SENATE

Tuesday, May 12, 2015

The Senate met at 10.30 a.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

JOINT SELECT COMMITTEE
(Appointment of)

Madam President: Hon. Senators, I have received correspondence from the hon. Wade Mark, Member of Parliament and Speaker of the House, dated May 11, 2015:

"**Appointment of a Joint Select Committee**

At a sitting held on Wednesday May 06, 2015, the House of Representatives agreed to the following resolution:

'BE IT RESOLVED that the House of Representatives agree to the establishment of a Joint Select Committee to consider a Bill entitled, "An Act to repeal and replace the Insurance Act, Chap. 84:01; to reform the law relating to insurance companies; to regulate insurance businesses and privately administered pension funds…and for other related purposes", and agree to the appointment of the following Members of the House of Representatives, and that this Committee be empowered to discuss the general merits of the Bill along with its details, and be mandated to report by May 21, 2015:

Ms. Marlene McDonald, MP

Mr. Colm Imbert, MP

Mr. Jairam Seemungal, MP

Mr. Stephen Cadiz, MP

Dr. Delmon Baker, MP

Mrs. Carolyn Seepersad-Bachan, MP'

Accordingly, I respectfully request that you cause this matter to be placed before the Senate at the earliest convenience.

Respectfully,

Hon. Wade Mark, MP

Speaker of the House"

SENATE STANDING ORDERS

Madam President: Hon. Senators, as you would recall, the report of the Standing Orders Committee of the Senate for the Fifth Session was adopted on March 31, 2015. Senators will note that copies of the new Standing Orders have been provided and circulated today in order to give Senators adequate and sufficient time to become familiar with the revised provisions contained in these new orders, and in accordance with Standing Order 118 regarding its commencement, I hereby fix Tuesday, June 16, 2015 as the date on which the Standing Orders of the Senate 2015 shall take effect.

BIRTHDAY GREETINGS

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Madam President, at the inception of these proceedings, before I get down to the business at hand, I would like to take the opportunity to wish the Leader of the Opposition Business in the Senate, Happy Birthday. [*Desk thumping*]

Sen. Robinson-Regis: Madam President, before my colleague continues, I would like to say thank you very kindly, and I know today will be a very, very happy birthday for me spending it with all my friends here in the Parliament in the Senate. [*Laughter and desk thumping*] Thank you very much, Minister Singh. Thank you.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Public Accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2014. [*The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh*)]
2. Public Accounts of the Republic of Trinidad and Tobago for the financial year 2014. [*Sen. The Hon. G. Singh*]
3. Annual Audited Financial Statements of the Seafood Industry Development Company Limited for the year ended September 30, 2014. [*Sen. The Hon. G. Singh*]
4. Exchequer and Audit (Electronic Funds Transfer) Regulations, 2015. [*Sen. The Hon. G. Singh*]
5. One Hundred and Third Report of the Salaries Review Commission of the Republic of Trinidad and Tobago on a Review of the Salary and other conditions of service of the Office of the Registrar, Equal Opportunity Tribunal. [*The Vice-President* (*Sen. James Lambert*)]

6. Annual Report on Performance 2014—Making Progress, Strengthening a Nation. [*The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie)*]
7. National Monitoring and Evaluation Policy of Trinidad and Tobago. [*Sen. The Hon. Dr. B. Tewarie*]
8. Dog Control Regulations, 2015. [*The Minister of Local Government (Sen. The Hon. Marlene Coudray*)]
9. Metrology Regulations, 2015. [*The Minister of Trade, Industry, Investment and Communications (Sen. The Hon. Vasant Bharath)*]
10. Telecommunications (Universal Service) Regulations, 2015. [*Sen. The Hon. G. Singh*]
11. Telecommunications (Accounting Separation) Regulations, 2015. [*Sen. The Hon. G. Singh*]
12. Ministerial Response to the Twelfth Report of the Joint Select Committee of Parliament appointed to inquire and report on Government Ministries, Statutory Authorities and State Enterprises (Group 2) on the Administration and Operations of the National Transportation System of Trinidad and Tobago. [*Sen. The Hon. G. Singh*]

JOINT SELECT COMMITTEE REPORTS
(Presentation)

Municipal Corporations and Service Commission

Sen. James Lambert: Thank you once more, Madam President. In the absence of the chairperson of this joint select committee of which I am a Member, I am happy to do the honour.

Madam President, I have the honour to present the following reports as listed on the Order Paper in my name:

Tunapuna/Piarco Regional Corporation

Seventeenth Report of the Joint Select Committee appointed to inquire into and report on Municipal Corporations and Service Commissions on a review of the Administration and Operations of the Tunapuna/Piarco Regional Corporation.

Penal/Debe Regional Corporation

Eighteenth Report of the Joint Select committee appointed to inquire into and report on Municipal Corporations and Service Commissions on an inquiry into the Administration and Operations of the Penal/Debe Regional Corporation.

Ministries, Statutory Authorities and State Enterprises (Group 2)
Trinidad and Tobago Boxing Board of Control

Sen. Dr. Victor Wheeler: Madam President, I have the honour to present the following report as listed on the Supplemental Order Paper in my name:

Twenty-First Report of the Joint Select Committee appointed to inquire into and report on Ministries, Statutory Authorities and State Enterprises (Group 2) on the Administration and Operations of the Trinidad and Tobago Boxing Board of Control.

STATEMENT BY MINISTER

Annual Performance Report 2014 and the National Monitoring and Evaluation Policy of Trinidad and Tobago

The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie): Thank you very much, Madam President, hon. Senators of this Senate. I have the honour to lay, on behalf of the Government of Trinidad and Tobago, two significant documents: first, the Third Annual Report 2014—Making Progress, Strengthening a Nation and the National Monitoring and Evaluation Policy Trinidad and Tobago. These documents are important as they show this Government's commitment to giving an account of its stewardship to the people of Trinidad and Tobago. The hon. Prime Minister has always been very clear on the need for accountability and transparency in all that we do, and has duly emphasized this in word and deed at appropriate times. I have also tried to live up to my own expectations and to be an example in the way I conduct my business, do my work and account to the Parliament and the people.

I would now like to share with this honourable Senate and the national community a synopsis of the Annual Report 2014 and the National Monitoring and Evaluation Policy. The Annual Report on Performance 2014 is a yearly publication aimed at reporting on the progress of the work of the Government in implementing the five priority areas as set out in the *Medium Term Policy Framework 2011/2014* and which are budgeted for every year.

The Annual Report on Performance 2014 serves as an essential tool by which citizens can be informed and be made aware of the work of the Government towards achieving national outcomes and targets that have been identified over the medium term. This year's Annual Report on Performance is different from earlier reports as it shifts reporting on actual activities and outputs to reporting on achievement of actual outcomes and impacts.

The basis for the Annual Report on Performance: the Annual Report on Performance 2014 as well as the previous reports is based on the National Performance Framework 2012/2015, assessment of the implementation of progress of the Government's *Medium Term Policy Framework 2011/2014*. The MPF therefore outlines the measurements strategy for assessing an evaluation of implementation of the MTPF and the MPF represents the first of its kind and presents a new approach to planning, which commits the Government to higher standards of performance, accountability and transparency.

The National Performance Framework is unique in that it shifts our thinking from reporting on traditional activities and output to reporting on actual outcomes and impacts the Government's interventions and the impacts of the Government's interventions in citizens' lives.

The Annual Report on Performance is, therefore, a reflection of the progress made within eight key result areas, 52 national indicators and 23 national outcomes as stated in the National Performance Framework. The Annual Report on Performance also forms part of a measurement system endorsed by the National Monitoring and Evaluation Policy whereby data and information on Government's interventions are compared to baseline data and targets to determine progress made over the years.

The Annual Report on Performance 2014 as well as other reports that has been presented in Parliament in 2013 and in 2012 is a product of the National Transformation Unit of the Ministry of Planning and Sustainable Development. The information that is presented in this report is an accumulation of information that has been submitted by all Ministries through the biannual reporting templates that have been prepared by the unit.

As such, we can expect information from the Annual Report on Performance to be used by all Ministries to help guide their projects and programme design and implementation going forward, and for the wider public to use as a means of reporting by the Government on what your Government has done, how well we have done on some things and how much more we need to do on other things.

10.45 a.m.

The 2014 Annual Report on Performance reports on performance up to August 2014. The Annual Report on Performance 2014 is also unique from other annual reports produced in relation to them in that for the first time there has been a graphical representation of the performance of the five priority areas over the medium term using an analysis of the 52 national indicators. This year's report is also different to the others as it uses a dashboard or traffic light system to display information pertaining to indicators in relation to their priority areas.

This traffic light system is unique in that it presents a different approach from management reporting and analysis to display information within a context of a metric or benchmark. The red/amber/green traffic light system used in this 2014 report presents information on the indicators in a user-friendly manner as the different coloured lights signify whether the metrics are met, whether they are on the right track or whether they have fallen short. For example, in the Annual Report on Performance, red signifies poor performance of an indicator; amber denotes modest improvement while green suggests on track to succeed or has exceeded target.

The annual report 2014 has also included the colour black which indicates the lack of data. Use of a traffic light system such as this enables users to do a quick evaluation of the progress of the indicators and overall status of the outcomes they are aligned to. Inclusion of a system like this in our ARP 2014 adds greater value to our reporting and analysis methodology by giving us a better understanding of the work done within the five priority areas.

The National Transformation Unit of the Ministry of Planning and Sustainable Development has been very forthright and honest in the way they present their information and has reached for high standards of transparency and accountability. So, for instance, in the area of crime and law and order, over the four-year period, four of the six indicators: crime detection rate, crime rate, recidivism rate, and time taken for cases from start to determination indicate upward movement or general improvement over the four-year period.

However, indicators such as crime detection rate showed marked improvement from 16. 8 in 2010 to 22 per cent in 2014 even though a more dramatic improvement is desired. In spite of this, one area that continues to be of grave concern is the murder detection rate. An analysis of the murder detection rate reveals the need for dedicated efforts to be invested in this area.

Agricultural and food security: A significant achievement was made in this priority with regard to the food inflation rate. The target of reducing the food inflation rate to 25 per cent was surpassed as the food inflation rate was recorded at 15. 68 per cent by September 2014, bringing the whole core inflation rate down. It should be remembered that the food inflation rate was 22 per cent in 2010. At the same time, two indicators: per cent in employment, agricultural and per cent contribution of agriculture to non-energy GDP, showed that there was only marginal growth over the same reporting period.

Using the key result areas of a fit and healthy nation, five of the seven indicators in health, that is non-communicable diseases, mobility, mortality rate, obesity rate, registered patients at St. Ann's Psychiatric Hospital, adult HIV prevalence and

tuberculosis mortality rate, demonstrated good to moderate performance. However, the diabetes mortality rate per 100,000 persons fell short of its target and suggests the need for intensified effort, sharper focus and greater concentration in this area.

Under the key result area of a first-class health care performance, there is mixed performance over the period. Of the nine indicators, two indicators: physician professionals per 10,000 and nursing professionals per 10,000 exceeded their target while maternal mortality rate, number of complaints, fell below their targets, and therefore require immediate and urgent attention. Four indicators, however, showed moderate performance: under five mortality rate, infant mortality rate, immunization coverage and rate of resolution.

Economic growth, job creation, competitiveness and innovation: Five of the nine indicators surpassed their intended targets in the priority areas: energy exports, non-energy exports, foreign direct investment, unemployment rate and new business creation. Immense work was done in areas such as the unemployment rate where the rate was reduced to 3.1 per cent as of March 2014 and it is around the same point now compared to its target of a reduction to 5 per cent which we had set. It should be recalled that the unemployment rate was 5.9 per cent in 2010.

Two indicators, GDP and non-petroleum sector contribution to GDP performed moderately well, while the Global Competitiveness Index and Global Innovation Index performed just below moderate. Action has been taken in these areas. For instance, the innovation policy has been completed and an innovation readiness study has been done with a number of companies supported by a follow-up survey and the introduction of an innovation fund.

Poverty reduction and human capital development: Analysis of the indicators for poverty reduction has been severely hampered because of the tardiness of analysis of recent collected data and was further hampered by the slow pace of the tendering process. However, under human capital development several indicators performed well. The participation rate in tertiary institutions, for example, has exceeded its target of 60 per cent and in 2014, was recorded as 65. 23 per cent. [*Desk thumping*] This represents an increase of over 23 per cent since 2010. The percentage of students passing the Secondary Entrance Assessment (SEA) has also surpassed its target, and in 2014 was recorded at 95. 6 per cent. [*Desk thumping*]

What are the critical impacts of the Annual Report of Performance 2014? As the MTPF comes to an end and a new national development planning framework is being developed to take its place, we are now working on 2015—2025. The information presented in the Annual Report on Performance 2014 will help guide

the development of new priority areas of concern. Analysis of the five priority areas using the traffic light system can allow Government to decide on which areas interventions were successful and areas where they were not. As such, the Government is able to re-prioritize their areas of concerns or add new and other areas for development. Analysis of this nature will therefore inform the new priority areas for development as we move forward.

The monitoring evaluation policy for Trinidad and Tobago, what is it? The National Monitoring and Evaluation Policy of Trinidad and Tobago is a guiding document which sets out the national monitoring and evaluation system of Trinidad and Tobago. It is a guide as to how we can operate within the national monitoring and evaluation system by setting out the components designed and relationship of the system. A national monitoring and evaluation policy such as this will help facilitate strengthening of planning for results, facilitate systematic assessment of development interventions and facilitate a culture of monitoring and evaluation within the public sector.

What is its purpose? The purpose of the policy is to help foster a paradigm shift towards performance management to promote good governance, transparency and accountability in the use of public funds, and to demonstrate results in Government's service delivery. It is expected that through the National M&E Policy, Ministries and other stakeholders can build a robust M&E system to help better inform decision-making processes.

Why is it important for Trinidad and Tobago? A National M&E Policy is important for Trinidad and Tobago as it is one of the first steps in creating a culture of high performance reporting in the public sector. As citizens around the world call for governments to be accountable and transparent in the provision of goods and services, the need to demonstrate results has become even more critical. Citizens and stakeholders alike have begun to see the discrepancies in the design and implementation of projects and programmes, and are now urging governments to not only report on organizational activity and outputs but on actual outcomes and impacts. A mechanism is therefore needed to ensure that Governments do the right thing and also do them right. Institutionalization of a National M&E system as set out in the National M&E Policy can play such a role in ensuring that governments can measure results, reward success and recognize, correct and learn from failures.

What does the system look like? A monitoring and evaluation system, the one in Trinidad and Tobago, which we have established, is a collection of organizational structures, standards, procedures, data, technology and accountability relationships, that provides timely information for evidence-based decision-making.

Madam President: Hon. Senator, may I advise that you need to wrap up, please.

Sen. The Hon. Dr. B. Tewarie: Thank you, Madam President. In the light of this, the National M&E system of Trinidad and Tobago will therefore comprise two levels: the enabling environment and the core systems structure. The enabling environment are those foundational elements that must be in place in order for the core system to work. This is another contribution, Madam President, to the governance system in Trinidad and Tobago. It complements what we are doing in other areas, including on the legislative front in the Parliament in terms of procurement and the institutionalization in the Ministry of Finance and the Economy. It also complements what we are doing in land reform in terms of legislation and the introduction of new institutions and generally strengthening the institutions of Trinidad and Tobago to improve governance systems and to improve reporting accountability and transparency. Thank you very much. [*Desk thumping*]

MOTOR VEHICLES AND ROAD TRAFFIC BILL, 2014

[Second Day]

Order read for resuming adjourned debate on question [April 21, 2015]:

That the Bill be now read a second time.

Question again proposed.

Madam President: Those who have spoken on Tuesday, April 21, 2015: the hon. Stephen Cadiz, Member of Parliament and Minister of Transport, the mover of the Motion; Sen. Faris Al-Rawi, Sen. Dr. Kriyaan Singh, Sen. The Hon. Devant Maharaj, Sen. Avinash Singh, Sen. Dr. Dhanayshar Mahabir. All Senators wishing to join the debate may do so at this time. Sen. Newallo-Hosein. [*Desk thumping*]

11.00 a.m.

The Minister of the People and Social Development (Sen. The Hon. Christine Newallo-Hosein): Thank you, Madam President, for the opportunity to contribute in this august House on this landmark Motor Vehicles and Road Traffic Bill, 2014.

Let me say from the onset that this piece of legislation is long overdue and I support it fully. With 22 parts and 272 clauses, it is certainly comprehensive; it is extensive and will transform Trinidad and Tobago in a very positive way. As you would know, transport is life. Our roads are the veins and the arteries of our society, and the major surgery proposed in this Bill will literally save and prolong lives.

It brings to mind our 2010 manifesto of the People's Partnership Government where our esteemed Prime Minister declared, "Prosperity for All". You may ask: What does prosperity for all have to do with this Bill? Well first of all, Madam President, what is prosperity? Prosperity is the state of flourishing, thriving, good fortune and/or successful social status, or to put it as our Constitution states, providing a better quality of life for all.

Madam President, our Prime Minister has always indicated people-centred policies were the mantra for our Government and, as you can see by these laws that have been passed here and to be implemented, it speaks about life. It speaks about people and it speaks about changing the way we work, we drive, we operate, on the roads of our country and how we live, how we think, changing our mindset.

One of the good things I must say about this Government is that we consult, and it has been no different with my colleague, the Minister of Transport. Minister has, in his previous life as Minister of Trade and Industry, provided much consultation with many stakeholders, as he has done in the Ministry of Tourism, and so it is no different in the Ministry of Transport which he heads. As you can see, the Minister held consultation with many stakeholders. [*Minister Newallo-Hosein displays picture*] We have here at the Magdalena in Tobago—if I may read an ad—NAPA and also the South Performing Arts where there was much consultation. So it is no surprise that there is so much support for this Bill. So much so that we have Arrive Alive as well as the police who have indicated, through many articles—if I may read and quote Acting Police Commission Stephen Williams who indicated:

> "This is indeed a welcomed move. Alcohol consumption while driving is a major contributor to road accidents and fatalities. The Police Service will welcome and support any legislation geared towards safety and saving lives on the nation's roads..."

Then, of course, we have the Arrive Alive President, Sharon Inglefield, who also hailed the legislation as a major step, saying it will be instrumental, not only in saving lives, but in deterring major collisions; and those are just a few. But why is it we could come here today with so much support? Again, consultation.

My reason for being here and contributing to this debate is specifically for persons with disabilities. As Minister of the People and Social Development, it is indeed a pleasure to have such a Bill that is inclusive of persons who have disabilities. I just want to raise a few points that the temporary hon. Sen. Dr. Singh had indicated of the issues with regard to persons living with disabilities and persons who have permanent disabilities.

I know the concern for the Senator was that there was this issue of the parking facility. I remember he had spoken about being in Canada with his sister, and although he is, in fact, disabled, he could not just park in a person's handicap parking because of the fact that he is; he has to get a permit. Of course, all this is taken care of in this Bill.

I do agree, because most of us who travel would know that you have to abide by rules and by laws. So much so, I will bring an example that happened to me just a couple of months ago. I was out of my vehicle, and someone was driving my vehicle. I had finished transacting my business when I came outside and was walking towards my vehicle when I saw blue. When I saw the blue, I was like, "What are you doing parking in a disabled no parking area?" And they said, "Well, I was given permission by the security." I said, "Nobody could give you permission to park in an area like that." He said, "But no, I got permission." I said, "No, you cannot get permission. The King of Asia could tell you to park there, you cannot park there." So, Madam President, it is so important that this legislation comes here. It is a story. So as a result of it, it is important for persons to understand that there are rules, there are fines and that we are, in fact, implementing laws that will benefit the citizens of Trinidad and Tobago. [*Desk thumping*]

One of the things I know that the Senator also raised was the fact that there was this ability to apply for signage on your vehicle. It is not mandatory that you do; it is something that is your preference or not. However, with the signage, it allows for other drivers to take into consideration that the person who may be in front of them may react in a different manner. Not that they are not suited for the road—I am not saying anything like that. All I am saying is that at the end of the day, it provides for a better understanding and for other citizens to treat equally persons who are on the road.

Sometimes there are persons who may be a little bit hasty and they may not take into consideration a lot of situations. So this law provides a guideline and it provides a way for us to have equal understanding. So it is not I think of it, whereas you do not think of it, but all of us will be guided by it.

The person with disabilities can also apply for the display, the parking permit mentioned in clause 105, and this can be valid—the hanger—for six months, 90 days or up to three years. Why is that? Because sometimes not everyone has a permanent disability; some persons have a temporary disability. What it also allows is that if you do not drive yourself, whoever is your designated driver can in fact—it can be used so that you do have the facility in the event that you are unable to drive yourself.

But you know, Madam President, a disability does not only apply to persons who have been involved in an accident or who may have been born with a disability. There are persons who, as they get older, there are disabilities that come in as a result, whether it is arthritis or severe arthritis, which can hinder persons from being mobile. So it is important for us to understand that the Bill will provide a care for even the elderly, which I must admit, our Prime Minister, Kamla Persad-Bissessar, has always taken consideration of the young, and the elderly. [*Desk thumping*]

Dr. Singh again made mention of the education awareness, and what I do see is that in the Bill it provides for an extensive education awareness programme. As such, I am sure that over the next few weeks and over the next few months, we will see a comprehensive campaign out there educating the public as to what will happen, what to expect, what to do, where they should go, and also that persons will understand that there is a new way of thinking, a new way of travelling on the roads.

Madam President, it is important for us to implement and enforce this law. But I do believe that it will be done with care and with great education, and people will understand and learn to do the right thing because it is the right thing, and not because of a fine. Nobody should have to tell us not to park in a particular place, or to block a spot reserved for a person with a disability.

Together with our efforts to change policies and laws, we will launch a campaign to educate the public in collaboration with key representatives of persons with disabilities. Only recently, at a commemorative walk to mark World Autism Day, no less a person than Her Excellency, Mrs. Carmona, added her voice as a strong advocate for the rights of persons with disabilities. This support and vision from the top of society is an excellent fillip to our efforts.

Again, just this morning I got correspondence from someone who was concerned about the Bill in terms of whether there were things added, not just for persons with disabilities, but in general persons who use the road. They were asking if the Government could allow for private testing stations to inspect "Light T" vehicles which they indicated would ease up at least 30 per cent of the workload at the licensing office. I am pleased to say that this in fact is in the regulations, and it will allow for "Light T" to be tested at the stations in fact, easing up the workload and creating greater efficiency.

There was also a request for the "T" and the "MGW" sign, according to law, which must be painted on "T" vehicles, to be removed, and to be used in a different manner which will augur well in terms of how the look of the vehicle is. Of course, again, in the regulations it would provide for a certificate. So if the police were to stop you, you

would in fact, have a certificate in your vehicle which you would carry along, like you would carry your insurance instead of it having been painted onto the vehicle. We have moved far ahead where we are in terms of our legislation and the types of laws that we could like to implement.

I just want to bring back again, prosperity for all citizens. What again does prosperity for all citizens have to do with this law? All I can say is that every Tuesday we come here, we engage in debate on different pieces of legislation, but what we do is always for the benefit of the people of Trinidad and Tobago, the John Public. [*Desk thumping*]

11.15 a.m.

We have our views but we must be heavily guided by the sentiments of the public.

So, I want to thank you, Madam President, for the opportunity to contribute to this Bill and to present my take on the Bill. I am pleased to support the Bill and to support my colleague with the implementation of this. Thank you. [*Desk thumping*]

Madam President: Hon. Senators, may I, on behalf of all of us, congratulate the Minister of the People and Social Development on her maiden contribution in this honourable Senate. [*Desk thumping*]

Sen. Shamfa Cudjoe: Thank you, Madam President, for the opportunity to contribute to this important Bill. This Bill seeks to establish the Motor Vehicles Authority and to make several sweeping changes towards the operations of the licensing department in Trinidad and Tobago and to govern our behaviour on our nation's roads.

This Bill seeks to cover a wide—a large plethora of issues. I have examined or I have recognized in the past weeks or since November of last year when the debate started in the Lower House that there was a wide—a large amount or a large number of conversations on the different radio stations examining this issue. It covers a myriad of issues, from fines and fees to motor vehicle insurances, seat belts and safety issues, drinking and driving and substance abuse, vehicular purchase and maintenance, policing, registration and transfer of vehicle ownership, the issuance, suspension and revocation of driving permits; driving offences and other offences related to using our nation's roads.

So this is a piece of legislation that is important to all of us as pedestrians, as users of our nation's roads, so it is a very critical piece of legislation. Just like the wide debate that is taking place on the radio and in media, the Bill before us covers or touches on some 20—at least 20 pieces of legislation.

I want to name a couple pieces of legislation that are affected by this Motor Vehicles and Road Traffic Bill, 2014 today; namely, Madam President: we have the Motor Vehicles and Road Traffic Act; the Motor Vehicles Insurance (Third-Party Risks) Act; the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, the Maxi-Taxi Act; the Customs Act; State Liability and Proceedings Act; Police Service Act; Special Reserve Police Act; Highways Act; the Cohabitational Relationships Act; the Income Tax Act; Corporation Tax Act, the Medical Board Act and a wide number of different pieces of legislation.

Therefore, we must be cautious as to how we develop this piece of legislation and craft the different provisions in this Bill. I am therefore concerned, Madam President, that the Government seems to have dismissed the recommendations of the general public and also of the Opposition to have this Bill considered before a special select committee or a joint select committee, so that it could be examined more thoroughly, more comprehensively and synergistically.

Madam President, prior to my contribution today, we have had about five different speakers here in the Upper House and they would have raised a large number of issues from the reasonability of the legislation to problems in treating with offences in the courts. We had Sen. Singh who would have raised issues related to disabled people and disabilities, and Sen. Dr. Mahabir who would have covered corruption in the entire system.

So, Madam President, we are here today to try to amend and improve the legislation, to improve the systems related to motor vehicles and traffic issues. I have recognized that we have forgotten to address some serious issues in this legislation. For instance, the legislation speaks to safety as it relates to seat belts, but there has been nothing said about the use of airbags.

You have people making different adjustments and changes to their vehicles for fashion or for their own personal comfort that would affect or undermine the safety of using the vehicles. For instance, we have a situation where young men drop the cars really low, and you find that a lot with the PH taxi drivers and the young people who are into fashion that use the cars to "pull bull" as they say.

I consulted the police officers on this matter, and it is treated as a fault or a manufacturer's defect in the vehicle, when we know well and good that these gentlemen, these drivers, purposely drop the vehicles. There are a number of other issues, for instance, the use of sirens as to which vehicles or which officers are entitled to having sirens on their vehicle and those who are not.

The legislation would have also covered the issue of having an experienced driver with a new driver for the period of, I think, five years—one year. We have to look at the reasonability and the practicability of that. For instance, young people who are going off to UWI, or going off to college, they often try to get their driver's permit before they go off to college. How reasonable or how practical is it for an experienced driver to be with them at all times?

While I do accept that most of these amendments were created in order to bring some improvement to safety and so on, I think we need to examine in a more thorough manner the realities of the community or the society.

Now, I think most of these issues that were raised by several of the other speakers could be better ironed out or established and resolved in a joint select committee or special select committee situation. If we fear, for some reason or the other, that the parliamentary term would close before we get out of select committee, then we can put a deadline on it just like we did last week, but based on the issues that were raised, I believe that this legislation should go before a joint select or a select committee in order to iron out these issues. [*Desk thumping*]

Now, Madam President, for the most part, I feel like we do not take advantage of the different mechanisms that are in place to ensure parliamentary scrutiny and legislative oversight. For the most part, we suffer because of this, because we come to Parliament and debate these issues on the parliamentary floor, we make mistakes sometimes and the Bill is already passed, then we have to look at or we are subjected to the criticisms in the Sunday papers following. By that time the legislation would have already passed.

Now, the committee system is an effective mechanism that facilitates legislative scrutiny, parliamentary oversight and it encourages cross-examination and a thorough consideration of the public business, rather than having critical, national issues subjected to the whims and fancies of parliamentary debates and making decisions on the parliamentary floor. So, I want to appeal to the Government, once again, to consider placing this piece of legislation before a joint select committee.

Now, Madam President, we have to ask the question: what benefit is there to rushing this piece of legislation? What benefit is there or what do we have to lose if we do not have—if we have wider consultation? If we would have done the consultation that was necessary to bring a proper piece of legislation before us, then we would not have bypassed some of the issues raised by Sen. Singh as it relates to people with disabilities and some of the other issues that are being debated on the national stage.

I feel, Madam President, that this Government is bent on using its majority to undermine the traditions and best practices of Parliament, [*Desk thumping*] and make dangerous moves to debilitate the basic pillars of our democracy.

As simple as it seems, Madam President, this could be seen and it is reflected and shown in several of the other actions and utterances by this Government. [*Desk thumping*] But as the old people say, Madam President, time is longer than twine and the nation, the people of this country would have the opportunity to deal with that very soon.

But, I think, we have nothing to lose by inviting the contributions of the practitioners and the technocrats and all the other stakeholders that are more knowledgeable and that would be affected by this piece of legislation. We have to adopt a greater level of maturity and responsibility in treating with the nation's issues, in treating with laws and legislation.

I feel, for the most part, that the Government is bent on a check-box system to say, yes we have passed this legislation. [*Desk thumping*] We did this Bill, we did that Bill and at the end of the day it is not operational, it is not functional and it is not enforceable.

I want to use the example of the Children Bill, the Children's Authority Bill, the DNA Bill that was supposed to be passed and implemented to improve our ability to solve crime using forensics and so on; the Electronic Monitoring Bill. I remember being very excited in about 2010/2011 when former Minister Nan Ramgoolam came to the House and we would have passed the legislation together about computerizing and modernizing the public service, and to this date we are still using a paper system.

So, we are creating good law. [*Crosstalk*] Yes. There is a protection also. I do not doubt for one minute that—I do not question our ability to create good law and good paperwork, but we have always had a challenge with enforcement.

Quite recently we would have boasted about the passage of the legislation treating with dangerous dogs. About two weeks after that boast, a little girl was killed by a dangerous dog, and to date we have heard nothing about it. Who is going to go to jail for this? What is going on with the insurance for the dangerous dogs? Have we trained and empowered the municipal corporations and police for the municipal corporations to treat with these issues? So, we have very good legislation on the books. When you read it, it sounds nice. It seems like we are meeting international standards as it relates to the quality of our legislation, but we have nothing to show or not very much to show as it relates to enforcement.

So at the end of the day we are here to develop legislation that is operational, that is reasonable and that is enforceable, and in treating with this issue of the Motor Vehicles and Road Traffic Bill, 2014, I think we need to examine some of the issues and harken to some of the complaints of the people who work in this area.

I had the opportunity to interview or to chat with some of the workers of the licensing department in Tobago and, as you know, much of the responsibility for this—there is someone in Tobago House of Assembly, but much of it lies with the central government. We have an issue where the accommodation for the workers at the licensing department is very inadequate. You have an outdated computer system.

I recognize that the legislation speaks to the police collaborating with the licensing division in a point system. If we have no computerized system so that the licensing office and the police department could work and develop or work from the same point system, then what is the point for having that in the legislation if nothing was implemented or created to give effect to that piece of—to that provision? [*Desk thumping*]

11.30 a.m.

I want to also raise the issue of Cabinet Minute 31:84 of 2005, where a number of public service positions were created in order to give effect to the proper functioning of a Motor Vehicles Authority and the licensing departments in Trinidad and Tobago, and to date—this is 10 years after—these positions are not opened, or these positions are not available and accessible. So, for instance, in Tobago we have the Assistant Transport Commissioner doing the task of three different officers, and they are severely short-staffed to function properly or to give effect to any of these pieces of legislation. We also have the issue of some of the major duties having to be brought to Trinidad for final decision to be made. So, in any legislation I would hope that the Government would consider internal self-government for Tobago or more authority and autonomy to the powers that be in Tobago to run Tobago's business in as small as matters as the Motor Vehicles and Road Traffic Bill.

I want to touch on a couple other issues and I would use the examples from the Tobago perspective. I would have mentioned before that there are two bodies that govern or manage the Licensing Division or the motor vehicles division in Tobago, and that is the Tobago House of Assembly and the Ministry of Transport, and there seems to be a breakdown in communication as to what is supposed to happen or who is to answer to who on what specific issues. As it relates to the computerized system, if we examine the issue of car registration or—there is a

document called the certificate of—the certified copy. Recently we would have computerized that system, but we still have a backlog in that system in Trinidad and in Tobago where a large number of the cars have not be registered, so some of the certified copies cannot be found in the system in Tobago, and as you know there is no national computer system to treat with that. So, for the most part we have to refer to the office in Trinidad and we have to wait quite a long time for the response.

So, these are some of the issues under the operational side of it. Let us look at the reasonability. Now, Madam President, I will give you two examples from a Tobago perspective. The Maxi-Taxi Act only allows 25—there is a quota, only 25 maxi-taxis are allowed in Tobago. That might have been reasonable in the time when that rule or that legislation was created, but today in 2015 with a population of 55,000 or so, and a large number of school children, and a fairly active travelling public, 25 maxi-taxis in Tobago certainly cannot do. So, I would like for central government to consider improving the quota, or collaborating with the Tobago House of Assembly to see how best this could work for us.

The PTSC system, the bus system is controlled by central government and at this point in time we do not have working buses in Tobago. So, the Tobago House of Assembly which is not responsible for PTSC is now in a transaction to acquire our buses so that the travelling public in Tobago could be catered for. So, central government is responsible for PTSC, they have abdicated their responsibility, and we still have a quota of 25 maxi-taxis in Tobago. Have we really done our consultation? Have you done your consultation in Tobago with the Tobago House of Assembly? I guess not.

Secondly, as it relates to Tobago, "H" taxis, the taxi licences or permission to run a taxi has to be issued by Trinidad, and you know that tourism is the mainstay of the Tobago economy, and transportation is a very important service in this service industry. So, having to constantly refer to and wait on Trinidad for permission to run the "H" taxis in Tobago, that is a serious problem and I think that that responsibility should be delegated to the Tobago House of Assembly. [*Desk thumping*] You see, you have central government holding on to a number of responsibilities and portfolios in Tobago that you have, in fact, abdicated and turned your back on. So, what you cannot manage simply hand over [*Desk thumping*] and we can collaborate on means and mechanisms so that it is run effectively. But, to hog on to all these responsibilities and do absolutely nothing to improve the system and to improve the service provided to Tobago, that is a total no-no. [*Desk thumping*]

So, it is a hindrance to our development. It is all well and good for the Government to stand on platforms and say things are not happening in Tobago, development in Tobago is very slow, there is no private sector in Tobago, it is an inefficient or unsavoury business environment in Tobago, when you hold the responsibility for many of the systems, the mechanisms and procedures to make things work, you hog on to them and you do not collaborate with the Tobago House of Assembly, or do absolutely nothing to improve them.

I felt like this legislation, this debate, this exercise was an opportunity to bring some justice and to bring some relief to the issues facing Tobago, the travelling public, the licensing department and the Tobago House of Assembly in treating with some of these issues [*Desk thumping*] and you have missed this opportunity, like many opportunities you have missed to improve Trinidad and Tobago, but you are so focused on the next general election and not the next generation, but time would come; time is longer than twine, and the people of Trinidad and Tobago will have their way. [*Desk thumping*]

Now, Madam President, I want to look at the issue of how enforceable is this legislation, because this legislation ascribes a tremendous amount of responsibility not just to the staff of the Motor Vehicles Authority, but also to the police service and the police officers in Tobago and also in Trinidad, especially SRPs, have complained about not being properly trained. In many of the different debates on pieces of legislation involving the police, we continue to raise the issue of making sure that the police officers, as much as their responsibilities are expanded you also need to look at a way, means and mechanisms to enhance and improve training programmes for these police officers so that they can function effectively.

Now, Madam President, I will give you a couple examples. Let us take three examples as it relates to this: the breathalyser Act, the pieces of legislation that treat with the breathalyser, that treats with speed guns also, but let us deal with the breathalyser first. Now, there are certain police officers who are trained in issuing breathalyser tests, I think they call them "breathalyser technicians". You have a very limited number of police officers who are trained in issuing the breathalyser test, so we may have a patrol out and about and there is not a breathalyser technician on that team to treat with or to deal with a matter when presented with a swerving car or somebody who seems to be intoxicated and in charge of a vehicle. So, I believe, and the police officers with whom I would have consulted, believe that all police officers, especially permanent ones and even the SRPs, should be trained in issuing the breathalyser and should become breathalyser technicians.

Secondly, we have an issue in Tobago where there is a shortage of breathalyser kits. So, we have a situation where sometimes there is only one breathalyser kit in the entire station. I know at one point in time there were some police stations that did not have one single breathalyser kit, so, if Old Grange Police Station encounters an issue they have to call Crown Point Police Station to borrow a breathalyser kit. And this is the situation that has been explained to me by the police officers. So, you are borrowing breathalyser kit, by the time that officer would have spotted an incident that he needs to investigate, call Crown Point and then make arrangements to collect the breathalyser kit, you have already lost your suspect or the person that you intend to investigate. So, I think each trained police officer should have their breathalyser kit and we should ensure that there is no shortage of breathalyser kits in the different police stations so that we can truly enforce this legislation and give some good meaning and significance to what we intend to do today.

The second issue I want to use as an example, is pollution. I think that this legislation should have spoken more to the issue of noise pollution. Noise pollution, and smoke pollution, or air pollution, are issues that are very dear to us in Tobago because we have branded Tobago clean, green, safe and serene. So noise pollution, the Act speaks to collaboration with the EMA to treat with issues of noise pollution. So, say for instance, a police officer encounters a case of noise pollution or a vehicle is playing music to loudly, they have to call the EMA. But how effective is that, when the EMA office in Tobago, and I believe in Trinidad also, works between the hours of 8.00 a.m. and 4.00 p.m? So, if a police officer encounters a case of noise pollution outside the hours of 8.00 a.m. and 4.00 p.m., then there is no way to treat with it because the EMA opens tomorrow morning at 8.00 a.m. So, we have to train some officers in treating with that.

Sen. G. Singh: The secretary of the environment is in charge of that—[*Inaudible*]

Sen. S. Cudjoe: No, that matter is controlled by central government. So, also air pollution: the police officers do not have the equipment that is used to test or to record an infraction of air pollution. That is also something controlled by the EMA.

So, there needs to be greater collaboration among the different entities that treat with bringing this piece of legislation to life. And those were just three examples. And if we look through and examine and go through this legislation with a fine-tooth comb we will see many other opportunities for collaboration, and many more opportunities to improve the legislation to ensure that it is effective, it is enforceable and that it is practicable.

So, Madam President, I say, if not now—if we do not do this now—then when? And if not this group of parliamentarians, then which group of parliamentarians? As I said before, we continue to miss opportunities and we come back time and time again, there have been many times, at least five instances that the Motor Vehicles and Road Traffic Bill has been amended, and those were opportunities missed to make the system better and to improve the legislation and make it more relevant and effective to the people of Trinidad and Tobago.

Madam President, we have to get to a point of forgetting the politics or the check box system to say yes we have done it, and to implement legislation, rules and regulations that work for our people. We have to be mature, we have to be responsible, because at the end of the day the politics is going to work out itself. The politics will work out itself, because the people of Trinidad and Tobago are very well educated and aware about what is going on. As they say, to whom much is given, much is expected. This Government came into power on a wave of hope and much was expected from this Government. We, the members of the People's National Movement, the Opposition party, the Opposition Bench in the House, we have agreed and supported a large amount of the legislation brought by this Government, because we had made a commitment, and we are still committed to doing all that is right and all that is best for the governance of our people and for the improvement of the people of Trinidad and Tobago without fear or favour.

So, I urge this Government, that you were given an opportunity, or the people of Trinidad and Tobago have invested in you to deliver, not to your party but to all the people; to serve, not just to your supporters, but to all the people of Trinidad and Tobago. [*Desk thumping*] So, we are asking you to please deliver and not to miscarry. We are here to help you. The Opposition is here to help you. As much as you push us away, we are here to help you. But at the end of the day the people will have the final say, Madam President.

11.45 a.m.

So, I ask once again that this legislation be taken before a Joint Select Committee or a Select Committee, where we as parliamentarians could cross-examine the legislation and speak with the different technocrats and the stakeholders that are affected and know more about the proper implementation of this piece of legislation. [*Desk thumping*] I think it is well-intentioned, [*Desk thumping*] because this is not new, we have been working on this for some years. The People's National Movement brought to you the legislation treating with seat belts, treating with breathalyser. So we are pretty much on the same page. We have agreed to improve the system.

So instead of rushing it, to simply check the box, I want to urge that we work together, even if we put a deadline to the Joint Select Committee or to the Select Committee. Please do not use your weight or do not use your numbers to roughshod or roll over or to rush this

piece of legislation, to force it down the throats of the people of Trinidad, to simply tick a box. We need to work together to ensure that this is right, to ensure that it works and it could redound to some benefit of the people of Trinidad and Tobago.

So, Madam President, with that very short contribution, I want to thank you for your time and I want to thank my colleagues for listening so attentively. Thank you. [*Desk thumping*]

Sen. David Small: Thank you very much, Madam President, for being able to have the opportunity to join in the debate today. The Bill before us deals with a significant array of issues regarding the whole issue of motor vehicles and the management of the system and the process and from where I sit, I agree with many of the other speakers that it is long overdue. But also we have to recognize that there are systemic and endemic problems that have gotten us to where we are and it is going to be a recurring theme in probably everything I talk about. Because it is easy to attack this and try to see how we can fix it and there is nothing wrong with that. But aligned to this, there must be an overarching strategy and plan to help us understand what is going to be achieved at the end.

So I have no problem with the Bill and the intention of the Bill. I have some issues that I am going to be delve in and I am, as usual, forgive me, Madam President, I am going to be taking a slight different tack to the previous speakers because I have a different view of how these things could work. And perhaps for the record, I am one of the—probably, I am hopefully one of the many people who actually passed the driving test, I actually passed the regulations. I went and I paid at the cashier, nobody else. I paid there and I actually went in the yard and I passed and then I went on the road with the—and I passed, and it was wonderful.

Sen. Karim: What kind of car you used?

Sen. D. Small: It was a Datsun 120Y. [*Laughter*]

Hon. Senator: Standard gear, standard gear, stick shift.

Sen. D. Small: And I can say without fear that I personally have no proof of any corruption in the licencing office. I have not had that experience, but there is a perception in the public, and if there is no truth to it, I think that there must be some element of an issue that needs to be looked at.

So that, Madam President I want to roll up my discussion before I delve down into the details. There is a clear pattern of behaviour emerging or pervading our country. We have persons entrusted to provide services to the public. These same persons contrive to pervert the system in order to enrich themselves. The public is denied fair treatment and are subject to exorbitant fees and sometimes outright

bribes. Everyone, including the States, members of the public, except for me, are aware that a crime is being committed. The police, the Government and citizens can easily identify the culprits and yet no one is ever arrested, and to date no one is ever convicted. Do you know what that is called, Madam President? Sweet life in Trinidad and Tobago.

Madam President, I grew up here in Trinidad and Tobago a few years ago and I had an afro, at the time when respect for my elders was the order of the day. And in my days if I would walk down the street and I did not tell Miss Mary good morning she would tell my mother and I would get licks when I get back home. So I am probably exposing my age a bit. But, Madam President, we looked up to, respected and feared members of the police service. And let me say that. When I was growing up we looked up to, feared and respected members of the police service. We especially looked up to people working—we thought anyone working in a government job was fortunate. They were the good people in the society.

We especially looked up to the people in the shirts and ties, in the banks and in the insurance companies as good people. And all of these people got respect, admiration and or fear, automatically attributed to them because of the position they held. And by and large they were really good people. When I look around at the business leaders today, I struggle to see how I can give any of them an automatic pass. There needs to be a test. Times have changed, people have access to more information and people can really compare.

Madam President, public trust has been eroded to virtually zero. The public is being mugged by the banks, insurance companies, supermarkets and the dispensers of the public services. We are all subject to the fact that the chase for the almighty dollar trumps everything else, with no obvious controls on the method of so doing, it is obviously jail proof. So it is like shooting fish in the proverbial barrel.

Madam President, in relation to the fact that not a single person has been convicted and made a jail like Raj Rajaratnam, for what I euphemistically call white collar crimes. Madam President, I make no apology for repeating the name of a foreign white collar criminal and I will continue to do so as long as we are unable or unwilling to have, to bring someone to justice in this country in the same way. Is it any coincidence then, Madam President, that the uniform of licencing officers includes a white shirt with a white collar? I do not know? It could be just purely coincidental.

Madam President, in every country in the world there is a political business/media elite that seems to be living a different life to everyone else. Surely, by now, we must be able to perceive that there is a deep and fundamental flaw in our very system of political and economic governance. We live in a place where visionary ideas are few and far between. But yet we hear persons or groups claiming title to entrepreneurship and by patting themselves on the back.

Madam President, I want to make a quick quote from, by a person, a gentleman who has long passed, name Mikhail Bakunin. It is a 19th Century Russian revolutionary, but also a philosopher. And I quote. He said:

> "Political freedom without economic equality is a pretence, a fraud, a lie; and the workers want no lying."

Madam President, we live in a place where business chambers and their members, other types of organizations and large private sector firms apply oligopolistic pressure and then claim the reward of massive profits, yet make no meaningful contribution to improving our society. And I say that without fear. And I want people to disagree with me and demonstrate what the meaningful contribution is, because these other things that are acting are not meaningful.

The current system is one in which a small incestuous group runs things and which a vast majority of working people are consigned to the margins of decision-making and control. So is it any wonder, Madam President, that persons who are in control of smaller things seize the opportunity to increase their personal wealth, even at the course of the inflicting further pain on the legal citizens of our country. Looked at in this context, one can at least see the underlying logic behind this grab for opportunity to meaningfully to improve their lot even if it means putting pressure on the population. The accumulation of wealth seems to be trumping fairness, honesty and common decency. It does not make it right, Madam President, but in debating this legislation amongst several others, are we dealing with the system, symptom rather than the problem? I was just warming up, Madam President, thank you very much.

I will now move to some comments on the specific issues included in the Bill, and I have a few suggestions for items that I did not capture in the Bill or I did not feel were properly captured. So I have a few things that I want to run through before I go back to my sermon.

Madam President, at clause 10, the Bill, I think we dealt with that the last time. I just want to make sure that it says clause 10 has the effect of the:

> "…Board of Directors…shall be responsible for performing the functions of the Authority."

I think that is not correct. I think we agreed to adjust that the last time, but I just want to make sure that it is captured. The board cannot be responsible for performing the functions. The board is an oversight body. They do not actually perform the functions of the Authority.

I now move to clause 11. In the same way as which all these things are published by *Gazette*, I normally have asked, is there any way that this can be put online in a way in which people can access it in real time? Has anyone ever tried to get a copy of the *Gazette* even through the online services. I believe that we are in the modern age now. I think today in the package of information I got a copy of the latest laws on a CD or DVD, great stuff. No paper, and that works for me and works for a lot of other people. I see no problem with having this information put out electronically that people can access.

Madam President, my other question, my other issue that I want to raise is that clause 12, the immunity for board members. I really need an explanation on this. Why are we granting immunity to board members? I remember board members from some other firms were sued by the State for other issues. What is so special with the board members of this organization that they need immunity? I do not agree. You are a board member, you have a fiduciary responsibility, you are appointed by the Government of the day, I do not see why the board needs immunity unless they are planning to do something wrong. Forgive me, but I feel strongly about this. I have sat on boards and other places and immunity as a board member I do not see how this applies. Perhaps the hon. Minister in his response could help me to understand what the reasoning, the rationale behind giving the board members of this authority immunity is. I did not even know what immunity meant.

The other issue, I go to clause 18, where we deal with disclosure of interest. And it is a recurring theme with me, because we have these similar statements in several other Bills and I simply ask, what is the penalty for not disclosing? We say what they should do and what they should not do, but there does not seem to be included anywhere. If somebody decides just to be bad and we need to be honest. There are probably one or two bad people in the place. What is the penalty for someone sitting on a board knowingly having an interest and deliberately just doing nothing about and when found out they are found out. Is there a penalty? What is the penalty? There is no penalty. You can do it and you can do it with impunity. So I think that is something that I would like to at least have a response on.

All right, my next issue, Madam President, clause 23. I have a significant issue here. I do not agree with the whole process regarding the CEO. I think that everything that is laid out here looks good, sounds all right and I have a question. I am concerned that you end up with what I would call having a CEO, a Box 3 CEO. Because you have a CEO that is initially appointed for five years and then if he works out okay, he can be reappointed for another five years. In the civil service's wonderful system of HR there is a range of Box 1, Box 2, Box 3, Box 3, Box 4, and Box 5 and if he did—somebody who was not bad, but they are not very special you give them Box 3, average, just middling.

I wonder if at the beginning of this exercise you want to potentially be saddled with a CEO who is just okay, just doing his job, not moving in any particular direction and I think this needs some more thought. And I am very, very results oriented and very focused on making sure that people who are in these positions deliver results. And I believe that, and I am going to come to that later, but I believe that there must be some rigour around this and the CEO, there must be clear targets that the CEO must, I suppose it may come out in the regulations, but for me where I sit you have a new organization starting, you cannot have a CEO coming in there and expect that it is land of milk and honey and is going to rock back. He needs to come in there and hit the ground running. Perhaps in the world in which I am operating now that is all I know, hitting the ground running and tackling issues hard, straight up, straight up, no flinch, no flinching. Come in there and you have a job to do, a responsibility to do, do it and do it fairly and do it honestly. That is my one comment on that clause.

12.00 noon

Madam President, my other comment is on clause 29, in particular clause 29(3). It spells out how the Motor Vehicles Enforcement Officer makes a complaint against a person. I just ask: where is the procedure for a person to make a complaint against an MVEO? I understand the Motor Vehicles Enforcement Officer can issue out a complaint and do what he needs to do. But what if you have a Motor Vehicles Enforcement Officer that is not doing the right thing, as Sen. Dr. Mahabir explained some experiences during his contribution? What is the process to go and make out a complaint against a Motor Vehicles Enforcement Officer? Where is the recourse? It may not necessarily need to be spelt out here—maybe in the regulations—because it is not clear, and unless it is clear, what happens?

The experience is, people know there are bad things happening or incorrect things happening in a place, but the system for them to be able to share that information, or provide that information, it is opaque, and unless it is clear, then—and because also the history of what—the licensing office will morph into this new Authority, I suppose with different characters and different players and different terms and conditions, but culturally, there may be some things that will move too.

So we need to try to make sure we deal and prepare for those things. You cannot close your eyes and think that automatically you create a new organization and it is just going to be new and wonderful and clean. If that is the case, I want to get the brand of what you are smoking because something—we need to put something in there to manage that. It requires something in there to manage that, respectfully.

Madam President, my other query has to do with clause 35 and the financial provisions. I do not see the need for them to borrow. I think that here, this whole clause sets them up to be a welfare agency, with all due respect, Madam President. I believe that—I understand why this is done. This is probably a boilerplate. But the Authority should be tasked with making every effort to at least break even.

Dr. Mahabir: "Yeah, man." It could generate a surplus.

Sen. D. Small: They should be tasked with that, and progress on this should be monitored over the first five years of the Authority's operation, and achievement of this should be a core deliverable of the CEO and the board.

I believe we need to put some rigour and put some pressure. You put people in an organization and say, "We are going to give you money; you make money and, well, if you run out, you could borrow. "It is a little slack. It is setting it up to be a welfare organization. Where in a place you could say, "Listen, the Government has looked at what your revenues are. We expect that you should be able to become revenue-neutral or cost-neutral to the State in 10 years." And you give that as a mandate to the CEO and the board.

We have to put structures in. If we do not put structures in there to bring some rigour and put some pressure on the people doing the work, you will find the thing meandering along. It is just going to go along the same way and be a burden every month. Every year, we come here, we get the budget, a line item, more money for them. I think it is important we put some pressure on the system, especially as we are getting a new organization; we are getting a new opportunity, let us try to do it correctly.

Madam President, I just have a couple more clauses that I wanted to talk about. Ah, yes, clause 51. I am confused a bit about this clause because perhaps I am reading it wrongly. I understand the logic on one level that with the military officers having unfettered right of movement and flexibility. I have no problem with that; that is fine. My concern is, perhaps I have had too much personal—I have more than one personal experience of very close friends who never went and learnt the regulations, never had a driver's permit but are pelting up and down the street at all hours and all times, as required, in a military vehicle. And I am saying, I think this is a disconnect. If you have never went and learnt the regulations; you never went and passed the driving test, on what basis are you driving a military vehicle? How did you learn? When did you learn?

Perhaps I am reading it wrongly, but from my process, internally, you are a danger to other drivers who have learnt, like me, the regulations; understand the rules of the road and understand how to manipulate a vehicle in the correct way; done defensive driving. So I have no problem with it, per se, but perhaps I need more explanation and more understanding by—they can just drive free, willy-nilly. I have no problem with military having unfettered right, but I think you should have a driver's permit. I do not see what the issue is. I do not understand.

Hon. Senator: Good point.

Sen. D. Small: I mean, I understand the military officers and the police officers are required to have driver's permits. I struggle, Madam President. Perhaps my logic—I am a simple-minded person and the logic does not necessarily connect for me, so I ask the question. Perhaps there is a perfectly logical explanation and perhaps the Minister, in his response, could help me. But I see it, from where I sit, from my read of it, it means that a military officer can drive a vehicle without any training or any understanding of the roads, and something is not correct with that.

Then I ask: what is a military purpose? Is transit from base to home a military purpose, when you are driving amongst the regular citizens on the road in the rush hour traffic? I do not know. So forgive me for that, but, again, these are questions that, when I read it, how it is written, I read it a particular way and I am hopeful that I have read it wrongly and the Minister has an appropriate explanation to help me with it. But the way it is read does not connect for me.

Madam President, I move to clause 53(4). These are issues that—we live in a place in Trinidad where systems are not connected, so we have here a clause where somebody loses a limb or loses an eye and the Authority shall revoke his licence and he should return to the—the reality is, Prime Minister. Forgive me—Madam President. I humbly apologize. Madam President, the reality is, there are people with disabilities who are driving, who have lost a limb, or who have lost an eye, who I know, and have never gone back to the Authority. And I am saying, how do we do this? I am not saying it is wrong to have it in here; I am just asking: how is this done? It is well intentioned and I agree with it. All I am saying is, it is not clear to me how. How do we police it? Are we putting something in there that are just nice words?

Madam President, also on 53 at subclause (9), I do not get the five dollars. The fine is pitifully small. I understand, perhaps, you do not want to put pressure on the small man in the society who is under pressure from everybody else, but if you fail to—I think five dollars a day is really not a deterrent. If someone decides—if they are caught, $1,000, then five dollars a day, figure it out. Fifteen hundred dollars a year, "neh", they will continue driving. So I think we need to put some more pressure inside of there.

I now go on to the favourite clause of my colleague, Sen. Dr. Mahabir, clause 87: antique vehicles. I looked at the clause and I just—a vintage vehicle or an antique vehicle is primarily a collector's item that is used for occasional transport and for exhibition-type activities. It should not include a vehicle that is used for general, daily transportation. And while—these are my views. I am not seeing—not that my views should be included in the Bill. I will not be so forthright. But I am suggesting that it should not include a vehicle that is used for general, daily transportation, and the

provisions of the Bill dealing with safety equipment should not be applicable to vehicles registered as antique vehicles so long as the original equipment on the vehicle at the time of its manufacture is in good, operating condition, or has been replaced by equal or more efficient equipment in good working order, and the vehicle is not operated in a manner or at a time that would constitute a public hazard or a nuisance. Those are my thoughts on that clause, Madam President.

I go to clause 89. Forgive me, these are only a few things and what I am doing here makes the case made by Sen. Cudjoe that there are some things in there that, perhaps, could use another set of eyes.

Clause 103, I think it is, I am confused, again—and I am happy to be corrected—about the transfer tax will be paid to the Board of Inland Revenue. Now, I do not know what that means for logistics. Is it that I go to the licensing office, apply to transfer a vehicle, get the form there, go to BIR, pay the money there, then take the receipt and go back to the licensing office? I do not know if that is what is intended.

So I am just saying, for me, a one-stop-shop arrangement is much preferable. How it reads, to me, suggests that you have to go to the BIR and pay the transfer tax. I hope I am wrong. I hope you can go to the licensing office and they can collect it on behalf of the BIR. But this says:

> "The transfer tax shall be paid to the Board of Inland Revenue by the person seeking a registration…"

So is it logistically fair for a citizen who wants to transfer a vehicle, have to go to the licensing office, fill out the paperwork there, then go to the BIR, pay, and then come back? For the average person that would be painful. I probably, again, may have read it wrong. My simple interpretation may be wrong. There may be a logistic in place to deal with it, but I would like, at least, some clarification on that from the hon. Minister when he is responding.

Madam President, my other clause I want to look at—and just for the record people will realize I actually read the whole Bill. I tend to do that. It is a bad habit of mine. Clause 115: It has been long established that wearing a seat belt is an important safety mechanism. Seat belts are significant factors in saving lives in collisions, and therefore something all drivers and passengers should take seriously. I totally agree with the fixed penalty for not wearing a seat belt.

Madam President, I would share with Members and the few people who are looking or listening. I have had a personal experience of being in the rear seat of a vehicle holding my then infant son and have a car doing probably 30 miles an hour hit my car from behind. I was in a taxi. And at a 30-mile-per-hour collision, the child—I was in the back—flew out of my arms and hit the front windscreen, bounced back off

the dashboard and back into the back. I mean, people do not understand how dangerous it is to have an unrestrained child in a vehicle. I see it every day. People are driving around with vehicles and children standing at the hump in the middle; they are running round the back. My children know the procedure. You get into my car or any car, you put on the seat belt. I do not even start the engine unless everybody is strapped in. But perhaps I have had that personal experience to understand how dangerous it is to have unrestrained children in your car. Even above seven years old, it is dangerous. The child becomes a missile. People do not understand it and we need to legislate for it.

So that I think that the legislation does not say, but I assume that the above seven years, the provision for all persons in the vehicle to wear a seat belt will apply. That is my assumption. But I think the legislation is silent, and perhaps it is contemplative for the regulations, but it seems obvious that there should be exemptions for the requirement to wear seat belts for those travelling in vehicles used by the police, the fire and the military, as well as for ambulance personnel when they are travelling in the back of an ambulance.

I say this, Madam President, because I have done quite a bit of work understanding what happens in other places, and in particular for ambulance personnel, there are exemptions. I will come to another issue, because in Trinidad and Tobago we have a range of different types of ambulances, and as we are dealing with this issue, it should be mandatory that seat belts should be fitted in the rear of ambulances. The modern OEM ambulances have them, but I am not so sure about the retrofitted panel vans that we have in Trinidad that are ambulances. Do they have seat belts in the back?

These are issues that have been well ventilated in other places and people have recognized that there is an issue. You cannot have a law that says everyone needs to be restrained but somebody needs health care in the ambulance, the ambulance attendant needs to take care of them. So that you do not want them, even euphemistically, to be performing an illegal act. You make sure there is an exemption for them so that no naughtiness an occur.

12.15 p.m.

So, Madam President, one or two issues that were or were not covered in the Bill—I probably need all my time today—notice of change of address. If a person making an application for a vehicle registration or a licence moves, or decides to not live in a place, is there any responsibility on that person to inform the Authority? You can go to the licensing office, fill out a form and say this is where I live, and who really checks to see if that is where you really, really live? This is because we do not have systems connected in Trinidad. In other places you cannot do that—systems are connected.

I always remember the first day I arrived in the UK—I went to study—I got my apartment and I moved in about 3.00 in the afternoon. At 10.00 the next morning I got a bill from the Council Tax Office, and by midday I got a bill from the TV tax people because the system is connected. The instant you sign that lease they inform the council that "eh, David Small has moved into here", and the people who are collecting the TV tax, you get the invoice the next day to pay them. So the systems are connected, but our systems are not well connected.

So I am suggesting that we make sure that—if it is in there and I have missed it, my apologies. But I think that to keep track of people putting false addresses or people who simply have moved, should have some obligation. Give them some time, 60 days, 90 days. Do not be too harsh with it, but I think we need to make sure that there is some rigorousness, something to capture that people have—and it could be done easily. You could do it online. You do not necessarily need to have to come in a place and fill out a form and wait. Everything is to fill out a form and wait and line up. This is a simple procedure. You can go online, my address was here, and change it. Scan a copy of your current light bill or whatever, and that is it, and life could be easy.

Madam President, the next issue I want to talk about is personalized licence plates. I think that an applicant for a personalized licence plate or renewal should be the registered owner of the vehicle and should pay a relevant fee. This is an issue that would have been discussed at other places, but I believe now that we are reviewing the legislation it is something for consideration. If it is under consideration, I have some text that I could share with the drafters about it because I have done some work on this also and I believe that where we are now, we are very much a consumerist society.

We cannot ignore the fact that there may be people who will be willing to pay a premium to have their own personalized licence plate. It is a form of revenue generation certainly for the Authority and you may be surprised or may not be surprised if you say listen, you want a personalized licence plate, it is going to cost you $10,000. It is going to be a luxury item but you may find that you are overflowing with subscriptions or offers. So this is where the people who are running the Authority should have these things in place to help them to generate additional revenue.

So it is a thought, Madam President, but I think that we need to think more about it and that where we are, we are setting up a new authority. You have these things in place that have been talked about for many years, but we are doing a new piece of legislation and it is not captured in any way, or if there is a statement that this is something we do not want to do, that works, and you should know.

Madam President, also I want to talk about a couple more issues that were not captured in the Bill, what I call "odometer violations". It should be unlawful for a person with intent to defraud, to disconnect, turn back, replace, reset or cause to be disconnected, the odometer of any motor vehicle with the intent to reduce the true number reflected on it.

Unfortunately, this is relatively prevalent in a society especially with used cars. Even with the digital ones, you can go in and turn them back. Certainly in my car I checked that out very early because I can actually—I found the cable and I can unscrew it. I can drive my car for weeks and the odometer does not move, and I just connect it back. Just a little connect with a fuse and that is it. So these things, people do it and it should be unlawful for them to do it. It should be unlawful.

The other issue I want to put on the table for consideration is the doubling of speeding fines where workers are present. This is pretty standard in most other parts of the world where you have—I have been on the highway coming into Port of Spain in the morning and workers are on the side of the highway cutting the grass, keeping the place beautiful, and guys are coming down the highway doing 1,000 miles an hour. That is fundamentally unsafe.

Every other decent place in the world people recognize when there are workers present; there is a big sign "workers present". If you get caught speeding here—what they do in the other places, they specifically put an officer there with a radar gun, where the workers are working, to catch you, and soon as you are caught and you are ticketed, your fine is automatically doubled, whatever the fine is. We need to find ways to be innovative and ways to make sure that when we put things on the table, people understand that they will be penalized.

Madam President, an important issue for me here that was not captured in the Bill is school zones. It is the same issue we have with the wanton disregard for the basic rules of courtesy on the road. I think that the Bill should allow for the designation of specific lengths of roadway as a school zone between specific hours. I have had the experience of—perhaps I have had too much experience—driving in other places and, you know, between 8.15 and 9.15, whatever time in the morning, from this length of roadway, about 200 metres before the school to 200 metres after the school, the speeding limit is 10 miles an hour and you dare not go above 10 miles an hour because the cop is right there to police it, and if the policeman is not there, there is a camera. There is a speed camera. So this is something for us to consider.

We have schools in areas and you will find that people are the most— just be themselves, driving on the street without care or worry. Probably for those of us who have grown children it is not an issue, but for those of us who have children going to

school still, primary school, it is an issue and I think this is something that as we are trying to make this legislation, to make a better future for the way in which these things are managed, this is something that should be included. I do not see that this could have been avoided.

Small things, Madam President, intersection violations. People continually block the intersection. There is a sign that says you should not block the intersection, but everybody ignores it. There is no fine, there is no penalty, nobody applies any penalty; we need to do something about that.

I want to pick up on the issue raised by Sen. Cudjoe about the vehicle emission standards. Are we able to do this? Do we have standards? Are they enforced? The obvious issue would be to link clean vehicle emissions to registration of these vehicles and to renewal of registrations. So that if you want to get your vehicle registered, it needs to be able to go to the garage and be tested to make sure it is properly emitting clean, or within the standards that are set by the EMA, whoever, and I think that is an easy fix.

As we move to compressed natural gas, as the hon. Minister of Energy and Energy Affairs has mentioned on more than one occasion in this Senate, that may become less and less of an issue and it may be an easier fix, but until we get the CNG population to where we would like it to be, I think that making sure that, one, there is a vehicle emission standard and then there is a way of making sure that we apply that standard.

Madam President, the one big issue I have in here—I have a couple pages to read—it has to do with banning of smoking in vehicles with children. The scientific evidence of the harm of smoking to health has been overwhelmingly established over 50 years. Additionally, scientific reports available by the WHO, the International Agency for Research on Cancer, the Surgeon General of the United States and the United Kingdom Scientific Committee on Tobacco and Health unequivocally agree that exposure to second-hand smoke contributes to a range of serious and fatal diseases in non-smokers.

Among children exposed to second-hand tobacco smoke, there is a 50—100 per cent higher risk of acute respiratory illness, higher incidence of ear infections and a range of other issues. The evidence for prohibiting smoking in motor vehicles carrying anyone under the age of 18 is also convincing. Levels of second-hand smoke in cars can be extremely high because of the confined area where the smoke is circulated. Several studies have measured tobacco smoke pollutants in vehicles and found high levels even in those vehicles that had been ventilated.

Research conducted in Canada found that one cigarette smoked in a stationary car with its windows closed produces levels of second-hand smoke up to 11 times higher than the level found in an average bar where smoking is permitted. In a moving car, the test revealed that the level of second-hand smoke created by one cigarette could be as high as seven times the average found in a smoky bar.

In the United States, a study examined 100 different air change rate measurement in four vehicles. The results showed that under all ventilation circumstances, even with the window open and the fan on high, second-hand smoke concentration in a vehicle is greater than in any other small enclosed place. In addition, the research has demonstrated that children specifically exposed to second-hand smoke have up to twice as much risk to a series of medical issues.

Madam President, these findings lend support to the case for introducing legislation protecting children from second-hand smoke exposure in cars. Acting on the growing research evidence, a number of countries including Australia, United States and Canada have implemented laws that prohibit smoking and the use of tobacco in vehicles carrying children. England has regulations that will come into effect on October 1st of this year. Scotland, Wales and Ireland are similarly pursuing similar changes.

I raise this as an issue because perhaps we take it for granted, people drive their vehicles, have children—and for want of being correct, in other countries anybody under 18 is a child, and the adults are smoking in the vehicle. The adults perhaps are not aware of the harm that they are doing to the children. It should be outlawed and, again, I make the point, we are here crafting a new piece of legislation, let us be forward with it. Let us be right up with the latest developments. Let us not be backward. So for me, this is something that should be considered.

Madam President, Trinidad and Tobago is not alone in experiencing the existence of a whole range of unpalatable experiences. Many other countries with exacting regulatory standards and a history of applying harsh penalties are still struggling with this issue. Given our small size, we almost cannot avoid these relationships developing. What is needed is the development and application of regulatory controls and penalties in order for the country to move forward.

In examining the Bill before us, many worthwhile provisions are included but many, in my view, are also absent. The key challenge continues to be enforcement of the rules and regulations in an even-handed manner.

Madam President, we have a situation in this country where I think some of the people with the responsibility for enforcing the legislation are afraid of the phone call, that then they say, you, I am going to put pressure on you and apply the rules. That

person pulls out their phone and makes a call and then taps come; flow down through the system. We have to have a system in place where people authorized with the authority to implement rules can do so without fear. I think there is a lot of fear in the system and I will come to that shortly.

Faith in the honesty and fairness of our nation's public service delivery systems, such as the licensing division among several others, is faltering. The obvious reason is the now nebulous term "corruption". I say nebulous because, for all intent and purposes, it does not exist in Trinidad and Tobago.

Persons allegedly corruptly abuse—and I choose my words carefully—privileged positions and information for personal enrichment. Banks and insurance companies perform routine acts of daylight robbery, and, according to the former AG in a contribution last year, the criminals own the night. No convictions for white-collar crime, the crime detection rate is in single figures, citizens are under criminal siege day and night. So what if a man charges you $500 to get a driver's licence in a day? At least you get through. You get through faster than everybody else who are waiting there. Is that what is left for honest right-thinking citizens to do?

Madam President, the word "corruption" is thrown about night and day as the cause of many of the society's ills, but nary a man has paid any sort of price for being corrupt in this country. Ergo, perhaps corruption is not real and is a figment of our imagination, just like Mr. Snuffleupagus.

The Bill before us today addresses many ills, and while I support the intent, I am becoming increasingly uncomfortable with the ability of the public service system to apply the approved rules and regulations honestly and without fear or favour.

Madam President, in closing, on December 11, 2003, Trinidad and Tobago became a signatory to the United Nations Convention against Corruption. The word "corruption" stems from the Latin word "corruptus" meaning "to break". Although corruption is a difficult concept to define, it is widely assimilated to mean "the abuse of public office for private gain".

Madam President, I beg your indulgence one more time to quote from a study on the impact of corruption by an author who is now a Crown prosecutor, prosecuting white-collar crime and organized crime in Canada.

12.30 p.m.

The author is Ophelie Brunelle Quraishi—I will give it to the notetakers—and in a report entitled "*Assessing the Relevancy and Efficacy of the United Nations Convention Against Corruption: A Comparative Analysis*", one of her key findings and I quote, she said:

"Indirect compliance challenges…include good governance and prosecution difficulties."

So she has looked at what the UN corruption document has put out for people and has recognized that one of the biggest issues is prosecution difficulties. Does that ring a bell anywhere else? And she is doing this in Canada for a living.

Madam President, I understand that at the upcoming UN General Assembly in September, Sustainable Development Goals and Targets for 2015 and Beyond will be on the agenda. Amongst those drafted by the working group for presentation to members is Goal 16 which includes anti-corruption targets. So the UN now is linking sustainable development—if you want to achieve sustainable development, you need to deal with corruption. And I have been able to access a copy of the draft that is going to come before the UN members, and three of items I just want to do quickly. It says one of the issues is to:

"Substantially reduce corruption and bribery in all their forms"

The other one is to:

"Develop effective, accountable and transparent institutions at all levels"

And three:

"Ensure responsive, inclusive, participatory and representative decision-making at all levels"

Madam President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. D. Maharaj*]

Question put and agreed to.

Sen. D. Small: Thank you very much, Madam President, my colleague Senator, for making sure I can speak for a few more minutes. I will not delay us much from lunch. But I come here every day we have a session and these are issues that I feel deeply about. Unfortunately, for me, I have a passion for Trinidad and Tobago but I also have a passion for doing things right. When I see things wrong, I call it. It has gotten me in a lot of difficult places in a lot of times but I will not shirk from that. When it is wrong, I call it wrong. I call it and for those who are doing it and I know about it, well, I would not come out in public. I have a way of dealing with those issues.

I have a situation where this legislation before us, I think it is very well intended. I think the things included in here—I have one or two little questions and queries that I have outlined, I think they could be dealt with. I think there were several things in my mind, big issues—school zones, the issues with smoking with children. There are a few issues in there, that really could—as we are trying to do this legislation, make it modern, we should make sure that we have that in here now rather than having to come to do that after. So that I believe that we have to, as a process, make sure that—I would be the first to say, Madam President, nothing in front of us here will be 100 per cent ready or complete. I will be the first person to say that I am normally happy with a 70, 80 per cent solution because I believe that you will never get it all right at this go.

But, Madam President, I am looking at the clock so I will not detain you, but I believe that we have the opportunity to get this done properly. I think that the Bill is in a form that it requires some additional work. There are some things that need some additional work, and I think that while I have no problem with the things included, I believe that some things have been left out that require some further attention.

Madam President, as my normal go, I say this: when we do things like this, we need to understand what is the overarching philosophy and strategy, and I am going to be belabouring this. Unless you make a plan that everything falls under, the things that happen are essentially fire-fighting responses. We run around chasing fires. Anybody running around this fire, you take a fire extinguisher and "you out it". What is the plan to prevent the fires? And that is all that I am asking. Where is the plan to prevent the fires? And I will be clear that this is something that I do on a daily basis outside of here so I understand how important it is. Real organizations do not attempt to put out fires, they do not under-develop a fire plan. It just does not work.

So, I say this, Madam President, with the greatest of respect to all the Members here, I believe that the legislation before us could use some more work. I have several comments, I have several others that I just did not get into. But I believe that it is positively intended and I wish to thank all the Members for bearing with me in my contribution today, Madam President. Thank you very much. [*Desk thumping*]

Madam President: Hon. Senators, it has been a delightfully, calm session thus far and I would suspend the sitting of this honourable Senate for one hour, so that you may have your lunch break. We shall resume at 1.35 p.m.

12.35 p.m.: *Sitting suspended.*

1.35 p.m.: *Sitting resumed.*

Madam President: Sen. Hadeed.

The Minister of Tourism (Sen. The Hon. Gerald Hadeed): Thank you. Madam President, I rise today to speak in support of this very important Bill, and I am honoured and proud that the People's Partnership Government, under the leadership of our hon. Prime Minister, has finally done what previous Governments have failed to do and had been trying to do for over 30 years, and that is to bring reform and to modernize the operations of our Licensing Department.

Madam President, imagine, if you will, in Trinidad and Tobago where road accidents and fatalities would become a minimum, where stolen vehicles are recovered within a matter of hours, and where driving on the shoulder becomes a thing of the past. Even more specific, if you will imagine going to any licensing office throughout Trinidad and Tobago and having your transactions completed in less than an hour. Given the existing situation—situations which we had to deal with for over 30 years, I know this may sound like an almost unattainable goal, I am here today to tell the honourable Chamber that nothing is unattainable under this partnership Government. [*Desk thumping*]

Our Government has shown the people of Trinidad and Tobago that we have listened to them and we will continue to listen to them. Already, we have successfully upgraded and expanded the alternative transportation delivery channels by way of increased trips of the water taxis to San Fernando and the water ferries to Tobago, as well as the expansion of the fleet of PTSC buses which also includes CNG buses, which demonstrates our commitment to environmental preservation.

In addition to that, we have successfully managed the construction of the recently opened overpasses with minimal disruption to the motoring public. This Government continues to upgrade the road network, infrastructure in the east, in the west, in the north, in the south and also in Tobago. We soon would be starting work on the San Fernando and Mayaro roadway. We also have plans, as our Prime Minister announced, to deliver to the people of Trinidad and Tobago a causeway to the western peninsula.

For far too long, though, the citizens of Trinidad and Tobago have been clamouring for an improvement in the way services at the licensing office are dispensed. There have been many a cry to bring the department, its products, services and staff in line with international best practices and standards. Citizens and businesses in Trinidad and Tobago have been dissatisfied for years with what seems to be an extremely poor quality of service offered by the Licensing Department. The service has been characterized by excessive waiting times, long queues, inaccurate information, poor paper records, allegations of corruption and malfeasance, demotivated employees, staff shortages, substandard customer service, inadequate infrastructure and convoluted business processes.

The Government has listened and is actively working on the transformation process which will move the Licensing Department of the Ministry of Transport from an antiquated and somewhat inefficient model to that of a modern streamlined organization, where dramatically improved levels of operation will exist, and citizens and businesses alike would be satisfied where both the quality and range of services would be provided.

The performance of any public sector agency and its ability to deliver services in multifaceted and highly—is highly integrated. Making changes to any single aspect of this model results in an impact to the other aspects. Transformation of the licensing office is therefore a holistic programme addressing the new services, delivering a model based on this Government's overall policy and strategy and, most importantly, on the needs and demands of citizens.

While information communication technology is a critical component of this initiative, it cannot happen unless we have the relevant policy and legislation in place to support all of the changes. Transformation management involves managing all these aspects along with the political and economic environment, and in the context of the current poor business culture that presently exists at the licensing office, many have asked: well, why not simply computerize the Licensing Department? Why not buy a couple of computers and train the staff? Easy enough task, is it not?

As a matter of fact, in the other House, the Member for Diego Martin North/East, the former Minister of Transport, in his contribution on the Bill stated and I quote:

> "…from a simple computerization project which began in 2009—which you have fumbled along with for the last five years and cannot finish—you now want to go just from the digitization of records and the computerization of records—which is where the Government and the Minister's focus should be, on completing that project, which is a fiasco—five years and you cannot finish a project that should have been finished in two years—a simple computerization of the records of vehicle ownership and drivers' permits…"

Simple minds think in simple terms. Well, in principle, it may sound simple. However, to simply computerize the licensing office involves putting in technology without changes to the business processes to support the new technology. This is unacceptable as it is fundamentally flawed. That just shows you the short-sightedness of the former administration and also the former Minister. Frankly, I would have expected much better of him. What good is basic computerization of the fundamental problems if the fundamental problems are not addressed? Digitize the records, he said. We all know a large percentage of the existing records are inaccurate. So the former Minister is suggesting that we capture this inaccurate data and just move merrily along utilizing the fraudulent and inaccurate data.

Madam President, without all the required changes to the service delivery model, to the business culture and most importantly to the legislation, to support all of this, this initiative will produce no real benefits to the public. And this Government is all about ensuring the best possible benefit to the citizens: getting long-term sustainable investment. It may take us a little longer but when we do it, we do it right. The transformation of the Licensing Department—and I keep calling it a transformation because it is not just computerization but an entire look at the process. Yes, the transformation without this Bill is a flawed strategy that is doomed to fail, which is why this Bill, Madam President, is very important as it ensures that the people of Trinidad and Tobago will get what they deserve in the delivery of a public service.

1.45 p.m.

The Government of Trinidad and Tobago, through the Ministry of Transport, has identified numerous challenges with the current driver's licence and vehicle registration programme which it is in the process of addressing. That includes:

1. security of driver and vehicle credentials;
2. quality of customer service provided by the licensing division;
3. the number of vehicular accidents;
4. driver compliance with rules of the road and safe driving behaviour;
5. ability of enforcement agencies to effectively and efficiently validate credentials and fight crime;
6. ability to keep problem drivers off the road; and
7. ability to monitor and control the accuracy and legitimacy of transactions.

Madam President, this effort has become one of the Government's foremost priorities, for not only will the successful implementation have a tremendous impact upon the social culture of the country but also an immediate impact upon the crime and related activities, road fatalities and the general way that we as Trinbagonians approach road culture.

The Government, Madam President, is dedicated to improving overall quality of life to its citizens and will do so by ensuring consumer protection and will do so by transforming and modernizing how motor vehicle services are delivered within Trinidad and Tobago.

An overarching policy and strategy framework exists under the manifesto of the People's Partnership, which supports and contextualizes this transformation effort. If you will allow me for a moment to quote from Pillar 3:

"National and Personal Security…

We will seek to transform the society to create a just and fair environment. We recognize that lawlessness and disorder contribute to the atmosphere in which criminal activity thrives and we will address this challenge head on."

Madam President, we said it and we are doing it. We delivered on our promises.

I would just like to get into an area which I know is of grave concern to many, if not all of our citizens and its numerous potential crime and corruption reduction benefits associated with the implementation of this new Bill and by extension the new Motor Vehicles Authority programme. These benefits are, and I speak in no particular order of importance as they are all very critical:

1. Enhanced identity verification processes.

Madam President, this essentially means the providing of identity and address information to provide greater assurance that a person is who they say they are, as well as to prevent an individual from gaining driver/vehicle credentials under more than one identity.

We are all too familiar with how easy it is to obtain fraudulent documents which are then used to validate a person's false identity. Madam President, this situation has become so serious that many of our nation's institutions do not accept your driver's licence as a valid form of identification and verification of the addresses. So it is definitely an issue which needs to be corrected.

2. The electronic registration of vehicle owner and registration records, thereby reducing the reliance upon paper-based records.

Paper-based records are easy to manipulate and change, which makes it easy to interfere with many of the current registration and validation processes— some of what Sen. Small spoke about this morning.

3. The electronic registration of driver credentials and records, allowing for the timely access of enforcement officials to determine someone's identity and driving eligibility.

In the current context, a law enforcement officer is hard-pressed to determine if the documents he is examining are legitimate or even contains the right information. Quite often as well, you have persons driving vehicles which they are not licensed to do. Driving a big commercial truck requires a very different skill set to that of driving a regular passenger car. We need to ensure that people are doing what they have been licensed to and electronic access to a validated registry will certainly aid this process, Madam President.

4. World class driver's licence production processes.

The new driver's licence will contain state-of-the-art overt-easy to detect covert—difficult to detect, and forensic level security features, eliminating the ability to successfully manufacture fraudulent driver's licences. The new driver's licence will be of an international standard and compliant with international best practices. So, in the very near future, the citizens of this country will be able to use their driver's licence in international jurisdictions as a form of identification without having to face embarrassing situations. We all remember the laminated drivers' permits which looked as if they were made in someone's garage rather than a regulated government office.

5. World class licence plate production processes.

This process is being customized uniquely for Trinidad and Tobago, containing state-of-the-art security features, technology and secure supply chain, eliminating the ability to successfully manufacture fraudulent licence plates.

As it stands today, anyone can have a plate made and affixed to their vehicle which is what I understand many of the criminals do when they are using the vehicles for a job. After they are done, they dispose of the plate and get a new one and it becomes extremely difficult to trace the vehicle. With this Bill, the MVA becomes the sole body authorized to distribute the licence plates ensuring that levels of security and safety are complied with. Licence plates will also be plate to owner, so that once registered an owner will be held responsible for any activity which involves the plates registered to him or her.

6. Secure Documents.

In the future, Madam President, all vehicle-related documentation and credentials—that is, ownership documents, licence plate validation stickers—will be produced with materials containing various security features, thereby reducing the ability to produce fraudulently, in an effort to curb crime-related activities and to promote consumer protection.

7. Radio frequency identification technology (RFIT).

This technology will be used to prevent the application of lost or stolen licence plates onto a vehicle to mask the vehicle's identity, as well as to provide enhanced ability for enforcement officers to effectively and efficiently gain required information from a vehicle to assist with crime reduction, for example, scanning RFIT tags and accessing, at roadside, associated electronic vehicle records from the Motor Vehicles Authority.

8. The maintenance of electronic driver violation records that enforcement officers can access at roadside to determine whether a driver is eligible to be operating a particular vehicle, and so forth.

Too many accidents are being caused by people operating vehicles that they have no experience with or are not licensed to operate.

9. Smart Card Technology.

This will provide the ability for other government agencies to access services through the use of smart card technology and MVA citizens' records, to enhance customer service to the citizens and reduce the ability for a citizen to have multiple forms of identification across government to use for inappropriate means.

10. The use of a very secure and audible transaction processing system.

This will prevent transactions from being processed and inventory being issued like licence plates and driver's numbers, both erroneously and inappropriately. So say goodbye to duplicate licence plates on the market.

11. New processes requiring vehicles entering the country through the ports to be examined and properly registered prior to the vehicle being exposed to the opportunity to modify the vehicle to mask its identity.

We are all familiar with the creativity of some. There are vehicles currently on our roadways where none of the serial numbers match, chassis numbers are removed or altered, registrations are edited and so forth. This will be eliminated at the point of origin when the vehicle enters the port system and is immediately registered.

12. Enhanced driver testing processes to improve confidence that a driver meets appropriate driving standards prior to licensing. A few weeks of driving lessons may be insufficient to really arm a driver with the experience he or she will need on the roadways. Our Government is looking at ways which will provide the new driver with the experience he or she needs, while also ensuring the safety of the other motoring public through the introduction of a graded driver's licence.

13. Enhanced regulation of automotive dealers, motor vehicle inspection stations and vehicle rental agencies.

That will improve protection of the consumer. So you see the wide-reaching benefits that will be made available to our citizens through this programme and the passing of this Bill.

But still our friends in the other place, the MP for Diego Martin North/East, made numerous references to this administration turning the Motor Vehicles Authority into an octopus and accusing the Minister of Transport of creating an empire with many tentacles, reaching here, there and everywhere. But it is very clear to see that in order to effectively manage and regulate the motor vehicles and drivers in this country, it has to be a holistic approach. We cannot approach

this thing in silos like the former administration, with 20 arms all working independently of each other and with no way to share information. At least with this octopus, there is one head coordinating the overall process flow, which will ultimately lead to overall benefits to the people of this country.

I have to tell you though, I am very surprised to hear of this vociferous objection to the inclusion of the regulatory function of rental agencies, vehicle traders, fleet management and so on because, as the Member rightfully said, this initiative was started under the former administration and the drafts of the legislation under the former administration clearly show the inclusion of many of the issues the Opposition now finds so distasteful. So it looks like they cannot make up their minds, Madam President, their job is to oppose and they continue to do so even in the face of realizing the real benefits to the citizens of this country. It is clear that this is a case of sour grapes.

Madam President, if you would indulge me for a bit, I would like to speak a bit on how this octopus will have great positive impacts on an area that is very dear to me, the insurance industry.

2.00 p.m.

We have said many times, the Motor Vehicles Authority project is an all-encompassing project which has the capacity and ability to touch the lives of every citizen within Trinidad and Tobago, with linkages which are far reaching to almost every industry within the landscape. One of the most important stakeholders within this landscape would be the insurance companies. ATTIC has publicly commended and supported the establishment of the Motor Vehicles Authority, and has openly endorsed the potential benefits which will be derived from its implementation. With the operationalization of the MVA, it is anticipated that ATTIC and the wider community will benefit in the following ways:

1. the reduction in the number of stolen vehicles;
2. improved compliance with the insurance, motor vehicle laws and regulations;
3. reduce traffic accidents, reduce deaths on the roadway due to the new approach to the issuance of driver's licences and the regulation and compliance around it;
4. linkages between all stakeholders to ensure that required documentation is current. So law enforcement will be able to verify that a driver is in receipt of a valid insurance certificate, valid driver's licence, et cetera;

5. more efficient mechanisms and quicker detection of vehicles which carry no or incorrect insurance contracts;
6. the ability to have a history reporting on vehicles which essentially alerts potential buyers of any defects in a vehicle, if it was involved in an accident, and so on, thereby increasing consumer protection;
7. ability to track and monitor and report stolen vehicles;
8. potential cost and time saving with improved project quality; and
9. the potential for the reduction of rates for motor vehicle users.

Again, the very clear case as to why all these linkages and oversights are necessary.

In winding up, I would once again like to take this opportunity to endorse this piece of legislation. It has been 30 years in the making. I am proud that it has seen the light of day under the People's Partnership Government. This Government is not about old talk. We are about action. And the vision we have for a better and brighter Trinidad and Tobago is becoming a reality.

I would just like to answer a question that was posed by Sen. Shamfa Cudjoe. Sen. Cudjoe spoke about the use of our majority in Parliament, and how we use the majority at the expense of the Opposition. We did not go out in a shop to buy a majority in Parliament. We earned that majority in the last election. We are here in this majority because the population gave us the mandate, and they gave us the mandate to be here as the Government. You all are the Opposition simply because you did not do what you had to do, when you were the Government. So I will like to suggest to Sen. Cudjoe that we do not use the Parliament as a majority to do what she believes that we do. We do this in the best interest of Trinidad and Tobago.

I would like to also advise Sen. Cudjoe that, for the period October 2014 to May 2015, the number of taxies approved by the Ministry was 51, at an estimated capital investment, show tax incentives of $5. 4 million. We only have seven outstanding taxi applications, at this present time, that have not been approved: four were received on May 01, 2015; one received on May 04, 2015; one received on May 05, 2015; and one received on May 06, 2015. All of these have been processed. So to Sen. Cudjoe, I would like to advise that we have, and we are doing our job to expedite every single application that we get from Tobago.

Madam President, I would like to thank you for giving me the opportunity to say what I had to say today, and to support the Government with this Bill. Thank you. [*Desk thumping*]

Sen. Diane Baldeo-Chadeesingh: [*Desk thumping*] Thank you very much, Madam President. I am honoured to contribute to this, the Motor Vehicles and Road Traffic Bill, 2014, and will seek to do so with my usual sense of duty and commitment to serving, and also to represent the wider population. Also—but, before I get into the Bill itself, it would be remiss of me if the Leader of Government Business extended happy birthday to my Leader, and we on this Bench did not. So, I would to take this opportunity to wish our Leader, Sen. Camille Robinson-Regis, a very, very happy birthday. [*Desk thumping*]

I would also like to take this opportunity to congratulate Sen. Newallo-Hosein on her maiden contribution. [*Desk thumping*]

So, the objective of this Bill is to—

Sen. Hadeed: "Yuh order ice cream and cake?"

Sen. D. Baldeo-Chadeesingh:—we do not have any ice cream and cake as yet. [*Laughter*]

Sen. Hadeed: You will get some.

Sen. D. Baldeo-Chadeesingh: The objective of the Bill is to establish a Motor Vehicles Authority to perform certain functions. The Authority's two main functions would be to:

(a) register, license and regulate motor vehicles and drivers; and

(b) regulate road usage in Trinidad and Tobago.

This Bill, Madam President, today, represents serious concerns. This is a Bill which we must responsibly analyse, to arrive at a meaningful process for implementation before we enact legislation. A new building, a new location, a change of name will not solve the problems in the Ministry. Madam President, we must ask: will such a Bill in its current amended form enhance the systems of governance in this area in Trinidad and Tobago? Will it? Will it advance effectiveness in the area of motor vehicle and road traffic management? Will these new proposals, as outlined in the Bill and articulated by the Minister, guide our system and structures for effective institutional development?

Madam President, the Minister publicly presented the proposed Bill, and focused on key areas that would be delivered to the population. The Minister must have been able to review existing legislation, and using a bipartisan approach, to continue with the legislative part, which in 2010, the full-fledged traffic wardens implementation plan was ready to be operationalized. What is that? The outcome of the management plan of the PNM Bill, of the last administration.

The traffic wardens are now fully functioning and not one Member has the good decorum to compliment the work done by the last administration. Now, we are asking, why the proposed Authority was not dispatched during the five years when you were in office. [*Desk thumping*] Why, as the twilight beckons we are rushed into a debate which, had it been done effectively, we on this side, would have been more than facilitating in bringing the Authority, the MV Authority into being? This important transformation was stalled by a Government whose legislative agenda will be a historic one, when assenting to Bills, not geared to improve the lives of the citizens.

You know, this morning—and let me quote Sen. Newallo-Hosein. She spoke about the Bill, and how this Bill is intended to prolong lives, and it will give a better quality of life for all, prosperity for all, she said, on three occasions; how there were so many consultation sessions. Prosperity for all? The Bill prolongs lives? Better quality of life for all? Why did it take five years? [*Desk thumping*] The overall plan of the Motor Vehicles Authority was the plan the PNM evolved from a strategic plan in a vision, and our policies and projects were developed and implemented to facilitate that vision, and development of our systems and the citizens.

Sen. Hadeed, who is always so vocal when I am on my legs, he spoke about reform and modernization. Through you, Madam President, change of name to an authority does not mean reform. [*Desk thumping*] He spoke about realizing unattainable goals. He spoke about government has listened and change from an antiquated system on to this holistic programme. Is it really? Well, then you have to be thumping for the last administration. [*Desk thumping and interruption*]

And Senator, Madam President, he said simple minds—I am quoting Sen. Hadeed—simple minds think in simple terms, he said. Simple minds think in simple terms he says, but through you, to the hon. Senator, the plan for a highly efficient licensing department was a project which the UNC did not support for this country in the past. [*Desk thumping*] So developed was this plan that the IT support for the revamping of the administration of vehicles was detailed: issuing and renewal of licences, transfers of plates and the strategic integration of all functions of database would have supported a general database, and an integrated link, strengthening the security of vehicles, integrity of transactions and a system to aid crime prevention—that was the plan.

Madam President, the link between a quality licence, registered vehicle, ownership of vehicle and security of drivers is critical for our database of the country. The PNM, or the last administration, had planned and developed a partner for IT and technical support. I think the Government of Nova Scotia and an IDB-

funded project would have seen a complete overhaul of the system of information and a revolutionary IT system, which would allow the access to it by the police, and also by the health services. This, Madam President, is development.

These well-developed plans were shelved in favour of a promise of programmes still yet to be developed. These promises remain promises, and with the date for delivery long gone. If anyone can understand the shelving of programmes which would strengthen a system, but is replaced by this proposed legislation, we must have concerns as do the vast majority of citizens. The idea of the Motor Vehicles Authority, as proposed by the last administration in 2007 to 2010, was to develop a business arm of that Ministry of Transport with well-articulated policies of operations. This would streamline the staffing and retraining of additional staff, and would ensure the data management systems operate effectively and efficiently. Those opposite, vehemently opposed this model and IT upgrade and shut down the effort.

The current administration, this current administration, did the same with the mass-transit proposal, and the revenue authority as well—shut down these, Madam President, but embraced other PNM programmes, for example, CEPEP, and GATE, UTT, [*Desk thumping*] and enabling the University of the Southern Caribbean and taking credit for these programmes and initiatives. This is not ethical governance. We serve. We build. We deliver. You condemn.

Over the last few weeks, Madam President, I keep reading with great shock, and also heard a Minister who was challenged for lack of effective services to citizens in La Brea, who had protested that if they change their voting choice, they would get their roads fixed.

2.15 p.m.

So, the high risk of a non-functioning Motor Vehicles Authority must continue while citizens are at risk of faulty, ineffective IT systems which are non-functional, and the Minister seems unaware that such an exercise does not take five years. It takes political ideology to support the systems of governance and operate with transparency and accountability. Trust has been eroded and no amount of irrelevant responses from those entrusted with upgrading our systems will suffice.

Madam President, there are Ministers who ranted in this Senate between 2007 and 2010 against the concept of the Revenue Authority and the MVA, yet today we are discussing the very concept in the proposed Motor Vehicles Authority. [*Desk thumping*] The least you can do is get it right. The policy and the shift from it is one that does not encourage trust to partnership with the citizens.

In New Zealand, which is a democracy like Trinidad and Tobago, such an authority is effective. In Nova Scotia and in Canada and the UK the concept is not only in the motor vehicle services, but also in revenue. But in Opposition they do not support, in Government promises are made while no effective platform from which further development can occur is established.

Madam President, any such authority requires data collection, systems development for inputting data, data security, effective retrieval and linkage to parallel systems to serve the citizens more efficiently and more effectively. Data driven management is not the hallmark of planning nor the budgeting of this current administration, and the Bill today has wide gaps where such effective data to drive a development of such a system should have been already completed had this Government followed the plan to use the international partnership in such an undertaking. The plan is there, but true to form, the time has been spent in such ministerial redesign and the outcome is half-baked plans all requiring cogent compelling data and a plan to effectively implement.

Crime has us on the run into our homes for security. Citizens have been forced to leave the streets, and the places we could plan to go more often can now lead us into dangerous circumstances. The system which the last regime had developed would have been a system for the national security and law enforcement to use to strengthen security, and also used to identify vehicles and individuals who are involved in law-breaking activities, thus guiding the TTPS to intervene and apprehend such individuals.

The Minister has been promising and stating dates for such developments to be ready to serve, yet these are far from completion and, perhaps, the Minister can update us on the proposed outcomes or availability of these services when he is winding up.

In the fifth year of an administration, this Bill is now coming to Parliament. What agenda, I ask, has been developed for the traffic and motor car electronic registering? Why is the IT not a front line project? Where is the CSO in the data collection project? What, if any, is the IT link between the citizens and the police on the proposed system? What is it?

A worrying fact, Madam President, the Bill removes, in my reading, the independence of the Public Service Commission to hire the Chief Transport Officer, the CTO operating professional and the Minister will now, not only appoint the CTO but also the members of the board. This I find to be very dangerous. This is detrimentally opposed to effective governance because it facilitates a political selection which will taint the Authority. The change in independence of staff hiring to the Minister's selection of the senior staff will affect the functions and independence of this institution.

If this Bill is assented to without careful concern for poor data systems, poor IT systems, inadequate links between police, licensing, import and export of vehicles and their contents as well, as the illegal items through our borders are transported on land via vehicles, a well-integrated authority is required and our task today is one that must not exclude concerns raised on this side as the Government is on what seems to be a hustle to complete what began as a project which lacks the necessary assessment and capacity.

Madam President, the overhaul of the current system was well researched. International involvement was critical, and today as a result of poor governance we are forced to review what should have been a well consulted process with all stakeholders before we embark on spending millions with poor quality management and design to deliver to our citizens a system that has not been researched and will not effect any sustainable change in Trinidad and Tobago. Again, I say, putting a new name such as" The Authority" to the thing will not bring change.

I will now refer to an ex-Minister under whose management this authority would have been developed systematically and with effective consultation which has been excluded in this process of this Bill look at a number of clauses. This is serious work and the in-depth analysis has not been seriously undertaken, and for that I wish to refer to a *Newsday* article written by Sean Douglas on Sunday, February 01, 2015 "Colm hits Motor Bill". He says and I quote:

> "Imbert bemoaned that after years of broken promises and mere talk by the Government, this Bill does nothing to regulate the country's 50,000 informal or 'PH' drivers, apart from just 'regurgitating' an $8,000 fine for using a vehicle in a way for which it is not registered. He recalled the House in 2010 having an extensive debate on PH drivers but now five years later the Transport Ministry has done nothing to regulate such."

He goes on to say:

> "...the bill is too wide, administratively. He thought the trade in imported cars, and the management of car-rentals and vehicle fleets were intrusions into duties better left to the Ministry of Trade.
>
> He also thought there were inconsistencies in how the bill regulated three closely related types of transport—school buses (of up to nine passengers…), mini-buses (10 passengers) and maxi-taxis (11 passengers). Saying minibuses come out better than maxis" —he mused in the House— "'Where is the policy in this?'"

Madam President, poor management is bad and risky implementation is a disaster. The duplication of vehicle details are already plaguing the system as well as forged documents for drivers, owners and vehicles.

In the twilight of a term of what has been arguably poor governance to embark on this as a Bill for implementation is not effective governance, and reveals a lack of integration in the legislative and administrative agenda of this current Government.

The political agenda of this Government has delivered such poor implementation in the last five years that any effort to allow this to continue with the elections a moment away would be unpatriotic and a breach in our collective commitment to serve the citizens of Trinidad and Tobago effectively, efficiently and without favour. Rushed legislation costs the citizens. They deserve better.

I thank you, Madam President. [*Desk thumping*]

Sen. Elton Prescott SC: Thank you very much, Madam President, for this opportunity to contribute to the debate on the establishment of a Motor Vehicles Authority for the registration, licensing and regulation of motor vehicles and drivers, the regulation of road use and for matters connected thereto entitled the Motor Vehicles and Road Traffic Bill, 2014.

I am supportive of the move by this Government to establish a Motor Vehicles Authority. I am satisfied that by bringing together all of the many strains that have come together in this Bill that life would be made easier for those who are drivers in that they would know where the Authority lies and where the offences are, and for those who practise in the field of law who would much prefer to have one document which classifies and codifies much of what is happening on the road, but I am certain that that is not the prime objective of this piece of legislation.

I regrettably had not been present when the Bill was being presented, so that I do not know whether we have had the benefit of the researches that went into the creation of this piece of legislation. I trust that if such had been granted to us that all of the Senators here would have had an opportunity to determine what weight they should attach to this Bill.

I have, however, identified a number of areas that, with your leave, I would like to recommend to the Minister consideration be given to, in the hope that it would enhance the quality of the product that we are asked to comment on. The first of these is an observation I make about clause 7. The issues of the creation of the Authority do not appear to have taken into account that collective bargaining on the part of employees working in Trinidad and Tobago is an elemental consideration for all of the employer class including the State. I am approaching it tentatively, because there is reference in the Bill to collective bargaining. Indeed, if you look at clause 7, you will see that it is provided here:

"The Authority shall be responsible for"—a number of things, and then it says—

Without limiting the generality of subsection (1)"—which has to do with registration, inspection, et cetera, of vehicles—" the Authority shall—

(b) subject to any written law, approve and ensure the implementation of policies in relation to—

(vi) the mandate for collective bargaining…"

Now, the language does not readily lend itself to a clear understanding of what is intended, so I would just repeat it. It says:

"Without limiting the generality of subsection (1), the Authority shall—

(b) subject to any written law, approve and ensure the implementation of policies in relation to—

(vi) the mandate for collective bargaining…"

And I am left at a loss to first ascertain where does this mandate exist or who created it or whether there is any such thing called a mandate for collective bargaining, because one anticipates that in the process of collective bargaining there will be a free flow of ideas and suggestions, all aimed at arriving at some kind of agreement as to what is best for both the employer and the employee.

2.30 p.m.

So that if the Authority is empowered to approve policies and to implement policies in relation to the mandate for collective bargaining, there does seem to be some need for a clarification about what is meant to be achieved by this. I imagine that trade unions would put their own interpretation on it and it is bound to be averse to what is set out here. One could really avoid the confrontation if there has been some kind of consultation which led to this language and, if there has not, now might be a good time to be revisit it and to determine what precisely is the power that we are about to invest the Authority with.

It goes on to say, not only the mandate for collective bargaining will fall within the gift of the Authority, but that the Authority shall also approve and ensure the implementation of policies in relation to approving collective agreements. And granted an employer, such as the State or the Authority, will be required to give approval to a collective agreement, one assumes that it is meant that this will transpire after there has been some negotiation over the bargaining table, and that in any event it remains with the Industrial Court to register such agreements and to give its approval to them.

So, once again, I am inviting the Minister, perhaps in his wrapping-up, to tell us how we should read clause 2(b)(vi), insofar as it addresses collective bargaining and the approval of collective agreements. It leads naturally to another conversation—and that is, who will be bargaining with whom on behalf of the employees of the Motor Vehicles Authority, because, unlike precedents that have been set, and the Regional Health Authority is the one that my hand rested on, precedents have been established for the creation of authorities that stand alone, such as this one, and the legislation sets out to speak to what can transpire in the establishment of the human resource body.

If you look at the Regional Health Authorities Act, Chap. 29:05, section 26 onwards, you will find that provision is made for persons who are, for the moment, in the public service to transfer into the Authority or to consent to be seconded to the Authority, and a whole body of laws is set out there to protect employees who wish to do so. What I gather is that the Authority will now be an institution not yet regulated by relationships with trade unions. The staff—persons who go into that body are going into a non-unionized environment, but they may presumably come from the existing Transport Commissioner's body of employees and they are public servants, and they have certain protections by law under the Industrial Relations Act, and they are represented by trade unions. The Public Services Association comes to mind. I hope I am not incorrect when I say so.

So the Regional Health Authorities Act takes into account that officers in the public service who wish to transfer to that Authority may do so, but the protection that is offered to them is that they will maintain their representation by trade unions. If you look at sections 31 and 32 of the Regional Health Authorities, Chap. 29:05, says:

> "Subject to any written law employees of an Authority who have transferred from the Public Service shall, for the purpose of collective bargaining, continue to be represented by the relevant representative association that formerly represented them.
>
> Any agreement applicable to former officers in the public service or a statutory authority who have transferred to the service of an Authority shall be valid and binding on the relevant representative association and the Authority and shall be deemed to be registered under the Industrial Relations Act."

And then there are other provisions. I am not certain that it has been dealt with. I am observing that there are some nods which seem to be supportive of what I am saying. So, I shall assume at this point, therefore, that it will be looked at and that more pointed legislation would be created to make this effective.

One would hate for the current representatives, trade union representatives, to take this issue to the road and embarrass the Minister in the way that is best done by trade unions. [*Interruption*]

Sen. G. Singh: What is your point?—not the embarrassment part. Clause. [*Laughter*]

Sen. E. Prescott SC: Thank you very much. So, okay, so that I assume, therefore, that the freedoms which employees now enjoy to be represented by the trade unions will not suddenly disappear. Apropos of which, may I therefore invite the Minister's attention to clause 21 of the Bill, because that too ought to be taken into account at the same time. Clause 21 deals with the appointment of the Chief Executive Officer and the Registrar of Motor Vehicles, and it gives to the Chief Executive Office, in subclause (3), the following power:

> "…the Chief Executive Officer shall, with the approval of the Authority employ Motor Vehicles Enforcement Officers and such other officers and employees as may be necessary for the efficient administration, management and performance by the Authority of its functions."

So that the protections that we have grown accustomed to in the public service where the Public Service Commission takes the responsibility for employing and removing from employment now appear to be placed in the hands of the Chief Executive Officer, of whom I propose to say a little more later on, but that too is risky business.

I recommend that we ought to look more carefully at the examples that already exist, the legislative precedents that exist and seek to fly more closely in line with those that had been tried and proven already. Madam President, I do wish to move slightly away from this to one of my pet observations about legislation that has been coming to this Parliament since I have been here; it is a continued expansion of the powers of Ministers that irks me all the time. [*Desk thumping*] One wonders if—as had been said by a Prime Minister some time ago, "yuh doh need too much, just ah little common sense to become a Minister" , what sort of trepidations occur to your mind when you decide that the Minister must be given all of these powers that have been presented?

Let us look at the Minister's power in clause 10. The Minister, as we know, appoints the Authority. There shall be a Board of Directors responsible for performing the functions of the Authority.

> "The Board shall consist of nine persons appointed by instrument in writing by the Minister…"

So, they become the Minister's men. Now, I am not one of those who is inclined glibly to say, well, the Minister will select his friends and have control over them, but one always has to prepare for the indiscreet Minister in the years ahead. You give to that Minister a choice of nine persons whom he shall appoint by instrument, six of those persons—well, the Act says what experiences they may have—then there is a representative of the Ministry responsible for transport, so that is number 7. Then there is a person representing the public's interest so that is number 8; of those nine the Minister may select eight without reference to anybody outside of his chamber, so long as he chooses to find someone who has experience in finance, law, automotive engineering, motor insurance, traffic engineering, I guess, and business—the language is not most felicitous, but nonetheless. My concern is more in the power that is reposed in the hands of the Minister.

We then go on to hear him say in subclause (3):

"The Minister shall appoint a Chairman and Deputy Chairman..."

So the Chair is very much in the hands and the gift of the Minister. Then one asks. "Well, what power does this Authority have that it may exercise without the intervention or authority of the Minister? And the answer lies in the quorum. I do not have the note in front of me immediately, but I am sure I can find it. There is a quorum of six in clause 14, the Minister chooses eight. So, that indiscreet Minister I am speaking about in the near future, having established his board of eight whom he chooses entirely on whim, may have decisions taken at the level of the board by any six of those of whom the Chairman—[*Interruption*] Pardon me?

Sen. G. Singh: The Minister in his context like in any other context with a Statutory Authority—first, I want to thank you for giving way—will mean the Cabinet. The Minister by himself cannot appoint members. So that, therefore, the whole Cabinet takes that kind of decision. That is the convention. That is the practice. That is the meaning of Minister in the contextual frame here.

Sen. E. Prescott SC: I am much obliged. I am sure the population is happy to hear this.

I had carefully suggested that a Minister may have to be indiscreet to take those steps that I am suggesting. A Cabinet probably may fall within the same broad brush. It is not impossible that we may have decisions taken at Cabinet level, delivered through the Authority of the Minister, through the mouth of the Minister, and we end up with a board that is guided, controlled by that Minister. Ministers have various strengths, both within the Cabinet and outside of it. So, as grateful as I am for the clarification that things do not just happen that way, and it is not whim. Maybe I should withdraw "whim". It is not satisfactory to leave these matters to the whim—the idiosyncrasies of a Minister or his colleagues in the Cabinet.

I may have already said it. I am not inclined to simply say," Because he is a Minister he will do what he wants", but one ought to be cautious about it. As I am on it may I ask, ought we not to determine by statute some basic requirements, qualifications for the Chief Executive Officer? The Chief Executive Officer has been given substantial authority in this Act, and it is not unheard of that it has been written into statutes that he must have something. [*Desk thumping*] I would be happy to hear the Minister on that.

Minister, once more, permit me a little digression, if I could go back to clause 10(2), which reads:

"The Board shall consist of nine persons...

six persons each having special qualifications or experience in one of the following areas:

finance;

law;

automotive engineering;

motor insurance;

traffic" —I suppose it is engineering, it says: "traffic engineer; and

business representative;…"

I thought that one could give consideration to a member of this board who has been trained in transport engineering. Is that the correct term?—or traffic engineering or traffic management. [*Interruption*] Yes. There is expertise in those areas which may well be useful on a board such as this. The motor insurance person, I do not know. The business representative, I am less inclined to go with. If "traffic engineer" covers it then I apologize and I withdraw from that position, but I know of people who have been trained in transport and traffic management, and, indeed, we have one, a very celebrated one here who always talks on traffic issues. [*Interruption*] Yeah. A gentleman by the name of Furlonge.

2.45 p.m.

Finally, among my diversions, the Chief Executive Officer ought to have some financial limits placed on him. I do not know that there exists any legislation that says what CEOs may do, but insofar as he is entitled by this Act to employ persons to do all manner of things, once again the Cabinet should be careful to place limits on the Chief Executive Officer, and the population would be much more comforted if such limits were identified within the body of the piece of legislation.

It says here at clause 22, he may:

"...with the approval of the Authority engage persons on contract to perform specific tasks that the Authority considers necessary for the performance of its functions."

If you were inclined to introduce a different kind of transport system, you can imagine him doing the preparatory work through someone who is engaged to do so. I do not remember now what I heard about how much the preliminary work for a rapid rail cost, but can you imagine—[*Interruption*]

Sen. Nicholas: $500 million.

Sen. E. Prescott SC: There you are. So the Chief Executive Officer without limit may obtain one of those kinds of analyses or surveys prior to establishing a new transport system in Trinidad and Tobago.

There is another area I would like to address, please—clause 34. In clause 34 reference is made to the appointment of traffic wardens at the hand of the Commissioner of Police. We notice that the Commissioner of Police here requires the approval of the Minister of Transport to appoint—let me read it:

"The Commissioner of Police may -

(a) with the approval of the Minister to whom responsibility for the Police Service is assigned; and

(b) subject to -

(i) such conditions as the Minister directs;"

I was uncertain which Minister now is the directing Minister, as opposed to the approving Minister. But let us assume that it means Minister as is defined in the definition section, namely, the Minister with responsibility for transport, he may appoint traffic wardens as directed by the Minister of Transport. But the point that I am really after is this: we do not find in this piece of legislation that traffic wardens have been given any greater authority than any public-spirited citizen.

It says that the traffic warden will, after he has been appointed by instrument, be a person who assists:

"...the Police in connection with the control and regulation of road traffic and with the enforcement of the law in that regard."

Just like I can or anybody can. I can assist the police in the enforcement of law, if something goes wrong in my presence. Then it says this:

"A Traffic Warden shall, while in the execution of his duty, wear such uniform as the Commissioner of Police, with the approval of the Minister to whom responsibility for the Police Service is assigned, directs-

(3) A driver who-

(a) fails to comply with the directions given by a Traffic Warden while on duty; or

(b) obstructs a Traffic Warden in the execution of his duty, or aids or incites any other person not to comply with the directions. . . or to obstruct a Traffic Warden..."—is guilty of an offence.

What springs to my mind immediately: Is he empowered to take steps immediately upon someone failing to comply with his directions not to enter the intersection at this point in time, or has that remained with the real police? I suspect I am missing something here, or my research has not led me in the right place. Is a traffic warden empowered, upon the failure of a driver or a pedestrian to comply with his directions, to arrest that person as having committed an offence? If his authority does not extend beyond that which it is now vested in the ordinary citizen, then we need to be clearer in stating what those powers are.

It could not be that the Commissioner of Police merely says to him in writing: I appoint you; I give you the uniform, go out there" and then you find that he can stop me, because I did not see the traffic warden or did not understand the sign he was giving.

This morning I heard a man on the radio complaining that in Caura there is a traffic warden who calls traffic east to west and north to south at the same time. It could work, but it would have to be at least a three-lane Eastern Main Road.

Hon. Senator: He is multitasking.

Sen. E. Prescott SC: He is multitasking. [*Laughter*] I was more inclined to say he is ambidextrous, but unthinking. Maybe the collision that is likely to occur has not yet occurred, and when it does thankfully—oh yes, I had better read that. When the accident does occur, according to this Bill, clause 28, the Attorney General has to pay. I do not know if anybody noticed that yet.

It says:

"Notwithstanding the State Liabilities..."—by the way it is "liability"—"the State Liability and Proceedings Act, the Registrar and any other Motor Vehicles Enforcement Officer in exercising his powers...shall be deemed to be an agent of the State..."

So I misspoke; whereas they are covered by the State Liability and Proceedings Act, I do not know if the traffic warden is equally protected. But the traffic warden has as much power to create a severe collision and trauma at that Caura junction, and presumably he will have to find money to defend himself in court.

Minister, you probably want to look at that and see whether you intended that the State Liability and Proceedings Act should extend to traffic wardens. I do not recommend it, but nonetheless they may need to know themselves that if you are calling two lanes of traffic at the same time, and they are to come to meet at a certain point, it could be disastrous, and they may well have to find money, at least to have legal representation, even to pay damages at the end of the day. I am putting it lightly, but I am quite certain Minister that you are hearing me, and that you will tell us at the end of the day how it is to be addressed.

May I then finally go directly to the appeals body which is created under this Act. In my profession I am very wary about establishing bodies which appear to have quasi-legal powers. The Appeals Committee, Part XX, clause 249 onwards—Minister, one agrees that given the powers that have been put into the hand of the authority over people's lives and their businesses, insofar as they are connected with the use of the road and placing of vehicles on the road, this Appeals Committee is an essential. So that one does not have to go seeking judicial review for every disappointment that you may suffer in the course of making applications or trying to get on with your business. But the Appeals Committee, I think you need to restructure those parts of the legislation that deal with it.

I think you need to consider whether, for example, police officers are entitled to become members of this Appeals Committee. In my view they ought not, but clause 250 does not exclude them. One only has to think about it to see why they ought not to be. You may want to put a limitation on how long after a police officer has left the police service that he or she may find himself here—unless of course the person is an attorney of at least seven years standing, in which case the dichotomy will have to be resolved somewhere.

The quasi-judicial powers that have been given to this body do not give me any assurance that they will treat their business as judicial officers would be expected to. I am satisfied that it must be contemplated that someone who is not satisfied with the outcomes before the Appeals Committee can go elsewhere. And it is not clear from reading the legislation whether it is intended to say to such a person that this is a step in the process, so that you must exhaust this step before you can have judicial review of a decision of the authority. You have not ousted the right of the citizen to seek his redress in the High Court, and so perhaps you could let us know if that is what is intended. Then you would find that there is legislative precedent which would assist you with languaging it.

My preference, of course, is never to take away the right of the citizen to go before the High Court, but if you introduce an acceptable step that needs to be taken, a hurdle that needs to be crossed, then we can learn to live with that. Have a look at it please and, perhaps you can in closing tell us how you intend that it should work.

There is just one other small point on the Appeals Committee that I would want to ask you to consider. In 251 I was saying:

"A person shall not be qualified to be a member...who is—

(a) a member of the Senate;

(b) a member of the House of Representatives;

(c) a member of the Tobago House of Assembly;

(d) a member of a local authority;

(e) a bankrupt."

It is in that context I had said: can he if he is a member of the police service find himself on such a committee? You may want to consider that.

I return to the substantive areas of the Bill, the innovations. They are all commendable. I have no difficulty in accepting that the introduction of electronic tagging, as you call it, is good. There are some other provisions for registration and certification which would assist greatly in tracing vehicles.

I do not know I have seen any provisions here that lend themselves to any assuredness that I will not get knocked down in the street, so I do not know if people are going to be safer necessarily. What is required is a cultural change, not this. But the effort is laudable.

Madam President, I support this piece of legislation.

The Minister of Tertiary Education and Skills Training (Sen. The Hon. Fazal Karim): Thank you very much, Madam President. My colleague is looking at me and smiling, and I am tempted to start by saying putting a new name will not bring change, but I will deal with that a little later.

Madam President, let me thank you for the opportunity to contribute to this debate entitled:

"An Act to establish a Motor Vehicles Authority for the registration, licensing and regulation of motor vehicles and drivers, the regulation of road use and for matters connected thereto"

Allow me, as my colleague is taking a standing ovation, to congratulate him on the excellent work: the Minister of Transport, you may give him a round of applause. [*Desk thumping*] I join with my colleague, Sen. Prescott, SC also in really indicating that there are a number of innovations in this Bill, [*Interruption*] which are also commendable.

I have to address both now, but, Madam President, while you are there—[*Interruption*]

Hon. Senators: Only one Chair. [*Laughter*]

Sen. The Hon. F. Karim: One Chair. Let me also take this opportunity to join with my colleagues in congratulating the hon. Prime Minister for bringing forward legislation that responds to the current needs of the nation and epitomizes good governance in Trinidad and Tobago. [*Desk thumping*]

This legislation seeks to establish, as we have been reminded over and over, the Motor Vehicles Authority for Trinidad and Tobago, which has two main functions. Number one, as we indicated before, to register, license and regulate motor vehicles and drivers and, secondly, to regulate road usage in Trinidad and Tobago. The Bill therefore supersedes three pieces of legislation: the Motor Vehicles and Road Traffic Act, the Motor Vehicles and Road Traffic (Enforcement and Administration) Act and the Maxi-Taxi Act.

[MR. VICE-PRESIDENT *in the Chair*]

Mr. Vice-President, what this really amounts to in my view is a rationalization of various pieces of interrelated legislation, through the establishment of the MVA, with a vision for providing better road usage and saving many lives.

3.00 p.m.

Mr. Vice-President, we are often reminded, as well, as to what is the justification for bringing legislation like this. I just want to take note of the period 2007 to 2014 and to indicate that over the last—that eight-year period, there were approximately 1,604 traffic deaths, with 2008 having the highest number of 262 and to a low of 152 in 2013, which brings us on the average to about 200 per year.

Mr. Vice-President, the evidence, again, suggests that the five most ticketed items/offences, for 2013 in Trinidad and Tobago are as follows: the failure to wear seat belts—driver and front seat. Oftentimes when we read about road carnage, and the investigation is conducted, we sometimes see that this happens as a result of the driver or the passenger flying through the windscreen or some other part because they were not properly secured.

Another of the most ticketed offences is about improper overtaking on left side of the road—overtaking on the shoulder sometimes. As a matter of fact, sometimes unless you are driving an Austin Cambridge or a 120Y you will see the speed at which these people pass you, and sometimes when they pass you they will turn and they will ask you condescendingly whether you are parked up or whether you have stopped at the side of the road? [*Crosstalk*]

A third one is a—I think people have to be very careful when you are driving near the Austin Cambridge because if you perchance touch that vehicle, yours is in big trouble. [*Crosstalk*] The failure to comply with traffic signs is another very often ticketed offence. The use, Mr. Vice-President, of the mobile phones. You continue to see this happening. People have this phone on their laps and texting, looking at it while driving, and the next thing you know there is a casualty of some sort.

Driving vehicles without identification lights particularly at night. Sometimes when you—now sometimes it is—do not know. The last thing you know is that your lights were working well, and you leave home and you are stopped or sometimes people deliberately know that they are not working well and they just keep putting it off and it becomes, again, an opportunity for casualty.

Mr. Vice-President, the percentage of fatalities by gender—and this is as of 2013 recorded in Trinidad and Tobago as follows: 82 per cent male, 18 per cent female, and the age of these road fatality victims in 2013 was 51 per cent of the victims were under the age of 35 years. These can be classified as young drivers. You know what happens when "yuh now get yuh licence"? I am not sure in the days of Sen. Small and Dr. Mahabir, what would have happened when they would have gotten their licence. Well I can tell you, in my time when you got your licence, you believed that that car was a souped-up-engine car, so you are gearing down and so on and you are mashing up the engine. [*Laughter and crosstalk*] But also, the data shows, Mr. Vice-President, that the theft of motor vehicles in 2014 recorded at 742. Motor vehicle larceny in 2015 amounted to 162 cases.

Yesterday, my wife was telling me that a person who she knows who repairs vehicles, they went into their garage and stole a vehicle, and they found the vehicle very far away from the home of where the repair was taking place. But fortunately, what happened is that the persons who took the vehicle were having some beverages, and they got very sleepy, so the police found them asleep, while they were taking a rest having been intoxicated by the beverages.

Mr. Vice-President, I want to focus this evening to some extent on how do we support this Bill and what can we do in a sense to reduce the carnage which is caused in many ways, not only because of the lack of due diligence in terms of the caution of road users and drivers, but also in other aspects that the Bill makes reference to.

Mr. Vice-President, having just taken note of the data on the road fatalities, it is clear that amendments to our legislation are long overdue especially if we want to improve the situation. I want to agree with Sen. Prescott that what we really require is a cultural shift. As my colleague Dr. Rambachan will say, he refers to it as a culture crash, and we really have to move away from the past.

I wish to further note that this cultural revolution which we intend to embark upon or the reconditioning of the stereotype of the "Trini" drivers can be improved substantially through a process of training and retraining of our drivers, driving instructors and licensing officers. I want to tell you that the GATE Programme will continue to support initiatives like these. [*Desk thumping*]

Let me just make it abundantly clear for those who are recording in any way and in different formats and especially in this season that we are engaged in, the Government Assistance for Tuition Expenses remains very secure and will be expanded. [*Desk thumping*] However, what we have done so far is to improve on the efficiency of the GATE Programme. I am not talking too much about the GATE Programme this evening because my colleague on the other side made reference to putting a new name will not bring change. She is absolutely correct. You could have changed the name on the boat that you acquired for $55 million, but it still" eh" floating.

Hon. Senator: Yes. Oh yes.

Sen. The Hon. F. Karim: As a matter of fact you could have changed some of the words on the road signs from English to Spanish, but it clearly did not make a difference. So, I agree with her. What you really want is really a shift in terms of how you do business. You do not expect to do business as usual and expect an unusual change, or else you might have to take a road at the side of Queen's Hall where Dr. Williams might have to advise us how far to go up that road and turn left.

Mr. Vice-President, I want to say that one of the ways in which we can improve on defensive driving courses and programmes can be using the online platform of learning. When we took our driving regulations—and I know I might be around the same time although I am very much younger than my colleagues who took their driving regulations a few years ago. I do not know to what extent the driving regulations may have changed, but certainly when we look at the world today we will see that countries abroad are allowing the improvement of defensive driving courses using the technology. You look at what is happening in New York with the safety council; you looking at what is happening at the Texas Driving School; you will see that all of these whether it is online multiple choice or different aspects of assessment, all of these are used to improve the quality of the knowledge and therefore, the practice of those road users.

Mr. Vice-President, it is also important for us to identify—and I will tell you about the platforms that we can use. When we are looking at online and using the technology, we in Trinidad and Tobago—and I am making reference here to the UTT since my colleague Sen. Baldeo-Chadeesingh made reference to UTT. For the first time as well in the history of Trinidad and Tobago through UTT we have expanded through

Coursera—and Coursera, for those of you who may not know is really a revolution of two Stanford professors—Prof. Andrew Ng and Prof. Daphne Koller. That in a sense what we did over here as well, through UTT about a year ago in 2014—May 28 to be exact—we launched through Miss Lila Ibrahim, the Chief Business Officer of Coursera, approximately 600 online courses. That was launched on the knowledge. tt platform. I want to take this opportunity to commend my colleague, the Minister of Transport, and to say that I am prepared to support him in increasing the availability of knowledge and skills using the platform of knowledge. tt.

As a matter of fact, one of the things you will see happening away as well is you have driving simulators. Recently, I was in discussion with an organization in Trinidad that wants to have driving simulators available to our new entrants to the driving force, as it were—those persons who are now entering, at age 17. One of the suggestions is that we can also do some electives in terms of those students who are in the secondary schools and those who may be exiting and entering the tertiary sector.

So, Mr. Vice-President, I propose that immediately upon the passage of this Bill, and in consultation with my Cabinet colleague, the Minister of Transport, that the Ministry of Tertiary Education and Skills Training will move expeditiously to develop the first online defensive driving course in Trinidad and Tobago. [*Desk thumping*] That as I indicated will be implemented through the University of Trinidad and Tobago.

But I want to also say, Mr. Vice-President, that we invite participation and support from the private sector so that certified defensive drivers may be incentivized further by even the possibility of lower insurance premiums. That, to me, is also an innovation whose time may have arrived or whose time may have well gone past.

As a matter of fact, recently I was reading the State of the Union Address of President Obama, and he was making a very important point among the things he was saying. One of the things he said that struck me really is that we are now 15 years into a new century, and sometimes you just think about 2012, 2013, 2014 as the year, but sometimes we do not see it like that. We are 15 years into a new century and therefore, we could not be doing things like we were doing 15 years ago.

Sen. Hadeed: They are living in 1956.

Sen. The Hon. F. Karim: Mr. Vice-President, my colleague is reminding me—then we would have been in 1956, but I would not have been around at that time. So, I am sure he would remember those days. [*Crosstalk*] But, I want to tell you that maybe what he might have been remembering as well is that putting a new name to a new political party or calling it something new, may not substantially change the way it behaves and performs.

Mr. Vice-President, with regard to driving instruction which is very important, this industry is now subject to better regulations by the State as this Act will require operators of driving schools to be registered with the Motor Vehicles Authority. When we consider the level of training that professionals in this industry will typically access, there is definitely room for improvement.

Mr. Vice-President, when you look at the curriculum of driving instructors, for example, in the United States of America through the Massachusetts Department of Transportation, the driver education programme in the US, this driver education programme is comprised of the driver education curriculum, the driver practicum curriculum, the parent curriculum and the final examination.

3.15 p.m.

Let me just give you some of the areas and some of the topics that are included in this. Because, you see, we cannot expect to change the way in which we do business, as I say, if we continue to do it the same way all the time. The curriculum topics include:

- Signs, signals and road markings;
- understanding the vehicle and controls;
- basic driving skills;
- rules of the road;
- making safe driving decisions;
- sharing the road;
- different driving environments;
- driving in different weather conditions;
- mental and physical effects on driving;
- the dangers of alcohol, drugs and driving;
- the consequences of unsafe driving and poor decision-making; and
- handling emergencies and breakdowns.

In addition to having in-depth knowledge of the curriculum, driving instructors are required to complete a training module which will equip them with the necessary pedagogical skills to deliver the curriculum.

As a matter of fact, I remember even when I was going to do my driving test, most of the vehicles, and I think some of them still do have it, you will see the sign on the door "learn to drive" with so and so. Therefore, if you were learning to drive it meant that somebody was teaching you to drive, so hence the reason in the context of Massachusetts, I was relating you will have the teaching/learning process. And therefore it might be important for us as well to see to what extent these driving instructors communicate this knowledge.

The effectiveness or the level of success—and I am not only talking here about the success of passing your driving test and getting your driving permit, but effectively driving properly on the roads. Because it is one thing to have a DP, it is a next thing to see how you drive. You know, that is why I often tell people, there is a difference between education and schooling as there is a difference between certification and qualification. A lot of people have plenty certificates, you know. [*Laughter*] If you think that education and schooling is the same, go back to your grandparents and see, they may not have been schooled like you, but they are certainly not uneducated. [*Interruption*]

So, Mr. Vice-President, we must also look at this environment in terms of both the young, the adolescent, and the adult learners. Our UK counterparts have also recognized the quantum of material that driving instructors would have to cover. Back in 2013, then UK's road safety minister, Stephen Hammond announced plans to improve the qualification process for driving instructors, and this was being done in partnership with the UK Driving Standards Agency (DSA), the then Minister announced plans that were being proposed to improve the driving process through this standards agency with a new vocational qualification.

One year later in April 2014, the newly established Driver and Vehicle Standards Agency had recently concluded consultations on modernizing driver training. Maybe we have to look at that as well. How many seminars—and I know my colleague, and I want to commend him for engaging in significant consultations before we arrived at this point, and therefore, modernizing driver training with Government decisions to look at the possibility of implementing a formalized vocational qualification. This proposed vocational qualification would mirror some of the standards currently in use as part of this national standard. The training for a driver in the UK context, rider training includes, and I think I wish to just make you aware of some of the areas of concern.

To prepare to train learners/drivers meet all legal requirements. I am sure my colleagues who are of the legal fraternity, Sen. Vieira and Sen. Prescott would be very happy to hear this. They will also be assisting in the designing of learning programmes. You know sometimes you talk about driving schools, but we do not know sometimes what happens in the driving schools. To what extent, what is the context and the content of the driving school? We will also, in terms of the national standards for driver and rider training programmes, include: enabling safe and responsible driving and managing risk to instructor/learner and third parties; to evaluate and develop their knowledge, understanding and skills in that sector.

Mr. Vice-President, I wish to also indicate that I will support my Cabinet colleague, and the implementation of this very important Motor Vehicles Authority, by asking the National Training Agency to consider developing a Caribbean Vocational Qualification to certify driving instructors. [*Desk thumping*] For the first time in the history of this country we will do that. And for those of you who may indicate that we can put a new name that will not bring change, this is a new name that will bring change. [*Desk thumping*]

Let me just indicate that the CVQ is a competency-based qualification. It assesses you on the basis of what you can do and the task that you can perform, and the important thing about this CVQ as well is that it has portability, and marketability, and mobility within the Caricom Single Market and Economy, the Caricom space, so that if you are certified here in Trinidad and Tobago, it is accepted in other Caricom states. Why? Because it came out of a single strategy of 1990 called the Caricom Regional TVET Strategy. And why? And for the first time again—and that is why I am saying, maybe we will have to examine the extent to which we can impact those who are entering the driving workforce as it were, even from the secondary schools.

Because for the first time in the history of Trinidad and Tobago the CVQs—and Trinidad and Tobago was the first country in Caricom to do this—have been awarded by the CXC, and if you have now, just to digress a bit, four CSEC subjects and one CVQ, you are able to matriculate and be accepted to do your Cape A level examinations. Never before. [*Desk thumping*] So, I think what I am accentuating this evening is the whole aspect of what Deloitte calls, in their most recent report the "Capacity Gap". The capacity gap, and what we are talking about as opposed to developing human resource is really improving the talent to deliver the skills, competencies and abilities.

Mr. Vice-President, I wish to propose that we can have almost immediate benefits in this area of vehicle inspection. Vehicles are inspected at different points, including:

- At the MVA prior to registration.
- At approved fleet management facilities.
- At approved vehicle inspection centres after the vehicle was registered.

The Minister has already announced that there are approximately 730,000 vehicles registered on our nation's roads out of a population of 1.3 million people. This indicates to me that the task of inspecting these vehicles would be an enormous undertaking, but we must never focus on "massification" at the expense of "qualitization", if I might use that term.

Hon. Senator: Write that down for me.

Sen. The Hon. F. Karim: You could write that down and we will use that, because we must not compromise the integrity of those who will use these roads.

I remember a former teacher of mine, he lost members of his family, they were just simply going their own merry way on one side of the highway and somebody else flew across the median and the rest was history. We saw that as well with one of our learned judges, an early Sunday morning going to do what he has to do, and some people who were either partying or feting the whole night, going down home in the morning, dropped asleep, and the rest is unfortunate.

Mr. Vice-President, this indicates to me, as I said, with respect to vehicle inspection, that while we tackle this critical matter, quality is important, and when we look at what is happening in other parts of the world, for example in the United Kingdom at the Ministry of Transport, there is a test for road worthiness, commonly referred to as the MOT test. And I think it is instructive as well that we give some indications of this test. The curriculum includes the following broad topics: battery and tyres; steering; brakes; lights; windscreen; seats and seat belts; suspension; rust or damage to the vehicle body; exhaust and emission controls.

Mr. Vice-President, I looked further at some of the questions used in the test that vehicle inspectors had to take. Let me start with the first topic just briefly: battery and tyres, which at a first glance seemed to be one of the simpler topics. The following are a few of the questions that aspiring vehicle inspectors are required to answer:

1. Which type of tyre construction has the most flexible side walls?
2. What does a tyre ply rating indicate?
3. What is the correct wheel rim diameter for a 185 by 13 size tyre

I am sure some of these things we do not even pay attention to them as well. Not that we need to do, but, of course, in the context of a driving instructor, all of these are things that they were supposed to be very familiar with.

4. Where on a tyre are tread wear indicators located?

As a matter of fact, some of us only know that when we see the canvas showing, and we decide, well, to save some of the money you go and you turn it around. [*Laughter*] You turn over your tyre and when you are fed up turning it over on the same side you change it.

Hon. Senator: What about turning it inside out?

Sen. The Hon. F. Karim: Well, as a matter of fact, I will tell you something, you indicated inside out. A friend of mine, we used to go to university, he had a Volkswagen, he is from Chaguanas, and in those days when you are young and you now get licence you want to make sure you look good with the vehicle, and even though the vehicle is not souped up, you create a hole in the exhaust so it makes a lot of noise, so people next to you know that this is a fast car.

So, to make sure that the car looked good—and we used to call the Volkswagen, Herbie because of the movie at that time—to look as though he had mag rims he turned around the rims. You could imagine what a Volkswagen looked like with turned around rims, so the outside looked flared. I am saying that to the extent to which these things are allowed to happen without recognizing the importance or the danger it could pose to other persons who are normal drivers. As a matter of fact, some of the other questions were:

5. A tyre that is run under-inflated will wear more rapidly, true or false?

6. What is the appropriate voltage produced from one cell of a lead or acid battery?

7. What minimum fuse rating—and I think Sen. Small talked about changing the fuse this morning, and people do that as well to interfere with the whole mileage system—is needed for a 12-volt circuit with just one 48 watt bulb?

7. For vehicle wiring, the expression "earth return" means what?

And I am telling you, a lot of people who are driving vehicles do not know. What we know about is "bounce yuh starter and go". You do not want to know about if it has water or whatever have you.

Mr. Vice-President, understanding this depth of knowledge is very important for vehicle inspection. Inspectors, therefore, in my humble view, will require specialized qualifications. In this regard, again, I wish to support my Cabinet colleague and to announce that I will propose to seek, immediately upon the passage of this Bill, the intervention of the National Training Agency in

collaboration with the National Energy Skills Centre, to develop a CVQ, a Caribbean Vocational Qualification for vehicle inspection. [*Desk thumping*] This is the way that we have to go. It cannot be like long time. The mechanics of long time, in the days of the Austin Cambridge, will listen. The diagnostic test of an engine in those days was your ear, in these days it is something else.

3.30 p.m.

It is computerized and so on, and therefore one of the things that we need to ensure is that all of these vehicles, when you are engaged or you are employed as a motor vehicle inspector, at a particular time, and the vehicles change rapidly with technology, the question you have to ask yourself is, are we keeping up with the technology? And that is why vehicles of 20 and 30 years ago you will not be able to have the same level of knowledge, the cognitive ability to engage in your psychomotor skills, to ensure that what you are assessing is as good as it was when you joined the force.

Mr. Vice-President, in this regard I wish to offer my Cabinet colleague, he did indicate this in his presentation, the Minister of Transport, that the National Energy Skills Centre with its state-of-the-art Automotive Technology Centre at Woodford Lodge in Chaguanas will be made available to you and for the training of all your officers of the Motor Vehicles Authority and to be certified as automotive service technicians as well.

And you know as I talk about Woodford Lodge, the statement that was made earlier is so correct, but sometimes you can challenge the statement and that is, by putting a new name will not bring change. But I want to tell you something, we put a new name in Caroni Limited Field Engineering, Woodford Lodge and the new name is the NESC Automotive Technology Centre, [*Desk thumping*] and it has brought tremendous change.

As a matter of fact, the previous administration left a lot of these sites idle. And you know, I could give you another example, you know. When I became Minister in 2010, there was a large facility, a sprawling facility, a campus, that was simply left idle. There were 200 beds in that facility, which was sometimes utilized by the protective services. There was one class in that facility.

Hon. Member: A dancing class.

Sen. The Hon. F. Karim: It was related to that. Some of them may have been dancing after they heard the music. It was a music class of 10 persons from the community and we took that abandoned facility, the old name, changed the name and made it better usage, and it is now called the Academy of Nursing and Allied Health. [*Desk thumping*]

I just want to tell Members of the Senate and my colleague that we have graduated over 255 students from the Automotive Services Technician Programme of the NESC, and in addition to that, I want to also indicate the benefits of the CVQ programme, the Caribbean Vocational Qualification programme. Why I am saying CVQ as well is that, in the schools which were previously called the junior secondary schools or the senior comprehensives and had been renamed by the previous administration, whether it was east or west, they called it east secondary or now a west secondary. If it was north or south, they say it was a north secondary or a south secondary.

In those schools, particularly, in the flat buildings of the senior comprehensives, there were two flat buildings, one called Block A and one called Block O. Those were the vocational blocks. And in most cases the first classroom in Block A would have been the auto mechanics classroom. And what was happening in those days is different to what is happening now. And that is why we have now moved away, and I want to commend my Cabinet colleague as well, the Minister of Education, from the NEC, the National Examinations Council, to the CVQ, which is more relevant to industry and the workplace.

And therefore, it is important that we tell you about the CVQ offering, because the CVQs can benefit us as follows: a well-developed and approved training programme based on occupational standards of competence. And what we do, when we are designing these programmes for the automotive sector, for the motor vehicles sector, we do not simply do that because of the experts in education, we do that in collaboration with industry experts, with the Automotive Dealers Association, with the licensing offices, with the Ministry of Transport so that they will tell us what is the most current thinking in terms of this sector. It will also be an opportunity for us to award through assessment certification by an external awarding body, which is the CXC. It will also allow us to transfer credits that trainees can carry forward from organization to organization.

Mr. Vice-President, I want to also tell you, that while we are talking about all of these motor vehicles inspection sites we have to make sure that the skulduggery is removed from these sites. [*Desk thumping*] What we inherited that you could "pay ah money" on the side and get a certificate of road worthiness, has to end. And I want to commend the Minister of Transport, [*Desk thumping*] he will end it. And how we will do that as well, we talked about registering all of these assessment centres.

There are many persons in our communities who are motor vehicle mechanics, technicians, who may be extremely good at what they do but they are not certified. So in addition to ensuring that all of these "garages" are registered, it may be that we will move them to a higher level later on in terms of being accredited, properly. And that the persons who are in charge of your vehicles and who are certifying these vehicles are also certified, and qualified and competent. How can we do that?

Apart from ensuring that we take them through the training programmes, and this includes as well the driving instructors, we must also ensure that we make use of what we have started, an innovation under Mrs. Kamla Persad-Bissessar, our Prime Minister and the People's Partnership, called the Workforce Assessment Centre. What is that? What is a workforce assessment centre?

There are many persons in our country, as I said, and I will just give you some other occupational areas. You might be an auto mechanic, a plumber, a mason, a carpenter, a tool pusher, a driller, a drilling assistant, but you would have acquired those skills on the job, a cosmetologist, a hairdresser, but you have no certification. Based on the methodology of the PLAR, or the Prior Learning Assessment and Recognition, what we do is, we assess your learning from before "Dah is all PLAR means you know. It is ah big word, but very simple." You learn something before, you were never certified, we are going to assess you on the basis of what you know.

So, let me give you an example of the automotive sector. If you have an auto mechanic who is going to be employed by the MVA to ensure that we have somebody who is credited and roadworthy in a sense, an authority, but that person may have acquired skills and competences but not certification, we will now assess you against the national occupational standards of competence developed by the National Training Agency, and approved by Caricom through the Caribbean Vocational Qualifications. And when you are assessed you are certified.

Mr. Vice-President, I want to tell you and tell the nation that under this Government we have touched over 5,000 lives that would have never been touched and certified. [*Desk thumping*] What does that do? It does not only talk about your certification, it builds the marketability of your skills. It builds your self-esteem. It ensures that you can articulate to higher levels of learning. Why is it impossible that the tradesman's helpers, a mechanic in a garage today cannot be the mechanical engineer out of a university tomorrow? Why is that impossible? But it would have been impossible if he did not have the opportunity which we are providing under this system.

And therefore we cannot keep talking about the human resource is the most important thing. We have heard that a lot of times. It is for me that "talentism" is said to be the new capitalism. [*Desk thumping*] How do you manage talent?

Sen. Hadeed: I like that.

Sen. The Hon. F. Karim: And therefore I want to indicate to you that all of these, in terms of vehicle inspection both at the Motor Vehicles Authority and approved vehicle inspection centres under the Ministry of Transport, the Ministry of Tertiary Education and Skills Training stands ready, resolute, able and willing to support him in all of these in terms of the certification and the competence of people.

Mr. Vice-President, much has been said by my colleague, the Minister of Energy and Energy Affairs with respect to CNG and we are also preparing the manpower to ensure that they can address the needs of this new modality in terms of vehicles. And I want to congratulate the private sector, particularly, Classic Motors, for donating the first new Honda City CNG vehicle to the NESC. [*Desk thumping*]

There have been a lot of firsts, like some people here for the first time. And therefore, our Prime Minister indicates that when she describes all of these, there is a word that she uses, "unprecedented". [*Desk thumping*]

Mr. Vice-President, as I move on, and I talked about the trading in hybrid vehicles, we want to ensure as well that we take this to another level. What I am saying here is not regurgitating the things of the past, you know, because as my colleague said putting a new name will not bring change. But we are putting new names and we are bringing change. And I want to tell you as well, we are using some of the old names that did not have any change and making them good change. [*Desk thumping*] Let me give you an example.

You know, UTT has been spoken of and some people feel that UTT belongs to a particular era and a particular political dispensation. Let me make it abundantly clear, the University of Trinidad and Tobago belongs to the taxpayers of Trinidad and Tobago. [*Desk thumping*] And I want to tell you that we did not just come and see UTT, we improved on it. And for the first time, unprecedented—

Mr. Vice-President: Hon. Senator, the speaking time of the hon. Minister has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. G. Singh*]

Question put and agreed to.

Sen. The Hon. F. Karim: Thank you very much, Mr. Vice-President, and thanks to all my colleagues, my name remains the same, but there will be much change in what I am going to say. As a matter of fact, I want to tell you, I was speaking about UTT that was previously made mention of by my colleague. While we looked at UTT and we inherited UTT you cannot drive on Wrightson Road without looking at the UTT Campus, the Creativity Campus. [*Desk thumping*] You cannot drive in the southland, my colleague from San Fernando, without looking at the Manufacturing Campus. Well it is not only about looking at the change, we met and we improved on the Maritime Campus. We are going to launch for the

first time the maritime training academy. [*Desk thumping*] We met as well the Education Campus, but I will tell you what we did not see. There was no name and there was no change but there is now a new name and a new dynamic. For the first time, unprecedented in history and associated with mechanics and the Minister of Transport, my colleague, is helping me and I want to publicly thank him. For the first time, unprecedented, we have a 727 jet parked up on the south terminal of Piarco Airport ready to fly to Camden to taxi straight into the new Maritime Campus led by the University of Trinidad and Tobago. [*Desk thumping*]

Sen. G. Singh: Aviation Campus.

Sen. The Hon. F. Karim: Aviation Campus, sorry. The Aviation Campus is going to be launched within the next five or six weeks. And right now—

Sen. Hadeed: That is progress.

Sen. The Hon. F. Karim:—that hangar that we are building at Camden is larger than any Caribbean Airlines hanger. It is 200 feet by 150 feet.

Hon. Member: Wow.

Sen. The Hon. F. Karim: Sorry, [*Crosstalk*] building an airport, well the runway is going to be like that. I say this because I want to make the following announcement. Mr. Vice-President, while we are here to debate the Bill on the Motor Vehicles Authority we simply cannot take things in isolation. At the UTT there have been, as I say, quite a lot of improvements, but I intend to support my Cabinet colleague and to support the implementation of this Bill in the following way. And let me make this announcement. I intend to ask the University of Trinidad and Tobago to explore the concept, unprecedented, for the first time in the history of Trinidad and Tobago—

Sen. Hadeed: "I doh understand dah word."

Sen. The Hon. F. Karim:—of establishing a centre for transport studies.

3.45 p.m.

We will establish a Centre for Transport Studies of the University of Trinidad and Tobago, [*Desk thumping*] which will treat with the training of students across the three modes of transportation: land, sea and air. The Centre for Transport Studies is also envisaged to become a premier agency for research on transportation issues for the Caribbean region, research that could positively influence the work of policymakers and administrators of transportation across the region.

Mr. Vice-President, similar models of—because, you know, sometimes when you make these announcements people say, "wey dat come from?" Well, while it is also unprecedented for Trinidad and Tobago, it is important for us to know where else in the world we have similar institutions and how they are functioning.

Similar models of transportation research institutes exist in countries with advanced transportation systems. Take for example the Centre for Transport Studies at the Imperial College of London. As a matter of fact, when I really understood what transportation was, was when I went to Delhi in India. In a four-lane highway you had 16 lanes "ah" traffic. [*Laughter*] And nobody "eh come out tuh quarrel if yuh touch anything there, yuh know. Yuh eh marking" — [*Interruption*]

Hon. Senator: The same thing with Cairo.

Sen. The Hon. F. Karim: Yeah, Cairo, yeah. In fact, in Cairo, if "yuh want tuh—ah suppose if anybody gih yuh trouble, yuh jes pull out yuh mat an yuh call de azan an read de namaz right dere, because only prayer might help yuh, yuh know."

Therefore, if you—as a matter of fact, what I want to say as well, is that in addition, we took an example from the Centre for Transport Studies at, as I indicated, the Imperial College of London where, in addition to offering courses—and I want to give you some of the courses, and I think Sen. Prescott raised this matter. For example, Traffic Engineering, Transport and Demand Economics. Of course, I note as well, that Dr. Mahabir may be very keen in terms of diversifying the type of economics that he lectures in, so: Transport Environmental Impacts and Safety.

The centre that we are going to be establishing will conduct research into the following area as well: intelligent transportation systems. When you look at what—in Singapore—and I remember what happens in Singapore. You look at the transportation system in Singapore, it is amazing. I remember when I walked off the aircraft to get into my taxi, it took me 20 minutes, and from there to the hotel, I do not think it was more than about another 20 minutes. But the system was really efficient and it works.

But there is a word that helps us to ensure the system works. It is adherence to the law and discipline. And I think this is one of the things that the Bill seeks to do as well. If you do not comply, "doh complain". You will pay the fine, because you have to fall in line. Because in some cases, when you fall out of the line—"and de white line ah talking bout"—you injure other innocent people. They lose their lives.

- Transportation Operations
- Transport and the Environment
- Transportation Economics
- Positioning Navigation and Geomatics
- Travel Demand Modelling
- Air Traffic Management.

I just spoke about that. This also obtains at the Institute for Transportation Studies out of the University of California. I am sure Dr. Mahabir will know this campus—the Davis Campus in the US, and the Centre for Transport Studies in Cape Town, South Africa. The time has come for us to take our level of training to a higher level.

Much has been spoken about in terms of the differently abled parking permits, and I want to commend the Minister for taking the very serious action. You know, some of the things that we do in this country and get away with, you will never try that in a "next country". "You doh want tuh line up here; yuh doh want tuh drive on de correct side ah de road. "As a matter of fact, some "fellas tink dat de steering does change, yuh know, when de traffic get tight. Yuh go on de left side, so yuh become ah left hand driver. Yuh drive on de arm-way."

But when you look at what happens—and, again, I want to congratulate and also commend the business community for ensuring that these spaces are reserved for the differently abled. Let me just say, at the COSTAATT campus we are building at Connector Road in Chaguanas that would be the first one that caters for the differently abled, from scratch—first one. [*Desk thumping*] So we want to reduce the abuse of the system.

You know, sometimes it amazes me how people get away with this, "yuh know", a non-disabled driver using the vehicle plate or placard of another person who is disabled, without transporting that person, falsely obtaining a medical certificate to submit with the form for the Motor Vehicles Authority, exaggerating symptoms of a medical condition in order to convince a physician to submit the form. The good thing about all of these things is that they will carry penalty points. In other countries you go to school when you have a certain number of points. "Yuh doh submit yuh points an geh ah free coffee. Yuh go tuh school. And if yuh overdo it, yuh take ah res from the road." This happens in the EU and it happens in Florida right here, where in 2012, 13,000 drivers got their licence suspended because of the point accumulation.

So as I indicated before, much has been said also about how do we improve the safety, the efficiency of the system, the security. And in terms of the cameras

for breaching traffic lights, again, we wish to commend the hon. Minister. Let me just give you some evidence that supports this initiative, or this intervention.

Where these cameras have been used, they avoid, as far as possible, red light crashes. And you know, again, when you look in Trinidad, I mean, not too far from where I am "yuh seein man flying through de red light, yuh know". So sometimes you are convinced some people are colour-blind. "Dey jes cyar wait."

In the United States of America, because of this camera system in the State of Arizona—to be exact, in Chandler—there was a 70 per cent drop; 62 per cent drop in San Diego, California, and 59 per cent drop in Portland, Oregon; 53 per cent drop in Sacramento, California, and 45 per cent in Phoenix, Arizona. So there is no doubt at all that these measures can, and will have an impact.

The whole aspect, as well, of safety with child seats, in terms of the back seats—and you know, some parents—"Ah doh know, yuh see dem carrying dey chirren for drive an dese chirren hangin out de window; dey sittin dong on dey lap; dey playin in de back, an yuh seein ah sign at de back as if tuh tell yuh, well, dis is alright, yuh know." The sign says: "Child on Board" "Baby on Board". But they do not understand the seriousness of this. Therefore, this Bill ensures safety by the introduction of a mandatory requirement for the driver and every passenger in that vehicle, and again, as I say, in terms of the children.

Mr. Vice-President, speed detection devices, gone are the days now—again, I want to commend the Minister for taking this initiative. I remember sometimes police used "tuh run out from behin ah post or ah tree, flagging dong wit ah newspaper, an going almost in de middle ah de road tuh stop yuh". And then the way that you are cautioned, is "de fellas comin dong de odder side tellin yuh it have ah—dey timin. So dey put on an dip de lights. We ha tuh do tings in a different way" in order to improve the safety and security of our citizens.

I made mention earlier on as to the Bill making reference to street racing as well. So many young persons have lost their lives recklessly racing on our streets, and this is going to be something that is going to be seriously looked at.

Vehicle rental agencies: it appears as though the rental of a vehicle for one day for $300, you can use that as an opportunity to commit a crime. Therefore, this Bill seeks to get very serious with those persons who are renting vehicles. This Bill will also seek to ensure that if you are a fleet manager—you have a fleet of vehicles—you must also have competent, trained technicians or mechanics to look after your vehicles. How many times you rent a vehicle and you know whether it is roadworthy, or sufficiently so? You just simply go and pay your money and you collect the vehicle. You "doh" know anything about the vehicle. In fact, "yuh doh even know if it sometimes have water, when it overheating."

I am sure that all of these things that we are talking about will impact positively on the safety, security and the quality of road users, again, in terms of those persons who are going to be properly educated, and I think, this is the point I want to make, that education and training—that component, that we are going to support the Ministry of Transport through this Bill—would be very important for us to prepare all the new road users and those who are also not so young at heart.

Excessive noise: Mr. Vice-President, you go into a mall these days, or even my own house, sometimes "yuh doh need de dog tuh know if anybody in front, yuh know. As de boom box pass, your sensor gone off." And some people do that as a matter of a joke. It is entertainment. They go into a mall, "boom up de place with noise and everybody sensor gone off—alarms."

Mr. Vice-President: You have one minute, hon. Minister.

Sen. The Hon. F. Karim: Okay. In that case I will just end by saying, Mr. Vice-President, thank you very much, and I will say that what we are doing here, while we are not putting a new name to this, we are certainly putting a new dimension to the Motor Vehicles Authority. For long years we have suffered on Wrightson Road. I passed there the other day and I could not believe that people "linin up from so early in de morning". We will be opening the new Motor Vehicles Authority soon, but the building will make a difference, and what happens in that building will make a difference too.

Congratulations to my Cabinet colleague and thank you very much. [*Desk thumping*]

Sen. Dr. Lester Henry: Thank you, Mr. Vice-President. I rise to just briefly raise a few issues that are, I think, more like questions for the Minister that we would like to get some answers for in his wrap-up and so on. I really do not have a contribution, per se, but I think there are a couple of points that I think are very noteworthy, and even if they were mentioned before, I think it is worth repeating in terms of how this Bill is supposed to be implemented.

One of the things I wanted to raise was the issue of the breathalyser that was mentioned several times before—if I am wrong I stand to be corrected when the Minister wraps up—is that we are taking away the authority of the licensing officers—not the police—to administer the breathalyser when they are out on the road doing inspections. Because if that is the case, then we may have the ridiculous situation where licensing officers stop a car because of a faulty headlight, four smooth tyres, no proper—[*Interruption*]

Hon. Senator: They are stopping people for fog lights too.

Sen. Dr. L. Henry: All that—and then the person is drunk as a fish, drifting, perhaps even falling over themselves and they get a ticket for the smooth tyres and the licensing officer lets them go back in their car and drive down the road.

This is what, I understand, is the prospect that we are facing, that the licensing officers would no longer have the ability to administer the breathalyser and charge the person for drunk driving. If that is not so, then I would like to be corrected on that because that is a potentially very serious flaw, or loophole, in terms of the application of this Bill. And, you know, because given what the last speaker, the Minister of Tertiary Education and Skills Training and so on, talked about closing all the loopholes and stopping this and stopping that, and the Bill is so wonderful, what would be the explanation for doing that? What would be the explanation for taking away that ability of the licensing officers? Not the police, as I said. Police, of course, have that authority.

The second point that I wish to raise and to reemphasize, even if it was mentioned before, is this whole issue of the inspection stations. And I thought the Minister—the last speaker—was going down that road when he started to talk about closing the loophole and the gap; about somebody paying some money and getting your car inspected and you get a sticker. I thought he was going along those lines and was going to make my point, which is really: what is the sanction for an inspection outfit that puts a pass on an old car that is clearly defective?

4.00 p.m.

In this Bill do we address that issue; and how so? What is the mechanism for finding these inspection stations which might be perhaps unscrupulous and put "approved" on, or whatever the sticker says, 2015 or 2016, and the car turns out to be faulty? So the licensing officer stops the car, see it is inspected and approved, and had all kinds of faults on the car as the Minister was saying: bad battery, bad everything, smooth tyres and countless number of faults. What does the licensing officer do next? Does he take the name of the inspection station and report it to some Authority, or whoever, and that person's licence or the inspection station gets suspended?

Now if what I am saying here turns out to be accurate, that the Bill does not cover this, then is that not leaving a major door open for corruption [*Desk thumping*] and misbehaviour on the part of these inspection stations; and why would we not have that in the Bill, or at least in the rules or the guidelines or whatever you call in terms of the attachment? So why would that be something that would be overlooked or left out, something that is so crucial in terms of the

operationality of this legislation? So if you have that situation where you cannot punish an errant inspection station, what is the point? You just depend on their goodwill. The same things that the Minister complained about, about people just paying and getting a sticker and so on, how do you actually stop that in practice if you do not have a sanction on the inspection station?

So those are my two main points. As I said, I really did not have a contribution, but I think those two points, even if they were made before, are worthy of serious consideration before we go forward with this Bill. [*Desk thumping*] Right?

So that is something very serious and it needs to be addressed. I hope we will get some satisfactory explanation from the Minister in his wrap-up as to why such a glaring loophole has been allowed to pass unnoticed or in terms of all the deliberations that went into this Bill, and we must have—in other words—sorry, in terms of cleaning up the Licensing Authority and everything, we all know of the problems. Countless people have complained about it and so on, but again, if you do not have proper sanctions in place and consequences of those actions, then everything will go on as usual. Like I said, many times before in this Chamber, you cannot set a field for bad bowling, so you have to try to tighten up on the loopholes and that is one of the major errors I see emanating, coming out of this Bill.

In terms of the training and so on, Minister, just as I close, you mentioned the centre for workforce assessment—I do not remember the full name of it—but I did not know it was operational because—I did not know it was operational—[*Interruption*]

Sen. Karim: Sure.

Sen. Dr. L. Henry:—is the building still not empty on campus?

Sen. Karim: No, no. That is CWRD.

Sen. Dr. L. Henry: What is that?

Sen. Karim: That is different. I will have to take you on a tour. [*Laughter*]

Sen. Dr. L. Henry: From my information that was supposed to be your headquarters.

Sen. Karim: We are opening that this month with the Georgetown University Centre for Workforce and Education.

Sen. Dr. L. Henry: Go ahead.

Sen. Karim: Thank you very much for giving way. What is happening, the CWRD on the campus, next to the Business Development Office, the former office as you know, that is going to be doing research with the Georgetown University Centre for

Workforce and Education on the labour market information system. The WAC is the Workforce Assessment Centre and those are the centres where we assess against the skills and competences that you may have, but not certified.

Sen. Dr. L. Henry: Okay. So you have two centres? I was not aware because the one I am referring to, I drive past it every day. So I know it is empty. So I was wondering, but anyhow—thank you, Madam President. [*Desk thumping*]

Madam President: Sen. Ian Roach.

Sen. H. R. Ian Roach: Madam President, thank you very much for the opportunity to contribute to this debate. My contribution basically will be very short, given the fact that I am always—I do not know if it is privileged or unfortunate to come this number in the queue in speaking, that much is said that one can only probably, most times, regurgitate, reiterate, or just repeat. It has been a very fruitful discussion thus far, which I have appreciated the comments and the incisive intervention made by Senators. Having said so, my contribution on this Bill, which is quite voluminous—I mean, it consists of 273 clauses and they cover areas that are all very critical and important. The objective of the Bill, as has been said time and time again, is to change the way in which business is being conducted in our Licensing Authority and our roads in particular.

Given my specific concern—I mean, it may seem myopic, but I am sure I will be indulged by all Senators here—is the requirements and the provisions that are being made for the disabled persons. As well as intended—they are in the clause, I think it is Part III, provisions—there are certain comments that were made by my colleague, Sen. Kriyaan Singh, when he was present and a number of other Senators made comments on the provisions. In supporting what they have all said, I will want to add that given the nature of disability and the way in which we have, not necessarily as a society, catered for those persons so far in an appropriate manner, there is a lot left to be desired in terms of what is required. And what is required? We as legislators sitting here with the best of intentions, I think without proper technical advice, I do not think we are doing as good a job as we can and, in that regard I think a lot more technical input is necessary in helping to make the required adjustments or provisions for the disabled in the use of our public spaces, and I say that from my own personal experience.

As a disabled person for the last three years going on to four years, where you have parking facilities that are designated for disabled persons, apart from the very able-bodied persons using it, you have spaces that are not appropriately wide enough in terms of the measurements and so. So as much as I am saying there may be an attempt to make provisions, they are not necessarily meeting the specific needs because most

disabled persons who are driving, if they have special vehicles they need a certain width in order that their vehicles can open and accommodate a wheelchair accessing in and out of the car, and they are jammed together. So once one vehicle is there, you can hardly have space for the use of another vehicle.

Just yesterday, to be quite contemporaneous, I was in West Mall and their provisions for the disabled parking—there are two lots in that facility probably that accommodates 1,000 or 2,000 car spaces, which I mean is woefully inadequate, but they are right up on each other, and once you park there—I seldom use it. I have to go and find a space close to the fence that no other car will park to impede me from getting in and out. So things like that, I am saying—technical knowledge is necessary in order to be able to appropriately design and prescribe for in a realistic way. So I believe that in that regard, there is some work to be done to address that.

In terms of what Sen. Henry just said, in terms of the licensing officers, I was trying to do my own investigation, my own consultations, with limited resources and access that I may have, to those involved in implementing such a new body of laws, and I had cause to speak with one who is very experienced and who is still a current officer, and one of his concerns was exactly what Sen. Henry spoke about. You have traffic wardens who are to assist the police, but yet they are without power to implement or to enforce whatever the laws they are seeking to uphold at this point in time, and that is something again that needs to be addressed.

He mentioned to me that sometimes people there are spat at, they are cursed and they are ignored, and it sort of nullifies your whole existence. It is almost like an exercise in futility. So that needs to be addressed. If you are going to use traffic wardens, what authority they are going to be given has to be considered, and that brings me to the point that I was thinking about for quite a bit of time.

Since we are engaging in a comprehensive overhall of our motor vehicle and road traffic laws, I have had first-hand experience living in South Africa where what you have complementing the police service is a traffic police as well. They certainly have made a significant impact upon the road carnage in South Africa. It was quite significant when I was there in the mid-1990s, late 2000 and so forth, where you will have on an Easter weekend—I remember my first Easter weekend there. I was horrified when I heard there were over 400 deaths as a result of road accidents on South African roads.

So they implemented this "drivealive" programme every holiday and so forth. The thing was enforceability and was about bringing about a change in culture. And while Sen. The Hon. Fazal Karim was speaking about the number of innovative and very progressive measures that the Government is taking to train and helping to bring about a different mode of operation, not just by change of name, what is important—I always say

what is important is how we are going to go about changing our culture, our culture of appreciating, respecting and being considerate for others because we have laws—we do not even need to pass any more laws here for the next five years—that could cover almost every aspect of human endeavour in Trinidad and Tobago. But they are either not enforced, people either are not sensitive to it and, as a result of that we have a lot of mayhem on our roads and so forth.

I mean, we all have experiences. We would have known somebody either very close or not too distant that would have probably been the result of a fatality. We have been on our roads on a daily basis. We would be parked waiting for the light to change from red to green and see people flying minutes, seconds long—almost minutes after the light has changed to green, they are still passing by.

I think to have an additional police dedicated to traffic implementation of and enforcing of our laws may go a long way, and it can kill two birds with one stone. You can also create new employment for the unemployed who can be trained, could be trained specifically in traffic enforcement, and you could also sort of alleviate some of the chronic shortage, police manpower challenges, that the police service has been plagued with for a number of years.

So I think you can look at this. It is something that could be looked at very seriously as we are comprehensively looking to change the whole way in which we are bringing about the operations of traffic, management and implementation in our country.

The other thing I will want to comment on as well is the use of our roads by—sorry, sorry, my apologies. What the Minister said in his presentation when he was laying it in Parliament, he was saying that new drivers are going to be allowed to drive for two years—[*Interruption*]

Hon. Cadiz: One year.

Sen. H.R.I. Roach: One year, not by themselves, in the company of somebody else.

Hon. Cadiz: The provision is for juvenile drivers. So the first year—and regardless, whether or not you are 18 years old or 17 years old sorry, or you are now getting your licence at the age 70, your first year of driving you will be allowed to drive between the hours of 1. 00 in the morning and five o'clock in the morning, and you will need—

Sen. H.R.I. Roach: Experienced persons.

4.15 p.m.

Hon. Cadiz: In some cases, an adult driver or an experienced driver with you for that period, with certain exceptions.

Sen. H.R.I. Roach: Yeah, but that was something specific that I thought about when you did make the mention. I think it is a very—it is not necessary—good measure. It is a measure if it could be implemented.

But also, along with that as well is our recent experience where we have these very heavy tractors or trailers that are on our roads at the busiest hours that pose a significant and present danger to other users of the road. I am also very, very conscious about that, having seen it, being close by when an incident happened like that some years ago and then recently reading about it in the papers and seeing it unveiled on the television that we should have some sort of accommodation, some sort of arrangement, where those heavy trailers should not be used on certain main roads at the same hours as the regular traffic. They should be confined to certain hours of usage or certain roads.

As we know, as I know from my experience, again, in South Africa with trafficking, they will have weigh stations along the highway where vehicles of a certain weight cannot use and if you are found on using that, you could be heavily ticketed. Right? You are heavily ticketed because the weights of vehicles also impact upon the quality and the length and life of your road system. And therefore, I think we should look at that, and see if that could be covered in this new change of management of our roads and byways.

Madam President, as I said, a lot has been said beforehand by Senators, and I would just probably find myself repeating a number of them. I endorse a lot that has been said. I am hoping because it is a comprehensive and a genuine attempt to change and to improve our legislation concerning traffic, our road traffic, our management of our Licensing Authority and so forth, by this new Authority, that given the copious and voluminous nature of this legislation that it should be sent to a select committee. [*Desk thumping*] Right? That as much as we are engaged in trying to pass laws that are for the benefit of all members of public, I do not think we should sacrifice on the altar of expediency because of time constraints. [*Desk thumping*]

I know there is a concern that if this law, this Bill, is not passed in this Tenth Parliament, there stands a possibility that it will lapse. I am saying given the importance and significance of it, I mean I may become like a recurring decimal in my contribution because I have always been saying that I find that the way in which debates and Bills are piloted through this Chamber can be better managed, that more quality time could be spent in the dealing actually with the nitty-gritties and the technicalities of Bills rather than have it being dealt with on the floor when we are here as opposed to be dealing with the sense, you know, with policy decisions as such.

And as such, I think it would not do justice to engage in trying to meet all the comments and constructive criticisms that have been laid before this Chamber in dealing with this Bill at this point in time without it having the benefit of a review and input from other stakeholders and the technical people that I have mentioned in certain specific areas of the Bill that are required before it could be further debated and passed.

So, I am all for the support of the Bill. I think it is a welcome change, it is a very good attempt, but I can only fully support the Bill after having had the benefit of going to a joint select committee where it could be considered in its entirety, and taken on board the considerations and the comments that have been made by a number of Senators that can be reflected in same and then certainly, I would be too willing and ready to support it at that point in time. [*Desk thumping*]

In closing, Madam President, I would like to just congratulate the hon. Christine Newallo-Hosein on her maiden speech [*Desk thumping*] and I wish that we will be able to hear much more from her in the short space of time I think that we have left here in this Parliament. And I would also like to take the opportunity to congratulate Sen. Camille Robinson-Regis on her 25th birthday, [*Desk thumping*] I believe it is. And hope that she will—[*Interruption*]

Sen. Robinson-Regis: You sure you know my age?

Sen. H.R.I. Roach: You look your age. With those few words, Madam President, I thank you for the opportunity. [*Desk thumping*]

Sen. Dr. Victor Wheeler: Thank you, Madam President. I will just be very brief on this debate on:

> "An Act to establish a Motor Vehicles Authority for the registration, licensing and regulation of motor vehicles and drivers…"

When I went through the Bill, I could not help but notice the similarities to the Regional Health Authorities Act, 1994. I just thought I should point out some of these similarities because there is a debate on the RHA system at the moment, and I just want to point out a couple of things that the Government should consider in the introduction of this Motor Vehicles Authority.

First of the similarities is when we come to the "Establishment, Functions and Powers of the Motor Vehicles Authority" where a board of directors is to be appointed and Part II, clause 9(1) which says:

> "The Authority shall exercise its functions and powers in accordance with any special or general directions as may be given to it by the Minister from time to time."

Now, the Minister himself is the one who is appointing the board of directors, so, as in the Regional Health Authorities Act, the board of directors are there purely because of appointment by the Minister and—well, as Sen. Ganga Singh said, it is really a decision of Cabinet.

Now, one would hope that in the:

"…exercise"—of— "its functions and…in accordance with any special or general directions…given to it by the Minister…"

one would hope that these instructions would be one that would be objective, unbiased and would not seek to cause problems in the functioning of the Motor Vehicles Authority, because there have been a couple of instances over—well, since the Regional Health Authorities Act has come into force where some of the decisions made by some of the boards have caused one to question whether the instruction given was really in the best interest of that health authority.

So, I am hoping that, with respect to this Motor Vehicles Authority, we are mindful that when a board of directors is appointed, they are appointed with some level of competence. And I see that they have:

"(a) six persons each having special qualifications or experience in one of the following areas:

(i) finance;

(ii) law;

(iii) automotive engineering;…"

But it says here six persons each having special qualifications or experience. So it is very possible that you may have persons appointed to the board of directors who may just have an interest in finance, no qualification at all, no competence in that area, but making decisions that will have a financial impact on the management of the Motor Vehicles Authority. So I just want to caution that aspect.

The other thing is with respect to "Staff of the Authority", Part III, clause 21(2):

"The Authority shall, subject to the approval of the Minister, fix the qualifications and experience…"

And this is referenced to the Chief Executive Officer and the Registrar of Motor Vehicles. The Regional Health Authorities system has had examples where Chief Executive Officers have been appointed by boards with no post-graduate qualifications whatsoever. We have also had examples of Chief Executive Officers with probably the appropriate qualifications but with just one or two years' experience when the requirement is for about 10 years.

Now, I would like to suggest that this clause:

"The Authority shall, subject to the approval of the Minister, fix the qualifications and experience…"

I mean, I do not know what specific qualifications you are going to put but I would want to suggest that there be some indication as to the level of qualifications required and to the number of years' experience. I mean, I know that you probably would not want to dictate or mandate these things in the Bill but I just caution that it is done in such a way to avoid someone just being appointed who clearly should not be in the position.

The other thing with respect to the Chief Executive Officer, clause 23(1):

"Subject to subsections (5) and (6), the Chief Executive Officer shall hold office for a period not exceeding five years and shall be eligible for reappointment."

In the RHA system, this is the same. They can be appointed for five years. But it is rare that a CEO was appointed for a period more than three years and in some instances, two years. So if you have a CEO being introduced into an authority or, in this case, the Motor Vehicles Authority, he may want to bring his new brand and style of management to the organization. And as has happened in the Regional Health Authorities system, a CEO comes and behaves as if what was happening before, nobody knows what was going on. So it was not uncommon for a change of organizational structure, bringing in new staff, new business plan. So what would tend to happen is that every time there was a new board or a new CEO, you have a new business plan being created, totally ignoring the work that was done before.

And what happened in this instance is that when you have a change of a CEO, you invariably have change of the senior managers under the CEO. Now, in this particular case, you have Registrar of Motor Vehicles and for example, that person, even though they can be—

"…the Registrar"

Clause 24(1):

"…shall be appointed to hold office for a period not exceeding five years…"

Suppose they are just given a two-year appointment and the board itself is appointed for three years. So it means if a board is appointed for three years, then the Chief Executive Officer and Registrar may be given a three-year appointment each. So with each board of director that comes in, you run the risk of having the organization move in a different direction. When this happens, the employees that

are working for this Motor Vehicles Authority could find themselves very insecure, because I presume they would all be given contracts and that can create for a lot of officers in jobs and just going through the motion. I think this needs to be looked at carefully or some safeguard put in to avoid some of the problems that are being faced now with the Regional Health Authorities system for this new Motor Vehicles Authority not to suffer the same fate.

When I look at clause 26(a), (b) and (c), it says:

> "A person who, on commencement of this section is a public officer appointed to an office listed in…Schedule…"—2.

So you currently have public officers in the transport division. The options these persons would be given would be three. Either they:

> (a) voluntarily retire from the Public Service"—or VSEP—" on terms and conditions as agreed between him or his appropriate recognized association…"

Now, in this particular case, it is the Public Services Association.

I do not know if the PSA has been consulted and there is agreement with this new Motor Vehicles Authority because, if not, there may be problems coming to agreement between him and his appropriate recognized association.

4.30 p.m.

Now, I am happy at least there is VSEP in this particular instance because under the RHA system, when the RHA came into force in 1994, there was no VSEP option and yes, public officers were told either to transfer or they be moved somewhere else. The union at the time, the Public Services Association, did not agree to those two options and it took 14 years from 1994 to 2008, before the Government then finally offered VSEP.

Now it is 2015, and you still have public officers in the public system who did not transfer to Regional Health Authority and are still functioning alongside Regional Health Authority officers. I am hoping that this dual track does not occur when this new Motor Vehicles Authority comes into effect—[*Desk thumping*]—because you are going to have lots of problems. What happened under the RHA is that the RHA then employed their own officers. So you had officers working who were public servants doing one duty and you have RHA officers working under the RHA doing the same duty. There was duplication of staff, duplication of duties and you could find yourself spending a lot more money

to sustain these public officers and also sustain those employed by the Motor Vehicles Authority. So, I would hope that when the—certainly I am in support, in principle, in this new Bill and I imagine it will be passed—Bill does come into effect I hope that these issues would be dealt with beforehand to avoid some of those problems.

The issue of secondment, clause 27 allows a public officer to second to the Authority under terms and conditions which are not inferior to what they were enjoying before.

You also have problems here because these officers would be on contract, unless you establish properly their reporting relationship. You might find yourself with a public officer in a permanent position spending some time in the Motor Vehicles Authority performing duties, but you may not have full control, in terms of supervision and holding that person accountable and to discipline.

So, Madam President, I would just want to have the Minister, in his wind up, just to give some comfort that when this Motor Vehicles Authority comes into effect we would have learnt our lesson from the RHA system and put systems in place to avoid some of these problems from occurring. I thank you.

Madam President: Hon. Senators, the time is now 4.34 p.m. We shall suspend the sitting of this honourable Senate for half an hour, so that we may have the tea break and resume at 5.04 p.m.

4.34 p.m.: *Sitting suspended.*

5.04 p.m.: *Sitting resumed.*

Sen. Anthony Vieira: Thank you. Madam President, may I, through you, welcome the hon. Minister of Transport to this Chamber. I am grateful to share with him some of the concerns and recommendations I have in respect of this legislation he is piloting.

As a backdrop to the comments I will be making, let me say that at the Forum on the Future of the Caribbean, which I attended last week, the take-home point was that we are living in the time of, here is that word again, unprecedented change, challenges and opportunities; a sea change as dramatic as the Industrial Revolution was. A sea change which requires not only that we upgrade and strengthen our institutions but one which heralds a need for bold and innovative action, if our small island states are to survive.

As I see it, this legislation offers an opportunity to recalibrate and improve a poorly appreciated, yet very important institution, namely the Licensing Authority, and to replace it with, as the hon. Minister says, a modern motor vehicle traffic system. It offers an opportunity to put in place measures which can mitigate our traffic problems,

bearing in mind that we have over 730,000 vehicles using our roads for a population of just over 1. 3million people, and it offers an opportunity to reduce the high incidents of motor vehicle deaths, as we have heard this today, 200 a year on average, plus other accidents which plague our beloved country.

In its opinion piece on Saturday, April 25, 2015, in the *Saturday Express* at page 12, the newspaper wrote that this Bill is filled with good intentions and should be given our full support, as it is a step in the right direction. I agree that the legislation is well intentioned and in principle deserving of support. I agree with the hon. Minister that it offers an opportunity to genuinely change the way we do business in Trinidad and Tobago.

The take-home point at the forum last week is that this is a time for action and many of our unsustainable systems and institutions are in desperate need of overhaul and strategic vision. But in my respectful view, Madam President, this is not an overhaul, this is an oil change. I have concerns about certain provisions in this Bill and I have concerns about the absence of things I feel should be included in the legislation. However, given the length and breadth of this Bill, I cannot cover all of its clauses and it does not make sense going over ground which has already been covered.

On the last occasion, Sen. Kriyaan Singh gave an impassioned plea from the perspective of the differently-abled. I agree with all that he said and what Sen. Roach has also said in that regard today.

5.10 p.m.

I would remind those working at the licensing office, and indeed all State offices throughout Trinidad and Tobago, that under the Equal Opportunity Act there is a positive obligation to work towards the elimination of discrimination. There is also an obligation to promote equality of opportunity and good relations between persons of different status generally, and in particular, those with disabilities. In a society such as ours, it is important that our institutions safeguard the integrity of the differently-abled, from unjust and unequal treatment and the denial of equal opportunity. [*Desk thumping*]

On the last occasion, Sen. Dr. Mahabir spoke about the use of a car fee and his remarks were picked up in the same *Express* editorial I spoke about earlier. They commented on the den of inequity, known as the licensing office, where all manner of underhand dealings allegedly take place, including bribes to obtain a driver's permit, and the inherent danger posed when persons can buy a licence without a clue as to the proper way to operate a motor vehicle. Well, these problems have been around for a long time and are well known to us, but one wonders if the endemic corruption at the licensing office has not been informally and tacitly institutionalized, but I am not going to belabour the point. Suffice to say, every effort should be made to ensure that the new Motor Vehicles Authority is free from corruption, [*Desk thumping*] but I am not persuaded that this legislation goes far enough, or is strong enough in that regard.

I turn now to some of my concerns with the drafting. Let me put on the record that a generic complaint I have with this Bill is that there are too many typos. The grammar and structure of many of the provisions is at best strained. There is a degree of repetition and redundancy. There is a need for a lot of fine tuning in the drafting.

At clause 10, the Minister of Transport appoints six persons whom he regards as having special qualifications or experience in one of the following areas: finance, law, automotive engineering, motor insurance, traffic engineering and business. As we have heard, the Minister gets to appoint the Chairman and the Deputy Chairman of the board, and he can at any time revoke the appointment of a member of the board, subject to the provisions of subclauses (6) and (7), other than the representative of the Commissioner of Police.

Now, I have a real problem with this high degree of ministerial—and the hon. Minister pointed out, it is not just ministerial—we are, in fact, talking about Cabinet. So, ministerial or Cabinet influence, and I speak from the vantage point of having seen ministerial appointments undermine and devalue the strength and integrity of boards across our state enterprises, [*Desk thumping*] and statutory authority spectrum. Accordingly, I join with Sens. Baldeo-Chadeesingh, Prescott and Dr. Wheeler, in urging this Senate to pay special attention to the matter of board appointments and to consider, as an alternative, what obtains under the Dental Profession Act and the Mediation Act. In fact, I would commend the Mediation Act as a useful precedent, showing how appointments can be better spread out. [*Desk thumping*]

Why should the Minister or Cabinet appoint the lawyer to the board? We have a law association. Can the law association not do that? Why should the Minister or Cabinet appoint the representative having insurance qualifications and experience? Can the insurance sector not nominate its own representative? The same applies to the traffic engineer and the business representative, why can the appropriate bodies not nominate their own representatives? Why should the Minister or Cabinet determine who should represent the public's interest? Could that not be done by the President, as obtains in other legislation? All in all, I think there is just too much ministerial or Cabinet power, influence and involvement in the proposed Authority. [*Desk thumping*]

Madam President, problems arise when such appointments are made based on party or personal loyalty, rather than on merit. Problems arise when ministerial appointments exclude the wider talent pool, and board decisions are made not in the best interest of the entity concerned, but on the basis of perceived loyalties. Problems arise—as was recently reported in the *Newsday* of Friday, May 01, 2015 at page 19—when, as in the case of the Blind Welfare Association, the relevant Ministry has consistently failed to appoint its nominees to the association's council.

Further, given all that was said in the municipal corporations debate, and in the planning and facilitation of development debate, about the importance of our municipal corporations, and given the fact that those are the bodies that have responsibility for the streets within their municipalities, one would have thought there would have been space for them in this legislation, whether through having a representative on the board, or through formal channels of communication with a requirement for consultation.

We like to talk about inclusiveness, what about the taxi drivers, are they not an important stakeholder in this particular sector? [*Desk thumping*] Should they too not have representation on the board? What about a representative from the Environmental Management Authority? I find the legislation can do more in promoting stronger interrelationships between the various agencies, so that they reinforce each other's efforts.

I have a problem with clause 213, which makes the giving of a pillion ride on a bicycle a criminal offence:

> "No person shall, other than himself, carry any other person on a road or highway…"

And in checking the definition section:

> "'road' means any highway, street, road or open space to which the public is granted access…and includes a privately owned street, road or open space to which the public is granted access…"

Under the proposed law:

> "Where a person is carried on a bicycle in contravention of this section, each of the persons carried on the bicycle commits an offence and is liable on first conviction to a fine of two thousand dollars and on any subsequent conviction to a fine of four thousand dollars."

Madam President, one of my favourite movie scenes of all times is the pillion bicycle ride in *Butch Cassidy and the Sundance Kid*. I do not know if you remember it, "Raindrops Keep Fallin' On My Head" was playing in the background. Admittedly, the characters in the film were outlaws, but if they were not outlaws, this law would have made them so. [*Laughter*]

Coming from a large family, giving pillion rides was a very normal activity, and having visited several countries in Asia, and as we have heard Sen. Karim say, and you see how people operate bicycles there, I find this to be an unnecessary and irrelevant provision, which does nothing towards making our roads safer. At the very least, we should consider softening the provision to allow pillion rides on private streets and in open spaces.

Another clause, when you look at first glance at clause 191, you get the impression that the new law will forbid a parent to teach his or her child to drive. Now, when my father taught me to drive, it was a very important bonding moment. I appreciated he was willing to teach me these important life skills. I know he wanted me to be able to drive properly, not just because he loved me and he did not want me to hurt myself and others, but he also did not want me to damage the car, but you have to really read through the different provisions to be able to discern that the law is not, in fact, actually criminalizing a parent or guardian from being able to teach the child. It is not clear.

When you look at subclauses 191(3) and (4), you know, it comes in the wake of these driving instructor provisions, right. Then when you look at clause 49, it talks about driving supervisor, but the driving supervisor is not defined. I think we should tidy up these provisions to make it quite clear that parents and guardians can, in fact, continue to teach their children and wards to drive.

Clause 177 would restrict the use of television, videos, radios, tape decks and so on, in a maxi-taxi. Again, I find the language of the section convoluted and inelegant. These vehicles come with CDs and radios, and there is much to be said about passengers being able to enjoy music and to hear the news, including the parliamentary channel, whilst travelling. The mischief we are seeking to prevent is about driver distraction. So surely, the clause can be reworded in a more precise fashion. The idea behind the provision is good, but the language is clumsy.

Clause 200(4) provides that:

> on the trial of any indictment for stealing a vehicle, the jury can find the accused guilty of the lesser offence of taking the vehicle without consent.

I have no problem with the alternative offence, but my sense is that the jury system may be on its way out, if not entirely, then in a substantially modified way. So the concern here relates to the singular reference to jury. I wonder whether it might not be useful to couch the reference more generally, bearing in mind that in time to come, the relevant fact finder may be a single judge or a tribunal.

Clause 201 makes it an offence to get into or to manipulate or to interfere with another vehicle while the vehicle is on a road or parking place, unless the vehicle is obstructing his own or another vehicle. All well and good, but I would have thought that the more likely situation for someone looking to move a vehicle is when that vehicle is obstructing his driveway. The provision does not allow you to move the vehicle blocking your driveway. So perhaps you might want to tweak this section to allow for such contingencies.

Clause 211(2) provides that when the police move your vehicle and it is damaged in the process, they are basically exempt from liability, unless you are able to prove that they failed to exercise reasonable care. Well, to my mind this goes against our constitutional right regarding the enjoyment of property and the protection of the law, if property is unreasonably and unlawfully interfered with.

Having seen how these wreckers operate in Woodbrook and around Port of Spain, this provision must be cause for concern. One recognizes the need for balance, but that is not the case here. I find the clause unduly weighted in favour of the wrecker. How will the average person be able to prove that the persons who wrecked—and here the word may really mean wrecked—his vehicle failed to exercise reasonable care? If you make" ah bad park and yuh get towed", that is one thing, right," yuh eh hah nobody to blame but yuh self, if yuh have to pay ah fine"; but to pay ah fine, and then have to pay to fix your car, because it was damaged in the process, that is a different thing. My concern is that this clause can give those wreckers who are already inclined towards wildness and undue haste may get the idea that they can do what they want, and get away with it.

I turn now to some of the things I would like to see in the legislation, things which, if not entirely absent, could certainly benefit having further elaboration and development.

5.25 p.m.

First and foremost, if this legislation is really and truly going to change the way we do business in Trinidad and Tobago, it needs to embrace ICT and the new technologies and move away from the paper-based system which currently obtains. [*Desk thumping*] It would seek to abolish inefficient bureaucracy and move away from processes which have little or no regard for people's time and convenience.

We heard about the long lines that you see—early in the morning people getting up to go and do their business and being frustrated because the cashier closed and all this kind of thing. This legislation should allow citizens to handle routine transactions online and to effect payments electronically. The proposed Motor Vehicles Authority should be able, as in so many other jurisdictions, to offer the following online services:

- vehicle registration renewal;
- reporting address changes or lost, stolen or destroyed certificates;
- driver's licence renewal or replacement;
- re-registration of sold or transferred vehicles;

- transfers of ownership;
- being able to get certified copies of ownership; and
- being able to check records.

This legislation should be geared towards the creation of a user-friendly system which ensures efficient customer service, orderliness and ease of doing business. It should also guarantee freedom from fear of victimization for those who refuse to pay bribes. Our systems and institutions are supposed to work for us, not the other way around. Online services should be available and there should be a consumer assistance help desk at all offices.

In May 1990, I attended the First Caribbean Conference on Transportation and Traffic Planning and Safety. At that conference it was recognized that road accidents are one of the highest causes of early death and a significant health problem in the developing world. In fact, in the public health context, traffic injuries are viewed as a disease—no less than any other disease—and as having greater importance than many other diseases in terms of their human impact and potential for prevention. It was recognized that the problem is of a multidisciplinary nature and a coordinated approach is required between enforcement, the environment and education if road safety is to be improved. It seems to me, however, under this Bill, the new authority will continue to operation in a silo. A multidisciplinary approach is lacking and there is no imperative for the proposed authority to have regular contact with the various other agencies which can influence road safety and comfort.

I would therefore like to see provisions also which are geared towards public accountability and public consultation. Take, for example, a situation we experienced not so long ago when certain access roads in Cocorite were just closed off, much to the chagrin of the residents in the area. Take, for example, former Port of Spain Mayor Louis Lee Sing's traffic plan for Woodbrook and St. James, which came undone because of a lack of meaningful consultation and buy-in. And what about meaningful consultation regarding the Point Fortin Highway? We talk glibly about the need to get away from top-down approaches and being inclusive, but the rhetoric does not seem to percolate into our law making and our processes. [*Desk thumping*]

Madam President, road schemes impact heavily on people's travel patterns and livelihood. A redistribution of traffic requires skilful and tactful liaison with the public, preferably from the start, if fundamental changes are likely to be made.

I spoke about accountability, I do not think clauses 38, 40 and 42 are sufficient or go far enough. Let us look at this authority. The proposed authority is going to be a tax-exempt organization. It will have responsibility for regulating

road usage and the operation of motor vehicles. It will control the issuance of driving licences and permits. It has an important role to play in preventing accidents and it will impact transport and infrastructure in our two islands.

The proposed authority is too big and too important to be allowed to fall under the radar. So, I would suggest, among other things, that the Authority should publish an accountability map and be subject to parliamentary oversight. [*Desk thumping*] There must be mechanisms for the public to know how public money is being used; how services are being managed and delivered and how the Authority monitors and manages failure. If Parliament will be appropriated sums under clause 35 for the use and operations of the Authority, then the Authority must be accountable to Parliament. Responsible Government requires accountability.

Another issue which comes up time and again in debates in this Chamber is the call for hard data. We are constantly bemoaning the fact that policies seem to be implemented without up-to-date, relevant and reliable empirical data. So, I wonder, how will the Authority be able to carry out its functions and meet its mandate without the availability of good, accurate and comprehensive data, in particular, data speaking to road usage and accidents so that problems can be properly defined and suitable remedial measures devised?

It seems to me, essential, that good data systems should be established, especially as regards road accidents, and that First Caribbean Conference on Transportation and Traffic Planning and Safety proceedings which was held 25 years ago, it was recognized that the identification of what is known as "black spots" as well as that of other factors which may contribute to the occurrence of a coalition or an injury requires sound reliable data.

A surveillance system which routinely collects data on road users, injuries and the location where the collision occurred not only aids in identifying risks, but also in evaluating the effectiveness of measures when they are introduced. Such a system has taken into account not only the information required by those agencies involved in traffic and transport management, but also the manpower and technological resources available for processing the data.

So, I would respectfully suggest that the creation of an information database with comprehensive on-going analysis of accidents data on a national scale should be one of the stated functions of the proposed authority. Such data would help us better understand why certain accidents occur at certain places so frequently, and whether there are certain trends falling for consideration and in determining the appropriate remedial action to be taken.

Such data should be summarized and analysed annually and published by the Authority on its website. If the Authority does not have a website, then one should be established and maintained as one of the Authority's statutory duties. By all means, publish in the *Gazette* as a formality requirement, but in terms of user friendliness and for purposes of transparency and accountability, all such data should be published on the Authority's website in our quest to build a knowledge-based economy that can be very useful and important data.

Clause 7(2)(a)(xvii) speaks about the Authority ensuring the security, integrity and accuracy of the information contained in its database, but there is no guidance or requirement as to what that database should comprise or in respect of its publication.

I turn now to the topic of pedestrians. In the opinion piece cited earlier, the *Express* commented on the need to:

> "…pay attention to idiotic pedestrians, or 'jaywalkers'…who literally take their lives in their hands by attempting to sprint across six lanes of traffic, endangering innocent drivers and their passengers—and all this with a walkover just a few metres away.
>
> …there should be a provision"—the writer says—"to impose a heavy fine on such people so they can learn a harsh lesson before they kill themselves and those in the vehicle that runs into them."

Well, I agree and I would like to go further.

Research carried out by the Overseas Unit of the Transport and Road Research Laboratory in the United Kingdom indicates that pedestrians are a particularly vulnerable group representing up to 70 per cent of casualties in some developing countries. Surveys of road user behaviour and knowledge show that children lack road safety knowledge. Here in Trinidad I think the situation is compounded further when every day children get to see vendors plying their goods within moving traffic and characters offering to clean your windscreen with squeegees, all oblivious to the fact that roads are dangerous and must be treated with respect.

The experts tell us that to make pedestrians using roads safer, an integrated approach to road safety is needed. The inadequate amount of advice for pedestrians indicates a need for widespread safety education programmes; programmes geared towards changing irresponsible pedestrian behaviour. We talk about changing the culture, you have to start from the schools. Given the high

incidence of pedestrian injury and deaths, I would consider this a matter of some importance, but it seems to me that the focus of this legislation is more about the registration and regulation of motor vehicles with little, if any, real attention being paid to pedestrians and road safety.

I would suggest that the Authority, working in tandem with the Ministry of Education, should have as a priority programmes to teach our children about the dangers of alighting from and crossing near buses and maxi-taxis; that if they are wearing dark clothing at night, they should walk with a light or some other sort of illumination or safety gear; how to cross road safely and about the need to treat roads with respect. This type of activity will save lives and, who knows, perhaps the children might be able to teach their parents a thing or two.

I find it ironic that this Bill can drill down to the giving of pillion rides and yet be silent when it comes to measures geared towards improving truck safety on our nation's highways. It is well recognized that drivers do not comply with regulations when they feel there is no risk of detection or danger and truck drivers are the most flagrant offenders, perhaps, because since they drive these large vehicles, they feel they may be less at risk in a coalition or accident.

I think there should be a duty to the Authority to institute programmes geared towards increasing the safety of hazardous material transportation as well. We have a very heavy industrial sector in this country, and when we drive on our roads you constantly see the movement of hazardous materials, for example, liquid nitrogen tankers, propane tankers, tankers and trailers carrying heavy industrial equipment are ubiquitous.

The Authority is mandated at clause 7(2)(a)(ix) to regulate and monitor the use of maxi-taxis, but there is no mandate to regulate and monitor hazardous materials being transported to or the use of monster vehicles on our roads, and yet just the other day we had two incidents of containers falling down in Port of Spain.

5.40 p.m.

We have seen gasoline tankers in accidents and on fire, and large vehicles crashing into people's homes. There must be, in my view, a positive obligation on the Authority to ensure that truckers drive safely and responsibly, and that they keep their loads on the road and to prevent containers and cargo tank rollovers. This also raises the question of driver training and testing. The law should require all professional drivers, in particular, those who drive heavy-duty vehicles like tank wagons and carrying containers, to be trained and certified in defensive driving.

Now, I heard Sen. Karim talk about the implementation of defensive driving courses using technology platforms, and I note and appreciate what he has said here, considering vocational courses to certify driver training instructors, to develop a CVQ for vehicle inspection, and the establishment of a centre for transport studies. These are all laudable goals and I compliment you for the foresight and initiative, but unless they are embedded in this legislation they may be of no moment, and all they may amount to is good intentions.

One of the complaints I have with this legislation is that there is a tendency to focus on the small and trivial while missing the bigger picture and the big ticket items. One of the big issues in transportation and traffic management systems today pertains to the environment, and the need to improve what is known as sustainable transportation development. It cannot be disputed that transport has a negative impact on our environment, including air pollution, noise pollution, congestion, and negative vibrations—we are talking about the boom vibrations from these modified cars. Many transportation systems around the world have embarked on a deliberate attempt at minimizing such negative impacts through traffic calming strategies, traffic systems management and sustainable transportation arrangements, but that does not feature in this legislation.

Accordingly, I would respectfully urge the powers that be to incorporate the principles and practices of sustainable transportation in the legislation. Sustainable transportation has been described as involving infrastructure, investments and travel policies that serve multiple goals of economic development, environmental stewardship and social equity. A sustainable transportation policy would reduce air pollution and noise levels, increase the space, security and comfort for pedestrians and cyclists, reduce road traffic accidents and increase the amount of green spaces in our urban areas.

A sustainable transportation policy would recognize the role transport plays, not only in our economy, but as it affects the health, safety and convenience of all our citizens. It would seek to support a better quality of life on a sustained basis and address fundamental issues, fundamental issues such as the need to evolve a dynamic transport policy and its effective administration, the need for balance in transportation and environmental development, the need for efficient and coordinated institutional arrangements, and transport and land-use planning consciousness.

My last point is that there should also be provision for the Authority to have a specialist accident investigation unit, or access to such a unit in an advisory capacity working in close collaboration with the other relevant authorities. Such a unit would

contain staff experienced in data processing, remedial scheme design, accident investigation and accident research. It would conduct accident analysis, diagnosis of sites and situations, and it would coordinate guidance on accident prevention and safety in highway work. Given the number of vehicles on our roads, given the number of deaths and accidents on our roads, given the high costs involved, both in terms of foreign currency spent on the importation of vehicles and the domino costs when accidents occur, I think a specialist investigations unit would be enormously useful, together with the advantages derived from pooled expertise. [*Desk thumping*]

Madam President, in conclusion, I find that this legislation lacks an overarching policy, philosophy or strategy. [*Desk thumping*] The draftsman, having dusted off the Motor Vehicles and Road Traffic Act and the Maxi-Taxi Act, is attempting to pass this Bill off as something shiny, new and wonderful, but it is not. I do not regard this legislation as forward looking. In fact, I would characterize it as tired, not inspired, legislation.

I had hoped we would have had something which is innovative, policy driven and transformative, but I find that this legislation smacks of old wine which is being recycled in new bottles. The hon. Minister has promised that the Bill will deliver better management, better service to the citizen, better revenue collection, and an all-round much better service, but I am not persuaded that this legislation will launch the high-powered vehicle which is needed to take us through the 21st Century. In fact, I find it is quite pedestrian. There is conditional support, hon. Minister, but more work needs to be done to get my full support. Madam President, I thank you. [*Desk thumping*]

Madam President: Sen. Rev. Joy Abdul-Mohan. [*Desk thumping*]

Sen. Rev. Joy Abdul-Mohan: Thank you, Madam President, for the opportunity to speak briefly on this Bill, the Motor Vehicles and Road Traffic Bill, and of course, I know, being the last speaker, most of my colleagues will expect that I would be brief because we are all interested in having a good night's rest— [*Interruption*]

Sen. Prescott SC: But?

Sen. Rev. J. Abdul-Mohan: But it is going to be [*Laughter*] brief, Sen. Elton.

Like some of my colleagues, Madam President, I want to preface my contribution by say that road carnage is a global tragedy and we cannot overemphasize that enough. I think in most of the contributions we heard similar statements. In our daily news we see horrific accidents happen almost every

single day, and the tragedy of losing a loved one, and possibly a breadwinner, in such senseless circumstances should be avoided. But yet most people continue to be negligent and ignore the dangers involved in their driving and so these accidents happen, and we always ask the question, can legislation prevent these accidents, these tragedies, as it were?

Nevertheless, we know that the main cause for the road carnage is outright carelessness or sheer recklessness, and driving under the influence, and, as we heard, using a hand-held mobile phone while the vehicle is moving, and driving through a red light without a seat belt, and so on, lack of experience and licensing untrained drivers, and also those with blurred eyesight who drive at nights are some of the main causes of escalating accidents in our country's roads, as well as carnage. But in recent times we did see something that we had never seen for quite a while, the joyriding of a nine-year-old. Who taught him to drive? Who influenced him? He has a mind of his own, we presume.

But, nevertheless, teenage road fatalities we read about almost every day in the newspaper, and it is very easy to let alarming headlines like these put us off from driving—"Take the water-taxi, forget driving, it is too stressful, it is dangerous". Because vehicles have become more affordable, it is evident that new drivers are over-represented in road accident statistics, and young male drivers, in particular, account for a high percentage of DUI incidence, as the hon. Sen. Fazal Karim made mention of the Trinidad and Tobago Police Service 2013 Traffic Report, when they actually proposed a strategic road safety project, which I found rather interesting, and there it is stated:

> Age of victims, 2013, data indicates a consistent demographic trend in the ages of road traffic victims with over 50 per cent comprising of the category of 15 to 34 years, with males comprising over 90 per cent of that category. Males continue to represent the largest category of fatal road traffic victims.

So, I want to say that we are living in what you call the fast and furious generation.

So the reality is, and it is important to note, that we face a crisis? Can legislation alleviate the crisis? But it is important not to exaggerate the issues, but do not imagine that road safety campaigns and advertisements do not speak directly to each one of us, thinking we are skilled drivers just because we have not had an accident, or that we have an above-average driving ability because we have avoided road rage or DUI, as it were, incidents, driving under the influence, but we may have caused an accident, knowingly or unknowingly. And the majority of drivers, and not just new drivers, overestimate their driving ability and that is a major factor in accidents.

The answer, therefore, is to strike a balance between the dangers we hear about and how we choose to drive. Every citizen must make a choice, and everyone, new or even the so-called experienced drivers, should undergo—and I cannot overemphasize this point, and I know we heard the hon. Sen. Fazal Karim making this point and reiterated by some of my colleagues—in my opinion, every driver should undergo some form of defensive driving programme, maybe every five years—every five years. Sen. Karim, you inspire me with your acronymic programmes, yeah—very acronymic programmes, and I came up with one, the DDEFY, Defensive Driving Every Five Years, [*Laughter*] and make it compulsory that even though you think you are a good driver, after every five years everyone undergoes a defensive driving programme.

I believe all stakeholders can partner with NGOs, like Arrive Alive and other organizations, to make some of these changes. But just briefly to touch on some of the clauses, or parts of the Bill, part VIII, Persons with disability parking permits, clauses 105 to 111, and I want to believe, as was mentioned, that our colleague, temporary Sen. Dr. Kriyaan Singh, adequately dealt with some of these issues, and I would not repeat same. However, some of my young people in my congregations were asking the question: the differently-abled, when they flout the law at any time, is it understood that they will also be held accountable according to the law? And, of course, the answer is, yes. So, it must be made absolutely clear that if and when the differently-abled flout the law at any time that it is understood that they also will be held accountable according to the law.

5.55 p.m.

Child Safety, Part VIII, clause 115, that was particularly of interest to me. You know, Madam President, motor vehicle collisions remain the leading cause of the death of children. Despite having laws requiring the use of child safety seats, many injuries and deaths are directly attributed to non-use or misuse of child restraints. I believe that many of these unfortunate outcomes can be prevented with increased public education. Parents and caregivers need to understand the current legislation as well as how to properly install and use child restraint systems. Parents must be held accountable. So greater policing must be done regarding this matter, as well as enforcement.

We heard mention that we see children jumping up and down. I remember driving to work one day, and children were jumping up and down in the back seat, from the front to the back, and a police car was next to me, nothing is happening—absolutely nothing. So it is either we are ignoring the legislation, the law, those of us who are responsible for security, or perhaps enforcement is a problem. Implementation is a problem in this country.

Part X111, Certification and Operation of Vehicle Inspection Centres, clauses 153 to 160. I am not sure that what I have to say may apply to this clause, or whether it is more applicable under the regulations, but my concern relates to the insurance of a vehicle, after inspection, that has not been transferred to its new owner. Maybe there are some loopholes in the law. I am not sure though that under maybe clause 99(11) of Part VII can apply here. It is understood that this will work in tandem with Part XIII.

I remember clearly when I bought a car and soon went out of the country, and did not get a chance to transfer the car in my name, but returned, the inspection date was imminent. I was informed by the inspection centre that the previous owner had to fill out the form, and the insurance certificate had to be in his name until I transferred. But then my friends told me that that was not necessary. I was happy though that I was guided properly by the owner of the inspection centre. I think he did that because I am a woman of the cloth and he did not expect that they would do anything else except to do the right thing.

We need some clarification here, and we need to regularize that aspect of the Bill. Perhaps that is why the Insurance Bill is so important. It is so important that we must be able to juxtapose the elements of both Bills, and to ensure that these Bills work in tandem with each other as it were.

Further, Madam President, I am appalled that some vehicles that pass the inspection process are actually hazardous to the environment. I drive behind some vehicles that could not possibly pass inspection because of their condition. But there is a sticker on their vehicle, and it takes sometimes, me and my family, to get a sticker, perhaps after a whole year. When you go to inspect the larger vehicles, there is no sticker now. Up to now probably we do not have one, so we have to show the inspection form, because we do not have the sticker. No stickers are available.

So I believe that we are not only faced with an environmental hazard, but a moral and ethical hazard, perpetrated by individuals who are enslaved by the mighty dollar: Come, inspect your vehicle, that is all right. So we do have a problem. If this legislation can deal with those issues, I will be willing to support it.

Whether we own a car or not, it does not take a genius to work out that driving is not exactly environmentally friendly. I think we should also get bicycles, leave the cars home, carpool, get more water taxis, and try to limit the amount of cars coming into Trinidad and Tobago. Cars produce, according to research, less than

50 per cent of total carbon monoxide emissions affecting the quality of the air that we breathe. We really are faced with a crisis. These centres and drivers must be held accountable for their actions, so greater attention must be taken when we certify these inspection centres.

Part XV, Registration of Driving Schools and Testing of Drivers, clauses 184 to 193. I fully support the certification of driving instructors, and I came up with another acronym: the TTTT programme, "Teaching Teachers To Teach" , or we could change it to "I" if you want, Minister Karim. It is important; training is necessary in this era—it is necessary. I support the training of instructors and the training of drivers. Every time you renew your licence, train you, whether you think you are an expert or a veteran in driving skills, everybody needs a retraining.

Madam President, when I think about legislation like this, barring perhaps all the errors, the typographical errors and perhaps when we look at the drafting of the Bill and so on, I want to say that the Bill has good intention.

Parts XVII and XVIII may be more applicable at committee stage, so I will not say much about that. Sen. Prescott will be happy because I will be talking less. That may be very relevant for regulations.

In conclusion, if citizens had to pay the true cost of consumption in respect of economics of transport, as in other countries, I think there will be more law-abiding citizens; and then, legislation regarding motor vehicles and traffic regulations, as it were, would make a dent on society. But because we do not pay a true cost of consumption and we seem to get everything at our doorsteps, it will become difficult to enforce or implement a piece of legislation like this, so we have work to do. Thus, I want to end my contribution with two quotations from doing some research. It is a paper done by Leonard Evans when he wrote in a periodical entitled *Studies in Ethics, Law, and Technology*. The title of his paper was "Death in Traffic: Why Are the Ethical Issues Ignored?" I quote:

> "Annually 1.2 million human beings are killed on the world's roads. Most of the victims are young, and prior to their crashes were healthy with expected normal life spans in normal health. Most are not drivers--worldwide most victims are pedestrians. Injuries vastly outnumber fatalities. Traffic harm flows from many decisions made at many levels, from individual road users to leaders of industry and government. The decisions are steeped in ethical issues, yet ethical issues are largely ignored...'Philosophers should begin to think more seriously about the many moral issues that arise from our frequent use of personal motor vehicles.'

> While it is easy to say that drivers have a personal moral responsibility to not harm others, this ignores wider issues. Do drivers adequately understand that their normal driving poses an unreasonable threat to others? If not, why not? Have drivers been misinformed? If so, by whom and for what purposes? While the individual driver is the final agent, other institutions contribute hugely to how individual drivers behave, and accordingly bear a major moral"—and ethical—"responsibility for traffic harm."

So in conclusion, Madam President, if the concerns which I have raised briefly are addressed, barring all the inconsistencies regarding grammar and the drafting, I am willing to support a much needed legislation as best as it can offer life to humans. Thank you very much. [*Desk thumping*]

Sen. Camille Robinson-Regis: Thank you very much, Madam President. As I make this short intervention, I would like to start by thanking my colleagues for wishing me a very happy birthday and long life and [*Desk thumping*] to say that this is one of the happiest birthdays I have ever spent in this Parliament.

I would like to make a few observations with regard to this legislation that is important legislation for Trinidad and Tobago. However, Madam President, it is a little difficult, having been here in 1994 when the RHA legislation was passed in this very Parliament. I sat here as a Senator at the time—a Government Senator at the time—and we did think that the RHA legislation would have been the cure-all for the health services. We felt that it was important to get the health services established in such a way that the regions would deal with their issues and that there would be a certain level of decentralization. As a consequence of that, we were very gung-ho about that legislation, and we really felt it would have been the solution to the issues with the health Ministry, with the hospitals and the clinics and that kind of thing.

But 21 years later, we have a Motion that has been brought by Sen. Dr. Wheeler, and it is patently obvious that that was not the cure-all for what has taken place in the health services in Trinidad and Tobago. I am seeing this Government going down a similar road with regard to the Motor Vehicles Authority. I would like to caution the Government—not that we should not establish a Motor Vehicles Authority—but I am saying that we need to establish it with proper consultation, with a careful examination of exactly what will take place when this Authority comes into fruition, because we do not want 20 years later—I certainly will not be here—we find ourselves at the Parliament sitting at that time thinking that we should have done something a little differently.

The Minister, Christine Newallo-Hosein, indicated that there was widespread consultation with regard to this legislation. However, I read a headline that said that the PSA was vex about the lack of consultation with regard to their association. It is dated April 2014 and says:

> The Public Services Association claims it has not been consulted by the transport ministry concerning plans to set up the Motor Vehicles Authority. PSA President, Watson Duke, made the comment at the third consultation on the Bill held by the transport ministry at NAPA. Mr. Duke described the development as disturbing.

If the PSA has not been effectively consulted, then we will find ourselves with some difficulty. I do not know if subsequent to this the situation has changed and there has been consultation, and the PSA is fully on board, but if this is not so, we will find ourselves in some difficulty, Madam President.

6.10 p.m.

Madam President, this Bill allows persons to either remain in the public service, be seconded to the proposed authority, to leave or to resign. The question that we must ask is whether this Government listens or whether it learns from concerns that can be avoided.

The question that keeps occurring in my mind is if, in fact, the public service is not totally on board with this Motor Vehicles Authority, will it work? Madam President, I know across the floor earlier, one of the Ministers indicated that it was the same thing that we of the PNM had put in place. It was a similar Bill that we had drafted. But five years later, does that mean that the current Government will just take up the same Bill that we drafted in 2009 and just run with that Bill six years later? So much has changed since then. It cannot be, it cannot be that the Government is telling us that because that piece of legislation lay there for six years that they will just pick it up in order to say that they have passed the Motor Vehicles Authority into law.

Madam President, on that particular point, I am very concerned that with regard to several pieces of legislation, the Government has passed the legislation, but it really is of no effect. One of the main ones is the Public Procurement and Disposal of Public Property (No.2) Act, 2015. This was assented to on January 14, 2015 and it is still awaiting proclamation. The Government has been boasting up and down Trinidad and Tobago talking about the fact that they passed this procurement legislation and it shows that they are all for transparency and procurement done in a proper way, but yet all that it is, is a piece of legislation on the books. It was assented to on January 14 and it is still awaiting proclamation.

Madam President, I do not think that we should really be in this Senate just passing legislation for passing legislation sake and then Bills are either not assented to or they are proclaimed in part or they lapse. If you look at a status of all the legislation, we would see that the Administration of Justice (Electronic Monitoring) Act is awaiting proclamation, and that was assented to in June 2012. The Children Act which was assented to in August of 2012 is awaiting proclamation. The Bacteriological (Biological) Toxin Weapons Act, since May 2012 that is awaiting proclamation.

Madam President, Anti-Doping In Sport Act assented to in July of 2013, that is awaiting proclamation. The CARIFORUM (Caribbean Community and Dominican Republic) European Community Economic Partnership Agreement Act, assented to in July 2013, only partially proclaimed. The Dog Control Act, assented to in July 2013, partially proclaimed.

Madam President, there so many pieces—the Indictable (Offences Committal Proceedings) Act, 2014, that which was passed in September 2014, that is awaiting proclamation. The Miscellaneous Provisions (Administration of Justice) Act, 2014, awaiting proclamation. The Miscellaneous Provision (Prisons) Act assented to in September 2014, awaiting proclamation. The much touted Planning and Facilitation of Development Act, assented to in October 2014, that is also awaiting proclamation. Madam President, there are many more that I can refer to—sorry. Yes. [*Crosstalk*]

PROCEDURAL MOTION

The Minister of Environment and Water Resources (Sen. The Hon. Ganga Singh): Madam President, I want to thank Sen. Camille Robinson-Regis for giving way. Madam President, thank you. I just want to move the Procedural Motion.

Madam President, I beg to move that the Senate do now continue—in accordance with Standing Order 9 (8), I beg to move that the Senate continues to sit until later in the proceedings when I adjourn matters. [*Laughter*]

Madam President: Hon. Senators, the question is that the Senate continues to sit until later in the proceedings when I adjourn matters. [*Laughter*]

Question put and agreed to.

MOTOR VEHICLES AND ROAD TRAFFIC BILL, 2014

Madam President: Hon. Senator, please continue.

Sen. C. Robinson-Regis: Thank you very much. Madam President. Even the Data Protection Act which was assented to in June of 2011 has only been partially proclaimed. Similarly, the Electronic Transactions Act which was assented to in April of 2011 has only partially been proclaimed. As I said, there are several more.

But interestingly, this Government came to the Parliament and touted all of these Bills as being so important to the protection of the citizens, especially the Dog Control, especially the Children Act, and even these Data Protection and the Electronic Transactions Acts as being important to the consumer, and yet they sit and gather dust having been assented to, but they are not actually in operation because they have not been proclaimed. [*Desk thumping*] So when Minister Newallo-Hosein says that this piece of legislation is very important to protect citizens, I ask her tell us about these pieces of legislation which were also said to be extremely important to protect citizens.

Madam President, we cannot continue along this road where we just pass legislation and then it does not come into operation either because the regulations to get it going are not passed, or the systems in order to get these pieces of legislation actually operational are not passed, [*Desk thumping*] and consequently they cannot come into operation. So it is just a situation of us passing legislation, Bills after Bills after Bills, but in reality they have no effect on the population of Trinidad and Tobago. [*Desk thumping*] This is what I think will happen with this piece of legislation that is before us. Not only because even if it is passed it will not be proclaimed in a hurry, but also because the legislation in effect has several flaws. The legislation is flawed.

Madam President, I indicated that public servants, according to the legislation, will have a choice. They can either remain in the public service, they can be seconded—sorry to the authority, they can leave or they can resign. But are they going to create this authority and abolish all the public service posts? Is it the aim to have a situation where there is confusion with the creation of this authority? In many instances, public servants are of the view that they are protected under the Constitution, and consequently they think twice about moving to an authority. They are protected by the Constitution and they are protected by the Public Service Commission. Thank you very much.

So, Madam President, because of this protection by the Constitution and by the Public Service Commission it is therefore, very challenging for a public servant to move to an authority and therefore this requires extensive consultation, [*Desk thumping*] dialogue and agreement. But the question is: has this type of extensive consultation occurred?

Madam President, we have seen in the public service, the growth—I cannot say introduction, but really the growth—of a number of contract positions within the service. In many instances where the transition is taking place between the public service and starting this authority, there has been the tendency to introduce

a number of contract posts in order to fill the gap between the authority being actually created and the existing situation with the Ministry of Transport. What I have noticed, Madam President, with this Government is that, in relation to contract agreements as stated by the report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2014, and this is from the period October 01, 2013 to September 30, 2014. Not September 31—September 30. It says and I quote from page 29. It says under contract agreements and it goes on to contract employment. It says:

> Contract agreements are necessary to ensure that goods and services are delivered to required specifications and that remedies for substandard performance exist and can be enforced. From financial regulation also requires your original contract to be attached to the relevant payment voucher when the work to which a contract relates has been completed.

From the samples selected, signed contracts were not provided for a number of contract payments made.

It goes on to say—and Madam President, this is very telling. In the Ministry of Transport alone there were three contracts not seen for the year 2014, and the amounts paid at the time of the audit was $3,302,708.33. For 2013, one contract was not seen and the amount paid was $5,651,390. That is in the Ministry of Transport.

But, Madam President, interestingly enough, the service that will be overseeing the implementation of this legislation that is before us, the Trinidad and Tobago Police Service, contracts not seen for the year 2014, four contracts were not seen and those contracts totalled $12,150,480.35—four contracts totalling that amount.

6.25 p.m.

Madam President, the auditor—[*Interruption*]—saw what? These are for goods and services. And also interestingly, in the Ministry of Education, which will be the transit Ministry from technical vocational studies, as Minister Karim spoke about, the contracts not seen for 2014 were three, and the total amounts paid at the time of the audit for those three contracts was $36,384,625.19; and in contracts not seen for 2013, 27 not seen, and it was $139,837,445.23.

Also, very interestingly again, under the rubric contract employment, in the Ministry of Transport there were 52 persons employed in contract positions, and let me just say that information received from Ministries on the number of persons employed on contract during the year and related remuneration payments is summarized as follows: the Ministry of Transport, 52 persons employed in 2014, the total paid was $526,695; and 25 in 2013, and the amount paid was $2,606,740.

But, Madam President, what was even more telling is that this type of employment has been occurring throughout the service and we are not sure if we are getting the type of value for money, because the total number of persons employed on contract for 2014 was 5,946 persons, and the total paid, $584,157,469.44; and in 2013, the total number of persons employed on contract, 3,450 persons for a total of $415,836,835.

And, Madam President, I bring this to the attention of fellow Senators because the issue that constantly plagues this Government is an issue of accountability. [*Desk thumping*] And the audit that we have before us, which has been laid in the House, tells us very, very clearly, that there is a pervasive need for training of staff of Ministries and departments in accounting regulations and procedures, with a view to enhancing accountability and good governance. And, it says further, that in relation to the issue of non-submission of documents or responses to memoranda, a legal opinion was requested by the Auditor General from the Attorney General on this issue of ensuring that memoranda are submitted, and documents have to be submitted, and responses are necessary, and it says:

> The Attorney General has advised that advice provided by the legal officer in the Auditor General's Department must be forwarded to the Attorney General for consideration and final approval.

But what makes this very telling is the fact that despite—sorry.

> A legal opinion on this matter was prepared by the in-house legal officer and forwarded to the Attorney General on September 18, 2013, for consideration and final approval. Despite numerous follow-up requests, the relevant approval or opinion has not been received to date.

So, even though the Auditor General has been told that the legal opinions have to go back to the Office of the Attorney General for final approval, over a year has passed and nothing has come forward from the Office of the Attorney General and, Madam President, this Government is telling us that it will be able to implement this legislation that it has brought before us today for approval. I am saying that without an iota of doubt in my mind, and I think I can speak on behalf of my fellow Senators in the Opposition, that we are very concerned that the policing of this legislation will go to nought. [*Desk thumping*]

Madam President, the other issue that is of paramount importance to me is the issue relating to newly licensed drivers, and that is that they shall only be permitted to drive or operate a motor vehicle under the condition that there are no more than two passengers including a driving—[*Interruption*]

Hon. Cadiz: Madam President, we changed that. There is no restriction. That restriction is more of an international standard for novice drivers where they restrict the amount of passengers in the car, figuring that the majority of novice drivers will be teenagers, and therefore distraction and what have you, and because of our social issues here in Trinidad and family issues we changed that, so there is no restriction. The amount of passengers allowed in the car with the novice driver is the amount of passengers the vehicle has been manufactured for.

Sen. C. Robinson-Regis: Thank you very much, Madam President. Thank you very much to the Minister for clearing that up. But, in relation to that though Mr. Minister, the question that keeps troubling me and those of us on this side is the issue of policing of this legislation. Because, right now we have a situation where persons have to wear their seat belts, children are supposed to be in their carseat or restrained in some other way, persons are supposed to drive without using their cell phones, and we are hearing members talking about persons texting and so on whilst driving, persons are also supposed to drive without drinking. But, the policing of this has not been extremely effective, and if this legislation is to have any real effect, we need to understand what will be the mechanism for really effectively policing all of these changes that will be taking place.

Now, my colleague Sen. G. Singh has said across the floor that the policing of the drinking has been fairly good and, Madam President, I do not know if it has been—I mean, we know of the persons who get caught, but I am sure there are several persons who drink and drive, who do not get caught, and there is not a consistent situation where—[*Interruption*]

Sen. G. Singh: "Every Friday night every man drink."

Sen. C. Robinson-Regis: But that does not mean that they are not drinking.

Hon. Senator: In south and central.

Sen. Al-Rawi: Not in the west. Not in the west at all.

Sen. C. Robinson-Regis: Madam President, what we have found is that in 2009 the breathalyser legislation was introduced, and that did have an effect on reducing the carnage on the roads, but because of the fact that there has been some concern regarding the number of testing kits and the importation of the testing kits, and the number of officers who can effectively use the breathalyser kits, there has been—even though there was a decrease over a period of years, there has been a noted increase, of late, regarding road fatalities that are related to persons who are drinking and driving.

And, in addition to that, we now have this legislation which is asking police officers to not only assess persons who might be drinking and driving, but also assess persons who might be on drugs, and that is going to create some issues Mr. Minister, and I think that is something that needs more careful consideration, and we need to look at that a lot more closely because there are some concerns where people are wondering how that clause in the Bill will work effectively. I mean, I know it has been asked before, is the police officer going to be the one to take blood tests? It has been said, no, but then, what happens? How do you ensure that a blood test is taken at the time when it can most effectively show that someone is under the influence of drugs? And I think if we do not have the number of persons necessary to effectively police this legislation, it will go for nought.

And, Madam President, let me make the further point, that it was said that the breathalyser made a real impact on the number of road fatalities when it first came out and over a period of time. And when the breathalyser legislation, which did less changes to the motor vehicles and road traffic legislation, when that legislation was brought to the Parliament, it was sent to a joint select committee, so that the efficacy of that legislation would have been at its highest, and that is amongst the reasons why we are saying, with more clauses this piece of legislation needs to go to a joint select committee for a second examination; a more sober examination, if I could use that term.

And I, like my colleagues, would like to place on the record that we are asking again for this legislation to go to a joint select committee to be further examined to ensure that it is up to mark with the standards of today, of 2015, and that it effectively deals with what is taking place in Trinidad and Tobago; to deal with the issues of the Public Services Association, to deal with the issues of the public as it relates to changes that will take place, and to deal with the issues of the policing of this legislation so it does in fact achieve the ends that it is supposed to achieve.

Madam President, the other issue that I would like to bring to the attention of the Minister is the issue as it relates to the Authority proposing to, or what seems to be a proposal to regulate the sale of motor vehicles and the rental of motor vehicles, including registering vehicle rental agencies, registering with the Authority vehicle traders, registering with the Authority, and driving schools being registered.

Now, Madam President, clauses 117 to 129 deal with the regulation of trade in vehicles. Clauses 132 to 143 deal with the regulation of the rental agencies registering with the Motor Vehicles Authority. And the question that needs to be asked is, will the Authority, in fact, be able to monitor these agencies? Will the

Authority, in fact, be able to ensure that all the agencies that exist—because in some instances there are agencies that exist that may have two vehicles, very small agencies—is the Authority going to be able to ensure that there is careful monitoring of the traders and also the rental agencies in particular?

6.40 p.m.

Madam President, as you know, in 2010 the initial objective was to computerize the licensing department, and now, five years later, that department still has not been computerized. It is interesting that the Minister of Tertiary Education and Skills Training has said that he is giving an undertaking that he will begin training of the staff to come on board in this agency and training of those persons who will be licensing vehicles and the like. But, Madam President, this brings me to wonder if, in fact, that was part of the policy that was discussed.

The Minister of Tertiary Education and Skills Training got up and spoke about this as though he was doing a favour to the Minister of Transport, you know, once you get this in place I will train all your people and so. But, Madam President, if it is a policy decision, the issue must be that the Cabinet sat down and said, we will need to train people, we will need to have certain things in place and it cannot be that the Minister of Tertiary Education and Skills Training just stands up today and makes policy on the fly, [*Desk thumping*] and says, oh, now that I am speaking in this legislation, I will train people for you.

That is not how it is done. It has to be that there is a policy and the policy is that we are setting up a Motor Vehicles Authority and included in the things that need to be done with this authority is the Ministry of Tertiary Education and Skills Training has to train people and the Ministry of Tertiary Education and Skills Training will put things in place. [*Desk thumping*]

But what has happened today is the Minister, apparently out of the goodness of his heart, has decided to assist his colleague. That is not how policy is done. And that is what happens when you just take up a piece of legislation and do not re-examine it for policy.

Sen. Al-Rawi: That is right.

Sen. C. Robinson-Regis: Policy is important, and it cannot be that we must come here and hear the Minister say to his friend, I will assist you partner, I will train a few people for you, I will make sure that this works. That is not how a Government runs its business. [*Desk thumping*] It cannot be policy on the fly.

Similar to that, Madam President, is the situation—[*Interruption*]

Sen. Karim: Will the Senator give way?

Sen. C. Robinson-Regis: Can I just finish my train of thought? Similar to that is the situation where the Minister has promised a simulator to his—

Sen. Karim: I never promised a simulator.

Sen. C. Robinson-Regis: You did not promise a simulator? All right. Well then—

Hon. Senator: I heard a simulator for driving.

Sen. C. Robinson-Regis: I thought I heard a simulator for driving. That is what I thought I heard, Minister. But Minister, if you did say that, I would like to ask about the AgustaWestland simulator that was brought into the country. What has happened to that simulator?

Sen. Karim: For helicopters.

Sen. C. Robinson-Regis: For helicopters.

Sen. Karim: Would you like me to answer?

Sen. C. Robinson-Regis: No. Could I finish my train of thought and then I will ask you? So that is what happens when you have policy on the fly. And what is very telling about that situation is again found in the Auditor General's Report.

And, Madam President, we have a situation where in the Ministry of Health, and that is the same Ministry that I am talking about, with the Ministry of Health and the RHAs, and this is what is going to be set up here. And, Madam President, the Auditor General's Report says, and I quote:

Development Programme: Hospital Enhancement and Development Programme.

Very similar to the kind of enhancement that the Minister of Tertiary Education and Skills Training would like to give his colleague. And it says:

> Suppliers invoices to support the sample of six payments totalling—$18,000, and this is for supplies—$18,944,977. 05 were not produced for audit. Copies of invoices prepared by the RHA were instead attached to the vouchers.

So the suppliers' invoices were not, and that is what they want to place on us again.

Another example, Madam President:

> Equipment costing, $4,965,345 which was paid for by cheque, dated—one cheque—dated July 01, 2014 had not been received up to the time of the audit in January 2015.

Equipment costing almost $5million which was paid for by cheque on July 01 had not been received by the time of the audit in January 2015.

Madam President, this cannot be allowed to continue. And let me make the further point, with regard to vehicle control. This legislation is going to try to deal with regulating vehicles on the roads and vehicles that are to be licensed and vehicles that are to be used for different purposes on the road. And this is a nationwide, nationwide control, yet, at page 40—[*Interruption*]

Sen. Karim: May I get a little chance.

Sen. C. Robinson-Regis: Minister, I am not quite finished.

Sen. Karim: Better I walk out. [*Laughter*]

Sen. C. Robinson-Regis: You want to walk out, go ahead.

Sen. Karim: Is it possible I could just make a clarification?

Sen. C. Robinson-Regis: Mr. Minister, I told you that I was in this Parliament since 1994.

Sen. Karim: Today is your birthday, you know.

Sen. C. Robinson-Regis: When I lose my train of thought it might be gone for good, you know, but if you want to make a point go ahead.

Sen. Karim: I would not want you to—thank you, Senator. I would not want you to lose your train of thought as for good, especially as we are advancing in age, or as we are enhancing in age. Anyway, let me just make it very clear that I never spoke about giving a simulator.

Sen. C. Robinson-Regis: Okay.

Sen. Karim: What we are debating here is the Motor Vehicles Authority, not the helicopter authority. And with respect to the—

Sen. C. Robinson-Regis: That is what you wanted to say.

Sen. Karim: No, no, let me just—all of the things we are talking about, the training in terms of the support, that is a part of the Bill, that comes with it. This is not policy on the fly, you know. So that we just want to say that all of these are the services we provide and we continue to provide that to all agencies. Thank you.

Sen. C. Robinson-Regis: Minister, I guess because I thought you were making policy on the fly is why I brought up AgustaWestland. [*Crosstalk*] Anyway, Minister of Transport, let me indicate that with regard to vehicle control, and this is in relation to two Ministries; under the Judiciary, it says that in relation to vehicles—Minister, and I am bringing this up because whereas the legislation that is before us is to look at all vehicles in Trinidad and Tobago. If we cannot even police what is happening in Ministries and agencies of the Government, I do not know how we are going to police with regard this legislation. And let me quote, and it says:

Individual areas of concern:

Judiciary: Payments totalling $418,500 were made in September 2014 for the purchase of two vehicles. However, at the time of the audit in January 2015 these vehicles were not seen to have been received.

Minister, this is just in the Judiciary. How can we police over 700,000 cars? How?

Minister, let me go on to point out to you that—

Hon. Cadiz: Could you restate the point, because I really do not know what to say again.

Sen. C. Robinson-Regis: What I am saying Minister is that this piece of legislation is to police certain issues, nearly every issue in relation to motor vehicles in Trinidad and Tobago.

Madam President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. G. Singh*]

Question put and agreed to.

Sen. C. Robinson-Regis: [*Desk thumping*] Thank you, Madam President, and I thank my colleague, Sen. Ganga Singh for extending my time and I thank my colleagues for agreeing. [*Sen. Karim begins to walk out of the Chamber*] Mr. Minister, I have some more points on your Ministry. But you can leave. [*Laughter*]

Sen. Al-Rawi: We will miss you. We will miss you.

Sen. C. Robinson-Regis: We will miss you, but you can leave. [*Laughter*] Yes, Madam President—

Sen. Hadeed: "He do ah Rowley."

Sen. C. Robinson-Regis: But we did not censure him and put him out with our majority.

Sen. Hadeed: "He put heself out."

Sen. C. Robinson-Regis: We did not put him out with our majority, Minister. We did not act in an undemocratic way, did we?

Sen. Hadeed: In your opinion.

Sen. C. Robinson-Regis: Yeah, but that was your opinion you were giving, but anyway, let me get back to the Bill at hand.

Mr. Minister, the point I am making is that this Bill intends to police over 700,000 vehicles. However, in various Ministries and departments we cannot even police the few vehicles that are in those Ministries and departments. And so, that is why I talked about in the Judiciary, where two vehicles were purchased and your legislation talks about vehicle traders registering, your legislation talks about that. Two vehicles were purchased, the money was paid but up to now the Auditor General has had no sight of those vehicles.

And let me go on to talk about the Trinidad and Tobago Police Service. And let me say that under vehicle control it says and I quote, and Minister you talked about licensing garages and inspection facilities and so on. Under vehicle control of the police service:

> Contractual agreements were not produced for the four vehicle garages selected from 28 shown on the list. As a result, it was not possible to determine the terms and conditions of these engagements as well as standard pricing structures. Amounts paid to these four garages, where the contracts were not seen, was $12,150,480.35—four garages, over $12 million.

The contracts were not seen. If the police cannot police what they are doing, are they going to police 700,000 vehicles, Minister? [*Desk thumping*] And Minister, even a more simple thing—[*Crosstalk*]—sorry, Mr. Attorney General—[*Interruption*]

Sen. Nicholas: The issue is to close down the place.

Sen. C. Robinson-Regis: Well, you all are on the verge of doing that—controls relating to the washing of—washing vehicles, you know, Minister. And the controls were weak. Minister, you keep asking, what I am referring to? Minister, this legislation does not tell us how you are going to police this.

6.55 p.m.

Minister, there are over 200—[*Interruption*]

Hon. Senator: "She talking about washing motor car."

Sen. C. Robinson-Regis: Okay, well that one may be a little out, but it is the issue of accountability, [*Desk thumping*] the issue of ensuring that when you put legislation before the public, it is legislation that makes sense—

Sen. Al-Rawi: Hundreds of millions of dollars.

Sen. C. Robinson-Regis: —t is legislation that makes sense, Minister. And let me say further that these issues are what will make this legislation valuable legislation or just another piece of legislation on the books remaining un-proclaimed—perhaps assented to, but never proclaimed because nothing is in place to ensure that the legislation will work. And, Minister, you came here and said this is—the favourite word—" unprecedented" legislation, but it could be as unprecedented as it wants to be, but if it cannot be properly policed, it will not work and that will be what is unprecedented, Minister.

Sen. Al-Rawi: That is right.

Sen. C. Robinson-Regis: We cannot sit here and just agree to legislation because it is brought here. We are sitting here—as we have said before, we have agreed with you on over 90 per cent of the legislation that you have brought here because we are not just interested in being here, we are interested in being here to serve the people of Trinidad and Tobago. [*Desk thumping*] So when you bring legislation we will stand and say what are our concerns, and, Minister, these are our concerns.

Madam President, as I said, the initial objective was the computerization of the licensing office, and you would recall that there was a news item some months ago that said that there were two vehicles that had the same chassis number. And, Madam President—

Hon. Senator: Registration.

Sen. C. Robinson-Regis: Sorry, registration number. And, Madam President, you will also recall the situation with the former Attorney General obtaining tax exemptions on two Range Rovers when, apparently, the exemption should only be on one. I raise this particular issue of the registration number, and I would like to, again, refer to the Auditor General's report, under the Ministry of Food Production, under the rubric, "Vehicle Control" :

> Vehicle registers were not produced at three of the four outstations sampled. A number of discrepancies were noted on the records for vehicles sampled at various locations.

This is just in the Ministry of Food Production alone.

> These included differences in chassis and engine numbers between vehicles and the relevant certified copy of ownership.

That was just the Ministry of Food Production. And again, I reiterate, that is our concern on this side. We have seen no regulations. We know that when this Bill was first drafted, the regulations were over 400 pages in length. We have seen no regulations and we are very concerned that this legislation will not work.

My last point before I take my seat relates to the issue of the definition of "hiring car" and "hired vehicle" , and the question that I would like to ask the Minister is whether there were any consultations with the maxi taxi drivers, with the school transportation drivers, with the ordinary taxi drivers as it relates to their input in how this legislation will work, because they will be transporting members of the public and we need to ensure that they are on board with this legislation and they are in agreement with what the Ministry of Transport is putting forward.

It is a little disheartening that in relation to the transportation provided for schoolchildren there seems to be some concern raised again by the Auditor General with regard to the agreement for school transport, and it says, under "Ministry of Education" again, contracts not produced.

> The agreement with the Public Transport Service Corporation for the provision of transport to students was not provided.

And, Minister, you do talk about transporting our students and other members of the public, and the related expenditure for the period October 2013 to August 2014 was $33,983,310.19. Minister, the concern is: has there been effective consultation with the providers of transportation, with the taxi drivers, with the maxi taxi operators, with the school transport? Because there are a number of yellow school buses on the roads now and I do not know if there has been any consultation with those persons. There are also a number of plain white vans—[*Interruption*]

Hon. Senator: PH Maxi.

Sen. C. Robinson-Regis: Oh—on the road. I did not even know what they were, and I do not know if there is any consultation.

So, Minister, our concerns are the effective policing of this legislation, the fact that it has been shown that the breathalyser has, in fact, reduced some of the road carnage but because of the fact that there have been problems with actually getting in the kits and so on, that there has been a slight increase. So we need to ensure that that situation does not subsist.

There is also some concern that when we did the breathalyser legislation, because of the fact that it was so important and would have touched so many people, that we did send it to a joint select committee to ensure that we came with the best legislation for Trinidad and Tobago. We on this side are saying that we have some concerns; concerns that have been made by the Independents and have

been made by those of us in the Opposition, and we are saying that we are here to ensure that we bring the best legislation forward for the people of Trinidad and Tobago, and we would like to also submit that you send this legislation to a joint select committee so that the concerns that have been raised can be effectively fleshed out and that the best legislation is brought back to the Parliament. We also want to ensure that this legislation is not just another piece of legislation that will sit on the shelves and not be properly proclaimed.

With those words, Madam President, I thank you. [*Desk thumping*]

Madam President: Sen. Dr. Tewarie. [*Desk thumping*]

The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie): Thank you very much, Madam President. I want to take the opportunity, although it has been done before on our behalf, to say happy birthday to the Leader of the Opposition in the Senate, and I am very happy to see the Senate Members here present.

Sen. Robinson-Regis: Our General Council told us to be here. [*Laughter*]

Sen. The Hon. Dr. B. Tewarie: That is very nice. So I notice in this instance you are not following your leader at all.

Sen. Baldeo-Chadeesingh: At least we have a leader.

Sen. The Hon. Dr. B. Tewarie: Yes. We have a wonderful one too.

Hon. Senator: You do? Oh, really.

Sen. The Hon. Dr. B. Tewarie: We support her in everything that she does.

Hon. Senator: And call her name on a daily basis.

Sen. The Hon. Dr. B. Tewarie: Please do not get jealous. That is not good.

Anyway, I want to respond initially to some of the issues raised by the Leader of the Opposition in the Senate and some of them are simple things, some are a little more complex and I will do so quickly because I want to address four or five things in the general debate which I thought were important issues. So I stand to support this Bill, and my own feeling is that there are challenges that require some discussion and amendments in committee stage, but I think part of the reason we have problems now with legislation and proclamation is precisely the process by which, in some cases, they were necessary but in others they were not, but in order to have a certain kind of consensus we proceeded with it but they delayed legislation in a horrible way and that has been part of the problem.

The Senator raised the issue of whether or not there might be need for change in this legislation 20 years from now. It is possible. It is possible for everything we might have passed in the Senate or in the both Houses, and it is possible for legislation to come, as well—legislation before 2010—and that is the way it is. I mean, the laws change to respond to new situations at different times and changes in the society, or changes in issues that come up, and that should not be an issue to hinder us from passing this particular Bill.

The Senator also raised the issue of public service support, raising the implementation issue. I do not think we could have indicated to the Parliament, as we have presented to them, a list of achievements which constitute 90 per cent of the nine policy shifts that we outlined in 2010, either being started, completed, or in process, if the public service could not, in fact, implement, and we could not have done it without the support of the public service. And I do not think—there are often implementation challenges—execution challenges. Those are problems in every society and there are problems in every public sector. There are also problems in the private sector. But that implementation issue remains an issue that has to be managed and it is not something that is peculiar to this piece of legislation. So I do not think that we should worry too much about that.

Do we listen and learn? Yes, we listen, we respond, we learn and, hopefully, this learning will give us the ability, however well we have done in this term, and how much we have fallen into error on occasion, with that learning, with that listening, with that appreciation, with that understanding, I think we will be a much, much better Government in the second term. [*Desk thumping*]

You say that we should not just take a PNM Bill that was six years old and make it a Bill for 2015, but I think the hon. Minister responsible for the Bill, the Minister of Transport, will tell you that they did not just take this Bill, dust it off, bring it into Parliament. It went through a long process.

7.10 p.m.

There would have been modifications. It would have gone through the LRC, it would have been in the CPC's Office, in the Office of the Attorney General—they would have made modifications—and therefore, it is a Bill as we have done with so many other Bills because there were, for instance, drafts of the procurement Bill, there were versions of the planning and facilitation Bill under another name, and it took years of revision, alterations and modifications in order to bring those Bills and make them 2014 Bills as we did, and to make them relevant to the decade in which we are living. Again, this is no different.

The hon. Senator talked about Bills being passed but to no effect. I do not think that is true. I explained the fact that we had a lot of delays in the Bills, a lot of demands for consultation, a lot of demands for joint select committees and that delayed the process, and therefore, when the Bills were late in passage it takes time to do the necessary things in order to have the Bills proclaimed. But in the case, let us say of the procurement Bill, I can indicate very clearly it is now under the jurisdiction of the Minister of Finance and the Economy. Cabinet has agreed to establish a committee that would speedily take the Bill to the point where it can be proclaimed, and Cabinet has also agreed on an advisory committee that is headed by the former President of the Senate, Mr. Timothy Hamel-Smith. That advisory committee, in fact, consists of several members of civil society, with an active interest in the role of this procurement legislation and its proclamation, and that is proceeding.

We have also engaged with the help of consultants from the UNDP who are helping us with two things: one, how to strengthen the public sector to deal with the changes and challenges on proclamation of the Bill and, secondly, how to set up the institution that will in fact manage the procurement process. We are also moving very strategically to proclaim the Planning and Facilitation of Development Bill. We are systematically doing what is required in order to do that and we will see how speedily we can actually do that.

The hon. Senator also raised the accountability issue having to do with the Auditor General's statement. I myself have not seen it, so I do not know the details of it or what kind of context she was using in raising the issues with particular Ministries. But what I would say is this, which is, that the Auditor General's report can always, as they are often, be interrogated in Parliament by parliamentarians themselves.

Secondly, we have now initiated a process of interrogation of the entire budgetary process so that when the budget is presented, all Members of Parliament will have an opportunity to interrogate every single Minister and Ministry for which issues have been flagged. So that I really do not think that is something that we should worry about. I mean, it is reasonable to flag the issues and to raise the issues if they raise issues of accountability, or if the Auditor General flags them, but I do not think that it is something that is of undue concern that cannot be addressed in the process of parliamentary action.

The other issue that you raised was the issue of policing the legislation. I could not understand some of the things that you were suggesting, but I will leave that. I will deal with the principle and, yes, policing is a problem in this country. As we have seen recently, sometimes they are better at lockdowns and the managing of traffic. That is a reality of Trinidad and Tobago. In one instance, two years have passed and

they have not been able to determine the authenticity of 31 emails. So policing is an issue. I will agree with you on that, but notwithstanding that we have to operate with the systems we have, we have to operate with the institutions that have been created. They were not created by us. They evolved over many years of independence and on the basis of that, we cannot not pass the legislation because you are worried about how we are going to police it.

It seems to me that the hon. Minister, in this Bill, has set out the process by which there will be a combination of police and other officers from the Licensing Authority, so to speak, the Authority that is being established here that will have separate and distinct, but complementary functions, in order to manage the administration of this Bill.

Now I said I would deal with some things generally that had been raised and I want to flag them before I deal with them. The first thing is that I think in the debate—and I heard it from the contributions of several Senators—there is, in my view, a slight confusion between this Motor Vehicles Authority and a transit authority, and let me simply say that this is the Motor Vehicles Authority—let me get it right—the Motor Vehicles and Road Traffic Bill. It is not a Bill for the establishment of the transit authority, and therefore, I think that there was a slight confusion about that in talking about this Bill in relation to the larger issues that are involved in the whole business of the management of transportation, the management of traffic and the management of a system of transportation in the country.

The second point I wish to make—I will come back to that—is that the issue of policy, strategy and context was raised. The fact, for instance, that this Bill comes and it does not seem to have a context, or it does not derive out of a larger strategy, or a larger policy, I want to say that is not quite so and I will explain to you why I can say that and why this Bill is in fact part of a larger context.

The third issue was the issue of statistics and I will share with you some statistics that I have here, which I think will tell us something about the place of Trinidad and Tobago and the issues that we need to worry about and why this Bill is so necessary.

The fourth issue is the issue of the power of the Minister in the Bill and the issue of Cabinet because that is an issue that has been raised. It was raised in the planning Bill, I think it might have been raised in the procurement Bill. It was raised in a number of Bills, but I think also these things are raised because I think that although we know and we understand the Constitution, and we understand the system that we operate, we are queasy about allowing the system to operate as it is supposed to because of the evolution of the use of power in Trinidad and Tobago.

The fifth issue that I want to deal with is this business, very—what can I say—cavalierly raised about the abuse of the majority. Sen. Hadeed gave his perspective on it and I support that perspective, but I want to add a little bit to that because it is important. People throw things in the air, it comes out as if it is real, that if it is true, that it is meaningful, and ordinary citizens take it and then the press reports it, then it becomes a fact, then it becomes a position, then it is written about in the editorials and then it becomes the point of conversation, and therefore, I want to deal with that particular issue here. So I will only deal with five issues, but I want to start with this business of the Motor Vehicles Authority and the transit authority. The motor vehicle has to do with this Bill. The transit authority is something else.

Now, the People's Partnership manifesto in 2010, which is where all the policy of this Government comes from, the medium-term policy, the working for sustainable development document, the monitoring and evaluation policy—all of these things—the budgetary allocation on the five priorities, that is where it comes from. The People's Partnership manifesto in 2010 stated that and I quote from it:

> "Our policy on infrastructure will be based on ensuring quality, reliability and maintenance of existing infrastructure while adopting transparent and fair procurement practices."

The emphasis here is on transportation, infrastructure, and management.

Several projects, large and small, anticipated in that manifesto have been accomplished. One example of a simple solution was the construction of a bridge over the Caparo River in Chaguanas to facilitate the linkage of the Edinburgh Boulevard with the Caparo Valley Brasso Road, just east of the Southern Main Road in Montrose. This bridge which was proposed to the Ministry for more than 15 years, before 2010, was done right away in 2010 as there were no squatters or anything obstructing it, and its construction has brought significant relief to west and southbound motorists, as well as separation of the bypass traffic from the urban centre traffic.

Other examples of well-known large-scale projects are the completed Uriah Butler Highway/Churchill-Roosevelt Highway interchange and associated road and intersection works all over Bamboo into Grand Bazaar, et cetera, the ongoing San Fernando/Point Fortin highway and the associated works. And in the manifesto, we also stated that:

> "A…Roads and Bridges Authority will be established to determine the appropriate network of major roads, highways underpasses and overpasses, and the construction of new bridges and the reconstruction of existing bridges."

That is what we committed to.

Now the authority, the roads authority, was not set up and there was a reason for that, because in the debate between decentralization and devolution of power to local government within the Government, and the issue of centralizing control of the management and development of the road system, the matter remained unresolved. However, we knew there was an issue that had to be addressed, and therefore, a Bridges, Landslips and Traffic Management Programme Implementation Unit was established within the Ministry of Works and Infrastructure. This unit is engaged in the reconstruction and rehabilitation of several bridges and landslips, as well as the implementation of some traffic management projects. So here we could not fulfil the promise completely because there was a rethinking, but we were able to do what we stated in terms of intent, in terms of managing the road system, the bridges system.

7.25 p.m.

Now, on the issue of data collection, the manifesto of 2010 stated:

> "The most effective modes of transportation will be adopted to move people and goods within Trinidad, within Tobago and between Trinidad and Tobago, all guided by a national transportation study."

Now, this study was not done, it is still outstanding. And the reason it was not done was because we did not, in fact, establish the transit authority, so that remains to be established. And in the process therefore, we had to address other issues, the road construction did not stop, the highways development did not stop, the box drains did not stop, the small roads did not stop, the bridges, the landslips did not stop, we continued to do that. But we were alert to the fact that a number of transportation studies had, in fact, been done in this country and that there had been little or no execution and a lot of propaganda. And the thing was to make sense out of what was nonsense in the public sphere and out of the sense and value of the reports that had been done.

So, for instance, what we had was a report from 1967. A report from 1967 had been done on a national transportation plan for Trinidad and Tobago, and this had been done by C. C. Parker, and Parsons, Brinckerhoff Limited, and I just want to read one small thing in it, 1967:

> In the long-range future, some form of rapid transit should prove feasible for the capital region—

And that means the area from Chaguaramas to Arima.

> The most economic location for such a development would be along the median of the Churchill Roosevelt Highway. This alignment will be

> completely graded separately when this road is improved to expressway standards, et cetera, et cetera.

So that was a plan which suggested a possible solution.

In 1974, there was a Priority Bus Route study which then led to the issue of the Priority Bus Route. In 1981, in the National Physical Development Plan, mention was made of provision of an adequate fleet of buses to serve the country with all routes having buses suited to the nature of the route; a rural public transport service and an adequate school bus; proper scheduling of public transport, et cetera, and they go down with a long list of recommendations.

And then, in 1996, there was a report again, and in this, the Government's policy should be to encourage the development of new modes of transportation to supplement the existing road network. One example of this is the possibility of a Port of Spain to Chaguaramas ferry, either as an alternative to or complementary with an improved Western Main Road similarly, and then they go on to explain. So that 1996 study had recommendations as well.

In 2000, the Halcrow Group, which by the way is the same group that did the Chaguaramas master plan, had recommended rapid rail service to support the proposed waterfront development efforts in Port of Spain. I am reading this for a purpose, you know, because there is a lot of misinformation that is out there, because the Opposition says that there is justification in these reports for a rapid rail system in Trinidad and Tobago. There is no such thing. The rapid rail is mentioned, it is limited to the East-West Corridor, it is based on the number of people that can be transported within an hour from one place to other, and that information was misrepresented to the public in order to rationalize the process for a $500-million—is it 500?

Sen. Hadeed: Pre—$500-million pre.

Sen. The Hon. Dr. B. Tewarie: $500 million pre-feasibility study. [*Desk thumping*] So, in 2000, had recommended rapid rail service to support the proposed waterfront redevelopment efforts in Port of Spain as well as provide better mobility in the East-West Corridor, Arima and Sangre Grande. And then Halcrow said:

> The following public transportation and highway schemes have been identified from the review of the available documents and consultations with representatives—so and so and so.

And they made recommendations.

And then, in 2005, there was another consult study in which they recommended options:

> High order transit systems such as dedicated bus rapid transit or light rail transit system—so it is on an either/or and it was limited to East-West Corridor transportation—increased support for busing/maxi taxis; introduction of high occupancy vehicle lanes and other roads in the East-West Corridor, UBH or Uriah Butler Highway corridor or greater Port of Spain to introduce higher modal splits; transit-friendly land use policies; et cetera.

And they went on to talk about that.

Now, in order to really manage your transportation system, the whole system and certainly the public's side with the ownership of private vehicles, the necessary first step in organizing public transport is to place control of the entire sector within a single dedicated agency such as a transit authority. If you establish such a transit authority—and I think this is what Sen. Vieira was hinting at, which is that you need—a centrally planned, centrally organized thing that is integrated with a lot of other planning areas, like land use development, decentralization, devolution, community power, et cetera. Okay?

And such an authority would be responsible for monitoring of public transport; certification of public transport vehicles and drivers; route planning; route licensing; recommending subsidies and incentives where necessary; transit authority functions. These would also undertake studies, and the Minister mentioned a transportation research centre at the university so there would be some linkage with that. Undertaking studies: providing transit hubs and associated amenities, approving transit routes, regulating transit service standard, approving fares and so on, the whole thing, with the maxi taxis and everything else that you would want. And basically, that is why I said that there seems to be some confusion between the two.

This motor vehicles thing is really to manage what is a terrible licensing office problem. That is what we are trying to manage here. It is a licensing office problem in which many of the Senators said that it was a system that was open to corruption; it was dysfunctional; it was hostile to citizen caring; it was arbitrary in the way it operated; and this is to bring some order to this thing. I think that in distinguishing between the two, if we look at it like that, we can see the value and significance of this Bill while we move to a more central and centrally organized management of your system of—what would essentially be the movement of people in the country.

Sen. Vieira is absolutely right. If you are going to do things like that, you have to deal with the issue, the National Spatial Development Strategy which outlines what is to happen with land use in the entire country, which we laid before Parliament and every Senator has in their possession. It also needs to take into account the regional spatial strategies which we did, and that was based on local government studies done by the last administration. We did not throw them out. We took them in, we aligned them to this spatial strategy and we modified them. So that the whole decentralization and land use planning business must be done and linked to the transportation process so that when you make decisions about transportation, you are not making it for the very choked situation that we have in Trinidad and Tobago today.

So, you are making transportation decisions in relation to planning strategies and trajectories for the movement and settlement of people in another area. And that is where the growth poles were important, that is where adding growth poles, let us say to Sangre Grande and Rio Claro becomes important; that is where the road from Mayaro to San Fernando becomes important; that is where the road from Point Fortin to San Fernando becomes important, and then to Fyzabad and into Penal and Debe. That is where the implications become important for the city of San Fernando and the waterfront development process; that is where Valencia becomes important to the development of Sangre Grande and the Mayaro to San Fernando road, important for the development of Rio Claro; and that is where the Chaguaramas access road between Port of Spain and Chaguaramas becomes important for the link between Port of Spain and the western peninsula of Trinidad. So, there is a strategy. There is a policy. There is great clarity about where we are heading, but this is a relatively small intervention to manage the vehicular traffic.

Let me deal with the issue of statistics. There were, in Trinidad and Tobago, 791,086 cars in the country in the year 2014. That is a provisional number, okay, because it has not been revised. But that is a jump from 2009 when there were 518,831 cars. So, between that period, you have nearly 800 and—sorry, a jump of nearly 300,000 cars—200,000 and maybe 70,000 cars in the country. Now, you could look at that and you could say that represents prosperity; you could look at that and you say that represents a traffic problem; you could look at that and say, look, that is going to create a pollution problem. And the numbers have meaning, okay, and it is important to track those numbers.

I want to say that we do, in fact, have the numbers and the numbers come from, in fact, let me see. Let me give you the source. This is from the Licensing Department now. And what about the buses? In 2010, we had 448 buses, we now have 497 buses on the road, and they supply services to 155 routes and communities in the country, connector routes in the country, and on any given day, they tell me that there are 250 buses on the road, and this comes from PTSC based on their own statistics.

And we have statistics for other things. For instance, from the police department, we know that approximately 60,000 tickets are issued every year. All right? They vary 64,000, 62,000, et cetera, but on average, about 60,000 tickets are given. We know that 165 persons were killed in 147 accidents, fatal accidents in 2014. We know that 44 per cent of the fatalities were driver fatalities.

7.40 p.m.

We know that 23 per cent were pedestrian fatalities. We know that 25 per cent were passengers driving with the drivers. We know that the highest number of fatal accidents take place on Saturday and Sunday, and this is for the period 2010 to 2014. The drivers responsible for fatal accidents fall within the age range 25 to 34. That is the highest killing group. Okay? But the trend is consistent throughout the time period 2010 to 2014, while the drivers within the 18 to 24 group and 35 to 44 age group contribute to the second highest percentage. So what you are really saying here is that drivers between the ages of 18 and 44 are the people who are most likely to be involved in a fatal accident. Now this is a very important statistic.

Sen. G. Singh: The gender percentage?

Sen. The Hon. Dr. B. Tewarie: The gender percentage, 89 per cent of the drivers that cause fatal accidents were male and 5 per cent were female. So that is a good reason to do—it tells us certain things. It looks like people 18 to 44 are too hurry to live life and, therefore, some of them lose it in the process, because the older people tend to be much more cautious. The second thing is that it looks like we should really only license female drivers, because the males use the car as a weapon.

Anyway, the other thing is that these accidents happen when people have money in their pockets because there is an increase of fatal road accidents that coincides with month end. So when they have money, perhaps, they become a little looser in their cultural and social habits and then there are other things. So there are many statistics that we can provide. There are many more statistics here but I would not read all of them. And I want to say this to you, which is the days with the highest number of fatal accidents in any year in the time period is Independence Day and New Year's Day. Okay? So that is the statistics.

I said I would address the issue of power of Ministers and Cabinet. This has come up in the legislation before so I would not raise it in particular with this legislation. I will not raise it in the particular case. I want to deal with it as a general principle. The system we have is a system in which the people elect the parliamentarians. The Constitution then allows the leader of the party with the largest number of elected officials to nominate Senators and then form a Cabinet. That constitutes the Executive. And then the Leader of the Opposition has the same option and he or she then has Members of the Opposition in both Houses, and in the Senate, of course, the President appoints, after consultation, the Independent Senators.

Now, once the Prime Minister picks a Cabinet, that is the Executive. The Ministers are allocated Ministries and they have Executive responsibility. Anything happens in that Ministry, whether there is a board or there is no board, whether it happens in the Ministry, or whether it happens, something that affects the Ministry, ultimately the Minister has to answer.

Now, if you read the Chaguaramas Development Authority Act, for instance, the board has a tremendous amount of power and under that system there are lots of things that it is empowered to do. But I am the line Minister. Any fly "pass through" Chaguaramas I am accountable and I have to answer and if I am accountable that way, I want to have the authority and you need to understand this system of Executive power in the system. I am prepared to come to Parliament and be accountable. I am prepared to account, through the press, to the population, and I am prepared to account to the people in direct interface with them. But you cannot ask me to do that if the authority is somewhere else, and that is what we are dealing with here in these institutions. You cannot ask the Minister of Transport to be powerless and to set up an authority in which other people have control and make the decisions and when the crunch comes he is answerable. That is the problem with the system.

I want to say, if we have this system, this is how it has to work. If we want it to work differently, we have to change the system and that requires constitutional change. So I want to say that very clearly because I heard it over and over again being raised in the Parliament and I have heard it raised outside. The point is, that is the system of Government we have. That is the system we have in Westminster. Ours is not a Westminster system. It is derived from it, but the constitutional provisions make these provisions. With power comes accountability. With accountability you have to give people the authority.

The leader of the Opposition in the Senate just read the things from the Auditor General. Who do you think will have to answer all of those things when we come to Parliament? It is the Ministers, with their Permanent Secretaries and other officers of the Ministry will have to answer. That is the system we have. So if you want that system, we have to make it work.

Then the final thing I want to deal with is the business of the abuse of the majority. Let me tell you something, the reason why you have a system that involves free and fair elections is because the people ultimately decide who would get the majority. And the reason you want a majority and you want a larger majority is so that you can exercise the power of the majority. That is how it works in every system in the world. [*Desk thumping*] And I want to say this majority issue is not the issue. This majority issue that is being touted as the issue having to do with what happened in the other place recently, is not the issue. The

issue is a Member of the other place occupying the office of Leader of the Opposition, came into the House, presented information to the House, a House in which the Standing Orders say that you cannot mislead the House and he presented false information, and on the basis of that false information, the House which governs its own business said that they were willing to bring sanctions. So this is a total misrepresentation and a misunderstanding of what has transpired in the House and in the system. I want to say that we need to be little more, what can I say, we need to be honest about what is happening in the country. [*Desk thumping*]

We cannot run away from the facts of the life we are living and the things we are doing in the country and pretend that something else is happening. The issue of parliamentary censure came after an event had happened and a series of events then unfolded, which made the event, almost two years before, become very clear in the public eye as to its meaning and that is the basis on which it happened. And the decision to stay away from Parliament is a voluntary decision of the Members of the other House and that is why I complimented the Members of the Senate for coming here today. Because you had taken the responsible position of meeting your obligations to the Senate. [*Desk thumping*]

So, I want to say in closing, Madam President, I think in the debate here we got a little skewed by what I sense—I do not mean this in any derogatory way at all—I think there was a little bit of confusion between the Motor Vehicles Authority and the transit authority. The transit authority is not yet established, but once established that then gives us the power. It gives us the opportunity. It gives us the wherewithal to be able to do a lot more things in a much more comprehensive and integrated way.

I have explained to you that there is a strategy and a context for all of these things, deriving from the manifesto. But I also want to say to you that we are thinking about these transportation things all the time. The Minister of Transport and myself, together with other Ministers, Minister of National Security, Minister of Works and Infrastructure, et cetera, a number of issues we have discussed together. I would not raise that here today. But I do want to say that one of the things that we have discussed for the country as a whole, San Fernando, Chaguanas, the northern area, in order to deal with Port of Spain and Chaguaramas, has been the issue of strategically locating parking systems that are linked to park and ride. And that is one element of it. Decentralization is another. The land use planning strategy is another. The growth pole strategy is another. All of these are linked to the management of traffic.

But there are other things that we can do. We can have a dedicated school bus transportation system in the country that is very, very strategically deployed. We have the rudiments of that now. It works, but it can be very strategically deployed throughout the country. We can have dedicated service to industrial estate workers, in Point Lisas and other estates for instance, in which they leave their cars at home and they are reliably taken to and from their place of business. We can have a bus rapid transit system. This is something that the hon. Minister has spoken about publicly and articulated the position in relation—[*Interruption*]

Madam President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. G. Singh*]

Question put and agreed to.

Sen. The Hon. Dr. B. Tewarie: Thank you very much, Madam President. Thank you very much, hon. Leader of the House. Thank you, hon. Senators. I would be very brief. I simply want to say that this is a good Bill. It is a reasonable Bill. There may be flaws in it, which I think we can fix and with goodwill I think we can fix expeditiously. Expeditiously fixing the Bill does not mean that it will not be a good Bill. There is a lot of wisdom in this House. There is a lot of clarity. There is a lot of commitment and concern for the society and I think that there are more problem solvers in the Senate than in many places that I can say and, therefore, I feel that we should work together to complete this Bill so that we will have one more Bill completed and we will have one more problem addressed that can be resolved, that is valuable to the society.

If you agree that the old Licensing Authority was a nightmare and that there is the real possibility that this Bill could create an authority that can have some clout that can transform the system, that can make the system better and can in fact provide some citizen-friendly support, then I think it is worth our effort to try and make this Bill work. Thank you very much, Madam President. [*Desk thumping*]

7.55 p.m.

The Minister of Transport (Hon. Stephen Cadiz): [*Desk thumping*] Thank you, Madam President. I would like to thank, I believe we had 19 speakers, speaking on this Bill, and I would really like to thank all those persons who contributed on the Bill. [*Desk thumping*]

Madam President, we have heard so much, and I mean, sitting here and listening to the contributions, all very enlightening, a lot of good information came from the various Senators speaking. I do understand that some of the queries and the concerns are already in the Bill, and we would just have to go through those concerns, and show where we have already made provision for it in the Bill. But really and truly this Motor Vehicles and Road Traffic Bill, 2014, really and truly is not for Trinidad and Tobago— all of a sudden to jump a thousand years into the future. There are certain things that have to be done immediately in Trinidad and Tobago. Again, just the simple horror stories that Sen. Dr. Tewarie just spoke about, about going—a leisurely visit to the licensing office, as we know it, turns into a horror story.

So what we are looking at here with this Bill, is not to cure all the ills of transport, and all the ills of dealing with motor vehicles, but to really and truly, stop a situation that has occurred for decades now, to put an end to that, and start afresh and, of course, as we go along—and when I say start afresh, the Bill takes into account, I would say, close to 90 per cent of what we would actually want.

I will just draw reference to a couple of things. For instance, Sen. Vieira in his contribution, he spoke of a crash investigative unit and I am not saying that not because you brought it up, I am going to say that we already thought about that, but we have been looking at that. But to do a crash investigative unit, to try and incorporate it into this Bill, you are talking about a whole other piece of legislation now, and you are talking about how to operationalize that. You are talking something that is brand new for Trinidad and Tobago. You are talking about if it is, for instance, the Ministry of Transport that has both ports, ferries, vehicles and the airport under its wing, should then a crash investigative unit be in a position to investigate marine accidents, as well as vehicular accidents? Therefore, if you are going to be creating a crash investigative unit, a lot of thought would have to go into exactly what we are going to do. Are we going to do a very small part of vehicular accidents? Are we only going to do fatalities? Are we only going to do X, Y and Z?

Then to operationalize that, you need this expertise. It would have to be created either through Minister Karim or to be able to buy the expertise from somewhere else, and then, of course, you have the issues of budgets and it is a whole other entity that we will have to look at. So even though a crash investigative unit would be a wonderful thing to have immediately—and I am just using that as a simple reference, what we are looking at here is a Motor Vehicles Authority, whereby all customers of the Motor Vehicles Authority within—we use a figure, a time frame, a maximum of 20 minutes, 15/20 minutes of any service that you would want. Now, strangely enough, I get these wonderful calls out of the blue, of people saying, "I went to St. James, and in 15 minutes I was out" , that is great news. Or, "I went to San Fernando and the same thing happened".

Now, I do not get that 100 per cent of the time. I probably get that about half of a per cent of the time, but the fact of the matter is that we can, in fact, do it with the existing decades-old manual system that we presently use. Therefore, what we are looking at with this new Motor Vehicles Authority is to ensure that every single citizen, utilizing the services of the Motor Vehicles Authority will have that level, that very, very high level of customer service, and that—[*Interruption*]

ADJOURNMENT

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you. Thank you, hon. Minister for giving way. Madam President, I beg to move that this Senate do now adjourn to May 19th, at 10.30 a.m., when we will continue debate and go through committee stage on the Motor Vehicles Authority Bill, 2014.

Question put and agreed to.

Senate adjourned accordingly

Adjourned at 8.00 p.m.