Parliament for the purposes of the Corporation.”

I do not like this last sentence. Why should the proceeds of such sales not form part of the funds and resources of the Corporation? In these technological times, when we have electronic devices and things of that sort, I do not think such moneys should be placed in any Consolidated Fund. I think that immediately railway property is disposed of, proceeds of such sales should be included in the funds and resources of the Corporation. Why put this money into the Consolidated Fund ?

There is another point I should like to make, and this is purely with a view to expedition. We see here in clause 28, subclause (3) :

“After the end of each financial year of the Corporation, the Corporation shall, as soon as the accounts of the Corporation

have been audited, cause a copy of the statement of account to be transmitted to the Minister of Finance, together with a copy of any report made by the Director of Audit on that statement or on the accounts of the Corporation."

Well I should like the words "as soon as" in the second line deleted and substituted by the words "within fourteen days after." It would help to expedite matters because we know how the country is run at the moment. There is too much delay in these things coming through. Similarly, in subclause (4) of the same clause 28 we see :

"The Minister of Finance shall cause a copy of every such statement and report to be laid before Parliament."

and it stops there. I should like it to go further and to say, "within fourteen days of receipt." Again this is with a view to having these things expedited.

Finally, I wish to say that I should like Government or this corporation to take a very serious view of the transfer of personnel from the railway to the staff of the Corporation. I know that in the past many persons employed in certain industries have suffered great losses because at that time no provisions were made for security for these people in their old age. I know that some persons have had up to 40 years' service in a particular industry and on retirement their pensions have been so small that it was shameful. There was no law to make the pensions larger. I know that similar conditions obtained in the telephone company. Reports were made to me that when Government took over the telephone company several persons on reaching retiring age received no compensation because no provisions were made for them. I am asking this corporation to take care of these railway

workers. Government should well understand the position of these people and do something about giving them some sort of remuneration for the services they have rendered to this country at the time when no provisions were made for them.

**The Attorney General (Senator the Hon. G. A. Richards) :** Mr. President, let me say at the beginning that I thank Members of the Senate for the very valuable contributions they have made to this debate and assure them that without exception every single point that they have made has been considered by the Government in connexion with this exercise. But it seems that some of them would like certain other assurances. I shall proceed to do that.

Senator Walke raised the point about certain restrictions on heavy traffic. Now, I should like to make it clear that this corporation is not a road authority ; it will not have control of traffic generally. As I said, it was announced some time ago by Government that it is proposed to set up a transport authority which would have control of traffic throughout the country, and I know that before very long a measure will be brought before this Senate to deal with that. I have every sympathy with the people who have spoken of the conditions on the roads, which are becoming almost intolerable. Some methods of control will obviously have to be employed. But the place for that is not in this Bill. But, as I said, consideration is being given to it. When we were thinking of this corporation we clearly considered that a body which is actually running a service should not have powers of control over other enterprises. It would have appeared that there was room for discrimination, so what we clearly did was to separate them keeping the running of the enterprise distinct from overall

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control. I am sure that Members of the Senate will agree that this is the proper method of approach.

**3.55 p.m.**

In so far as road conditions are concerned, we are not less sensitive, not less aware, of what is going on than anyone else. As a matter of fact, discussions are going on at this moment with the hope that before very long the Canadian Government will make available to us a body of people to carry out a comprehensive survey of our road system. It is anticipated also that they will recommend measures which might be undertaken to improve and develop existing roads; that they will consider and report on the best locations for new roads; and that they will suggest a programme for phasing road development in the country over a period of twenty years, broken down into phases of five years. I cannot say exactly when they will be here but we are hoping that this will be some time in the near future. As Senators are probably aware, some of these services have been very well developed in Canada. There are people in the Dominion of Canada who are experts on the problems of development and we hope to be able to benefit from their services. I want to emphasize at this stage that the operative word in all this is "phasing". It is not intended to abandon the use of the railways overnight. There are other serious considerations involved.

I should like also to give the assurance that the position of the present railway employees will be looked at sympathetically and in the light of all the rights that will accrue to them because of their long service. It is not a simple matter. We cannot just say that the railway has a given number of employees. There are about 1,392 persons

working in the Railway Department, and a recent analysis has shown that there are four categories of employees. There are a permanent pensionable staff, daily paid workers, temporary salaried workers and apprentices. There is also another classification. Some of these people have reached the point where they would have had to retire in any case so it is impossible to present any cut and dried policy. What is contemplated is that all those who can be absorbed will be absorbed.

This Bill makes provision for the transfer of employees from the Government service to the service of the Corporation. In addition, attempts will be made to re-settle those who can be used in other places, and compensation will be provided for those who cannot be used. In this connexion, it is intended to hold discussions with the bodies representing the workers in all aspects of the services, not only with the Civil Service Association, which is interested in one group, or the National Union of Government Employees, which is interested in another group. I can only repeat the assurance that has been given by the Minister of Public Utilities, that full negotiations will be made with the unions in respect of what can be done. I can say no more than that.

With regard to the point raised by Senator Rojas about doing something to make employees of the Corporation feel conscious that they are a part of a service of which they can be proud, that is being considered. As a matter of fact, clause 8 of the Bill, which provides that the Corporation may set up certain committees for that purpose, is intended to ensure that groups of people will be brought in in an advisory capacity to assist the Corporation in these aspects.



My reply to Senator Bleasdel's question would be that the taxi service does not come under the control of the Corporation. We have a definition of what a public service is. This Bill gives the Corporation exclusive rights to use and operate public service vehicles but it specifically excludes public service vehicles which carry six or fewer passengers. This means that the taxi is taken completely out of it. We are aware that many companies run more or less private bus services. It is not our desire to put them out of business and opportunity was taken to make provision for the Corporation to authorize them to continue to run their services, where necessary, and, indeed in areas where the Corporation itself could not establish a service.

Regarding the question of the Consolidated Fund which was raised by Senator Bleasdel, the purpose of transferring receipts from sales of surplus materials to the Consolidated Fund is that revenues of the country have been invested over many years in the capital fund of the railway and it is only right that if these assets are disposed of the receipts should come back to the Consolidated Fund, which is really the general purse of the country. All the money that flows into Government comes into the Consolidated Fund. That is why normal expenditure is met out of it. It is not a fund that ties up money. Instead, it is a fund that helps the country to pay its way.

May I say something too about Senator Wight's difficulties with clause 12 (5). I am sorry that her friend thought it nonsense but the point is that in these bodies it is very desirable to make sure that no person takes part in any decision that may affect a contract if he has either a direct or an indirect interest. Clause 12, subclause (1) seeks

to set out the general requirements. Subclause (2) makes a prohibition, and subclause (4) seeks to define the persons who are included and who have a direct or indirect interest. Then subclause (3) exempts from that prohibition certain special cases. For instance, paragraph (a) speaks of an interest in a contract which a member may have as one of a group of persons making use of any road transport facilities provided on charter by the Corporation. If I may take a simple case. A group of people may desire to charter a bus for one specific occasion. There may be really no reason to exclude a member of the Corporation from any such decision. He may have really shared in that as a member of the public perhaps, or as a member of a general group. That sort of interest could not influence or bias a decision required to be made in the normal working of the Corporation. Then paragraph (b) deals with interests which he might share with other members of the public. In other words, his interest may be such that it would not hold any weight or influence in any way the decisions of the Corporation. Save for these matters, a company is prohibited from taking any part in the decisions of the Corporation.

What subclause (5) really means is that there are certain persons who would not have been regarded as having an interest but, because of clause 4, which brings them within the category of persons who have an interest, we say in respect of these persons that the Corporation itself may indicate the limits within which their holdings would be deemed to be an interest or not an interest. I believe that when the Senator read it she may have omitted perhaps one word which may have altered the sense somewhat. In other words, the Corporation could say in respect of certain forms of contracts, "If you

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are dealing with a company and you have a shareholding exceeding one per cent. of the company's shareholdings we will treat that as being an interest. If you have less than one per cent. we will not regard that as an interest." It may sound complicated but it is a very commonsense approach because, as you are aware, there are many big companies with millions of dollars in shares. The average shareholder who holds a \$5 or \$10 share can in no way influence the decision of such a company or in any way bias its dealings. That is all that is intended by this clause.

#### 4.05 p.m.

What I have said about the trade unions should answer some of the fears expressed by Senator Sinanan. I should just like to deal with one other point he raised, and that is with regard to the naming of the personnel of the Transport Authority. He has warned us to be sure to put the right persons on the Board and that the choice must not be influenced by party considerations. Well, I hope no one will be discriminated against merely because he belongs to a particular party. But I want to assure him that that will not be the basis of choice. We have here as Members in this Senate members of the public bodies who have been selected by Government, and I do not think it can be suggested that that was the basis of their selection; and I think the Senator selected is not the very best example of Government's "bad choice." He said he was dealing with this question from his knowledge of the Central Bank. I wonder if he knows some of the people appointed to that board. If that is to be an example I think all your fears will be completely unjustified. We have, for instance, persons like Mr. Algernon Wharton, Sir Lindsay Grant and Mr. Blache-Fraser. A glance at these people indicates a

selection of those people whom we thought would make contributions because of the nature of the operations of that particular body. And I assure you that in selecting people for this corporation, Government will also be guided by such considerations.

Now may I come to my Friend, Senator Julien. I want to ask Senator Julien, in the first place, not to press for those amendments, for reasons which I shall explain. And I am being quite serious. This is no attempt to deny anything he said or to defeat it. It is my view, and I think the Senator will agree, that the mere creation of the body imparts certain elements: duty of succession, the right to sue and to be sued. Now in the past we used to state that in Ordinances, though I think it was unnecessary, but because of the provisions of the Interpretation Act, where it is specifically stated that every corporate body should possess these powers, we have discontinued the practice of stating them specifically.

There is another point which he raised and which has warranted a little more consideration; it is a point with respect to his suggested amendment of repealing subsection (2), (a) or section 8 of the Motor Vehicles Insurance (Third-Party Risks) Ordinance, Chapter 16, No. 4. He knows the way the section reads, but for the benefit of the other Members of the Senate I shall refer to it. This is the section which prescribes the duty of insurers to satisfy judgments against persons insured in respect of third-party risks, in other words, insurance companies; and it requires a certain period of notice, which is regarded by most people as extraordinarily short, because this particular paragraph requires a seven-day notice, a notice within seven days of the commencement of proceedings. But if he

will refer to the Schedule to this Bill on page 28, in the second column, he will see that what we have done here is to use a device similar to that which occurs in section 3 of that Ordinance.

Now, section 3 of that Ordinance—the Ordinance, incidentally, became law some time in 1934—excluded tram cars and trolley buses which were run by the City Corporation; and what we have done is to exclude from the Ordinance public service vehicles that are run by the Corporation. So that in effect nothing in this Ordinance will apply to that corporation. So this will not apply either. And, incidentally, that perhaps answers another point: why the apparent severity to members of the Corporation? That is, of course, a special duty that has been imposed on the Corporation in respect of third party insurance. Quite apart from that, under the general Act that unusual feature was put in to ensure that there will always be in existence third party insurance. So the operations of this Corporation or claims against it will not be subject to that particular notice.

This, of course, does not deal with the Senator's other point, with which I have every sympathy. I should like to remind him that some time ago I gave an assurance here that the matter was being considered; it is being considered in connexion with two or three pieces of legislation. In the first place, the proposed Crown Proceedings Bill. The drafting has been completed, and it will come before Parliament very very shortly—not in five months as Senator Julien accused me of waiting. And, incidentally, it is not five months, it is three months. Then consideration is being given to an Insurance Act, in which some consideration will be given to this thing; and I suggest that to repeal this in an Act

which is set up for a specific purpose is not the correct way to deal with this matter. The Ordinance itself requires other amendments, because it not only deals with injuries out of motor accidents, but certain other injuries and injuries to workmen.

But I do agree with him; as a matter of fact, my two colleagues on my right and left will be just as firm as he is on the injustice and hardships which those two sections would work. But I give the assurance that I confidently expect that before the end of this session of Parliament this anomaly, to give it the least possible offensive name, will be corrected.

**Senator Julien :** Page 21, clause 38 (4).

**The Attorney General :** Oh, yes. I was saying part of the explanation of that is because of the desire to impose on the Corporation an absolute duty on every member to see that by no lapse any member of the public would suffer. Because it was taken out of the context of the Third Party Insurance Ordinance, a special duty was laid on them to see that it was observed. That was out of a desire to see that no member of the public could be made to suffer because of a lapse.

4.15 p.m.

I think that is all I desire to say except to repeat my assurance to those people who fear that phasing will be done injudiciously that they need not fear that. We are well aware that there are certain areas where the railway can be readily discontinued and other areas where it cannot be readily discontinued. We are well aware of the eastern branch of the railway line and though I cannot give to Senator Wight a specific date on which the phasing will

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commence, I would say that the first period of the phasing should begin about the end of the year, but that is no indication that the service will be discontinued. Clearly, the Arima line poses special problems, which we have to consider. Finally, on behalf of the baby about to be brought into existence, let me thank Senator Hobson for his good wishes.

**Senator Wight :** Could the Attorney General tell us something about the Japanese buses? I am very interested.

**The Attorney General :** I am afraid I cannot tell you anything about that. As a member of the Government I have no knowledge whatever about it. All I know is that we made certain negotiations with the British Government. I know nothing of any other offer. I do not know where the newspapers got the information. I have no knowledge of it.

*Question put and agreed to.*

*Bill accordingly read a Second time.*

*Bill committed to a Committee of the whole Senate.*

*Senate in Committee.*

*Clauses 1 to 3 ordered to stand part of the Bill.*

*Clause 4.*

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

**Senator M. T. I. Julien :** In view of the Attorney General's undertaking, I withdraw the amendment which I had proposed to move.

*Question put and agreed to.*

*Clause 4 ordered to stand part of the Bill.*

*Clauses 5 to 48 ordered to stand part of the Bill.*

*Schedule.*

*Question proposed, That the Schedule stand part of the Bill.*

**Senator M. T. I. Julien :** In view of the undertaking given by the Attorney General, I withdraw the amendments to the schedule which I had proposed to move.

*Question put and agreed to.*

*The Schedule ordered to stand part of the Bill.*

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

*Senate resumed.*

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

## PAPERS LAID

1. Report of the Auditor General on the Accounts of the Trinidad and Tobago Blind Welfare Association for the year ended 30th June, 1963. [*The Parliamentary Secretary to the Prime Minister*].
2. Report of the Auditor General on the Accounts of the Sugar Industry Labour Welfare Fund for the year ended 31st December, 1961. [*The Parliamentary Secretary to the Prime Minister*].

## LAND ACQUISITION

**The Minister without Portfolio (Senator the Hon. W. J. Alexander):** Mr. President, I beg to move,

That this Senate approve the decision of the Governor-General to acquire the land described in the appendix for the public purposes specified.

The following is a description of the land. Firstly, the following parcel of land containing one acre, two roods, and eleven perches, more or less situate at Caroni in the Ward of Cunupia in the County of Caroni described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 15th January, 1963, executed under Survey Order No. 156/62 and filed in his office.

The Schedule is as follows: a parcel of land containing one acre, two roods and eleven perches situate on the southern bank of the Caroni River approximately 1,800 feet west of the Princess Margaret Highway, at Glaudon Road in the Ward of Cunupia in the County of Caroni, part of the property belonging now or formerly to Rachan Jogie, and more particularly shown and delineated

and coloured raw sienna on a plan filed as R.E.6 in the vault of the Lands and Surveys Department, Red House. I do not think that anything else need be said. This acquisition has been necessitated in the ordinary course to control all the floods of the Caroni River. The parcel of land was in use by the Ministry of Works in 1960 and it has become necessary to formally acquire it.

I beg to move.

*Question proposed.*

*Question put and agreed to.*

*Resolved:*

That this Senate approve the decision of the Governor-General to acquire the land described in the Appendix for the public purposes specified.

APPENDIX

Description of land	Public purpose for which to be acquired
<p>The following parcel of land containing one acre, two roods, and eleven perches, more or less, situate at Caroni in the Ward of Cunupia in the County of Caroni described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 15th January, 1963, executed under Survey Order No. 156/62 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land containing one acre, two roods and eleven perches situate on the southern bank of the Caroni River approximately 1,800 feet west of the Princess Margaret Highway, at Glaudon Road in the Ward of Cunupia in the County of Caroni, part of the property belonging now or formerly to Bachan Jogie, and more particularly shown and delineated and coloured raw sienna on a plan filed as R.E. 6 in the vault of the Lands and Surveys Department, Red House.</p>	<p>Diversion of the Caroni River</p>

*Motion made and question proposed, That the Senate do now adjourn to a date to be fixed by the President.—[Senator D.P. Pierre]*

*Question put and agreed to. Senate adjourned accordingly. Adjourned at 4.30 p.m.*