THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

HOUSE OF ASSEMBLY

Tuesday, November 17, 1998

Pursuant to the adjournment, the House of Assembly met at 11.20 a.m. on Tuesday, November 17, 1998.

PRESENT

His Honour I. A. ROETT, B.A., Dip. Ed., (Speaker)
His Honour R. D. MARSHALL (Deputy Speaker)
Rt. Hon. L. E. SANDIFORD, B.A., M.A., (Econ.), J.P.
Hon. Sir Henry FORDE, K.A., Q.C., M.A., LL.B.
Rt. Hon. O. S. ARTHUR, M.Sc. (Econ.) (Prime Minister, Minister of Finance and Economic Affairs and Minister for the Civil Service)
Mr. D. J. H. THOMPSON, LL.B. (Hons.) (Leader of the Opposition)
Mr. L. R. TULL, Q.C., M.A.
Hon. G. W. PAYNE (Minister of Public Works, Transport and Housing)
Mr. D. CARTER (Chairman of Committees)
Hon. R. N. GREENIDGE, B.A., LL.B. (Minister of Labour, Community Development and Sports)
Mr. G. A. CLARKE, B.Sc., Dip. Ed., (Parliamentary Secretary, Ministry of Public Works, Transport and Housing)
Mr. J. M. EDGH1LL
Mr. W. C. C. CALLENDER, J.P. B.A., Dip. Ed., B.Sc
Hon. R. St. C. TOPPiN, LL.B., (Minister of State, Ministry of Foreign Affairs, Tourism and International Transport)
Mr. D. St. E. KELLMAN
Hon. Miss M. A. MOTTLEY, LL.B. (Minister of Education. Youth Affairs and Culture)
Mr. C. A. MASCOLL, B.Sc. (Econ.) (Hons.), M.A. (Public Finance)

Prayers were taken by Canon Father Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, November 10, 1998.

Hon. G. W. PAYNE: Mr. Speaker, I beg to move that the Minutes of proceedings for the Honourable the House of Assembly for its meeting of Tuesday, November 10, 1998, which Minutes have been circulated, be taken as read.

Rt. Hon. O. S. ARTHUR: I beg to second that, Sir.

Mr. SPEAKER: If there are no corrections or observations, then let these Minutes stand confirmed.

PAPERS

Rt. Hon. O. S. ARTHUR: Mr. Speaker, I am commanded to lay the following:

1. The National Insurance and Social Security (Miscellaneous Amendment) Regulations, 1998.

2. The Sugar Industry (Sugar Workers Provident Fund) Order, 1998.

3. The Annual Report and Financial Statement of the Barbados National Standards Institution for the period April 1, 1996 to March 31, 1997.

GOVERNMENT NOTICES

Hon. G. W. PAYNE: Mr. Speaker, I beg to give notice of the following:

Resolution to approve the vesting in the National Housing Corporation of parcels of land at Orange Hill, St. James, for housing development.

SUSPENSION OF STANDING ORDERS

Hon. G. W. PAYNE: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the rest of this day's Sitting.

Rt. Hon. O. S. ARTHUR: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

Mr. SPEAKER: Government Business is now the order of the day.

GOVERNMENT BUSINESS

ORDER NO. 10 - THE ROAD TRAFFIC (AMENDMENT AND VALIDATION) BILL, 1998

Rt. Hon. O. S. ARTHUR: Mr. Speaker, there are four aspects to this piece of legislation before the House, including a matter pertaining to the grant of powers to the Licensing Authority to issue special permits and matters pertaining to the validation of the collection of certain fees.

The principal matter that this legislation addresses, Sir, is the issue of the provision of a maximum limit for personal injuries, a matter that will require us to amend section 38 of the Act.

Now, Mr. Speaker, as it presently stands, under section 38 of the Road Traffic Act of 1981, section 38 requires policies of insurance issued in respect of motor vehicles to include unlimited coverage for death or bodily injury caused to a third party. Our existing legislation makes provision for unlimited coverage in the event that persons die or suffer bodily injury arising from motor vehicle accidents.

In the past. Sir, this provision imposed no undue burden on insurers since the required unlimited liability reinsurance to facilitate the coverage was easily and freely available. In recent years, however, the main reinsurer, NRG. that used to provide unlimited liability cover withdrew from the Caribbean. This made replacement of the required cover for unlimited liability far more difficult since this market for unlimited liability coverage has always been a small and very highly specialised one.

As a result of the withdrawal of NRG from the market, the unlimited liability coverage for motor vehicle accidents has become far more costly to provide. This situation has been aggravated, certainly in the Barbados circumstances, because of the continuing growth in the adverse claims arising from motor vehicle accidents.

As you might have seen recently in the Press, Mr. Speaker, the implication has been that Barbados now is the country in the world where the premiums payable for motor vehicles are, in fact, the highest.

Reinsurers from the early 1990s, therefore, have been suggesting that we need to revisit the issue of the provision of unlimited liability. In almost every other country in the world there are maximum limits on what people can get in the event that they suffer injury in motor vehicle accidents.

The situation was further compounded in 1995 when Munich Ray which succeeded NRG as the main reinsurer for our region also cancelled their unlimited motor liability coverage. So, Mr. Speaker, it is a real issue here to be addressed. It is almost impossible now to get unlimited liability coverage at reasonable rates, if at all We are now merely seeking, by this legislation, to bring Barbados within the ambit of the best practice that obtains internationally.

What the Act therefore is providing for is that a limit of $10 million should be set as the maximum personal injury claims that can be paid out for any event regardless of the number of persons involved. Now, Sir, this is an amount that bears a more than adequate relationship to the highest claims that have ever been paid out in Barbados for any personal injury. To date, the highest claim ever paid out for personal injury arising from a motor vehicle accident has been $1.9 million. We believe that this amount of $10 million is quite adequate.

It is far in excess of the relevant comparative amount in other Caribbean countries but we are of the view that it would allow us to bring order to a situation that has become very difficult to manage.

I know that there might be some lawyers who might take objection to their being a maximum limit on the amount that can be paid out as a claim for personal injury but I believe this is in the best interest of the industry as a whole. It is in the best interest of the public and I commend it to the House.

Sir, the other matters are in the nature of administrative arrangements pertaining to the function of the Ministry of Public Works. We are also seeking to validate the collection of fees that were imposed and subsequently reduced on the public service vehicles but the key to this legislation is mat we are trying to bring Barbados now in the realm where there is a limit on the amount that one can claim.

I want to stress, Sir, that this is for an event if there is an accident involving one person, then the maximum limit is $10 million. If there are a number of persons involved, the maximum limit for the event, that is the point, Sir, will still be $10 million. It will then be left for the amounts to be divided between the persons involved. I want to stress that point, Sir, because I do not want the impression to go forward that every person involved in a motor vehicle accident will be entitled to $10 million as a maximum limit, that the maximum limit for an event is $10 million.

I commend this legislation to Parliament.
11.30a.m.

Mr. D. J. H. THOMPSON: Mr. Speaker, I will not be very long. The Opposition does not object to the provisions of this legislation particularly the provision which relates to the maximum liability of $ 10 million because we believe that by and large this will represent a reasonable figure even for an accident which involves a larger than usual number of persons. There are a couple of other related concerns which I wish to address to the Government. I am not sure who is the Minister responsible for road traffic on all occasions but to the extent that the Honourable Member for St. Andrew had some residual responsibilities left in that Ministry in relation to any aspect of road traffic, I will address some of my remarks to him.

The first concern relates to the claims which are still outstanding in respect of one local insurance company which was one of the principal insurers for the Transport Board. I think on several occasions we have asked, not being critical of Government, but simply to enquire of the Government what is the position with respect to the outstanding claims which have arisen from the non-operation of Narsham Insurance. For example, Mr. Speaker, there was one very unfortunate accident in St. John where two buses collided and arising out of that accident, both of the buses were insured by Narsham, and I think Members on this Side, as well as myself and I declare an interest in the matter, have clients who have sustained pretty serious injuries as a result of that accident who have had to pay medical expenses, who did not have funds to file a Writ and therefore, strictly speaking, they have not commenced any action against the Transport Board. But they would like to be assured that the Transport Board is entirely committed to settling a claim like that and also to be assured that where there are other claims against the Transport Board by other persons where the Board's buses were insured by this insurance company that those claims will be settled.

I think it is only fair that in the circumstances that some kind of commitment be given that at least the medical expenses and other related contingent expenses be paid by the Transport Board and even if the Board sets a cap on the expense of personal injury as compensation, at least some indication should be forthcoming from the Government on this to allay the fears of a number of people who have claims against the Transport Board in respect of those buses which were insured by Narsham Insurance.

The second point that I want to make relates to the need for insurance for public service vehicles. There has been a lot of discussion on this matter and I understand that the public service vehicle operators have essentially been thrown into the market and have been advised to form their own insurance company. This is an entirely unsatisfactory situation. There are thousands of Barbadians travelling on public service vehicles every day. This is a sector of Barbados in which the majority population at least has a significant stake. There are small operators who are in self-sustaining business activity as a result of owning public service vehicles and they cannot be left to the mercies of the market-place particularly where all of the insurance companies, including the Government-owned insurance company, are now declining to write new business in this area and in some cases even declining to renew policies which they have entered into with owners of public service vehicles.

Mr. Speaker, when the Insurance Corporation of Barbados was established, I was always of the view that the Barbados Labour Party established it certainly this was said, to deal with some of the imperfections in the market-place in relation to insurance. In other words, to depress the premiums payable by the persons insured, to provide insurance in areas like chattel houses where there was not an appetite by the traditional insurers to provide that kind of insurance and also one assumes, to provide insurance in high risk areas like water sports operators, the owners of public service vehicles and other unique areas like that where because of the same point that has been made, reinsurers may be reluctant, the Insurance Corporation of Barbados, guaranteed at the end of the day by the taxpayers of Barbados, would be able to insure that persons in those areas can get insurance for their operations.

There have been big problems with owners of water sports equipment getting it insured and all it is doing is causing consolidation in that sector where large businesses, large hotels and the owners of large hotels, are now bringing their own water sports operations as part of the trade which they offer, whether all inclusive or otherwise because many of the small water sports operators cannot develop their businesses because a critical component of their operations, which is insurance, cannot be obtained.

This is very, very serious and likewise the Government's attitude to public service vehicle operators in Barbados is not only, to my mind, having an adverse effect on their operations, it is not having the effect of producing

more discipline in that sector because that is not how you get discipline in a sector like that. It is having, as I have said, an adverse effect on their operations but more than that, it could pose a very serious threat to persons who are using those public service vehicles, where those vehicles may not be insured at all and where inspection by the Ministry of Transport and Works has not detected that inspection.

Furthermore, I go as far as to say that there are still in Barbados a few unlicensed operators, people who have small Suzuki vans, who ply rural areas like St. Philip, St. John, St. Andrew and St. Lucy and who bring people to Bridgetown for the same price as the public service vehicle operators. They can still obtain insurance and their outlay has not even been as significant because they are not paying license fees and they are not under the very rigorous regulations and policy content which the Minister has brought to bear in relation to the public service vehicle operators. The entire sector needs to be looked at and insurance to my mind is going to be one of those critical components. I think that any Government of Barbados which really understands the purpose of the Insurance Corporation of Barbados would see this as an opportunity to ensure that small businessmen, as owners of public service vehicles or the water sports sector or otherwise were given a special portfolio which we expect is going to be a high-risk portfolio but which comes with the territory of being a Government owned insurance company. 11.40a.m.

I have heard people say when this matter came up in the Budget that it is not the responsibility of the Insurance Corporation of Barbados because it would compromise the profits of the Insurance Corporation of Barbados if it alone was required to take on a high-risk portfolio like this. That is not true. There are ways in which you can engineer outcome and if the ICB can find $14 million to build a new office complex and a shopping mall and so on, to my mind, what must be more important to the Board of Directors and the Government as the guiding mind of the Insurance Corporation of Barbados is to ensure that it is used as a tool wherever possible to deliver affordable insurance to the citizens of Barbados, but more particularly that in unique areas where the private sector otherwise is not providing that insurance cover that the ICB will intervene in the market to provide it. If it is not doing that then there is no real purpose to having something like the Insurance Corporation of Barbados unless we practice state capitalism. If we practice state capitalism - where the state sets up corporations to compete in the private sector at more advantageous circumstances than other private sector businesses and even run some of those private sector businesses out of business - then the Government needs to say that that is its strategy.

I always thought that the presence of the Insurance Corporation of Barbados as did the presence of the Barbados Marketing Corporation at one time in its development, as with the presence of many of these other institutions which Government has set up to be involved in commercial operations, is to intervene in the market because we all understand that the imperfections of the market may mean that some of the people who are most vulnerable cannot acquire a service or a good at an affordable price. In this case, we are talking about insurance for public service vehicle operators, we are talking about insurance in the water sports sector and I can think of some other very critical sectors in which the Insurance Corporation of Barbados should be a vanguard institution moving forward to provide adequate cover for those high-risk areas.

Mr. Speaker, Sir, Honourable Members on that Side have made it clear, at least to public service vehicle operators, if to nobody else in Barbados, that they are keeping a very close eye on their operations and even though we may get mixed signals on that Side of the House particularly, I noticed yesterday that the Honourable Member for St. Peter very carefully distanced himself from the approach of the Honourable Member for St. Andrew by saying that where his people have not met and worked out an adequate solution with all the stakeholders that he, he used the word "me", as Prime Minister will intervene to work out a solution with those stakeholders.

Now, I hope that in relation to insurance that whoever is the relevant Minister that is, meet with the stakeholders and find a solution because it seems as though the Prime Minister is doing a very good job of meddling in the Ministry of Transport and Works to solve problems which affect the Minister of Transport and Works, while at home in his own backyard, which is in the area of insurance coverage for high-risk areas, that is a sector in Barbados which is right now operating without a window of opportunity and it is a very vulnerable sector.

I think the Minister of Public Works will have on this occasion perhaps, based on his legal experience and based on his vision for this sector, to tell us whether the Government intends to ensure that public service vehicle operators and other high-risk areas are going to be provided with adequate insurance because if that is not so things like the amendment to the Insurance Act, which again is one of those legalistic solutions to a problem, are not going to have any effect on the culture that needs to be encouraged in Barbados, not just the perception but the development of a business ethos in Barbados in which Government is going to intervene when necessary to ensure that those who are most disadvantaged by circumstances in which all of us could suffer at the end of the day, are given opportunities.

It is essentially those two points that I would like to hear some reaction from the Minister on at this point. Thank you, Sir.

Hon. R. N. GREENIDGE: Mr, Speaker, I am going to be pretty brief on this matter. .1 do agree with the Right Honourable Prime Minister that what they are actually trying to do here is to bring Barbados in step with other jurisdictions, some relatively close to us, where limits for personal injury claims would have been imposed.

I believe, Mr. Speaker, that most lawyers - and we have on this Front Bench, Mr. Speaker, 99% of us being lawyers and most of us - when we tried to grapple with this in Cabinet, some of us did have our reservations and even as I speak, Mr. Speaker, I must confess that even though I support the amendment 1 myself have certain reservations. As I said, all of us did have this reservation of giving overwhelming support to the amendment. But even, Mr. Speaker, though I find myself in somewhat of a dilemma I can understand the actual thinking behind the amendment.

If I could say something briefly on the reservation which I have. 1 can see, Mr. Speaker, the problem which would arise if we had an accident involving - let us say two buses and you had a situation where about 40 persons had been killed in the accident or very, very badly injured, some of them being paralysed, not being able to walk again. If you put the limit at $10 million you would actually get a claim arising from that which could very well exceed $10 million which we are putting as the limit.

Even this morning, Mr. Speaker, as I was driving down to the House I heard on the news that there was an accident, I think it was in Spain, involving a bus and a lorry where some 9 teenagers were killed and 4 adults. In addition to that, they said there were many others who were very badly injured. It is that type of accident that I am thinking about, Mr. Speaker, where perhaps the $10 million limit would not have been enough to satisfy the total number of persons injured in that particular accident.

Even when we were speaking and discussing it, Mr. Speaker, some persons were saying that perhaps the best thing to do would be to do it according to the type of vehicle that you have. In other words, Sir, where a coach is concerned or where a bus is concerned carrying so many people then the limit should not be $10 million it should be more and so on. The obvious problem which would arise in that situation is that it could very well have been a car com ing around the corner off its side that would have caused the bus to overturn and therefore the insurance company for the car would have been saddled with the liability and not the bus. Therefore what the car's insurance company is going to say is that my limit is still that $10 million even though the bus is over the ditch and so on and the people are suffering, the $10 million limit would still stand. So however you look at it you are getting problems. I know that it would be quite sad if those who have lost loved ones were not adequately compensated because of this amendment. It is $10 million we are talking about and when you are speaking about $10 million, Mr. Speaker, you are obviously not speaking about whiplash injury where you can say that somebody has faked the injury and so on. When you are speaking about $10 million in a claim you are speaking about persons who were killed or who were badly injured, persons who are genuinely hurt, persons who are dead. 11.50a.m.

Mr. Speaker, the point I am making is that the void which you have created in people's lives would have to be filled as adequately as possibly, and we are not speaking about something which is slight. We are speaking about filling a void in a very tangible way.

As I said, Mr. Speaker, I did have my reservations about it but, in spite of that reservation, at the same time we do not want a society which becomes so artificial that it is virtually out of sync with reality. Caribbean jurisdictions have relied very heavily on English precedent. Our awards have virtually kept hand in hand with English awards. They have not really and truly got out of hand.

I must confess that when I examine the awards paid in the United States of America and when I compare them to awards paid here in the Caribbean, to draw an example, what is worth about $ 16 000 here for the same type of injury in the United States you can get about $2 million. The problem we often run into in the Caribbean is that when United States citizens get injured in the Caribbean and in Barbados the expectation is so great that we would tend to feel, knowing from what happens here, that what they are looking for and talking about, as I said earlier, is totally out of sync with reality.

Mr. Speaker, I hold no brief for any insurance company. Not at all. Our society is more and more becoming extremely litigious and the temptation is there for us to look away from the English precedent and look at other jurisdictions, perhaps the North American. I believe, and this is where I agree with England, that it is better to tie the limit off legislatively as we are seeking to do now than to go looking for markets. In other words, it is better to do it this way than to allow the markets to settle for us because we may go and look at the US market and see how they do it and what they have awarded and everything goes haywire.

I feel that this amendment is really looking down the road and in a way it is trying to prevent us from opening the floodgates. This is what we are seeking to do, to tie it off and limit it. I feel that if in the coming years it is felt that the $10 million limitation is too small there is absolutely nothing at all to stop us from revisiting it and, if necessary, we can alter and change.

Insurance companies may have fairly deep pockets but I personally feel that if we introduce excessive amounts then we may put them in a position where they may not be able to pay the very next victim or the insurance companies themselves could very well be asking for astronomical premiums to make up for these excessive demands.

Therefore, Mr. Speaker, it may seem to be a benefit to the companies and the companies only at this stage but I am sure that this is a situation where we are being very prudent and in the end it will enure to the benefit of all

As I said, Mr. Speaker, I am not going to be long in the matter. 1 also want to observe, in fact, I was reading one of the law reviews quite recently and it was saying that there are very few medical students now in the United States of America who are going into the area of obstetrics and gynaecology and the reason for this is the risk is too high. The slightest complication which a patient gets whether it is a major or minor operation is a lawsuit in that particular area.

The insurance that you have to put in place when you are in that particular profession is extremely high. In fact, it is so high that it has become virtually prohibitive. That is a parallel, Mr. Speaker, of the same point which is being made here as we seek to make this amendment to the insurance for claims for personal injuries. People are thinking twice before they enter into that area of obstetrics and gynaecology.

So, Mr. Speaker, as I began by saying, I do have some reservations. As a lawyer I know that the possibility is there for a situation to occur in which the claim could very well exceed the $10 million limit. While that is true, I can appreciate what is being done and in those circumstances I do give my support to the Bill.

Mr. D. St. E. KELLMAN: Mr. Speaker, as I enter this debate I want to make an observation from the beginning. At a time when the small man in this country is crying out for excessive insurance rates that are being charged we find ourselves before Parliament today discussing a Bill which limits the liability of the insurance companies.

One wonders, Sir, if at the same time we were looking at this Bill we could not look at a limit that the small man should be made to pay for insurance premiums on a yearly basis. To me, Sir, it is quite easy for a large insurance company to estimate its cost and to recoup that cost but it is extremely difficult for a small businessman to know what he is going to pay on a yearly basis in insurance charges. 12.00 noon

The same way that we can come to Parliament and we can look after the interest of the large insurance companies, it is time that we come to Parliament and look after those large groups of people out there, Sir, who when they are budgeting, they are not sure what figure to put in for insurance, Sir, and that particular businessman has to look for insurance to cover the building, his stock, his vehicle, public liability and personal accident, and I do not think that sometimes that politicians understand the cost that small business people have to put up with in this country and there 3 guarantee that the volume of his business is going to inctease, but one thing he is sure about is that his insurance co r is going to increase.

Sir, I am asking this Parliament, Sir, that the same time we loo! ter the interest of the insurance companies that it is time that we look after the interest of those people who have to rely on the insurance companies for coverage.

We talk a lot in this country, Sir, about people behaving in a particular way, Sir, but business is about market forces, Sir, and you would find, Sir, that most of the people who sometimes behave in a particular way are forced to behave in that particular way, Sir, because of market forces.

Let me give you an example of what I am talking about Sir. In the 1970s when there had the small black man on the beach using beach craft, you never hear of so many accidents on the beach.

Now, you have a situation, Sir, where the same small black man is on the beach but he is being pushed off by large companies who should be doing other things but they are forcing him to compete in an aggressive way and sometimes we criticize the player without looking to see what caused the player to react in a particular way, and business is about competition.

I am not saying that they are supposed to go to the sea and behave in a particular manner, Sir, but sometimes they are not out to do it but just because they are aggressive marketers, it happens, and I am saying, Sir, that we need to protect those young men and young women and we need to make it viable for them Sir.

I remember, Sir, some four years ago there was an *Advocate* editorial, Sir, about a speech I made in this Assembly, Sir, re the public service vehicles and I have lived to see that statement being reversed by politicians who at the time criticized me and I am grateful Sir, that they still got politicians in this Assembly who understand the needs of the small man in this country and who are prepared not to talk a lot, but by actions, make sure that they help better the lives of those small people and I will not call names now but it is going to come a time when I will call the names of those people who understand that the small man has to get a slice of the cake.

The small man has to get a slice of the cake and sometimes it bothers me, Sir, to see that there are twenty-eight of us in this Assembly and that no speech should be

governed towards any small man because one should figure that that is a natural thing but still in 1999, Sir, politicians still have to come in here and talk about the small man and it is regrettable. When that same small man can sit also and recognize that the interests of those large companies are being put by people who they have voted for in large numbers.

Mr. Speaker, we sometimes tend not to look at the reason why people do things but we have to start looking at the reasons why people do things.

You cannot ask a man to sit by and watch people elevating themselves off the back of the work that his fore-parents and grandparents had done in this country. People came overnight and were able to get the benefits of that, Sir, but that man must sit on the corner and his grandparents still must pay insurance, Sir, to help cover the cost of large companies because when you inflict the pain that these insurance companies inflict on the small man they are only cutting the cost of those large companies who if you have to charge them, sometimes their bills will be much higher.

But what you do, Sir, you look at the total number of people that are insured and set a rate to suit that, but you do not look at the liability or the claim that the small man would put in but you look and you treat them at the same level.

I am saying Sir, that as a politician who grounds himself as the flag bearer for the small man I will continue to support things that comes in his interest.

Asides,

Mr: D. St. E. KELLMAN: You want me to curse Lashley, but I am not going to curse him, he is my friend.

Mr. SPEAKER: Please, please, please, the Honourable Member please continue arguments, please.

Mr. D. St. E. KELLMAN: Sir, I am saying Sir.

Asides.

Mr. SPEAKER: Just let him continue please.

Mr. D. St. E. KELLMAN: Can I have some silence. Sir, because I realized when sensible things are being said in this House people want to interrupt all the time?

Yes Sir, as I was saying, Sir, on a Front Bench Sir, where 89% of the people on the Front Bench and not 99% by the way happens to be lawyers because the Honourable Prime Minister would have to represent that other 11% and not a 1%. I did a calculation, Sir, and the Prime Minister represents $^{1}/9$ of the people on the Front Bench and not 1% and I would not allow that statement to pass in here like that. The Prime Minister would have to be 11% of the Front Bench and not 1%.

Asides.

Mr. D. St. E. KELLMAN: Where you have 89% of the people lawyers, they cannot see, Sir, that they are putting a case for the large insurance companies and not putting a case for the people who voted for them and I expect Sir, that the next 11% will come in here and put that case on behalf of the masses in this country.

Asides.

Mr. D. St. E. KELLMAN: That next 11% would have to come in here and represent the interest of the masses because it is clear to me, Sir, that the lawyers on the Front Bench are not prepared to represent the masses but they are prepared to represent the large insurance companies.

But 1 might have to change because I look across and somebody told me do not brand them as a lawyer that they are very much in the interest of the small man, so sorry, 77%.

So Mr. Speaker, we have a situation in this country, Sir, where we are looking at the liability of the insurance companies but we are not looking at the amount of insurance that the small man has to pay and I am saying, Sir, that it is time that we look and make sure that the large insurance companies in this country do not use the small man to make large profits in this country and every time that they want money they run and come to the small man.

I am saying, Sir, that if you were to look at any of them and the cost that they have to incur that that cost is substantial.

So, I am saying, Sir, that 1 in 1994 made it very clear that any policy that is going to encourage and develop a small business group called the small man and at that time I was talking about the public service vehicles and I said somebody wrote an editorial about me and I will stick to it and I will stick by it because that group is very important to the transportation system especially in St. Lucy.

It is the only reliable system we have in St. Lucy; the same vehicles that were criticized at that time. And another point I will like to make, Sir, I will like to know when the roads in St. Lucy are so bad and a gentleman driving along the road and he damages his car if there is going to be a special clause put in the Act that he can sue the government for it, and I do not want the situation where there is this legalistic tactic that you are going to frustrate the man and so on because I feel...

Asides.

Mr. D. St. E. KELLMAN: And we had good roads then. St. Lucy had the Democratic Labour Party representative for 15 years and all the roads were good, now they got the Barbados Labour Party for less than 4 years and all the roads are bad. So I am saying, Sir.

Asides.

Mr. SPEAKER: Quiet please, let us hear the Honourable Member please.

Mr. D. St. E. KELLMAN: Mr. Speaker I am told that there are no potholes in St. Lucy by the Honourable Member for St. George North and I mean that they had in a lot of potholes. 12.10p.m.

Mr. SPEAKER: Honourable Member, please! Could you stick to the Bill before the House.

Mr. D. St. E. KELLMAN: I am, Sir.

Mr. SPEAKER: Proceed, please.

Mr. D. St. E. KELLMAN: I am saying, Sir, that we also need to put a provision in this Act to cover the citizens of Barbados who are spending large sums repairing their vehicles because of the potholes, and because of the roads owned by Government, at a time when the Government has a lot of money. We need to make sure that something is done because, as I understand it, the roads have had a lot of potholes because we cannot get the material that used to be supplied by Mobil and even when we get it, we are now getting it at five times the cost at what we use to get it for when Mobil was in Barbados.

Asides.

Mr. D. St. E. KELLMAN: Three times. I will give way to you. I am not playing politics here. I am saying we need to get that plant in Barbados like yesterday, Sir, because there are a lot of roads in St. Lucy that could have been fixed if that plant was in Barbados.

Mr. SPEAKER: We would not want to get into that now, please.

Mr. D. St. E. KELLMAN: I am saying that because the roads are not fixed that the insurance costs will go up because it will create accidents and it will damage the vehicles of my people in the North of Barbados.

I am saying, Sir, that we are at a stage that we need to see some legislation coming before this Parliament that represents the interest of the small man and not every time you turn up to Parliament you are representing the interest of the rich. Even this Act, Sir, is one because you are limiting the liability of that particular person. You are not telling me that you are going to reduce the liability of the small man. I want to see a counter balance. The time is ripe for that to happen. Thank you very much.

Hon. Sir HENRY FORDE: Mr. Speaker, I will try to, for my own benefit, and probably for the benefit of the constituents that I represent, explain what is the purpose of this legislation, the background to it, any reservations one would have and the cause for the reservations that have arisen.

The three principal amendments being made to the Road Traffic Act deal with the issue of using a vehicle without a permit.

Secondly, putting a limit on the amount for which a person has to insure for third party risk, and I will come back to that, Sir.

Thirdly, conferring on the Licensing Authority the power to allow public service vehicles to go outside of the normal route granted to them by the licence to carry children to school and teachers, to transport people to cinemas and places of public entertainment and for other purposes which the Licensing Authority may consider appropriate.

Those are the three substantial changes being made to the Road Traffic Act by this legislation.

In respect of the first change, there can be no quarrel. It has nothing to do with poor man or small man or big man. What has happened here is that we all should be against anybody using a vehicle on a highway without having a permit to do so. Every country demands proper law and order on the streets, in the sea, on the beaches because every right that our citizen has, has to be counter-balanced by the rights of others. Therefore, if we want te preserve basic fundamental rights of people, it must not be an absolute right. It has to be a right that is qualified by the rights of others. If we could just take up a vehicle on the road, or in the sea, and use it willy-nilly, without regard to the rights of others, we would be in a society of chaos.

I have never in public life and will never in public life use any pejorative terms or otherwise of insisting that Barbados must be a society that has respect for the rights of every person whether they are brown, blue, black, white, small, big or of any size.

I believe that by altering section 24 of the Act, is keeping in being that necessary minimum standard of regulation, ensuring that people use their vehicles with a

permit so we can regulate them because in case there are problems we know to go to the Licensing Authority, get their name and whether they are insured. -It increases the penalty for not complying with that requirement.

In any regulated society, that is a proper requirement. The penalty is being moved from $500 to $5,000 maximum, and from 6 months to 12 months, but the discretion remains in the law courts to look at each offence as it occurs. I do not see that any of us, as legislators, can quarrel with that provision.

The second major amendment deals with what we call giving insurance for third party risk. When motor vehicles first came on the road, Sir, people did not at that time in the developed countries necessarily have to insure their vehicles. But a vehicle is not only a useful method of conveyance, it is also a thing of danger and some people, sometimes deliberately, sometimes negligently, use their vehicles in such a way that they cause damage to other parties as well as themselves.

If you cause damage to another party, a third party, that is the risk against which the State requires you to carry insurance. If a man - whether he be rich or poor, but let us say a man of straw - is not insured for such a risk, it means that the other party who is injured might be the sole breadwinner of the family, suffers damage and cannot therefore, carry his family or even meet his hospital bills for the injuries suffered. So I do not think any of us can quarrel with the principle of third party risk insurance. It is very necessary.

Mr. Speaker, the history of this Road Traffic Act and Road Traffic Regulations also shows that when a similar provision was in the old Act, there was a limitation on liability so that you had to insure in those days up to a particular limit of X thousand dollars and above that you were your own insurer. There was no obligation to do so but some people were able to pay for the extra insurance.

Between 1976 and 1980 when the Barbados Labour Party came back into office, we found the Road Traffic Bill that had been going the rounds for several years. I will say this for Senator Bolden, Sir, that he was then Minister and one of the things he did was to set up a special committee in order to bring a new Road Traffic Act onto the statute book. You will see that this Act came in June 1981 when I was Attorney-General so I do have some knowledge and did take some responsibility for the drafting of this legislation. This Act came in June 1981 when I was Attorney General so I do have some knowledge and did take some responsibility for the drafting of this legislation, particularly in relation to third party risk. One of the reasons why we removed the limitation was because with Barbados as a tourist industry, its drivers were finding themselves confronted with claims in North America and elsewhere from visitors who had come here and had suffered injuries on our roads. If they sued you within their jurisdiction the amount of damages that could be awarded is generally determined by the Law of the Forum. If the Forum is in Louisiana then the relevant law is that of the *lex loci*. The limit of the damages will be as high as that which can be awarded in Louisiana. Usually those damages overseas were at a higher limit than the damages here. 12.20p.m.

Sir, to some extent, this posed a problem for the insurance industry in so far as there was unlimited liability. There have had one answer to that problem. They have done it by the agreements into which they have entered and they say that their unlimited liability is limited only to the jurisdiction of the geographical area of Barbados. There is a geographical limit clause in the particular policy which therefore, in a way, has abated the problems of being sued in a foreign jurisdiction.

The second problem which arose, arose because in Barbados now obviously, people have become high income earners and as well the number of people who have been suffering damage on our roads have increased dramatically between 1980 and 1996 and therefore insurance companies have found themselves paying out more and sometimes paying out significantly more. Those persons who have been injured have been persons not only native Barbadians but foreign visitors who have come to our shores and because of the geographical limitation and other legal rules of international law that I do not want to go into, they have been suing here, Sir. You are confronted with claims, I believe that claims of over $1 million are standard for one person nowadays in Barbados. Certainly, it appeared in the first case in which the level of damages awarded by a Barbadian court exceeded $1 million. Since then we are settling claims higher than that. There are at present two or three claims that are pending before the courts and I cannot refer to them, in which the amount of liability to foreign plaintiffs now, not local plaintiffs, who have been made quadriplegic will certainly exceed the limit of $10 million. If you exceed that limit, then they have to go against the owner, whether the owner be the State Transport Board or the owner be yourself or myself or the Honourable Member for St. Lucy, to the extent that we are not covered by insurance we will have to make up the difference.

Mr. Speaker, Sir, we have tried to resist any change in this legislation. It is not a small man, big man argument. It is an argument that has come into an industry that is in some respect under difficulty. I want to talk about the industry and I want to talk about the industry in so far as the industry is operated in financial markets outside of our own country that impact on small economies such as ours. That is really what this argument is about.

The insurers have said to Barbados that they cannot obtain reinsurance in a market where there is no limitation on the amount of liability. That even when they do obtain the reinsurance, the cost of that being passed on to the consumer in Barbados is a very heavy cost. That is their case, Sir. I believe that there is some validity, some truth in both arguments. This legislation will not present those people who are sagacious and understand the industry from buying beyond the $10 million limit. I would seriously advise particularly the State institutions, the Transport Board in particular to buy beyond the insurance limit. Sir, even the Insurance Corporation of Barbados has itself had difficulty in buying reinsurance of reasonable rates in order to cover these eventualities.

That is the case that has been made to the Government by whether it is by any of the Caribbean insurances like NEMWIL or CLICO, whether it is a local insurance here like Barbados Fire & General or whether is the Insurance Corporation of Barbados. They have all through the General Insurance Association been putting up this case and obviously the Government must have examined the evidence that it has decided to place the liability at $10 million. I would not want to misrepresent the position.

I think it is unfortunate that the World Insurance Industry is to this stage and that small developing countries such as ours are subjected to terms that are less favourable than terms that you get if you were insuring people in the United States or Britain. I do not believe that they are any better drivers than we are. The case that we have to make in here is not a case of division between a small man and a big man in Barbados. We have to use our united voices to fight very hard for re-organisation of the World Economic Order that it will not penalise either through private enterprise or otherwise the small countries such as ours in which the economic units are small in that sense.

My friend, the Honourable Member fqr St. Lucy, should be talking about the small economic units of Barbados that are being penalised...

Mr. D. St. E. KELLMAN: On a point of order. The Honourable Member for Christ Church West is misleading the House. He is giving the impression to the House that when you are a small country that the large countries will unfair you but if you are a small man that the big man will not unfair you. I think that is misleading.

Hon. Sir HENRY FORDE: I am not misleading the House, Sir. I know that the Honourable Member as a big businessman might be 'unfairing' somebody and may want to put forward that argument, Sir. I am not generalising in these terms, I am looking at the reality of the insurance industry.

An interesting thing, Sir, is that the insurance industry in the world is not globalized. I will lend the Honourable Member a recent book which was published only last year on strategic issues in insurance. It is not a globalized industry yet so that if you take AXA, for instance, which is a big life insurance in France buying into big insurance companies as it has just done a couple of years ago in England, it still operates under a branch there, there is not really any globalized insurance industry as such but there is power of the reinsurers. The reinsurers that operate out of the United States and the reinsurers that operate principally out of Switzerland and to some extent on the London market. Those reinsurers have tremendous power and since they have been suffering losses through Lloyds because of hurricanes and what-nots they are making it back in general and other insurance. Therefore when we go to renegotiate treaties which we do, the Barbadian companies, either individually or jointly, renegotiate the treaties, they renegotiate those reinsurance treaties in a very limited market because the risk that is insured in Barbados is reinsured somewhere else because we would not have the resources in the case of total catastrophe or partial catastrophe ... to answer those risks. So people must understand the industry and it is because of this that this legislation comes. 12.30p.m.

I am going to support the legislation but with regret because I am a believer and strong believer in recognising that if we are a service industry such as we are in Barbados, and if most of our GDP and our earnings are coming from foreign exchange from visitors coming to our shores, we have to recognise that those risks are going to be there and we have to save our people who are providing the services from total exposure in those circumstances whether it be the State company, whether it be one of the bigger tour operators or the small operator, they all are exposed in the same way and no distinction is made between them in insurance.

What I will urge those people who can do so is to seek to buy their insurance otherwise and I will ask the Government to liberalise its foreign exchange policy to enable those persons who can go outside the standard insurers to buy the cover necessary, whether they go through their express cards or they go through their Master Cards or with Central Bank permission. Seek it out if you can buy it because in some cases, particularly for public service vehicles and others, it is going to be necessary protection.

Now having said that, Sir, let me express - I do not want to reflect on any vote that has gone through this House - but earlier in this session we passed legislation which has amended significantly the insurance laws of Barbados and the result of that is that foreign insurers who have operated under IBCs may now be able to do domestic insurance as well and although both are kept differently and taxed differently for the purposes of the legislation part, the

globalisation process has brought them into the market. That is one reason but the principal reason is because we have set about to make use of the double taxation treaty arrangements which we have which is necessary for the growth of our offshore sector. Yet one of the adverse ways of doing this is that we may be submitting our industries very early to competition.

Now the way forward for the Caribbean is obvious but you cannot make them take the way forward. The way forward is for the Caribbean insurance industry, not for ever/ little group, to fall in there and to begin to merge and to become true players regionally and then hopefully internationally.

Caribbean insurance companies must now extend their areas of operation right through the Caribbean, up to Cuba and down to Suriname and Guyana and Belize and into Latin America itself, Panama and elsewhere. This is where we must be going and if we have to do it by joint venture, if we have to do it by way of merger, we must begin to use our capital to earn money, to bring back in foreign exchange and at the same time to have a wide area of operation. This is very necessary and in that event we will then be able to bargain with the reinsurers just as Travellers bargain with the reinsurers. The Travellers Group in the United States or Prudential in England or Norwich or one of them are able to bargain for unlimited liability in cases where our small insurers here are unable so to bargain.

Mr. Speaker, Sir, that is the position and we in this Parliament therefore, when we come in on areas like this we really have to educate the public quite a lot about what is involved because there are not many people, even within the media, with respect, who pay regard to this area of operation and how it is impacting on us in our communities. That is why we have to speak about it. It affects you, Mr. Speaker, it affects every person in Bank Hall Bush Hall and Station Hill. It affects everybody in the Honourable Leader of the Opposition's area who has a car or even a bicycle, whether it is in Society or Colleton or anywhere else. It affects the Honourable Member in Spring Hall, for instance, Sir, it affects him up there in Cove Bay, it affects him and it affects my constituents, I know, Sir, in Forde's Road in particular and in Dayrells Road.

Asides.

Hon. Sir HENRY FORDE: The Honourable Member for St. Andrew wants to know where is Forde's Road, Sir. I will take him up. I need some roads up there, Sir. But it affects us, Sir. It affects the country.

Asides.

Hon. Sir HENRY FORDE: I do not bother about elections. At my age I do not bother about elections. There is only one other Member in here who can speak in this tone. The people have respected us enough and we have respected them sufficiently that consistently they have never rejected us, myself and the Honourable Member for St. Michael South, the longest serving Members in this House,

Asides

Hon. Sir HENRY FORDE: He is a stalwart. Twenty-seven years of service. If you passed up Ellerton last Saturday night you would see how much they respect him. He had the place burning down. You should see the people for him. Tell the chap that carries my name, I am sorry for him.

Mr. Speaker, Sir, that was by the way. I want to get back to the position because I am concerned about that.

Now, Sir, I do not know how much time I have but if you will give me a little time, 5 more minutes.

Now, Sir, what is necessary here is that the Government has to take an initiative, this initiative, Sir, it is very simple, Sir. The Government has to take an initiative as well to set up the equivalent of what is referred to in the United Kingdom and elsewhere as a motor insurers bureau. The purpose of that bureau is to pool some of the premiums paid in order to provide a fund to give some damages to those persons who are injured when the owner of the vehicle has not carried out his obligations and insured it. If we are not going to go to the stage of no fault then the Government has to take that initiative, Sir.

Now let me explain no fault. No fault is a position as exists in Canada for instance and New Zealand where if you are injured on the road it is not who is right or wrong. There is a fund from which everyone of us who have vehicles pay premiums into that fund. That fund is invested and therefore you get paid out of that fund. That is total state insurance, no fault insurance. We are not in that system. We are in a system where you get paid once you can prove fault and it comes out of an insurer and to the extent that nobody is insured because they have breached the legislation there is a void and the State has to step in in this field, Sir.

I would like to hear the Honourable Minister give us an assurance that it is going to be worked on as a matter of urgency. We are still having several cases where people are injured and there is no insurance in place and 1 would have liked to see the Minister as well amend section 38 of the Act. He is amending section 37. I would like to see him amend section 37(2) where, if you are driving uninsured that the penalty is increased from one thousand dollars in six months in 1980 to something more substantial to act as a deterrent, not because I want to send more people to prison or for longer periods or to increase the fine but to be used as a

deterrent and to reflect the position that ought to be taken care of at this time of our history.

Barbados is an unusual country, Sir. I was looking at the statistics only last week when I was in Washington. Barbados has one motor car per every four people in this country so we have over 65 000 motor cars. That has a very serious implication, Sir. I am not grudging any one of us the right to have a car but it has serious implications for our road traffic. It has serious implications for our foreign exchange and it has very serious implications as well for the people who may be damaged on the road. One of the things for which this Parliament and the next Parliament will have to give serious consideration is whether the time has not come for us to change the traffic policies in such a way that we bring into use the Hovercraft and the various other sail craft for transporting people from the North to the South of our island and in between. 12.40 p.m

We may well also have to move to the stage - something that I do not like to see because they can be unsightly in a small country - where flyovers become part of the necessary landscape in order to deal with the traffic problems of Barbados as they exist.

We have to deal with the problem of pollution and I am glad to see that we are moving more to unleaded gas than to the leaded gas that we have had in our road system. This country is in a middle income stage with a per capita income of US$8 750 on the last available figures. That puts us in a very high per capita scale. Our infrastructure is having to be upgraded and moved rapidly to deal with positioning ourselves in the new economic order for competition and elsewhere.

The country has to understand that we have to pay for it. We have to understand that it takes time to bring up to scratch but we have to do it. Sir, and the improvement being witnessed in the tenantry roads by the work of the Urban Development Commission and the Rural Development Commission is long overdue. The massive changes taking place on our main highways whether it be the highway from Salters right up to Four Roads; I hope it will continue beyond Four Roads and go right through to link back up with St. Philip; or whether it be the one in Christ Church or elsewhere, these must be done. One of the things we have to do as well is to rationalise the road system. We may have to retire some of the subsidiary roads which are no longer in use as before and in my view some of them are not necessary in a small country. So we need a new orientation of policy.

It is not an area that should divide the country politically either because this infrastructural development is extremely vital in sustaining a country that seeks to attract to its shores business in the service sector.

If we are going to be the Number One in the providing of financial and other services including leisure services then infrastructurally we must also be Number One in the quality of that service. It is in that context, therefore, Sir, that I ask the Minister to keep this Act and particularly section 38 under constant review and look at the facts and get someone in his office to look at the cases which are coming before the courts to see whether it is necessary to come back to Parliament from time to time. I will ask the Government to use whatever clout it has to strengthen the bargaining position of the insurance companies and I would ask the Ministry of Finance and the Ministry of Foreign Affairs in the thrust that we are making on the world and at the regional stage to encourage by legislation, by cajoling, by persuasion, the private sector of Barbados, Trinidad & Tobago, Jamaica and elsewhere that is in the insurance industry to try to merge.

Just now we should be looking at rescuing the industry. In Jamaica, not in transferring assets in that sense but rescuing it to widen it and to give Barbadian insurance which has done a reasonably good job so far in our history an opportunity to invest and get their feet wet as we move into the Latin American and the American markets as competitors. I am indebted to you, Sir.

Hon. G. W. PAYNE: Mr. Speaker, in winding up this debate, I am indebted to the Honourable Members on this Side who have made fairly worthwhile contributions to this amending Bill. Mr. Speaker, discussion on the amendments which are before us today go back to before 1989 during the tenure of Members on that Side. I am somewhat surprised at what I would refer to as the grandstanding by the Honourable Leader of the Opposition when he should use the opportunity of this debate to speak of matters pertaining to the Water Sports Association and matters pertaining to the Barbados Marketing Corporation and also to link the failure of the public service vehicle owners to obtain insurance with the caps which are being placed in this amending legislation, as I said, legislation to which the Honourable Member was privy when he was a member of the Government prior to 1994.

Indeed, Mr. Speaker, the whole question of the failure of the public service vehicle operators to obtain insurance has absolutely nothing to do with the amendments before us. Any failure by the insurance companies to insure those motor service vehicle operators who were unable to get insurance certainly had a lot to do with the behaviour of the public service vehicle owners over the years. This is a problem that was faced during the tenure of the last administration. It is a problem that we face at this particular point. What has happened over the years is that we have had a number of public service vehicle operators who in some cases have drivers with over 100 convictions.

It is extremely difficult in situations like these to convince members of the insurance industry to insure such vehicles. As a matter of fact, Mr. Speaker, shortly before we came into office the insurance companies themselves had met in order to come up with some formula to deal with these types of public service vehicle owners and it is still a problem.

The solution which we would like to see would be for these insurance companies to come together so that they would be able to deal with the whole problem of insurance as a group in a way which would involve the disciplining of the drivers that they hire on a daily basis. This is the main problem with the public service vehicle operators in that they have not been able to come up with a system whereby they could regulate the persons they employ who continue to breach a number of the road traffic regulations.

1 would have thought that more emphasis would have been placed by Honourable Members on that Side as to the failure of the present legislation to address problems faced by persons who are injured as a result of accidents where there is no insurance by the vehicles concerned. Mr. Speaker, the Honourable Member for Christ Church West has alluded to this.

We have not as a Government yet devised the type of formula which would find some solution to this problem but certainly within the next five years among the many amendments which are proposed to the Road Traffic Act it is hoped that we would be able to deal with that issue as well. 12.50p.m.

We are also hoping that the problem pertaining to the number of vehicles on the road will be one that we would be able to address. It is not the type of problem that we would be able to address overnight.

I believe that if we came within the next few weeks with the type of legislation which would state specifically that households will be limited to one vehicle that there will be a big hue and cry and within the next few years we will have to find some way of at least educating the public of Barbados to the fact that there are too many cars on our roads so that hopefully Mr. Speaker, when the legislation comes that it would not take anyone by surprise and also the question of the wearing of seat belts.

These are all measures which we have to bring to this Parliament, Mr. Speaker.

We were hoping that we would be able to bring all the amendments as part of one package, but we realize the urgency and the seriousness of some of these measures and what we will be doing is, we would be bringing some of them regrettably piecemeal as a result rather of our failure to have all the amendments sorted out within a reasonable time.

Mr. Speaker, the Honourable Prime Minister has spoken at length with respect to the limits.

The other amendments more or less ratify certain measures which have been taken within the Ministry over a period of time.

The problem pertaining to the special permits is a good example. Within the Ministry there are certain permits which are issued for taxis, for maxi taxis, for ZRs, for minibuses and obviously for the Transport Board buses.

It is extremely difficult to have a situation where the owners of these vehicles are able on occasion to deal with members of the travelling public on special occasions.

What we have been doing over the years within the Ministry is to issue special permits on special occasions. This is a process which has been taking place previous to 1984 and it has been continuing over the years.

This legislation seeks to validate those special permits which have been issued over the years and it also lends some continuity to this whole system of issuing permits on occasions like bank holidays for certain special events at places like the Cinemas, at the Stadium and at the Gymnasium as a classic example.

It also makes provision in addition to the actual issuing of a Certificate of Lading for a fee to be levied in situations like that.

Also, with respect to the requirement of the production of your licence and the Certificate of Insurance, we are hoping to reduce by this legislation the period for submission of those documents from five days to twenty-four hours and also, Mr. Speaker, by this legislation, Mr. Speaker, we are hoping too that the Insurers will now supply information to the General Insurance Association, the Commissioner of Police and the Licensing Authority within fifteen days rather than the twenty-four days that was stipulated under the existing regulations.

Mr. Speaker, with those few remarks, I beg to move that this Bill be read a second time.

Rt. Hon. O. S. ARTHUR: I beg to second that.

On the motion of Hon. G. W. PA YNE seconded by Hon. R. St. C. TOPPINthe House resolved itself into Committee, Mr. D. CARTER in the Chair.

COMMITTEE

Mr. CHAIRMAN: This Honourable House is now in Committee.

Clauses 1 - 3 inclusive, were called and passed.

Hon. G. W. PAYNE: I beg to move that Clause 4 stand part.

Hon. Sir HENRY FORDE: The change being made here is to the limit in so far as it affects personal injury and death, but the limit for damage to property remains at $50 000.

I believe that that limit should be increased upwards because today obviously if you damage a vehicle on the road, it is much more, so I think the Minister should look early at bringing on a further amendment to increase that limit rather than, is decreasing the other one, but I believe that this one should be increased considerably.

Fifty thousand dollars is too low for property damage given the cost of other vehicles on the road.

Hon. G. W. PAYNE: Mr. Chairman, this is one of the amendments that we will be looking at when the other amendments are brought before this Parliament.

Hon. R. St. C. TOPPIN: I beg to move that Clause 4 stand part.

The question was put and resolved in the affirmative without division.

Clauses 5-8 inclusive, were called and passed.

Hon. G. W. PAYNE: I beg to move that Clause 9 stand part.

Mr. CHAIRMAN: Would the Honourable Member for St. Lucy please speak on Clause 9?

Mr. D. St. E. KELLMAN: Mr. Chairman, there is a particular problem being faced by the operators of the public service vehicles. That is Sir, that if you are driving, if you have a driver's licence whether it be heavy duty or otherwise and you want to drive a ZR, ZM or BT, you are require to go and get another licence Sir, and I think it is wrong Sir, and I personally think that it should be reversed.

I believe Sir, that anybody that has a bus licence or heavy duty licence should be able to drive any vehicle and should not be called upon to go and get another. This is something I would like to see this Government deal with because when one looks at who it is affecting, it is not fair. I honestly believe that this matter needs addressing. 1.00p.m.

Hon. G. W. PAYNE: Mr. Chairman, with respect to the comments which have been made by the Honourable Member for St. Lucy, while I do not actually agree with the wide-scale change to which he has referred, there is a problem with respect to the person holding a licence for one particular type of public service vehicle. It is hoped that we will be able to regularise it in the future but not as it relates to a bus permit because, as most Members would agree, it does not necessarily follow that because you have a permit for a taxi that you are able to drive a bus with the same comfort.

Under the existing Regulations at the Transport Board, even where you have been driving a vehicle and you have been out of the system for a couple of years, you still have to go through the same process in order to obtain a completely new licence. You are dealing with a number of passengers, school children in particular on the road and we have to be extremely careful in ensuring that the safety of those persons is given highest priority. It is something which we are looking at this time.

I beg to move that Clause 9 stand part.

The question was put and resolved in the affirmative without division.

On the motion of Hon. G. W. PAYNE, seconded by Hon. R. St. C. TOPPIN, Mr. CHAIRMAN reported to His Honour the SPEAKER, the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. G. W. PAYNE, seconded by Hon. R. St. C. TOP PIN the Bill was read a third time and passed and cited as the Road Traffic (Amendment and Validation) Bill, 1998.

ORDER NO. 12 - RESOLUTION TO APPROVE THE VESTING IN THE NATIONAL HOUSING CORPORATION OF PARCELS OF LAND AT ORANGE HILL, ST. JAMES FOR HOUSING DEVELOPMENT

Hon. G. W. PAYNE: Mr. Speaker, we have already had a debate in this House on this particular Resolution when the property was acquired by the Crown. This Resolution simply seeks to vest that property in the National Housing Corporation.

I beg to move that this Resolution do now pass.

Mr. G. A. CLARKE: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

ADJOURNMENT

Hon. G. W. PAYNE: Mr. Speaker, I beg to move that this House be now adjourned until Tuesday, November 24, 1998 at 11.00 o'clock in the morning.

Hon. Sir HENRY FORDE: I beg to second that, Sir

The question that the House do now adjourn until Tuesday, November 24, 1998 at 11.00 o'clock in the morning was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly. 1.05p.m.

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