

**HOUSE OF REPRESENTATIVES***Friday, March 21, 2014*

The House met at 1.30 p.m.

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

**Mr. Speaker:** Hon. Members, I have received communications from the following Members: Hon. Dr. Lincoln Douglas, Member of Parliament for Lopinot/Bon Air West, is out of the country and has asked to be excused from sittings of the House during the period March 15 to 22, 2014; hon. Rodger Samuel, Member of Parliament for Arima, is also out of the country and has asked to be excused from sittings of the House during the period March 19 to 29, 2014; hon. Dr. Keith Rowley, Member of Parliament for Diego Martin West and hon. Winston Peters, Member of Parliament for Mayaro, have asked to be excused from today's sitting of the House. The leave which the Members seek is granted.

**PAPERS LAID**

1. Financial statements of Business Development Company Limited for the financial year ended September 30, 2012. [*The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]  
*To be referred to the Public Accounts (Enterprises) Committee.*
2. Animals (Importation) Control (Amendment) Regulations, 2014. [*The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)*]
3. Annual Report of the Heritage and Stabilisation Fund for the year ended September 30, 2013. [*Hon. R. Indarsingh*]
4. Annual Report of the Trinidad and Tobago Securities and Exchange Commission for the year ended September 30, 2013. [*Hon. R. Indarsingh*]
5. Annual Report on Performance 2013 - Measuring Progress, Identifying Challenges, Actioning Solutions. [*Hon. Dr. R. Moonilal*]

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, with the concurrence of the Opposition Chief Whip, I have asked that Sen. The Hon. Ganga Singh, present with us this afternoon from

*Oral Answers to Questions*  
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the other place, Minister of the Environment and Water Resources, be allowed to answer questions posed to him on the Order Paper, including question No. 81 which was posed to the Minister of Food Production.

Mr. Speaker, we are prepared to answer all questions on the Order Paper apart from the questions posed to the Minister of Education and the Minister of Local Government, both are unavailable at this time, and I ask that those questions be deferred for one week.

Mr. Speaker, we did have an agreement that Minister Ganga Singh would answer the questions posed to him on the Order Paper as the Minister of the Environment and Water Resources, with the exception of 82.

**Hon. Singh:** Question Nos. 77, 81 and 83.

**Hon. Dr. R. Moonilal:** Yes, so the Member for Port of Spain North/St. Ann's West, I believe—77.

**Mr. Speaker:** And he will answer for the Minister of Food Production as well?

**Hon. Dr. R. Moonilal:** Yes.

*The following questions stood on the Order Paper:*

**Saut D'eau Road, La Canoa, Santa Cruz  
(Completion of Road Works)**

- 67.** With respect to the completion of road works at Saut D'eau Road, La Canoa, Santa Cruz, could the hon. Minister of Local Government state:
- a) When will paving works begin?
  - b) When will the project be completed? [*Mrs. J. Thomas*]

**Maracas Bay ECCE Centre  
(Commencement of Works)**

- 68.** Could the hon. Minister of Education state:
- a) Whether any approval has been given by the Ministry for the commencement of works at the Maracas Bay ECCE Centre?
  - b) The projected date for the commencement of works for this Centre? [*Mrs. J. Thomas*]

**Textbook Rental Programme  
(Receipt of School Books)**

- 74.** Could the hon. Minister of Education state:
- a) As at January 1, 2014, how many schools have not received textbooks under the Textbook Rental Programme for the Academic Year 2013-2014?
  - b) The names of the schools?
  - c) When will these schools receive textbooks? [*Mrs. P. Mc Intosh*]

**Technical/Vocational Studies in Secondary Schools  
(Details of)**

- 75.** Could the hon. Minister of Education state:
- a) How many vacancies exist in the area of Technical/Vocational Studies in Secondary Schools?
  - b) The schools that are currently without the requisite teachers as a result of these vacancies?
  - c) What provisions have been made to accommodate students who are pursuing Technical/Vocational studies in those schools adversely affected? [*Mrs. P. Mc Intosh*]

**Cascade and St. Ann's Rivers  
(Clearing of)**

- 76.** Could the hon. Minister of Local Government indicate when would the Cascade and St. Ann's Rivers be cleared of bush and debris? [*Mrs. P. Mc Intosh*]

**Seafood in the Gulf of Paria  
(Tests for Toxicity Levels)**

- 82.** Could the hon. Minister of the Environment and Water Resources state:
- (a) The dates during the past two years when tests were conducted on the fish, shrimp, crab and oysters in the Gulf of Paria to ascertain toxicity levels?
  - (b) The results of those tests stated in part (a) above? [*Mr. F. Jeffrey*]

**Early Childhood Care and Education (ECCE) Centres  
(UTT Graduate Teachers)**

**102.** Could the hon. Minister of Education state:

- a) How many UTT graduate teachers in Special Education have had their status regularized?
- b) How many of those who had received scholarships since 2006 have been placed in Early Childhood Care Education (ECCE) Centres?
- c) How many vacancies exist for ECCE teachers at ECCE Centres throughout the country? [*Mrs. P. Mc Intosh*]

**Special Education Teachers in Schools  
(Details of)**

**103.** Could the hon. Minister of Education state:

- a) How many UTT graduate teachers in Special Education are employed as Special Education Teachers in Primary and Secondary Schools?
- b) How many posts for Special Education Teachers have been created since May 2010 in Primary and Secondary Schools throughout the country? [*Mrs. P. Mc Intosh*]

*Questions, by leave, deferred.*

**Reliable Supply of Pipe-Borne Water**

**77. Miss Marlene Mc Donald** (*Port of Spain South*) on behalf of Mrs. Patricia Mc Intosh (*Port of Spain North/ St. Ann's West*) asked the hon. Minister of the Environment and Water Resources:

Could the Minister state when will a reliable supply of pipe-borne water be delivered to the residents of:

- i. Upper McKai Lands, Belmont?
- ii. Upper Marie Road, Morvant?
- iii. Upper Belmont Valley Road?
- iv. Upper Ariapita Road, St. Ann's; and
- iv. Upper Cascade Main Road, Casa Blanca, Cascade?

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Thank you very much, Mr. Speaker. In September 2013, the

Water and Sewerage Authority installed 800 metres of four-inch pipeline infrastructure at Upper McKai Lands, Belmont. In June 2014, 1.6 kilometres of six-inch pipeline infrastructure will be installed.

Mr. Speaker, because of the elevation of the terrain, I am advised that it is one of the highest points in the constituency of Port of Spain North/St. Ann's West. A booster station has to be constructed. This booster station would be constructed in September 2014. When these projects are completed by the end of 2014, an estimated 350 residents will be receiving pipeline water for the first time, and over 1,300 residents will be moving from a 24/2 supply to a 24/7 supply. [*Desk thumping*] That is water from two days per week to water seven days per week.

Upper Marie Road, Morvant: in order to improve the water supply at Upper Marie Road, Morvant, another elevated area, the Water and Sewerage Authority has scheduled works for the upgrading of the pitch road booster station for September 2014. When these works are completed, the estimated 1,200 residents, who currently receive a 24-2 supply, would be upgraded to a minimum 24/5 supply of potable water per week.

Upper Belmont Valley Road: Mr. Speaker, I am advised by the Water and Sewerage Authority that this area already has a 24/7 water supply.

Upper Ariapita Road, St. Ann's and Upper Cascade Main Road, Casa Blanca, Cascade: Mr. Speaker, the Water and Sewerage Authority has scheduled a programme of works for: one, the upgrading of the St. Ann's reservoir; and two, laying an estimated five kilometres of six-inch PVC main which will be installed in the fourth quarter of 2014 on Ariapita Road, St. Ann's. As a result of these works, an estimated 22,000 residents will receive an improved water supply from 24/2 per week to 24/5 and 24/7.

Mr. Speaker, I thank you. [*Desk thumping*]

**Gulf of Paria  
(Fish for human consumption)**

**81. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of the Environment and Water Resources:

Could the Minister state when will fish caught in the Gulf of Paria be satisfactory for human consumption?

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Mr. Speaker, thank you. The question asked: could the Minister state when will fish caught in the Gulf of Paria be satisfactory for human

consumption? It was directed to the Minister of the Environment and Water Resources and then subsequently to the Minister of Food Production whose ambit falls under fisheries. But really, this is a question, Mr. Speaker—you would see.

The issue of determination of whether the fish found in the Gulf of Paria is satisfactory for human consumption is a matter to be directed to the Chemistry, Food and Drug Division, Ministry of Health.

In accordance with the Food and Drugs Act, Chap. 30:01, in particular Fish and Fishery Product Regulations, the Chemistry, Food and Drug Division is required to conduct testing on fish and fish products that are imported/exported as well as those offered for sale.

Having said that, Mr. Speaker, the IMA is currently conducting tests on the fish that washed ashore in the La Brea area, and they are expected to report to me in a two-week period, and when those scientific tests are conducted, then we will be in a position to determine the outcome of that, but with respect to this, it is a matter for the Chemistry, Food and Drug Division, Ministry of Health.

Having said that, Mr. Speaker, on March 17, the IMA conducted tests on fish acquired from Otaheite and the Claxton Bay fish vendors, and in a shark sample which they tested, after going through significant scientific testing, they found no detectable presence of polycyclic aromatic hydrocarbons.

**Mr. Jeffrey:** Supplemental. Hon. Minister, do you not find it quite strange—  
[*Interruption*]

**Mr. Speaker:** No, no, ask a question, please.

**Mr. Jeffrey:** Hon. Minister, could you tell us why the testing was not done for the La Brea area?

**Sen. The Hon. G. Singh:** As I indicated to the hon. Member, testing is currently being done by the IMA on the fish samples taken from the La Brea area, and I expect to get a report from the Institute of Marine Affairs laboratory within a week, so I will be in a position to answer question 83 within two weeks.

**Mr. Jeffrey:** Further supplemental. Hon. Minister, as a precautionary measure, do you not think it is a wise thing for some kind of signs to be put up on the La Brea area to warn people against fishing in that area?

**Sen. The Hon. G. Singh:** I mean, Mr. Speaker, I am dealing with the scientific basis for any kind of decision. Any decision of that nature has to be dealt with on a scientific and empirical basis. I do not have that before me at this

point in time, and arising out of the tests by the Institute of Marine Affairs, I would be in a position to determine whether or not such signage, if necessary, is required.

**Mr. Jeffrey:** Further supplemental. Hon. Minister, at this time, a lot of dead fishes are coming up on the La Brea beach, I am simply asking that as a precautionary measure, could some kind of warning sign not be put up in the La Brea area?

**Sen. The Hon. G. Singh:** I want to indicate to the Member, I read the newspaper reports, and he had indicated to the people of his constituency: do not eat the fish. Perhaps, he may be in a better position to convince them of that, but I operate on the basis of scientific evidence before me.

**Mrs. Gopee-Scoon:** Supplemental to the hon. Minister who is visiting. Hon. Minister, in addition to the IMA doing its testing, will the Ministry of Health be doing any testing in the La Brea area as well?

**Sen. The Hon. G. Singh:** I think that that portfolio exists with the Minister of Health and he will be in a position to respond to that question appropriately. But certainly, arising out of the IMA tests, if the tests are of such a nature, I will convey that to the Minister of Health, and through collaboration, certain actions will be taken, but I do not want to prejudice or speculate on the outcome of those tests.

### **Mangrove Replanting on the South-western Coastline (Details of)**

**83. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of the Environment and Water Resources:

Could the Minister state:

- a) The amount and types of mangrove that will be replanted along the south western coastline?
- b) When will this be completed?

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh):** Thank you very much, Mr. Speaker. In order to accommodate the widening of the alignment of the segment of the extension of the Solomon Hochoy Highway to Point Fortin in the vicinity of the Mosquito Creek, it was necessary to remove approximately 2.4 hectares of mangrove. As part of the regulatory approval process for this segment of the highway, from Paria Suites to

St. Mary's Junction, a certificate of environmental clearance was applied for and subsequently obtained on April 29, 2011. It is in this context that the EMA granted approval for a mangrove rehabilitation plan.

Under this plan, an area in excess of 40 hectares of mangrove would benefit from this project aimed at restoring the hydraulic connectivity of the Compere River to the adjacent mangrove. This plan was endorsed by the National Wetlands Committee. This expansion of the mangrove to 40 hectares would ensure the regeneration of oyster beds and crab habitat, and would facilitate the crab and oyster catchers in the area. Work under the mangrove rehabilitation plan is scheduled to start in April and to be completed in June 2014.

**1.45 p.m.**

**Mr. Jeffrey:** Hon. Minister, the coastal area in the Rousillac area, where the mangrove has been affected with the oil spill, I understand, through the EMA, that part of the charge against Petrotrin, part of that money, was supposed to be used for the planting of mangrove. It is in that context this question is being asked.

**Sen. The Hon. G. Singh:** Okay, I think that, in the context of the question in the south-western coastline, it was not specific. I thought, based on the question, it was dealing with the question of the 2.4 hectares of mangrove that was removed and the three types of mangroves: the red, the black, the white and the button wood, which is not existing in the area, that was dealt with. However, if the Member wants to ask another question with respect to the impact of the oil spill on the mangrove, I will be only too willing to answer that.

**Mr. Jeffrey:** Supplemental. Hon. Minister, I think my question is specific, the south-western coastline and that Rousillac area is within the south-western coastline.

**Sen. The Hon. G. Singh:** I think, for want of a better word, I needed a marker, a fingerprint, from the hon. Member, to indicate that it was specific to the impact of the oil spill.

**Maloney Health Centre  
(Dental Services)**

**64. Miss Alicia Hospedales** (*Arouca/Maloney*) asked the hon. Minister of Health:

Could the Minister state:

- a) From what date will dental services be made available at the Maloney Health Centre?



b) Whether a dentist will be officially assigned to this Health Centre?

**The Minister of Health (Hon. Dr. Fuad Khan):** Mr. Speaker, thank you very much. I was getting a little worried there, Mr. Speaker. I was wondering if you are trying to protect the Member for Arouca/Maloney from what she is about to hear.

Mr. Speaker, dental management in this country has been placed on the back-burner for too long a time and the Ministry of Health has embarked upon a programme of primary health care for dental treatment in this country, especially for those of the under 12 age group.

When I got this question, I was going to ask the Member for Arouca/Maloney—I like her, she is a good person—if she would like to withdraw the question before I start.

**Miss Hospedales:** If I?

**Hon. Dr. F. Khan:** If you want to withdraw it.

**Miss Hospedales:** No, I do not want to.

**Hon. Dr. F. Khan:** All right, I would tell you why now. Since you are not going to withdraw it, I will have to go ahead. Seeing that your leader is here, the Member for San Fernando East. Welcome to the House again, Mr. Manning.

In 2004, I was told that this health centre was placed in Maloney with a room that was designed for dental treatment and from 2004, to as I stand here today, it is still an empty room that has in it a lot of, I would say, items that are used for storage. It would appear that in that last period there was no consideration being given to dental treatment in Arouca/Maloney. So we have done so and I have started a primary health care thrust and dental service, so we can start throughout the country putting X-ray facilities, dental X-rays, as well as dentists, dental auxiliaries and changing the legislation to allow the dental nurses to be nurses themselves, rather than just named nurses.

Looking at this programme, and since the people of Arouca/Maloney did not have the benefits of any dental treatment for such a very long time, we are now starting to do the infrastructural works, based on our primary dental health care plans. There will be installation and commission of dental equipment at the facility by, hopefully, December 01, 2014, which is what we are doing as we speak.

A dental nurse would provide dental treatment to children under the age of 12 years and a dentist will be there to provide dental treatment for adults and teenagers and they will be assigned to the health centre. Thank you, Mr. Speaker.

**Miss Hospedales:** Mr. Speaker, I am not sure if the Minister of Health can recall but I did send him correspondence on this particular issue in 2011. So I do not know what the excuse is all about.

### Illegal Quarries

- 65. Miss Alicia Hospedales (Arouca/Maloney)** asked the hon. Minister of Energy and Energy Affairs to state:
- i. How many illegal quarries have been identified throughout the country?
  - ii. Where are these illegal quarries located?
  - iii. How many persons have been arrested and charged for illegal quarrying from June 2010 to date?
- B. Could the Minister list all the licensed quarries that operate within the country?

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I ask that question No. 65 be deferred by one week. The Minister is prepared to answer all the other questions posed to the Minister of Energy and Energy Affairs today.

*Question, by leave, deferred.*

### Petrotrin, Bunker C Type Oil (Details of)

- 70. Mrs. Paula Gopee-Scoon (Point Fortin)** asked the hon. Minister of Energy and Energy Affairs to state:
- a) Whether fueling operations were conducted by Petrotrin, specific to the loading of Bunker C type oil to the state-owned barge, Marabella, between December 16 and 17, 2013?
  - b) Whether any oil leak associated with this loading occurred?
  - c) If the answer to part (b) above is in the affirmative:
    - i. What quantity of oil was leaked?
    - ii. How was the quantity determined?
    - iii. What was the identified cause of the leak?

**The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine):** Thank you very much, Mr. Speaker. The answer to question 70 from the hon. Member of Parliament for Point Fortin is as follows:

Part (a) of the question, the answer reads: Petrotrin reported to the Ministry of Energy and Energy Affairs that they were loading the Petrotrin owned barge, the Marabella, with bunker C type fuel oil on December 17, 2013.

With regard to part (b), the question is:

“Whether any leak associated with this loading occurred?”

The answer: it was reported to the Ministry of Energy and Energy Affairs by Petrotrin that on the 17<sup>th</sup> of December, 2013, that there was a leak of bunker C type fuel oil from the No. 10 sea line, which was being used to load the Marabella barge with bunker C type fuel oil.

With regard to part (c), which has three sub parts, the first part reads:

“If the answer to part (b) above is in the affirmative:

i. what quantity of oil was leaked?”

The answer is Petrotrin estimated that approximately 7,554 barrels of bunker C type oil leaked from the No. 10 C line on December 17, 2013.

With regard to (c) (ii):

“How was the quantity determined?”

The quantity was determined by the difference between the amount of oil that was pumped from the storage tank and the amount of oil that was received by the Marabella barge. The amount in each tank was determined by the measurement of the quantum of oil in these tanks following the discovery of the spill.

With regard to (c) (iii):L

“What was the identified cause of the leak?”

Petrotrin has advised the Ministry that the leak was caused by the mechanical failure of a support chain from the No. 10 C line, which caused the pipeline to sag and sheer at the expansion joint during the loading of the Marabella barge on December 17, 2013.

That concludes the answers for question 70.

**Mrs. Gopee-Scoon:** Just one supplemental Minister, since you have been so forthright in your response. Are you satisfied with the immediate responses which took place in the wee hours of the morning following the leak which took place and the discovery of the leak from that No. 10 C line?

**Mr. Speaker:** No, I think that is a completely new question.

**Mr. Jeffrey:** Hon. Minister, could you tell this House when were you informed of the oil leak in La Brea?

**Mr. Speaker:** Let us be specific. The question that I have before me does not ask that question and, therefore, you are asking the Minister to respond to a question that he cannot really answer, because it was never posed and you are coming up with a new question. So I would ask you to file a question on that, so that the Minister could be in a position to answer. Any further supplemental?

**Mr. Jeffrey:** Further supplemental, Mr. Speaker. Hon. Minister, your answer to question No. 70, is it not an admission that the whole thing about sabotage, as was first proposed, is no longer relevant?

**Sen. The Hon. K. Ramnarine:** With all due respect to the Member, Mr. Speaker, you are soliciting an opinion and I think that is in contravention of the Standing Orders.

### **Petrotrin (Media Release re Bunker Type C Oil)**

**71. Mrs. Paula Gopee-Scoon** (*Point Fortin*) asked the hon. Minister of Energy and Energy Affairs:

With reference to the Ministry's media release of December 27, 2013, could the Minister indicate whether the Petroleum Company of Trinidad & Tobago Ltd. (Petrotrin) has determined the source of the Bunker C type oil that washed ashore at La Brea in December, 2013?

**The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine):** Thank you very much, again, Mr. Speaker. The question posed by the Member of Parliament for Point Fortin, if I probably have to read the question to give the context of the answer.

**Mr. Speaker:** You do not have to read it. Just give the context.

**Sen. The Hon. K. Ramnarine:** The answer is: Petrotrin sent samples of the oil that washed ashore to an independent laboratory for analysis. That lab is a lab

located in Houston, Texas. The results indicated that the oil that washed ashore at La Brea and the oil that leaked at the Petrotrin Port on December 17, 2013, is the same type of oil. Okay.

Based on these results, Petrotrin advised that the December 17, 2013 spill from the No. 10 C line, that the source of that—basically they advised that the source of the oil on the beach in La Brea is correlated back to the No. 10 C line.

I had also indicated—and that was based on an independent test they did in a lab in Houston, as the Member would recall in my contribution on the 10th of January 2014, in this Chamber—that the IMA had also done fingerprinting in December 2013 and that came to the same conclusion that there was a correlation between the oil leaked in Pointe-a-Pierre and the oil on the beach in La Brea. Okay?

**Mrs. Gopee-Scoon:** No supplementals, so I will move on. Thank you very much and thank you very much to the Minister of Energy and Energy Affairs for that conclusive piece of evidence.

**Petrotrin  
(Suspension of Employees)**

**72. Mrs. Paula Gopee-Scoon** (*Point Fortin*) asked the hon. Minister of Energy and Energy Affairs:

Could the Minister state:

- a) The reasons for the recent suspension of employees involved in the loading and receiving of fuel at the port and marine operations of Petrotrin, Pointe-a-Pierre?
- b) Whether any disciplinary action has been taken against these employees to date?
- c) What is the current job status of these employees?
- d) What are the job titles of these employees and to whom do they directly report?
- e) The detailed chain of command related to these employees and the jobs which they perform?

**The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine):** Question 72, Mr. Speaker, part (a), a total of 12 Petrotrin employees who were engaged in the loading and receiving of fuel at the

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Petrotrin/Pointe-a-Pierre Port on December 17, 2013, were suspended by Petrotrin pending a full investigation into the oil spill incident in accordance with standard operating procedures. That is the answer to part (a).

Part (b), yes disciplinary action was taken against six of those 12 employees.

With regard to part (c), six employees were terminated and six were reinstated.

With respect to part (d) of the question, which asked:

“What are the job titles of these employees and to whom do they directly report?”

The job titles of the personnel who were terminated by the company are as follows: one port operations coordinator, port and marine; dock supervisor, port and marine; shift team leader, port and marine; shift supervisor, oil stocks; shift team leader, oil stocks; and foreman, engine pump attendant, oil stocks. Those were the six persons who were terminated. I also have a list of the six persons who were reinstated.

With regard to part (e) of the question, the answer is very long and it will take me quite a while to give that answer and I humbly request, if the Member of Parliament would agree, that that answer be circulated in writing, or if she wants it read out.

**Mrs. Gopee-Scoon:** That is fine.

**Sen. The Hon. K. Ramnarine:** That is fine? Because it is an organogram, and so on.

*Vide end of sitting for written part of oral answer.*

**Mr. Deyalsingh:** Supplemental, Mr. Speaker. Hon. Minister, have any members of the Board of Petrotrin, like those persons who have been fired, been held responsible for the culpability or recklessness in this matter?

**Mr. Speaker:** That is not a question that is before us, please. Any further supplemental?

**Mrs. Gopee-Scoon:** Thank you, Mr. Speaker, supplemental question to the hon. Minister. The members who were dismissed, or at least those who were questioned initially, were any of those management per se? You listed some of those who were in supervisory positions and you said six of them were not terminated, were any of those who were questioned, were they of management status?

**2.00 p.m.**

Member for Pointe a Pierre, the question is for the Minister of Energy and Energy Affairs.

**Sen. The Hon. K. Ramnarine:** Mr. Speaker, a very experienced Member of Parliament who has great knowledge of Petrotrin. I am advised that from coordinator and above, is considered management, so one of these positions here is the port operations coordinator. So I am assuming it is safe to assume that he is part of the management. The other positions are below the coordinator. So that would not be persons in the management area. But I have the full organogram, Member, and I will submit that for circulation in the House, okay?

**Mrs. Gopee-Scoon:** Just another question. What were the specific reasons for the disciplinary action of termination which was taken against the six members?

**Sen. The Hon. K. Ramnarine:** Mr. Speaker, I would love to answer that question, but out of great caution for giving wrong information to the Parliament, I do not have the full set of information with me. So if the Member files another question, I would answer that.

**Mr. Speaker:** The hon. Member for St. Joseph.

**Mr. Deyalsingh:** Further supplemental, Mr. Speaker. Hon. Minister, given your—with the help of the Member for Pointe-a-Pierre, your description of coordinators and below, has anyone above the position of coordinator been terminated or fired?

**Sen. The Hon. K. Ramnarine:** I would just say that I am advised by Petrotrin that investigations are ongoing, and that investigations are also taking into account the role played by persons at the managerial level.

**Mr. Deyalsingh:** Further supplemental. Thank you. This delay, is it an attempt to protect persons above the position of coordinator? [*Crosstalk*]

**Mr. Speaker:** The Minister of Energy and Energy Affairs.

**Sen. The Hon. K. Ramnarine:** Mr. Speaker, no. That is not any attempt to cover up anything or to protect anybody.

**Mr. Speaker:** 78?

**Mrs. Gopee-Scoon:** Supplemental.

**Mr. Speaker:** Final supplemental from the Member for Point Fortin.

**Mrs. Gopee-Scoon:** Hon. Minister, the members having been terminated on account of their gross negligence, I would imagine, or whatever else purpose, the events which took place on the morning of the 17th, were any other persons questioned or terminated with regard to the mishandling of affairs subsequent to what took place on the morning of December 17, and that is in the response to the oil spill?

**Sen. The Hon. K. Ramnarine:** Mr. Speaker—[*Interruption*]

**Mrs. Gopee-Scoon:** Was I clear?

**Sen. The Hon. K. Ramnarine:**—again, out of an abundance of caution and not wanting to give the Parliament inaccurate information, if the Member were to file a question, I would certainly answer it.

**Mr. Speaker:** The hon. Member for La Brea.

#### **Replacement of Chemical (Details of)**

**78. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Energy and Energy Affairs:

Could the Minister state:

- a) The reasons for the replacement of the chemical COREXIT 9500 with Spec Clean and Eco-Sperse in the December 2013 oil spill along the south western coast of Trinidad?
- b) The name of the supplier of Spec Clean?
- c) The name of the supplier of Eco-Sperse?
- d) How much was paid for a 55 gallon container of COREXIT 9500?
- e) How much was paid for a 55 gallon container of Spec Clean and Eco-Sperse, respectively?

**Mr. Speaker:** The hon. Minister of Energy and Energy Affairs.

**The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine):** Thank you very much again, Mr. Speaker. Question 78 from the Member of Parliament for La Brea has five parts. I will start off with part (a), part 78(a): COREXIT, Mr. Speaker, is a dispersant that works by bonding to the oil molecules and separating them from water molecules, thus breaking up oil. Dispersants breakdown oil slicks into smaller drops, drops smaller than the diameter of human hair, so that they can more easily biodegrade. From a layman's



perspective, the process works very similar to the role played by dishwashing liquid when you are washing plates and wares, and so on in the kitchen sink. [Crosstalk]

The same ingredients, Mr. Speaker, found in dispersants of this nature, are also found in toothpaste. Dispersants do not drive oil to the sea floor. COREXIT 9500 is authorized for use in Trinidad and Tobago in accordance with the National Oil Spill Contingency Plan of 2013. This plan was drafted in collaboration with other Government agencies. COREXIT 9500A, is not banned in any country. It is used in the United States, the United Kingdom, France, New Zealand, Norway and Singapore.

The dispersant COREXIT 9500A, addressing the specific question of the Member. The dispersant COREXIT 9500A was not replaced with Spec Clean or Eco-Sperse in the December 2013 oil spill, along the south-western coast of Trinidad. Corexit 9500A, which is a dispersant, was used in the waters of Pointe-a-Pierre only, on December 17 and December 26, 2013. It was not used in the La Brea area.

Spec Clean, a degreaser, was used by Petrotrin to assist with cleaning hard substrate beach areas, that meaning rocky areas, and impacted vessels from Chatham to Cedros. Eco-Sperse, which is a beach cleaner, was used to clean beach areas in the La Brea/Point Sable area. That concludes 78(a).

78(b): the name of the current supplier of Spec Clean is Specialist Chemicals Limited.

With regard to 78(c): the name of the current supplier of Eco-Sperse is Trans Continental Distribution Limited.

78(d): COREXIT 9500 was not purchased at the time that the oil spill occurred on December 17, 2013; it was in stock. You do not have an oil spill and then run out looking for dispersant. It was in stock at Petrotrin's Pointe-a-Pierre, Oil Spill Response stockpile.

COREXIT 9500A, at the time of purchase, cost Petrotrin approximately TT \$12,600 for a 55-gallon container.

78(e): the cost of a 55-gallons of Eco-Sperse to Petrotrin was approximately \$8,500. The cost of a 55-gallon supply of Spec Clean to Petrotrin was approximately \$995.00. All three products do different things: one is a dispersant, one is a degreaser and one is a beach cleaner.

Thank you very much, Mr. Speaker.

**Mr. Speaker:** Hon. Member for La Brea. [*Crosstalk*]

**Mr. Jeffrey:** Supplemental. Hon. Minister—[*Interruption*] Mr. Speaker, I need your protection.

**Mr. Speaker:** Yes, yes. Members, could you allow the Member for La Brea to speak in silence. Continue, hon. Member.

**Mr. Jeffrey:** This is a serious matter. Hon. Minister, are you aware that senior HSE officials who were down at La Brea, on December 18 and 19, were the ones who had mentioned that they were appalled to see an aircraft flying over that La Brea area dispersing that chemical, which they said was COREXIT 9500, and they said that they were going to make every effort for it to be stopped and subsequently we saw that COREXIT 9500 was stopped. That spraying was stopped.

**Sen. The Hon. K. Ramnarine:** Mr. Speaker, we live in the age of science and reason, and I am—my first degree is analytical chemistry.

**Mr. Roberts:** What is your second degree?

**Sen. The Hon. K. Ramnarine:** And my second degree is a master's in petroleum engineering. [*Desk thumping*] We live in the age of science and reason. I, therefore, do not subscribe to hearsay, to people speculating on the beach about what a plane was dispersing and so on. I go on the facts as are provided to me by very competent technical scientists, at the Ministry of Energy and Energy Affairs, at the EMA and IMA and so on. Therefore, I cannot comment on what the Member heard on the beach, right. [*Desk thumping and laughter*]

**Mr. Speaker:** The hon. Member for La Brea.

**Mr. Jeffrey:** Further supplemental. The HSE officials from Petrotrin had indicated—[*Interruption*]

**Mr. Speaker:** Can we have silence, and allow the Member for La Brea to speak in silence, please?

**Mr. Jeffrey:** HSE official, Mr. Dyal, had indicated that the Corexit 9500 was only used for the first two days, the 18th and the 19th.

**Mr. Speaker:** Member for La Brea, please. We have to stick to what has been asked, and arising out of the Minister's response, you can follow. You cannot create a new question, you know, on the move. You cannot do it, and that is what you are doing. I would ask you, if you want to raise any supplemental based on what you have asked, and his response, do so, but do not create new questions, please. [*Crosstalk*]

**Mr. Jeffrey:** Mr. Minister, could you tell us what is the duration for which COREXIT 9500 was used?

**Mr. Speaker:** Hon. Minister of Energy and Energy Affairs. [*Crosstalk*]

**Sen. The Hon. K. Ramnarine:** If you—when I read into the *Hansard* record a couple minutes ago, I said and I will repeat—[*Interruption*]

**Mr. Speaker:** Please, hon. Members, settle down.

**Sen. The Hon. K. Ramnarine:**—and I will read again what I said. I said that COREXIT 9500A, a dispersant, was used in the waters of the Pointe-a-Pierre area only on December 17, 2013 and December 26, 2013. And that it was not used in the La Brea area, and I have double-checked that before I came to this House, Mr. Speaker.

**Mr. Speaker:** The hon. Member for La Brea, are you on a supplemental? Further supplemental?

**Mr. Jeffrey:** Hon. Minister, could you tell us what then was used in La Brea? What dispersant was using in La Brea?

**Mr. Speaker:** Hon. Minister of Energy and Energy Affairs.

**Sen. The Hon. K. Ramnarine:** Mr. Speaker, again, I do not have that information, and maybe the persons on the beach who he spoke to [*Laughter*] might have that information.

**Mr. Speaker:** Final supplemental.

**Mr. Jeffrey:** Mr. Speaker, I am asking an honest question. What was the dispersant used at La Brea if it was not COREXIT 9500? What was used? [*Desk thumping*]

**Sen. The Hon. K. Ramnarine:** Mr. Speaker, if the hon. Member files another question, I will definitely answer that.

**Mr. Speaker:** Hon. Member for La Brea.

**Mr. Jeffrey:** Question 79 to the Minister of Energy and Energy Industries.

### Compensation Paid to Boat Owners

**79. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Energy and Energy Affairs:

Could the Minister provide a breakdown of the compensation packages paid to boat owners operating within each of the following areas:

i. Coffee Village;

- ii. Carat Shed;
- iii. Point Sable Beach;
- iv. Bay Beach; and
- iv. Otaheite Bay?

**Mr. Speaker:** The hon. Minister of Energy and Energy Affairs.

**The Minister of Energy and Energy Affairs (Sen. The Hon. K. Ramnarine):** Thank you, Mr. Speaker. Thank you for getting my job title correct, Mr. Speaker.

With regard to question 79 posed by the hon. Member of Parliament for La Brea, compensation packages, and this addresses parts (i), the villages listed in (i) to (iv): Compensation packages were given to individual boat owners from the La Brea Fisherfolk Association as at February 26, 2014. As at February 26, 2014, the total compensation package paid to 27 boat owners operating out of the Coffee, Carat Shed, Point Sable and Bay Beaches from the La Brea Fisherfolk Association was \$3,115,000.

With regard to Otaheite, as at February 26, 2014, the total compensation package to 81 boat owners from the Otaheite Fisherfolk Association was \$4,665,600. So that, Mr. Speaker, concludes the answer to question 79.

**Mr. Jeffrey:** Hon. Minister, there is a reason why I am asking for a breakdown of Coffee Village, Carat Shed and those areas. I am asking for a breakdown.

**Mr. Speaker:** The hon. Minister of Energy and Energy Affairs.

**Sen. The Hon. K. Ramnarine:** The information supplied to me was for the first four villages and for Otaheite separately, that was how the information was supplied to me. Maybe, I mean, I could probably get that information if he wants it. I could get that to you, not a problem. Or if you want to file another question, not a problem, but I am sure that information is available, but for the first four areas listed there, it is \$3,115,000 and for Otaheite specifically, \$4,665,000.

**Mr. Speaker:** The hon. Member for La Brea.

#### **Compensation Package Paid to Residents**

**80. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Energy and Energy Affairs:

Could the Minister provide a breakdown of the compensation packages paid to the residents of each of the following areas:

- i. Coffee Village;

- ii. Carat Shed;
- iii. Point Sable Beach;
- iv. Bay Beach; and
- iv. Otaheite?

**Mr. Speaker:** The Minister of Energy and Energy Affairs.

**The Minister of Energy and Energy Affairs (Sen. The Hon. K. Ramnarine):** Right, thank you very much. Mr. Speaker, with regard to question 80: no compensation packages were paid to residents of these areas, except those involved in the catching and selling of crabs and oysters. That is the answer, Mr. Speaker, no compensation was paid to residents except persons involved in the catching of crabs and oysters.

**Mr. Speaker:** The hon. Member for La Brea.

**Mr. Jeffrey:** Hon. Minister, given the adverse circumstances that those people in the coastal areas of La Brea were subjected to, can we anticipate whether or not any compensation will be made to the residents in that area?

**Mr. Speaker:** The hon. Minister of Energy and Energy Affairs.

**Sen. The Hon. K. Ramnarine:** Mr. Speaker, the Member of Parliament for La Brea is asking me to answer for Petrotrin which is an independent corporate citizen in Trinidad and Tobago.

**Mrs. Gopee-Scoon:** Petrotrin answers to you.

**Sen. The Hon. K. Ramnarine:** And they also answer to me. That is quite correct and that, therefore, is something which I will raise with them, hon. Member of Parliament for La Brea, to ascertain whether there are plans for compensation to residents. At this point in time, I do not have that information. All I could do is answer the question as posed, which is, that no residents had been compensated.

**Mr. Speaker:** The hon. Member for Arouca/Maloney.

**2.15 p.m.**

**First Citizens Bank  
(Overdraft Facility for Caribbean Airlines)**

**108. Miss Alicia Hospedales (Arouca/Maloney)** asked the hon. Minister of Finance and the Economy:

- A. Could the Minister state whether an overdraft facility has been established for Caribbean Airlines with First Citizens Bank?

- B. If the answer to part (A) is in the affirmative, could the Minister state:
- i. When was this overdraft facility established?
  - ii. The name of the authorizing officer who signed on behalf of Caribbean Airlines?

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, the question to the hon. Minister of Finance and the Economy, question 108, is to be deferred for one week, please.

*Question, by leave, deferred.*

**Mr. Speaker:** 114?

**Hon. Dr. Moonilal:** Question 114, yes, the Member for Tabaquite is prepared to answer 114 on behalf of the hon. Prime Minister.

#### **Unemployment Relief Programme (Divisions of)**

**114. Mr. NiLeung Hypolite (Laventille West)** asked the hon. Prime Minister:

With respect to the Unemployment Relief Programme (URP), could the Prime Minister state whether the programme is still divided into four divisions for its operations and to which Ministries are they assigned?

**The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan):** Thank you, Mr. Speaker. The Unemployment Relief Programme is divided into three sections. They are as follows:

URP Agriculture, which is under the Ministry of Food Production;

URP Social, under the Ministry of the People and Social Development; and

URP Infrastructural, which is under the Ministry of Works and Infrastructure.

#### **Registration of Foreign Used Vehicles**

**116. Mr. NiLeung Hypolite (Laventille West)** asked the hon. Minister of Transport:

Could the Minister state how many new and foreign used vehicles were registered with the licensing authority for the years ending December 31, 2010, 2011, 2012 and 2013?

**The Minister of Transport (Hon. Stephen Cadiz):** In answering that question, Mr. Speaker, in the year 2010, the total figure was 20,967; 2011, 19,527; 2012, 27,990 and 2013, 30,271.

**Mr. Speaker:** The other questions shall appear on the next Order Paper. Let us go on.

**EXPIRATION OF QUESTION TIME**

*The following questions stood on the Order Paper:*

**La Canoa Road, Santa Cruz  
(Road Works)**

- 69.** Could the hon. Minister of Works and Infrastructure state:
- (a) Whether the Ministry gave instructions to cancel any road works at La Canoa Road, Santa Cruz?
  - (b) Whether the commencement of any road works in La Hoe Road in Laventille has been cancelled? [*Mrs. J. Thomas*]

**Petrotrin Oil Spill  
(Suspension of Workers)**

- 73.** A. With respect to press release No. 8 dated December 27, 2013 from Petrotrin, could the hon. Minister of Energy and Energy Affairs confirm whether there was a leak during loading operations on or about December 26, 2013?
- B. If the answer to part A is in the affirmative, could the Minister state:
- i. What quantity of oil was spilled?
  - ii. Whether any employee(s) were suspended due to this mishap? [*Mrs. P. Gopee-Scoon*]

**Caribbean Airlines Limited  
(Move of US banking Settlement Arrangements)**

- 109.** Could the hon. Minister of Finance and the Economy indicate whether there is an initiative to move Caribbean Airlines' US banking settlement arrangements to First Citizens Bank?
- B. If the answer to part (A) is in the affirmative:
- i. When will the settlement arrangement take effect?
  - ii. The name of the person leading the initiative on behalf of Caribbean Airlines? [*Miss A. Hospedales*]

*Expiration of Question Time*

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**Caribbean Airlines Limited  
(Hiring of staff in Trinidad and Tobago)**

- 110.** With respect to the hiring of staff by Caribbean Airlines, could the hon. Minister of Finance and the Economy state:
- (a) Whether a decision was taken by Caribbean Airlines (CAL) to discontinue the hiring of staff practice in Trinidad and Tobago and if so, when?
  - (b) The number of persons hired by CAL in Trinidad and Tobago during the period 2010 to 2013?
  - (c) The number of persons hired by CAL in Jamaica during the period June 2010 to present?
  - (d) The number of employees in Trinidad whose contracts were not renewed by CAL during the period June 2010 to present?
  - (e) The number of persons in Jamaica whose contracts were renewed by CAL during the period June 2010 to present? [*Miss A. Hospedales*]

**Ministry of Finance and the Economy  
(Contracts to Ernst & Young)**

- 111.** With respect to the award of contracts to Ernst & Young by the Ministry of Finance and the Economy, could the hon. Minister of Finance and the Economy state:
- (a) The number of contracts awarded to date?
  - (b) The dates the contracts were awarded?
  - (c) The contract sum for each job done?
  - (d) What tendering procedure was followed in the award of these contracts? [*Miss A. Hospedales*]

*Question time having expired, questions 69, 73, 109, 110 and 111 were not dealt with.*

**CYBERCRIME BILL, 2014**

Bill to provide for the creation of offences related to cybercrime and related matters [*The Minister of National Security*]; read the first time.



**TRINIDAD AND TOBAGO CYBER SECURITY AGENCY BILL, 2014**

Bill to provide for the establishment of the Trinidad and Tobago Cyber Security Agency and for matters relating thereto [*The Minister of National Security*]; read the first time.

**FINANCE BILL, 2014**

Bill to provide for the variation of certain duties and taxes and to introduce provisions of a fiscal nature and for related matters [*The Minister of Finance and the Economy*]; read the first time.

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT) BILL, 2014**

*Order for second reading read.*

**The Minister of Transport (Hon. Stephen Cadiz):** Mr. Speaker, I beg to move:

That a Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, be now read a second time.

The amendment to this Motor Vehicles and Road Traffic Act is a long, long time in coming. I just want to bring this honourable House back a couple years, not too far back, where on March 24, 1900 was when the first motor vehicle arrived in Trinidad and Tobago. That was 114 years ago. Here it is that 114 years ago, we did not even have an Act to govern motor vehicles and road traffic. It was only when Trinidad experienced its first road fatality, which was a very unfortunate gentleman by the name of William Leslie Nichol, who died as a result of a collision involving a car driven by Captain Boddam-Whetham and the vehicle he was a passenger in. The captain, in fact, was the driver of the then Governor General.

So here it is, out of sheer necessity, that all of a sudden now, we see the Motor Vehicles and Road Traffic Act brought it. There was a fatality and the then governor figured, well, we already have 50 cars on the island, so we should have something to govern how these 50 cars operate.

So that is how far back we have gone. Between then and now, what has happened with the Motor Vehicles and Road Traffic Act, when it comes to the issue of, in this case, of course the amendment to this Act is all about speeding.

So here it is that way back in 1912, after that death, we now come to deal with this recklessness that we see on our nation's roads and when we talk about the recklessness on our nation's road, I want us all to try to think back how many of us in this House, how many of us in Trinidad and Tobago ever received that

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horrible call, that dreaded call, whether it was in the middle of the night, it was during the day, when you heard a voice on the other end and it was possibly a police officer informing you that there has, in fact, been an accident and asking you if you are a friend, a relative, a parent, a child or whoever it is of an individual who has been involved in an accident and how you felt.

Mr. Speaker, a couple years ago, we received that dreaded call and luckily for us my youngest son, who was involved in an accident where the vehicle was a total write-off, a total wreck, walked out without a scratch. Of course, not everybody has been that lucky.

We have seen, just recently, two young individuals—I would not go into the details of the accident because I have no idea where the police investigation is; but the fact of the matter is that we had two young individuals who died on the Western Main Road, I think last weekend. Here it is that every single week we read of these unfortunate incidents and typically what we find, we hear the police making a statement—and, in fairness to the police, it is probably the only statement they can make—the driver lost control.

I have been driving since—well a long, long time now; not as far back as the first motor car on the island; but I have been driving for many, many years and I have never lost control of a vehicle. So when I read the police statement, “The driver lost control of the vehicle”; witnesses say the driver lost control of the vehicle and you look at some of the pictures in the media and you see a motor car where, in this particular instance, that horrible accident at Cross Crossing with the twins where the car was actually vertical in between the steel girders of the bridge; when somebody says they lost control of the vehicle, you really have to lose a lot of control of that vehicle to be able to park that vehicle into that particular area.

**Mrs. Gopee-Scoon:** Alcohol.

**Hon. S. Cadiz:** Whether it was, as the hon. Member for Point Fortin says, alcohol, whether it was speeding, whether or not you were under the influence of anything else, any other substance; whether you fell asleep at the wheel; whether you are just a reckless driver; whether you do not even know, even though you have your driving licence, how to drive properly, you cannot handle a vehicle at that speed; whether or not it is the road surface; whether it is the bend in the road; regardless of what it is, we have to find of way to curb this.

Now, I must say, Mr. Speaker, we are seeing a downward trend, but the last time—I have statistics going back to 1958. Since 1958—2013, the fatalities in

road accidents have not gone below 100. To me, that is unbelievable. We have not been able to bring that road fatality rate down below 100 since 1958.

We see a trend, however, in 2011, we had 181 road deaths and 286 persons suffering serious injury. In 2012, we had 193 road deaths. So it went up, in addition to 340 persons suffering serious injury; and then we see, in 2013, quite a drop from a high of 193 in 2012 and in 2013 we see a drop down to 152. So without a doubt, we are trending in the right direction and that is not by “vaps”. That is not just by people driving better. That is not just by people not driving at all and taking bus. What has happened since then is that we have been able to institute a number of initiatives, and by different administrations.

We had the seat belt Act; we have the driving under the influence, the breathalyzer. We have the cell phone. [Interruption] And hats off to the—Member for Diego Martin North/East, I never realized it was you; and hats off to the then administration for bringing us the Breathalyzer Act and also the seat belts, a wonderful thing. I hope he wears his seat belt.

Then we also have speaking on a cell phone, which is also very, very dangerous but I think at the end of the day whether it is seat belts, whether it is driving under the influence, one thing that kills for sure is speed. Without a doubt and if you cannot handle a motor car doing excessive speed, and excessive speed could be described as the speed you are going over the prescribed speed limit and then more. That is what excessive speed would be. Some cars are not designed, even though the speedometer might be reading 140 or 180 kilometres an hour, to handle the road conditions at that speed. So speed kills.

What we are bringing here today with this Act is to amend this Act to be able to bring some sanity to our roads in Trinidad and Tobago. I drive. My constituency is in Chaguanas East. I am on that highway all the time. I travel all over this country. I go to Tobago and, surprisingly, when you look at the road deaths in Tobago, one really wonders. With a population the size of Tobago and the Claude Noel Highway, how come we have so many road deaths in Tobago?

I am not going after Tobago. The fact of the matter is that it happens. So when we look at—how do we curb this? I remember—and I should not say this because I am in the Parliament that makes laws, but twice in my life I was stopped for speeding and both were done, not in Trinidad and Tobago you would be very glad to know, but elsewhere where my speeding was checked by an electronic instrument.

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I am talking in 1977, as far back as 1977, I received my first speeding ticket in the State of Florida and it was checked with a radar, and that was how many years ago. So it is not to say that we in Trinidad and Tobago should be any less technologically advanced, but here it is that for two and a half years, nearly three years, the police service in Trinidad and Tobago, as much as they would want to try, has not charged anybody for speeding. At least that is the information that I have.

The fact is, when you look at what the speed traps were, what we know as a speed trap long ago, a speed trap required a lamp post; it required a mango tree; a coconut tree; it required some piece of galvanize that the policeman could hide behind; it required a gazette paper; it required a stopwatch; it required four police officers to operate this speed trap. And, of course, you could only operate a speed trap safely for the police officers if it were a single lane or a two-lane highway.

Where Trinidad and Tobago now has three and four lanes on a highway, how are you stopping the fella in the far right lane speeding? Which police officer is going to fly out from behind the mango tree and skate across the highway, three lanes, to go and stop? They cannot. You are putting the life and limb of the police officer at risk, at high risk—and motorists. I used to see it happening.

You see fellows start to pull all over the place; fellows starting to brakes and “all kind ah thing” and you do not know what is happening. All of a sudden, this poor police officer has to fly out from behind the coconut tree to go and stop this set of traffic to give one man and then you see the other police officer down the road pointing: “Not him, that is not the fella; not the fella in the white Almera. It is the fella in the red Toyota.” And then everybody doing so. They say, “Which one we talking about; there are five red motor cars in the thing, which one we calling?”

So, in other words, what was acceptable maybe when the Governor General’s driver “bounce down” the fella in 1912, maybe that was acceptable then because of the road system, because of the speed that cars were going at then, but now you have a totally different scenario.

So here it is, we are bringing the amendment to this Act to deal with that. Let us bring Trinidad and Tobago into the 21st Century finally and something as simple as this amendment with this electronic device will do exactly that.

Mr. Speaker, when we talk about the road deaths and the decline, again I want to say that in 2013, it dropped to 152. For this year already, year to date for 2013

up to March 19; year to date 2014, it dropped from 45 last year to 41. We are seeing a further reduction of about 9 per cent, on an already reduced fatality rate, for the whole year of 2013. We are seeing a 9 per cent drop in the first quarter of this year over a decreasing number from last year. So this is going to be a major change in the way in which we manage our roads and when I say manage, to really and truly control what goes on, on our roads.

I was driving around the savannah the other morning at about half past five in the morning and there was a fella, had to be clocking at least 100 miles an hour going around the savannah. Where you going? Where could you possibly be going half past five in the morning doing that speed? You have people riding; you have cyclists around the savannah; you have people exercising, joggers running around the savannah and this is the kind of speed? As far as I know that is a 30-mile speed limit. Okay? And you are clocking close to 100 miles an hour.

### **2.30 p.m.**

When a car decides to either stop at 100 miles an hour, the distance it is going to take, there is no way you could stop. If that car loses—as the police say, “The driver lost control”—a car doing 100 miles per hour, if that car starts to roll and flip, it is going to end up hundreds of metres down the road and mashing up everything in its path. Any of us who look at YouTube at some of these road accidents, they are horrific. You see cars completely dismantled, disintegrating. There is no way somebody could walk out of that alive and, therefore, speed kills.

So, finally, this legislation is here, Mr. Speaker, to put an end to that. We are going to put control on our roads. People in Trinidad and Tobago, the same way they learnt to wear safety belts; the same way they learnt to not drink and drive—at least many of them, not all of them—the same way they learnt not to use their cell phone whilst driving, you will finally now have to learn what a speed limit is because the police are going to be out there ready and waiting for you to detect you, and you are going to get fined.

Mr. Speaker, there have been a number of associations that have been pushing this thing—a number of associations that for all kinds of reasons they got involved. Some of the parents who have been involved in some of these associations have actually suffered the loss, and hence the reason they have got involved, really and truly, in lobbying the Government to make this thing happen. I want to just mention a couple of them: I want to mention Arrive Alive; I want to mention Trinidad and Tobago Beverage Alcohol Alliance; Trinidad and Tobago Police Service, of course, that is doing yeoman service out there now;

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representatives of the Student Guild of the University of the West Indies; New and Used Cars Dealers Association and the Association of Trinidad and Tobago Insurance Companies. All of these people, for whatever reason, they are getting involved, lobbying the Government to make sure this thing happens—“Please, it is our children being killed, the parents are being killed, let us finally do something.”

Mr. Speaker, the existing legislation that treats with the excessive speed could be found at section 62(1) of the Motor Vehicles and Road Traffic Act, Chap. 48:50 and it speaks to the prohibition of drivers from exceeding the specified limits. It goes on and it talks about it not being lawful for any person to drive a motor vehicle of any class or description on any road outside of a built-up area; and it goes on and it speaks of the Second Schedule that has the actual speed limits that we operate at now. It talks about speed; whether inside or outside of a built-up area. All of these things are part of the existing legislation and it is this subsection which mandates that there be corroborated evidence in order that a conviction be secured. It is to be observed that clause 3 of the Bill commences by repealing this subsection and there is a reason for that. Later down in my presentation, I will deal with that.

Of course, reference is also made to the Second Schedule of the Act which treats with speed limits. The speed limits in this country are fairly simple—from 20 kilometres an hour which is the speed limit of a tractor within a built-up area to 80 kilometres an hour, which will be a private car on a highway. So it is not to say that we do not have speed limits, the speed limits are already very much there.

According to the information from the Trinidad and Tobago Police Service, excessive speed is stated as being the main contributing factor in 55 per cent of the road deaths within our jurisdiction. So 55 per cent—if you take half of the 150 people that were killed last year—and that has contributed to excessive speed—if we are able to curb the speed at which people drive on our roadways, we might very well, in a very short space of time, go below the 100 mark, and I think that is something that would be very laudable. It is something that is achievable and we will be able to do that.

But whilst death and injury continue to be one of the concerns, another disturbing factor resulting from vehicular accidents is that which relates to expenditure, not only on the part of insurance companies toward payment by way of compensation, but expenditure on part of the State’s medical facilities where victims of accidents are treated.

The Association of Trinidad and Tobago Insurance Companies (ATTIC), they speak of roughly TT \$400 million a year. That is the cost and that is only the cost that they pay out—whether they are paying for damage to a vehicle; whether they are paying for damage to a building where somebody bounced down a building—I do not know, whatever it is—but that is the insurance payout; TT \$400 million a year. So, of course, in three years, that is TT \$1.2 billion being spent by insurance companies when dealing with road accidents.

So this is not something to sneeze at, but then there is another cost, there is the continuing cost. Who looks after these people who are incapacitated in some way; brain damaged, paraplegics? How are we dealing with that? How are we dealing with the loss of earnings? How are we dealing where the breadwinner is no longer in a position to work? How are we dealing with people who have to replace their vehicles because of another driver jumping the median? I want to commend the Minister of Works and Infrastructure. When you drive along the highways now and you see the cable barriers—[*Desk thumping*]*—the Minister of Works and Infrastructure who will be speaking on this Bill, will go into those details of what this Government has done to be able to prevent that from happening. I am not playing politics here today, because this is people's lives we are talking about; these are people's children that we are talking about.*

So when you are talking about the cost of insurance and the cost to the country—the cost to the medical facilities, the public medical facilities—this could be running into billions of dollars every year. Why? Because of people's need to speed, and until we can constantly remind them that speed kill and you will get where you are going in the same length of time—to drive from here to Chaguanas, whether you are speeding or you are driving at the speed limit, I am pretty sure you are going to end up at the same time; you will end up alive. You are not going to end up dead in Chaguanas, you will end up alive.

So, not only is it about the trauma of losing family members, but it is also about the cost for the rest of your natural life paying for this stupidity, if you want to call it that; that recklessness, you are going to be paying for that for the rest of your life or, in some cases, you will not be paying, your parents are going to be paying or you then have to pay and look after your parents because of some recklessness on the roadway.

Mr. Speaker, this issue of electronic speeding devices goes back—I am pretty sure the Member of Parliament for Diego Martin North/East is going to say, “Well, that is me.” I do not know if he was in the Cabinet in 2004. I do not know if he was the Minister of Works and Transport in 2004.

**Mr. Imbert:** No.

**Hon. S. Cadiz:** So you cannot claim this one then. The then Cabinet actually looked at amending the Act to allow the use of prescribed devices to record and provide evidence of speeding in the prosecution of speeding offences. So the then administration, in 2004, actually contemplated bringing this Bill to the Parliament. Well, I do not know what happened. In 2000, it never happened and then in 2005, a draft Bill was brought but that also never came to Parliament. So in 2004 they thought about it; in 2005 they thought about it again, and then it went off the radar for whatever reason.

But when they looked at it, in four years, 44,800 tickets were issued to drivers breaking the speed limit—44,800 drivers in four years. Those are fellas, again, jumping out with the gazette paper and the stopwatch and so on. So here it is in a four-year period that number of people were stopped for speeding using a very primitive method, far less for what we are proposing today, where we are using an electronic device to do the same job, but being extremely accurate and very simple to use. So, in other words, where we had 44,000 people over a four-year period speeding, we hope to be able to catch that many more people and, again, getting people to understand this is serious business. If you are caught speeding, you will be charged.

In that same year, 2004—and I do not know if this is what sparked it—but the then Member of Parliament for Princes Town, Mr. Subhas Panday, actually filed a question talking about the offence and how many drivers were charged and so on for exceeding the speed limit. So I do not know if it was as a result of the question that Mr. Panday had asked whether or not they actually brought that to the table. I am not too sure, but I am saying this whole thing of speeding was very much on people's minds in 2004 and 2005, and then we lose it; it disappears and then we are here today.

Strangely enough, if we look at Tuesday, March 11, there is a question to be answered in the other House, and it is as regards this whole issue that we are talking about today, which is the introduction of speed detection devices. So I would not go into that answer, we will deal with that then.

So, Mr. Speaker, successive administrations have thought about this and successive administrations have not done anything about it. I just want to say that I really want to commend this side; all of us on this side for supporting this amendment to bring this change, and all it can do is bring some comfort to those



people who have already lost loved ones in a road accident. I know you will never bring it back but, at least, there is some comfort that, finally, we are going to be able to stop the carnage on the roads, at least, some of it.

You know, I spoke about and commended the police service for the job that they are doing because, of course, these speed detection devices are, in fact, going to be used by police officers and operated by police officers, but I just want to say again, within the last six months or within the last eight months somewhere around there, I remember driving on the highways and not seeing police vehicles. You just never saw them. You drive from here to San Fernando, and you might see one if you are lucky, and sometimes you will never see a police vehicle. I do not know, but for some of us who drive on the roads, not all of a sudden, but over the last couple months, you are seeing them.

Wednesday night I left Chaguanas to come back into Port of Spain and there were four patrol cars, and every single time you drive on the country's roads now you are seeing patrol cars all over [*Interruption*] I do not know if the Member for Point Fortin—maybe the Member for Point Fortin does not go to Point Fortin and maybe that is why she is not seeing the police vehicles, but nobody can doubt that. I really and truly want to say hats off to the Minister of National Security [*Desk thumping*] for bringing this thing. They have added over 100 highway patrol vehicles to the system in addition to the regular marked police vehicles. So it is happening, make no mistake.

So when we look at the actual Bill itself now, again, this Bill speaks about some simple changes to the Act. It also speaks about us using these electronic devices—of course, we are talking about the training of the police officers and that is going to be one bone of contention. You know, how are we are training these officers? The same way we trained them with the breathalyzer. It is basically the same training that would be applied. It is an electronic instrument that is going to be used, and the police officers who are going to be operating these devices will be suitably trained and certified by the Commissioner of Police to operate these devices. So for sure that is one thing that would be done.

Again, the speed measurement devices, as I said, since 1977, I witnessed first-hand a speed detection device. These speed detection devices are operated all over the world; all developed countries and some less developed countries have them. I remember in Guyana, many years ago, seeing a police officer operating a radar gun in Guyana. And, of course, Trinidad and Tobago like to boast that we are the top dog in the Caribbean, but we will be after this Bill goes through.

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The issue of the requirement for corroborating evidence, I want to read part of that here where reference is made to clause 3(a) of the Bill which repeals subsection (6) of the existing section 62 of the Motor Vehicles and Road Traffic Act. The effect of such repeal is that the prosecution would no longer be required to adduce supporting evidence in order to secure a conviction for a speeding offence engaging the use of a speed measuring device as is provided for in this Bill.

**2.45 p.m.**

The resulting benefit from this repeal is that several police officers will no longer be required to attend court for the purpose of leading evidence on a simple speeding matter, thereby of course allowing for officers to be available for the performance of other policing duties.

So we do not have to fill the courtroom with officers going to provide evidence over a simple speeding case. When we talk about transparency and fairness, reference is made to subsection (6B) in the Bill, which reads:

“Before using a speed measuring device on any day, a constable shall satisfy himself that the device is-

- (a) in a satisfactory condition; and
- (b) properly calibrated so that it indicates speed readings within a limit of error not greater or less than two kilometres per hour of the true speeds,

after which the constable shall enter into the device his name, regimental number and the speed limit of the area where the speed check is to be conducted.”

So it is all going to be done. It is all going to be logged. The officer will be trained. The officer operating the speed detection device, he will be registered as the user of that device for that particular day.

An analysis of this clause clearly reflects that there is fairness to the driving public such that the police officer cannot possibly engage in the use of a speed measuring device which is malfunctioning as it is to be observed, that not only is the officer required to satisfy himself, as to the satisfactory working condition of the device, he is further required to enter into the device again his name, regimental number and the speed limit of the area where the speed check is to be conducted. All this information, Mr. Speaker, will be recorded in the device and it would be made available if required.

Then we go down further at subsection (6C). It is to be recognized that notwithstanding compliance regarding the entering of such information at (6B), the police officer is required to record on a log book an entry reflecting his compliance with (6B). So before he leaves the station and he is actually issued with the instrument, it all has to be logged properly.

Subsection (6D) requires that the:

“...constable who determines...the use of a speed measuring device that”—the driver of—“a motor vehicle has exceeded the speed limit, shall cause”—that—“motor vehicle to be stopped.”

Mr. Speaker, this subsection like several of the other subsections allows for police officers to stop the vehicle where an offence is being committed.

Subsection (6E) provides:

“Where a motor vehicle is stopped pursuant to subsection (6D), a constable shall—”of course—

“(a) inform the driver of the motor vehicle that he has –

- (i) exceeded the speed limit as determined with the use of a speed measuring device;”

And in (b), the constable must inform the driver that he has:

“(ii) committed an offence under subsection (5);”—of the existing Motor Vehicles and Road Traffic Act.

Subsection (6E)(b)(ii), requires that the constable endorse on the printout from the device the date, time, place of the offence and that the constable is qualified to operate the device. Subparagraph (b)(iii) requires that the constable who operates the device sign the printout. When you look at the above subparagraph (iii), it mandates that the constable provide the offending driver with details pertaining to the alleged commission of the offence. The provision of such details certainly does meet the requirements of natural justice as it relates to informing the driver of the details of the offence that has been committed.

So basically, Mr. Speaker, in using these devices what is going to happen is that the device itself will have all the data as to the operator of the device, that the operator is in fact certified. When the operator or the police constable goes out into the field using the device, when the device is operated and it picks up a speeding vehicle, if the officer feels that particular vehicle is speeding and

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operates the device on the vehicle, a photograph is going to be taken of the vehicle, of the licence plate; all the information regarding the speed, the distance, everything will be on the read-out, and therefore when the—[*Interruption*] Yeah, and it would look for instance like a credit card slip.

That is basically what you are going to be seeing, where everything is going to be there. Then when the vehicle is stopped and the driver has to produce his licence, et cetera, then that information will be taken further, and then of course a ticket will be issued to the driver and he will be given a copy of all the information that was recorded regarding that particular offence. So again this is going to change the way in which we manage our roads.

Under subsection (6G)(b), it provides that the speed determined by the speed measuring device shall be accepted as the speed at which the accused was driving unless the accused proves otherwise. So this speed detection device will determine that. [*Interruption*] Well the same way, under the old way, the gazette way and on the mango tree, or when the policeman tells you or shows you the stop clock and says, “This is what you are doing. This is the calculation here.” You have to prove that it was being done otherwise. And subsection (6H) provides for:

The—“certificate...signed by the Commissioner of Police that”—the—“constable named therein is qualified to operate a speed measuring device is admissible”—as—“evidence of the particulars certified in and by the certificate.”

So, again, all the amendments of this Act provides for all of that. This clause is geared towards ensuring that only persons who have been certified by the Commissioner of Police shall operate the device, failing which, a defendant who queries the constable may be successful in his defence should the constable not be able to produce the mentioned certificate.

Under subsection (6I), this subclause provides that:

The—“...evidence of the condition of a speed measuring device or the manner in which it”—is being—“operated shall not be required unless evidence that the instrument was not in a satisfactory condition or was not properly operated has been adduced.”

The objective of this subsection is to avoid unwarranted allegations by defence counsels if the device was not functioning properly. This subsection requires that the burden of proof shall be on the party alleging the unsatisfactory condition or improper operation of the device to adduce such evidence.

Under subsection (6J), it provides for a situation where an offence has been committed and for justified reasons the printout from the device could not have been served on the driver and the constable initiates proceedings against the driver, a copy of same must be served not less than seven days before the date of the hearing on the accused.

So, you know, you could have a situation, Mr. Speaker, where the officer picks up or suspects a car is speeding, checks the speed, finds out it was speeding, and the driver turns off, for instance on a side road after seeing the police in action, turns off and heads down in the cane somewhere, and tries to use evasive methods to get away from the police. But the car has already been picked up. The licence plate, everything is already there, already recorded on the system.

So even though you figure you are just going to stop—“some fellas does do that you know, after they figure they see the fella with the gazette flying out from behind the mango tree, man start to pull brakes” and pull aside and start to check tyres and pull up bonnet and all this sort of thing, but you “done” get caught already. In this particular case, you have already been identified as speeding. So do not matter what you do, you could pull aside and again go and make a Z for so as if you are going to check something in your motor car, but you are already caught—or you could run down in some lane somewhere, but you are already caught. So the police are going to come after you regardless. So once we zap you—if you want to call it that—that record is going to be on the device. That device has been certified. The operator of the device has been certified and therefore you will not be able to just walk away from these things, you have a responsibility.

Clause 4, Mr. Speaker, is important, very, very important. You see ads sometimes; if you go online you can see ads for devices that will stop, it is called scrambling, it is called jamming—not the jamming that went on recently, this is other jamming—[*Interruption*] This one “does cost” real money—of where people would buy a device or fit a device onto their car which will tell them that there is a police officer operating a device around the corner, and it will tell them to slow down because there is a speed check in progress. This amendment under clause 4 prohibits the equipping of a motor vehicle with a device like that, and it further prohibits the use, purchase, possession, manufacturing or sale or distribution of any device that is designed to jam, scramble, neutralize, disable or otherwise interfere with a speed measuring device and, therefore again, you know how we are, we are always looking for a way to find how do we bypass this law or how do we break this law without getting caught.

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So if you think you are going to be able to go elsewhere or go online and buy a device that is going to jam the signal or scramble the signal, think again, because the same device that you are trying to jam and scramble a signal, that device will tell you that vehicle does in fact have that particular instrument in it that is making an attempt to jam the signal, and you will be stopped and you will be charged, not only for speeding, but you will be charged for having that device in your possession.

So, Mr. Speaker, that is what the Bill, this amendment speaks to, and I must say that I am very happy and honoured here to be able to present this Bill. A couple of the things that are going to happen also, Mr. Speaker, when we talk about crime, every single gun and every single kilo of illegal drugs is moved around this country, “not on bicycle, not on bull cart, not on pallet cart,” well maybe some pallet carts, but in the majority of cases where it is that you are moving illegal items, whether it is drugs or guns, it is in a vehicle. You are going to be moving it in a vehicle. You are going to be moving it in a car.

How many times have we read where the police have stopped cars, searched and found guns in the trunk, guns in the glove compartment, guns under the seat? When we start stopping people for speeding and bringing law and order onto the highways of this country, one of the effects of that is going to be multiple stopping. Okay. You are going to be stopping, instead of 44,000-odd people being stopped over four years, we might double that, we might triple that, and therefore what that is going to do is to allow the police when they stop a vehicle, if there is concern, if they do in fact feel that there is something else amiss other than speeding, they are going to be able to conduct a search, and therefore you are going to find now all of a sudden more people are being caught in the net when it comes to moving illegal guns and drugs around.

We are going to be able to pick up more stolen vehicles. We are going to be able to pick up more people driving without licences. I read recently where the newest trend now is people renting a car, an unregistered vehicle. They go and pay a rent. They have a wedding on Saturday night, they go by a dealer. They go by a car dealer and the fella screw on two number plates and off they go, and they rent the vehicle for Saturday night lime and the vehicle is not registered. The vehicle has no insurance. So when people stop now, when all of these stops, when these multiple stops start happening, the police are going to have that much more of an opportunity to deal with all of these infractions, all these people who are breaking the law constantly.

So that is another plus that we are going to be seeing here, so one of the things with this simple amendment to allow police to operate in the 21<sup>st</sup> Century is going to be also dealing with crime.

Mr. Speaker, some of the results—and I am going to quote from a document from the Trinidad and Tobago Police Service, the Strategic Road Safety Programme, and I already spoke about the drop in the fatalities, which is something that we are, I would not say proud about, but without a doubt the country is moving in the right direction. When you look at some of these statistics—I talked about Tobago—Mr. Speaker, in 2013 Tobago saw 117 per cent increase in road deaths, 117 per cent increase in road deaths on the island of Tobago alone.

That cannot be a figure that we ever want to see again, and again the police said that over 55 per cent of road fatalities are due to speeding. So if we take that Tobago figure of 117 per cent increase in road deaths in Tobago—I mean it really and truly says something. And therefore if we can curb the speed; I mean I have driven on the Claude Noel Highway and I saw all of a sudden the Claude Noel Highway will move from two lanes to four lanes. Okay. And people driving at a high speed going down the highway, and we have read about horrific deaths in Tobago, the tranquil island, the peaceful island. Look the Member of Parliament for Tobago West sitting here and he knows what I am talking about.

### **3.00 p.m.**

Where it is that Tobago had 117 per cent increase in road deaths, in Trinidad it was slightly—it was a lot different—not slightly, a lot different. Significant reductions were realized in both the northern and southern divisions. In the northern division, we recorded a 45 per cent decrease—45 per cent decrease and in the southern division, 43 per cent, almost the same. But in central, southern and the northern division however—even though we have seen that decrease, central, southern and northern division—still accounted for 62 per cent of the road traffic fatalities for 2013. And you might very well say, well why is that? Because we have a highway going east-west, and then we have a highway going north-south, and therefore, that could possibly be the reason as to why we see that.

Another interesting piece of data from the police—the data indicates a consistent demographic trend in the ages of road traffic victims with over 50 per cent comprising of the category 15 to 34 years. Young people 15 to 34 years old account for 50 per cent of the road deaths in this country; and that says something. Those two boys who were killed last weekend, they are a part of this statistic, and

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that is something. Those were young boys. I think one was 17 years old and one was 18 years old; somewhere around there. And of course, you see on the front page the grieving parents. Okay. Over what? Over what? Speed; hence the term “speed kills”.

Another interesting piece of data, Mr. Speaker, 90 per cent of the road fatalities—90 per cent—are males; 90 per cent. That is something that we have to be very, very much aware of, that our young males especially, driving recklessly, driving over the speed limit, going out “liming”, drunk driving, driving under the influence of some other substance, all of these things.

So, Mr. Speaker, I just want to say, that here it is that we have a Government that understands what it means to be a responsible Government. This is a Government that has brought legislation before this House that others have not been able to do, for whatever reason. This Government is moving ahead. For instance, Mr. Speaker, we are going to be coming to this House very soon with the Motor Vehicle Authority. Again, another landmark piece of legislation that is going to change the way in which motoring is done in this country, governing all aspects of vehicle registration, et cetera.

We are looking at a crash investigative unit. Again, when the police make a statement, “they lost control, how yuh lost control?” The tyre blew out. The road was slick. It had diesel on the road. The famous road down by—where is it, Clifton—Claxton Bay? [*Crosstalk*] That Claxton Bay bend, where so many accidents happen. How come? Why are these accidents happening? I remember long time there used to have what is known as accident black spot. That must show my age eh, Errol—sorry, Member of Parliament for Pointe-a-Pierre? Eh? There used to be a big sign, accident black spot, basically telling you, this is where “plenty people does dead”. That was the purpose of that accident black spot.

And here it is now that the Government is moving towards a crash investigative unit, so every fatality, every serious injury, there is going to be a forensic investigation into these crashes. Why? Why did this thing happen? Why did a car split in two? And this is what you are seeing on the roads. When you see pictures of these accidents; how could that possibly happen? How you could do that to a piece of iron? Something is wrong. We do not know, and until we can find out—yes, we know that speed kills; yes, we know that drunk driving causes accidents; yes, we know driving without a safety belt means that you are going to be pitched out of the car and probably suffer some massive head injury or be killed; yes, we know that driving with your cell phone, answering your cell phone,



texting on your cell phone, trying to send an email on your cell phone, when you are not paying attention to the road conditions—that kills also—but at the end of the day, doing all of that, all of that coupled with excessive speed, “yuh bound to dead. Yuh bound to crash. Yuh bound to have an accident.” And you know what the hurtful part is, so many times you read about the driver escaped unhurt, the passengers flown out of the car or through the windshield. Okay. People riding in the tray, thrown out of the tray and the driver escaped serious injury.

So, if it is that the driver wants to escape serious injury, the only way he is going to escape serious injury, is by driving within the speed limits of this country. Mr. Speaker, this is what this Bill caters for.

I must say that the Ministry of Transport is working very, very closely with the Ministry of Works and Infrastructure and the Ministry of National Security to ensure that our road systems are safe. When you get up in the morning, you walk outside of your door, you get into a vehicle, whether it is yours or whether it is a taxi or your neighbour’s vehicle, you want to know that when you are on your return journey you will end back up in the same place where you started off, safely in your house. That is what this Bill is looking to do, to cut out the carnage, to cut out the recklessness, the “don’t careishness”, all that evil that you see out there on the roadways today.

When people sit down in a car, Mr. Speaker, when they sit down in that passenger compartment and they are driving a car with 2500 CCs, and they strap themselves down with the seat belt, “they figure dey in a plane, you know; dey figure dey driving a plane”. They figure that they are invincible. Nothing could ever happen to me, excepting hitting a lamppost, excepting falling asleep at the wheel and driving across the median, if there are no cable barriers. Nothing could happen to me if “ah doh” hit the side of a bridge. Nothing could happen to me if I “doh” drive into the back of a truck that carrying poles or something like that. They feel invincible, and that is where the speed kills.

So, Mr. Speaker, I want to again commend and thank those who helped us in preparing this Bill—the officers working with the Ministry of Transport, the Ministry of National Security and the Ministry of Works and Infrastructure of bringing finally a Bill here that is going to do one thing at the end of the day—two things at the end of the day I should say—one would be to save lives and to create a better life for all of us. Mr. Speaker, I beg to more. [*Desk thumping*]

*Question proposed.*

**Mr. Speaker:** The hon. Member for Diego Martin North/East. [*Desk thumping*]

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you for recognizing me. I had to jump up before my parliamentary colleague in the back of me, jumped up and caught your eye. [*Crosstalk*] “Wha ah go tell yuh.”

Now, Mr. Speaker, I have listened to the contribution of the Member for Chaguanas East; it was terrible. And, you know, I really wish that this Member in particular—[*Crosstalk*] my constituent—would do his homework before he comes to this Parliament, do proper research to understand the complexity of the subject matter that he is dealing with, and not just come here and parrot some written speech that somebody has given him. Because, Mr. Speaker, it is obvious to me that the Minister of Transport has no clue as to the effect of this legislation, has no understanding of the pitfalls and the loopholes and the problems that will arise, if this Bill is passed in its present form, has no understanding of the rules of evidence, has no understanding of the Constitution of the Republic of Trinidad and Tobago, and has no understanding of amendments to the Motor Vehicles and Road Traffic Act over the last 20 years. He actually confessed, Mr. Speaker, that he did not know which administration and who had been responsible for the enactment of the seat belt law [*Crosstalk*] which was done by yours truly in 1992, Mr. Speaker.

He also confessed—I will forgive him for that because he is a recent entrant into the politics—that he had no idea which administration had implemented the breathalyzer, Mr. Speaker. Now, that is unforgivable. If he had done a minimum of research, Mr. Speaker, not only would he not have made the errors that he has made in drafting this legislation, he would have understood the need for proper preparation and research in trying to enact something as complex as the use of speed-measuring devices.

Mr. Speaker, the breathalyzer law was enacted in 2007. I have a copy here on my desk—I will find it momentarily, Mr. Speaker—but it is Act No. 19 of 2007, an Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50.

Now certainly, neither the UNC nor the COP now fixing—I cannot remember the name of the organization he used to belong to, sorry—the Claude Noel, whatever it was—was in Government in 2007, Mr. Speaker. So it was the PNM administration, and I had the privilege to be the Minister to pilot the breathalyzer Act of 2007, and then oversee the formulation of regulations and specifications, training and certification of police constables with respect to the use of the breathalyzer device.

If the Minister had bothered to do five minutes research on the cause of road accidents in Trinidad and Tobago, instead of just parroting what someone has told him, what he would have seen is that, shortly after the implementation of the breathalyzer, there was a steep drop in road fatalities in Trinidad and Tobago. And that is the single primary reason for the reduction in road fatalities over the last five years; the introduction of the breathalyzer. It is also common sense. You really think some mysterious space aliens came from the sky and started to patrol our roads, and drivers in Trinidad and Tobago became conscientious and stopped driving without due care and attention? No, Mr. Speaker.

There is a particular magistrate in south Trinidad who has been very, very diligent with respect to breathalyzer convictions. I cannot remember his name, but one would see reports in the papers every month or every two months of convictions for driving under the influence, driving over the prescribed limit, you know, being drunk when one is driving. I see we even have crimes now of drunk while flying. We no longer have drunk while driving, drunk while flying. I see allegations of that in the papers—[*Interruption*]

**Mr. Deyalsingh:** As a passenger.

**Mr. C. Imbert:**—as a passenger.

**Mr. Deyalsingh:** Not a pilot.

**Mr. C. Imbert:** But be that as it may, Mr. Speaker, the single most important factor—[*Interruption*]

**Hon. Member:** “Doh” talk too fast, you know.

**Mr. C. Imbert:** I “doh” be drunk when I am in a plane. The single most important factor, Mr. Speaker, in the reduction of road fatalities, has been the introduction of the breathalyzer and the diligence of the courts, and the police in enforcing that law, and obtaining convictions and making it clear to people in Trinidad and Tobago, that no longer would they be able to drive drunk and get away with it. That is the single most determining factor in the reduction of road fatalities. [*Crosstalk*] “How yuh mean.” And I am glad to have been part of that—[*Interruption*]

**Mr. Deyalsingh:** Yeah man.

**Mr. C. Imbert:**—and I am proud [*Desk thumping*] to have been the Minister who introduced that. So if the Minister did not know, now he knows.

**Hon. Member:** So little to celebrate.

**Mr. C. Imbert:** If he does not know, now he knows.

**Hon. Member:** You are short on celebrations.

**Mr. C. Imbert:** Yes, Mr. Speaker, and I have no doubt that if a law, a properly drafted law, with respect to the use of speed-measuring devices is enacted, that we would have a subsequent reduction in road fatalities in Trinidad and Tobago. But alas, this is not such a law, Mr. Speaker. Because I listened to what the Minister said. Again, I plead with Members opposite, when you are coming to this Parliament to deal with scientific matters, to deal with matters that are complex, that deal with the rules of evidence, do some homework. [*Crosstalk*] I would not say it. Well I am still pleading; “ah” still pleading. Look at what he said. He said that new subsection (6B) in this Bill will result in transparency and fairness, Mr. Speaker.

Then he goes on to say that there is another subsection inside of here, Mr. Speaker, which is:

“(6I) In proceedings for an offence under subsection (5), evidence of a condition of a speed measuring device or the manner in which it was operated shall not be required unless evidence that the instrument was not in a satisfactory condition or not properly operated has been adduced.”

And he made the astonishing claim that this is consistent with the principles of natural justice and fairness and transparency.

### **3.15 p.m.**

So, you are shifting the burden of proof from the prosecutor to the accused, which brings into question all sorts of constitutional questions: infringement of sections 4 and 5 of the Constitution; the question of section 13, whether this is a law that is justifiable in a society that has respect for rights and freedoms of individuals. You are shifting the burden of proof and you are putting into law now that a speed measuring device, the condition of this device,

“...or the manner in which it was operated, shall not be required unless evidence that the instrument was not in a satisfactory condition or was not properly operated has been adduced.”

I heard the Minister making these ridiculous statements and I thought to myself, how? The Minister does not even understand the operation of a speed measuring device. It is done at a remote location. It is in the general rubric of a remote sensing device. The device is at some distance away from the person; the

person is not present when the officer operates the radar gun. He is not present when the officer points the gun, allegedly, at his vehicle. He has no clue as to how the device is being operated and he has no understanding of the condition of the device whether it was even on when the officer pointed it at him, Mr. Speaker.

But, the hon. Minister of Transport says that the burden of proof is now on the accused who is not present, who could be 500 yards away from this device, must prove it was not working properly and it was not being operated properly. How is he supposed to do that? He is a “seer-man”? A “seer-man”, Mr. Speaker. A constable stopped me somewhere down the road, say “you pass a speed trap two miles ago” and presents me with a piece of paper and says, “look, some police officer two miles away pointed a gun at your vehicle and here is the printout.” I am supposed to be able to challenge that? I do not even know who pointed the gun at me, Mr. Speaker, because the law is ambiguous, it says one man could point the—it implies that one police officer could use the speed measuring device and another one can stop the accused person. [*Interruption*]

So, you do not know how this thing was being used, you do not know if it was working, you do not know if it was on, and, Mr. Speaker, what the Member also misunderstood, is he says that transparency and fairness will be established because the officer has to check the device and check that it is in a satisfactory condition and properly calibrated. But, who is checking that, Mr. Speaker? Who is checking that? So the officer just writes in the log, “I went to the box this morning, I pulled out a radar gun number XYZ, ABC, I tested it and it is working properly”, and he writes that in the log. Is that independent evidence, Mr. Speaker, or is that self-serving evidence? Then, when you put in the law that evidence that the device was working properly and was operating properly, is not required to obtain a conviction, what is the accused motorist supposed to do? How is he supposed to prove his innocence? How is he supposed to be able to prove that the constable knew that the device was not working or it was not on, or he pointed it at some other car, or it was another car overtaking that he pointed at?

I hear Members opposite muttering, but, of course, as usual, they do not have a clue about what they speak, Mr. Speaker. I am going to refer now to something that occurred in the United Kingdom, and this is an article from the *Daily Mail* and it reads as follows, “The great speed gun scandal”. Very recent article, *Mail Online* and it goes as follows:

“This is the heart-stopping moment every motorist dreads. As you drive along the road, a police officer points a laser speed gun towards you.

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Glancing at the dashboard, you breathe a sigh of relief: the speedometer reveals that your car is travelling below the 30mph limit. But a month later, a letter drops through your door. You face a fine for speeding and penalty points on your licence.

It is claimed that you were driving at 41 mph - not 28 mph. Can that...be true? Staggeringly, the answer may be no.

Motorists accused of driving too fast on Britain's roads insist the real culprit is a laser speed gun officially approved by the Home Office and used by almost every police authority in the country...the Mail has discovered that the...gun is seriously flawed.

In our tests, it wrongly recorded a wall as travelling at 44 mph—a stationery wall—“an empty road scored 33 mph”—no vehicles on the road—“a parked car was clocked as doing 22 mph and a bicycle (in reality being ridden at 5 mph) rocketed along at an impossible 66 mph.”

I hear the Member for Port of Spain South echoing, so she has also found this, which the Minister did not find.

“Imported from America, the LTI 20.20 is used in nearly 3,500 mobile speed units hidden in police vans or cars and mounted on motorbikes.

We subjected the speed gun to rigorous tests. Alarmingly, we discovered it was prone to wildly wide-of-the-mark readings, even when set up according to the police's own guidelines and the manufacturer's handbook.

In other tests, we found the equipment was measuring the speed of overtaking cars instead of the one being targeted.

‘Drivers say they were within the speed limit and yet the’—device—“recorded them doing excessive speed.’

Another...discovery is that vital video film...”

And you see, this is the missing link.

This is what the Minister does not understand, that in developed countries they use two things. When I hear him just say, glibly, we are taking away the need for corroborating evidence, complete misunderstanding of the laws of evidence. You cannot use the self-serving testimony of a police officer, who is not required to show you whether the device has been calibrated, whether the device has been tested by an independent testing agency to determine whether it is working properly. The law that this Minister wants to pass is saying that, that when you go

to court, there is no requirement for the police to present a certificate of calibration or a certificate of testing, or any evidence whatsoever that the device was working properly.

What they do in other countries, they use a camera, so it takes a photograph of the vehicle and it also measures its speed. In that way you have evidence that you are targeting the correct vehicle, but not this Minister, using an antiquated approach. Because, now you have removed, what he has done, he has deleted—the first thing that the law does is repeal subsection (6) of the law. And what does subsection (6) of the law say? It would have been nice if the Minister told us what section 62(6) says, but since he did not tell us, I will tell you:

“A person charged under this section shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving a motor vehicle at a speed greater than the maximum speed allowed.”

So what has happened now? No longer you need two people to say that the person was exceeding the speed limit, Mr. Speaker. Now is one! And what he does not understand and what the head of the Legislative Review Committee did not bother to even check and I am really disappointed in that committee, tragic failure of this Government, that Legislative Review Committee. What he did not bother to check is that in other countries when you remove the requirement for two police officers—so you have corroborating evidence of an allegation of speeding, you have to have some other form of evidence, Mr. Speaker. It cannot simply be the police officer says that he pointed a gun at you, but he is presenting no evidence, just his own.

So, they could go ahead and do whatever they want, you know. They have this way of bullying legislation through this Parliament, passing bad law, using their majority and just railroading it through, but this is not going to stand the test of judicial scrutiny. This is going to fail on the evidentiary test; it is going to fail on the due process test; it is going to fail on the natural justice test, because of that offensive clause that is inside of here:

“In proceedings for an offence under subsection (5), evidence of the condition of a speed measuring device or the manner in which it was operated shall not be required...”

You know, it is a cut and paste Government. [*Interruption*] They took that straight out of the breathalyzer law without understanding the difference. It is a carbon copy, Mr. Speaker. I have the breathalyzer law—that particular document

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seems to be playing games with me, but I will find it, Mr. Speaker. I have the breathalyzer law and that subsection with respect to the question of the admissibility of the evidence with respect to the condition of the device is straight out of the breathalyzer law. Straight out of it! But you see—I will find it—what they do not understand, when you are subjected to a breathalyzer test you are present, you are physically present. They test you! They make you blow into a device. They put you to sit down in a police station; they use a tabletop device; they make you blow into a device, according to certain requirements in the breathalyzer law and you see what is going on.

**Dr. Khan:** Could the Member give way? Could the Member please give way?

**Mr. Warner:** “Oh, God, give way, nah.”

**Dr. Khan:** Please?

**Mr. C. Imbert:** Be serious, eh.

**Dr. Khan:** I am serious.

**Mr. C. Imbert:** Right.

**Dr. Khan:** Member, you just said that they put you to sit down in a police station and administer the breathalyzer there, is that true? [*Interruption*] You just said that they put you to sit in a police station and administer the breathalyzer there [*Interruption*] No, I am asking the Member for Diego Martin North/East.

**Mr. C. Imbert:** I do not know why you are asking me that, that is the law. You have your field sobriety test where you use an inaccurate device that establishes whether you are over or under so it will just be red or green in terms of whether you are over or under, but it is not calibrated to give you an exact reading to three decimal places. So, once you do the field sobriety test or the constable has other reason to suspect that somebody is drunk and driving or in control of a vehicle, having established that, you then take the person to the place where you use the accurate machine. I do not understand the question you are asking me.

**Dr. Khan:** So, are you then saying, the accurate machine is found in the police station not on the field?

**Mr. C. Imbert:** How could it possibly be, unless you have a mobile police station and you have all the arrangements to create a police accommodation in the field, it has to be in a building. It is a tabletop device. I do not know who you are trying to help? I do not know who you are trying to help with this line of questioning, because this has nothing to do with a speed gun.



**Dr. Khan:** You just said it.

**Mr. C. Imbert:** I do not know if you are trying to help the Member for Cumuto/Manzanilla in his appeal. I do not know, but the fact of the matter is—*[Interruption]*—let us move on.

When you are taking evidence with respect to the amount of alcohol in somebody's breath using a breathalyzer device, you have to sit the person down and submit them to a physical test. You make them give you a specimen of breath. So, to repeat the principles that clearly have escaped the Minister, you are present, so that you know that a test has been performed on you. You can see the device functioning in front of you; you get a printout immediately. But in this speed-gun system you are not present when the person is taking a measurement of your speed. It is being done at a remote location. That is the whole point of a radar or a laser speed measuring device. So, you are not there.

So, whereas in the breathalyzer law, it can work because you are physically present when the test is taking place; you know who take the test; you know how they take the test; you know whether the machine is working or not; you know whether you gave a specimen of breath, so there are all sorts of criteria that could be used to establish the quality of the test and the quality of the machine, and how the test was taken, and, in fact, the breathalyzer law goes further to actually prescribe there must be two tests done within an interval of not less than 10 minutes and so on, so it even gives procedures in the law.

In this thing, how am I to know that this police officer that is presenting me with a printout actually measured the speed of my vehicle. How am I to know this? But, let us move on, Mr. Speaker. Let us continue to read this article from the *Daily Mail*. The *mail* revealed as well that the main expert witness used by the authorities to convict motorists in such cases, a former police officer also makes a living as the head of the company importing the devices into Britain, and that is another point, eh. I saw some comment about procurement being done for these devices months ago, and how could you procure devices if you have no specifications, you have no regulations, how are you inviting tenders?

**3.30 p.m.**

How do you know what to invite tenders for if the Minister has not yet published an order with respect to the approved type of device, Mr. Speaker? Obviously, somebody had some advance knowledge that this was being done, and

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somebody knew that in November or October, or whenever they were procuring these speed guns, that six months later, we would be here dealing with the acquisition of speed guns. Something is wrong.

**Mr. Warner:** That is not unusual.

**Mr. C. Imbert:** It smells, to put it mildly, it smells. Why are you procuring devices six months in advance and you have no specification. You have not even published draft specifications.

You know, what they do in other countries, Mr. Speaker, other progressive countries, do you know what they do? They use an association well-known to anybody in law enforcement, anybody in law enforcement, and it makes me wonder who this Minister spoke to and if he spoke to his colleague in national security—what was going on on that particular day that his colleague in national security could not tell him that the way this thing is done all over the world is that they use an association called the International Association of Chiefs of Police. It is an international security organization, all the chiefs of police, all the police services all over the world, they belong to the International Association of Chiefs of Police, and they have all come together: Police Chiefs from Europe, from the United States, from Asia, from Africa, from Australia, wherever, and they have published something called: “Conforming Product List, Enforcement Technology Programme, International Association of Chiefs of Police, November 25, 2013”. And what it gives, it gives all of the recommended radar, speed measuring devices and laser speed measuring devices in the world and they publish this.

In the United States, Mr. Speaker, what the States do, what the various States in the United States do is that they refer to this, because you are not reinventing the wheel, you are not buying a laser gun from China. That is not what you are supposed to do. You are not supposed to go to some quack who tells you he has some device, you are supposed to use reputable and competent sources of authority to establish what you are supposed to do. If you look in any American statute, you are going to see a reference to this publication from the International Association of Chiefs of Police giving the conforming product list as of November 2013. And it goes through all of the manufacturers of devices such as: Applied Concepts, Decatur Electronics, Kustom Signals and so on, MPH Industries, Federal Signals and so on; it gives you all of the approved manufacturers of speed measuring devices, whether it is radar or laser, Mr. Speaker, gives you commentary on them, gives you how they should be tested, how they should be calibrated, the conditions for its use. This is how it is done in other countries.

I heard somebody muttering about how it is done in the United States. Well that is how it is done, because they are a complex society. Mr. Speaker, let me read now from the information published by the Michigan State Police. And these are the standards:

“...that in order to avoid any violation of due process rights of a defendant in a speeding case involving...radar, seven guidelines must be met in order to allow into evidence speed readings from a radar speed measurement device:

1. The officer operating the device has adequate training and experience in its operation.
2. The radar device was in proper working condition and properly installed in the...vehicle at the time of the issuance of the citation.
- 3.” —and I did not hear the Minister talk about that because he does not know.

“The radar device was used in an area where road conditions are such that there is a minimum possibility of distortion (spurious readings)...”

You see when I go further into the literature, Mr. Speaker, you will see these speed devices are fraught with technical problems.

“The...(radar)”—was—“retested at the end of the shift in the same manner that it was tested prior to the shift and that the...(radar)”—was—“serviced by the manufacturer or other professional as recommended.”

Where in the Minister’s speech does he talk about calibration, servicing and testing of these devices by an independent testing agency? All I have to rely upon is that the policeman “say” that he turned it on in the morning—I do not know how he tested it, because you have to test a moving car, and how would you know that that car is moving at the speed. Answer me that, Mr. Minister. How can a police officer test one of these speed guns unless some other policeman is driving up and down on the highway at 60 miles an hour and he is pointing the gun at them and then he gets a referral back from the other man driving the car, “yes, I was going at 60” and “yes, the reading on the gun is 60”.

How can a policeman just enter into a log, “ah turn it on this morning and it working good”; that is evidence, Mr. Minister? Well, let us move on. That is how it is done in other countries.

“The radar operator is able to establish”—and this is very important in terms of enforcement of this law—“the radar operator is able to establish that the

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target vehicle was within the operational area of the beam at the time the reading was displayed.”

That goes to the point. How can I tell is you who point—how can you prove you point that gun at me, how? You have to have some criteria, some system to establish beyond a reasonable doubt that the person who is being charged and accused of speeding is in fact the person. Tell me how you are going to do that, Mr. Minister, because it is not in your law.

“The particular unit...”—

And this is most important—and in Michigan they have issued these guidelines to the police officers—well not guidelines, regulations, and say do not rely upon the use of speed measuring devices unless all seven conditions are satisfied.

“The particular unit has been certified for use by an agency with some demonstrable expertise in the area.”

So some scientific laboratory, some testing agency that has expertise in the calibration and testing of these speed units has tested the units and issued a certificate, Mr. Speaker. And normally it is within a particular period of time. Some states say three months, some states say six months that it must have been tested and calibrated by an independent scientific lab, three to six months before it was used to charge somebody for speeding. And in Michigan as well, all the law enforcement officers must attend and pass the 40 hour Michigan Commission on Law Enforcement Standards certified radar operating training, to use these devices in Michigan, Mr. Speaker.

Where is that in this law? This is not a breathalyzer thing, you know, this is a complex device. It is fraught with errors; temperature, road conditions, traffic conditions, all sorts of things can affect the accuracy of this device. It is not a situation where you go into a police station—I will repeat it for you—and you sit down by a desk with a tabletop machine and there are a number of people around, a number of witnesses, and you have to give a sample of breath and the machine immediately gives you a printout. It is not that, you know, it is not that. It is remote sensing, and whenever you have remote sensing, you must have evidentiary corroboration, Mr. Speaker, and that is why I was astonished when I heard the Minister talk about this is transparent, this fulfils requirements of natural justice, this is fair.

How it could be fair? You come and tell me I was doing 98 miles an hour and you produce a little piece of paper and say, some policeman up the road clock you

at 98 and this time you were not even driving on the road. Suppose you produce witnesses to say that you were not even on that road at that point in time, because there must be some way of establishing—that is why you need corroborating evidence, Mr. Speaker. In anything like this to get a conviction there must be corroboration. You cannot rely simply on a mechanical device, you cannot, because they are prone to error.

So, that is what is done in the United States, Mr. Speaker. In the State of Michigan they make it very, very clear that the officer must have been trained with respect to a particular standard and the device has been tested and certified by an independent agency. In that way, if this is what this law had in it then we might be able to avoid some of the problems that occur with the use of devices.

I have also in my possession a document from the *Marquette Law Review* dealing with speed devices, and this deals with a particular person—it is just a review of case law.

“...The defendant was charged with exceeding the speed limit while operating a bus on the New Jersey Turnpike. The apprehension of the defendant was effected through the use of a radar speedmeter. The state offered evidence of the accuracy and fitness of the speedmeter for use in detecting speed of moving vehicles by an electrical engineer, qualified as an expert...testimony”—was—“given on the accuracy of this device”—and also the calibration of the device.

So that is in the *Marquette Law Review*. And:

“...the burden is upon the State...to establish by expert testimony that the radar speedmeter is a proper device for measuring speed...the instrument”—and in particular—“the instrument in question was accurately functioning at the time of the arrest...”

The burden is on the State to provide this evidence, not on the defendant. How am I, when I am confronted by a policeman who tells me that somebody up the road pointed a radar gun at me and I was speeding, how am I to be able to prove that he did not point it properly at me and that it was not working properly? I was not there. It is not a question, and I have to reinforce this point, it is not a question I am in a police station being tested for a specimen of breath because people suspect I am under the influence of alcohol. It is not that. I was not present when they took the reading.

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So how do I know that he did not operate it properly in accordance with the owner's manual and it was working properly. I do not know. And you know, a law like this that shifts the burden of proof from the prosecution to the accused without any safeguard, is unconscionable. It is unjustifiable in any society like Trinidad and Tobago that has a respect for rights and freedoms of individuals.

So in the United States, the burden is on the state to establish by evidence and expert testimony, independent expert testimony that the instrument was accurately functioning and was being operated properly. They even went on to say, the court even went on to say:

“The legislature in its wisdom might see fit to declare that the reading of an electrical timing device...may be admitted in evidence as prima facie evidence of a speed of the automobile...after such device has been certified as accurate by the authority designated by the legislature. By such legislation the people will be relieved of the burden of proving the accuracy of the...device upon each trial by...testimony. The...public will be protected against convictions based upon the reading of an unproven and possibly inaccurate device, and of equal importance, the rules of evidence will not be violated.”

I mean, this is all there in the writing on this subject in the case law, it is all there. And if the Minister had bothered to do his homework he would have seen all of this.

I have a number of other documents that show you situations in the United States, in England where cases have been thrown out because people were able to question the calibration and the accuracy of the device. Again, in the United States this is how they test it.

“Once the radar is set up, it must be checked to see whether it is operating properly. This is done by the officers driving their cars through the zone of influence at different speeds. Usually three trips are made, one at fifty (50) miles per hour, one at sixty (60)...and finally”—one—“at seventy (70)...If the speed recorded by the radar”—gun—“is the same as the car passing through the zone of influence the operation begin”

That is how they do it in the United States. They do not just stand “willy-nilly on ah corner by ah parlour and just, bam, yuh speeding”. No, they set up a speed trap and they set up the parameters for the speed trap. They test the speed of vehicles going through the speed trap before they start to enforce the law using a radar gun. That is how it is done in a sensible country. That is how it is done.

“ADMISSIBILITY OF EVIDENCE OBTAINED BY SCIENTIFIC SPEED MEASURING DEVICES

Where there has been a violation of a speed law ordinance...it is the duty of the prosecution to prove beyond a reasonable doubt that the accused drove his vehicle at a rate of speed in excess of the”—speed—“limit defined by the law.”

And they go on to say, Mr. Speaker, they actually cited a case where a policeman did everything right. He set up the speed trap; he tested the radar gun using patrol cars that went up and down at various speeds. He had it calibrated. He had it tested by an independent agency and he was therefore able to convict someone for speeding. This was again in New Jersey, Mr. Speaker.

**3.45 p.m.**

So that is how this topic is addressed in other countries. I have another document with respect to laser devices.

“Police”—laser devices—“can...make errors if not operated according to the manufacturer’s guidelines.

Laser cannot be used in moving mode, they must be...stationary. Similar to radar, laser cannot be used”—in dust environments or in rain.

Again, where is the criteria for the operation of these devices? As I said, this is not a breathalyzer. This is not a simple machine. This is a complex area of science.

“interference - If for any reasons”—the—“intended signal returns”—if the signal is—“interrupted, it may not be able to determine target velocity. Bright lights (such as Halogens) beaming directly...into a laser aperture may desensitize or entirely masks”—the echoes of the target. “The brighter and closer the light source the greater the chance of interference.

Cosine error - Is the angle from”—zero—“perpendicular to the target vehicle.”

In other words, is the vehicle perpendicular to the gun when the officer is pointing the gun at it:

“The greater the cosine angle the greater the error...

Sweep Error”—and this is one of the most significant errors made in the use of these speed guns.

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“Sweep Error (also known as pan or slip error) - Is manifested when the laser is aimed at one part of the vehicle, say the licence plate, and due to the motion of the operator, the laser also targets a side mirror during the same trigger pull. Sweep Error adds to the real speed of the target vehicle.

Reflection Error - On very hot days with low humidity a visible...reflection of the target vehicle is created. In many cases, when the laser is aimed at the...vehicle the infrared beam also receives readings from both the...vehicle and the”—reflection—“causing a Sweep Error.

Overexposure Error”—and so on.

This is why, if you want to pass a law like this—and I hope the Minister is not going to be bull-headed and hard-headed and just pass bad law because the first man who gets charged for speeding who has the means to take the Government to court, is going to have this law overturned. I am hoping that the Minister—because in all his speech—I was going to use a pejorative word, but I will say, in all his speech I detected that he really wanted to do something. But if you want to do something, do it right! This kind of “vaps” approach to legislation and “vaps” approach to government, Mr. Speaker, you know, this has got to stop. This has got to stop!

Let me read another document with respect to what has occurred in the United Kingdom. A particular individual, Mr. Dave Lyall in Swindon was accused of doing 59 miles an hour in a 50 mile zone. He was sure he was not speeding. He went to court and showed that the camera—and this is a case where you have not just a speed testing device, you have a camera too. The camera got it wrong.

He “was found not guilty, the first time a court had upheld doubts about the reliability of these”—devices.

“...laser expert Dr. Michael Clark showed how innocent motorists can be prosecuted for speeding.

It's a bit technical, but Dr. Clark exposed a problem called ‘slip effect’.”

He said:

“...the possibility that if the gun’s distance measurements start at the back of a vehicle and finish at the front, this could add the car’s length to the apparent distance travelled.

Amazingly, this can add up to 30 mph to the recorded speed.”



What this means, Mr. Speaker, if the constable, in his exuberance, he is pointing the gun so and he does so, “bang”; you are adding 30 miles an hour to the recorded speed because what you need to do is to be stationary. You need to hold it in a particular position and you need to catch the car right in the middle of the vehicle, Mr. Speaker, otherwise, you are going to get slip error and you are going to get an inaccurate reading.

“Professor Brignell from Warminster told us that just the movement created by pressing the trigger”—because it is a gun, so if you do not have a correct posture and when you pull the trigger, you jerk. That alone can—“result in a false reading.”

And I have examples of many other cases.

“...Brian Wiltshire...was clocked by an LTI 20-20 yards from his home near Caton in Lancashire last year.”

He was said to be doing 59 miles an hour in a 50 mile an hour zone.

“He pleaded not guilty...”

He was convicted.

“The conviction was overturned...after experts confirmed that the speed guns could give incorrect readings if they are not set up properly.”

Again, it speaks about the *Daily Mail* investigation that clocked a parked car at 22 miles an hour, a wall at 44 miles an hour and a bicycle at 66 miles an hour.

“Earlier this month, David Lyall”—the same person I spoke about—“had his speeding conviction quashed after a two-year battle to convince the courts he was driving below the 30 mph limit.

Magistrates found that the LTI 20-20 failed to spot a lamp-post which interfered with the beam.”

So, again, when you are trying to catch somebody speeding, you better do not have any obstruction in the way: a branch, a leaf, a lamp post, a person walking on the pavement. All of these things can obstruct and interfere with the measurement of somebody's speed:

““It was a landmark ruling...the court was unhappy with the error trapping device, which did not kick in when it was supposed to.

‘Mr. Lyall was not driving above the speed limit...there are thousands of motorists”—just like him—“who have been wrongly caught out.””

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Then they go to the manufacturer of the speed guns

“Speed Gun maker admits to flaws under oath, he says laser guns could give incorrect readings...”

A SPEED camera boss has finally admitted that his equipment is capable of getting speeds wrong if guidelines are not strictly followed.”

He was cornered in a lawsuit by—[*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Diego Martin North/East has expired.

*Motion made:* That the hon. Member’s speaking time be extended by 30 minutes. [*Mr. N. Hypolite*]

*Question put and agreed to.*

**Mr. Speaker:** Hon. Member, just for the *Hansard* record, you did quote from the *Daily Mail* but you did not give the date.

**Mr. C. Imbert:** I will get it.

**Mr. Speaker:** Thank you very much. Continue, hon. Member.

**Mr. C. Imbert:** I will get it in due course.

“A SPEED camera boss has finally admitted his equipment is capable of getting speeds wrong...”

**Hon. Member:** January 2007.

**Mr. C. Imbert:** January 2007? This is what I am being told but I will confirm that—*Daily Mail*. [*Interruption*] Could be. It might not have been measured properly. [*Laughter*]

But, Mr. Speaker, I am glad that the Minister has intervened with that little bit of humour there because I had made a decision, I am not going to help this Government anymore. “Ah fed up wit dem.” And especially when we assist the Government in correcting flaws in legislation, they turn around and they blame us. You know? We, in all good faith and good conscience, try to help them to correct the badly drafted legislation—I had made a decision, I am not going to help them, but I will make an exception on one instance, this one.

If the Minister wants to bully, go ahead. You will be passing bad law. It will be unenforceable and will be struck down. If the Minister wants help, I do not mind. You know, we can defer the vote on this Bill and we can look at particular

clauses—you know, the introduction of regulations and the question of independent testing. Because, Mr. Speaker, the one point the Minister has to understand, if there is no independent verification of the accuracy of the device, this whole Bill will just collapse. This Act will collapse because you cannot use the self-serving testimony of a police officer to say he checked the radar gun in the morning and it was working good. You cannot. It must be tested against an—you must have third party evidence. It is a standard rule of evidence, Mr. Speaker, especially when you are talking about scientific evidence, you must have third party corroboration, and this Act is deficient in that respect, Mr. Speaker.

But let us move on:

“The boss of the firm that makes laser detectors used in speed...vans was cornered into admitting how a hand held version of the device”—the same — “20.20 Ultralyte, can give incorrect readings by a...”

He was cornered by a barrister at Preston Crown Court.

“Frank Garratt, owner of Tele-Traffic UK Ltd, which makes the laser speed detector, finally acknowledged errors similar to those...highlighted last year...”

Again, this is by the BBC. They got a reading of 40 miles an hour for a stationary bike.

“Garratt acknowledged four ways the devices could be wrong.”

This is the man who is making the thing, you know:

“He admitted they could exaggerate a vehicle's speed if they are not held steadily...”

It is obvious. If you do not hold it properly; it is a gun; if your hand is not steady, obviously there will be errors:

“...and the laser beam slips along the side of the vehicle - a phenomena known as ‘slip effect’.”

Obvious:

“Presented with evidence of an incorrect reading of 36 mph for a vehicle travelling 29 mph, he said:”

This is the owner, eh, of the company that makes these things:

“‘This was probably slip effect off the side of the vehicle’. He accepted...that if the laser beam was not aligned with the crosshair in the view finder, used by operators to target vehicles...”

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Because that is another thing. There is a crosshair in—you have to line up a red dot and a crosshair to make sure that you are targeting the vehicle:

“He accepted...that if the laser beam was not aligned with the crosshair in the view finder...then the speed of the wrong vehicle ‘could be measured...”

You shoot somebody else. So it is the man that was behind you or the man that was in front of you that the officer got a speed reading on. Not you, but he is coming by you because he thought he was pointing the gun at your vehicle:

“He said operators must regularly check the crosshair is aligned with the centre of the beam to eliminate the potential for the wrong vehicle to be picked up...” The salient point there is that the device should be properly aligned. “He admitted that where two vehicles fell within the spread of the laser beam, the device could pick up the speed of the nearer one even when aimed at the furthest one.”

This is the owner and manufacturer of the company that is making this device used by the police in England. He said if you are pointing at a convoy of vehicles and you point at the one you want to target, you might get the one behind it. That is one of the problems with these vehicles, and he put it this way:

“‘if two vehicles were travelling down the road within the range of the beam spread...it is possible that even if the officer aimed for the vehicle furthest away the device would lock on to the nearest vehicle’.”

Because this is like—I do not know if you have seen these video games and television shows and so on, where a fella is flying a helicopter and he locks on to a target in front of him to fire his missile—same thing. The device locks on to the target in order to get the reading.

So he admitted that the device would lock on to the wrong vehicle, and the BBC again was saying, they aimed the device at a stationary bike and the device consistently picked up the speed of a passing car instead. So they pointed at a stationary object, but a car passing over there, because of the spread of the beam—it is not a pinpoint, it is an arch—so it is picking up anything that is moving, because the thing decided that that thing they are pointing at is not what they are pointing at, and they are pointing over there, and they picked up the moving vehicle, Mr. Speaker.

“Garratt admitted the beam could be reflected off one vehicle and measure the speed of another. He said”—it was also—“possible with more irregular surfaces... ‘angled polished surfaces’”—like bicycles

“Bikes are often targeted by the lasers from the front, where there are only different angled polished surfaces and no number plate.”

Now, he is the manufacturer, eh, so he is trying to get away from an allegation that his device is defective. He said:

“...the errors could only occur where the device was not operated according to the guidelines set out by the Association of Chief Police Officers and the manufacturers...”

‘Like any device, unless it’s operated within the prescribed parameters it may...not perform’...”—in the manner expected.

I even have here a checklist that is given to the police in England by their seniors, and I noted on the checklist a number of things you have to do. The speed limit must be properly entered in the log book. The paperwork must be correct, so, so, so. But this is what I found interesting. The equipment must be calibrated correctly. The operator must use the equipment in accordance with the rules and guidelines.

**4.00 p.m.**

“Communications equipment must be switched off...(including the operator’s mobile phone).”

So if you have your cell phone on and you are operating a radar gun, it is going to give you a wrong measurement. This is what the police in England tell their police officers: switch off your phone when you are using these devices.

“The site must be suitable...”

It must not be close to power lines.

Now, there are places in England where you have wide areas of the country that have no power lines but in Trinidad and Tobago, you have power lines everywhere, especially on roads. One of the problems with the use of these devices is the power lines. They interfere with the signal, they interfere with the reception and they interfere with the readings. [*Crosstalk*] I mean, you all could laugh, you know, go ahead and laugh. [*Crosstalk*] Or, you are listening. [*Crosstalk*] I could destroy any argument? [*Laughter*]

“Police in Kent have suspended the use of all...speed guns following a court case...”

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An email sent globally to all officers in south Kent...stated:

‘Following a court case at Folkestone yesterday and in liaison with the Criminal Justice Unit...a review of speed enforcement policy is to be made...

‘Pending this review, NO further...[fixed penalty notices] or summons...’—  
are to be used regarding the use of laser speed guns.

Do you know why? Because that was the court case where they said you have to prove the thing was calibrated properly, you have to prove it was tested by an independent certifying agency, and you have to prove the person who is operating it was properly trained to the prescribed 40 hours as recommended by the association of police chiefs and so on.

Listen to this, January 2008:

“POLICE are handing back 300 fines to drivers after speed guns were found to be wrongly set up. The Lancashire force has been order to rescind the fines...

Driver Stephen Hunter, of Devonshire Road, Blackpool, received a”—  
refund—“cheque for £185 and had four points removed from his licence after being caught by a speed gun on Clifton Drive, South Shore, on July...2007.”

He paid.

“I was on my way to work...when the camera supposedly”—got—“me. I was re-doing my mortgage”—so I did not pay on time—“I had to”—go to court and—“pay £150 with £35 costs.”

I just paid. Police refunded the money.

“The Independent Police Complaints Commission...launched an investigation last autumn...”

—[*Crosstalk*] He got £185; he get back everything, no interest.

“The Independent Police Complaints Commission...launched an investigation last autumn after allegations that a member of staff had incorrectly calibrated...”

Now, you see? This goes to the root of what I have been telling the hon. Minister.

“...a member of staff had incorrectly calibrated mobile speed cameras...and...four members of staff had failed to process court documents correctly at...central processing unit...”

This is a particular case where a person was giving self-serving testimony with respect to calibration and testing of a device. Same thing we have in this law where we are relying on the police officer as the only witness and the only source of evidence that the thing is working properly.

“...‘The IPCC can confirm that the process of rescinding speeding tickets has begun as a result of information uncovered during...investigation into allegations that a member of Lancashire Constabulary...had incorrectly calibrated mobile speed’”—devices.

“‘The investigation is ongoing, but...Constabulary has written to approximately 300 motorists whose convictions have been...’” set aside.

And so on and so on, Mr. Speaker. There are all kinds of judgments in the United States, in the United Kingdom.

Now, let me read a regulation that is in force, I believe, in the State of New York or the State of New Jersey. This is regulation:

“G.S. 8-50.2. Results of speed-measuring”—devices; “admissibility.” This is a regulation or a statute in the State:

“Notwithstanding the provisions of subsection (a) of this section, the results of a radio microwave, laser, or other electronic speed-measuring instrument are not admissible...unless...:

- (1) The operator of the instrument held, at the time the results of the...instrument were obtained, a certificate from the North Carolina Criminal Justice...Training Standards Commission...authorizing him to operate the speed-measuring instrument....
- (2) The operator of the instrument operated the speed-measuring instrument in accordance with the procedures established by the Commission for the operation of such instrument.
- (3) The instrument...was approved for use by the Commission and the Secretary of Public Safety...”

Four, again, most important:

- “(4) The speed-measuring instrument had been calibrated and tested for accuracy in accordance with the standards established by the Commission for that particular instrument.”

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And they go on to say at (c):

“All radio microwave laser, and other electronic speed-measuring instruments shall be tested for accuracy within a 12-month period prior to the alleged violation by a technician possessing at least a General Radiotelephone Operator License from the Federal Communications Commissions...

All radio microwave, laser, and other speed enforcement instruments shall be tested in accordance with standards established by the North Carolina Criminal Justice...Training Standards Commission. The Commission shall provide certification of all...instruments.

In every proceeding where the results of a radio microwave, laser, or other speed-measuring instrument...notice shall be taken of the rules approving the use of the models and...other...instruments and the procedures for operation...calibration or measuring accuracy of such instruments.”

So they even put it in the law that the court must examine the calibration of the instrument, the testing of the instrument, the accuracy of the instrument, the procedures for operation, they must take judicial notice of that. So, Mr. Speaker, I think I have proved the point.

**Dr. Rambachan:** “Yuh think so?”

**Mr. C. Imbert:** I think I have exhaustively proved the point. [*Laughter*] I think so.

**Dr. Rambachan:** You know you would stretch the truth a little.

**Mr. C. Imbert:** No, no, I am always extremely truthful. I have more case law here from the United States:

“...State v. Jenkins, 80 N.C....”—[*Crosstalk and laughter*] Relax.

“...the court granted the defendant a new trial based upon the trial court’s intimation, in response to a question from the jury, that defendant could be convicted solely upon the radar measurement of his speed.”

They granted him a new trial because what had happened is that he was convicted based simply on a reading from a device without any corroboration, without any independent verification, without any certification, without any calibration, Mr. Speaker.

Look at what I have pulled from the speed-measuring devices in Florida. If you go to the Florida State website, they have 11 documents dealing with speed-measuring devices:

“...Approval Requirements...



Minimum Design Criteria for Radar Units...

Tests to Determine Speed Accuracy of...Radar Devices...

Tests to Determine Speed Accuracy of Average Speed Calculators...

Tests to Determine Accuracy of Speedometer Devices...

Tests to Determine Accuracy of Time Measurement...

Minimum Design Criteria for Laser Speed Measurement Devices...

Checks to Determine Speed and Distance Accuracy of Laser Speed Measuring Devices..."

Mr. Speaker, published on the Florida State website, 11 manuals for testing of laser speed and radar speed devices. Why? Because they know that if you do not provide proof that your equipment is working properly, you do not provide proof that it is calibrated, it has been tested by an independent testing agency, not the policeman, you are going to lose your case.

So, Mr. Speaker, I close by cautioning the Minister. You have run afoul of due process of the laws of evidence of fairness, transparency and natural justice. I am satisfied—in fact, I am certain that at least on two or three sections of the Constitution of Trinidad and Tobago, this law will fail, and just deal with the common-sense aspect of it. I want to repeat: it is unconscionable that somebody could be convicted based on a measurement of a remote device without being given any evidence on the manner in which that device was used and the manner and the accuracy of that device. It is unconscionable.

**Dr. Rambachan:** So you are not supporting the Bill then?

**Mr. C. Imbert:** You have to fix it. I have said that I am willing to help, it is just one or two clauses that need fixing and I will explain. You need to introduce regulations governing the training of the police officers, the certification, calibration and testing of the device. It must be passed at the same time as this legislation.

You must shift the burden of proof back to the police. They must produce evidence that they tested the device. How you would tell the motorist that—how does he know that the thing was operated properly? He was not there. So you must put it back so that the police officer can produce evidence, this thing was calibrated by CARIRI or the Bureau of Standards, or some other testing laboratory within the last three months; it was found to be working properly. That way, you are going to be able to enact proper speed control law and achieve the objective

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properly enunciated by the Minister that we need to deal with this problem, it is a long outstanding problem, it is true, we need to deal with it, but we need to do it properly.

I will tell you something, when I passed the breathalyzer law in 2007, we did not implement it immediately for this reason: that we had to be very careful about how we would go around proving that the reading of the device and the manner in which the police officer took the sample of breath was adequate to obtain a conviction so we took our time. We did a lot of scientific research, it had a proclamation clause in it, and we proclaimed it sometime afterwards because we went through—and this needs a proclamation clause. This needs a proclamation clause. I do not know why it does not have a proclamation clause because the infrastructure is not in place. You do not have the training procedures for the police officers—no, it is not there; it does not have a proclamation clause.

And I would also say that this law needs to be passed with a three-fifths majority, and that is why you should not take the vote, because if you take the vote on this without putting in a preamble with a three-fifths majority then you cannot come and amend it afterwards because you must do it first.

**Dr. Rambachan:** Why three-fifths?

**Mr. C. Imbert:** Because it is infringing constitutional rights of due process. When I passed the breathalyzer law, I made sure it was a three-fifths majority because I did not want to run afoul of section 4 and section 5. I am telling you, for the abundance of caution, you need to pass this with a three-fifths majority. And I am telling you now, this is sufficiently important that if you pause a little while, we are prepared to work with you to get this right and you can—well, you have your majority anyhow, it does not matter. But we will support this legislation if you fix it, if you deal with the evidentiary flaws in it, if you deal with the fact that it does not speak to regulation and calibration.

So, I am asking you to suspend the debate, let us pause and we on this side are willing to work with you to make this law work. If you want to be—what is the correct word? Churlish?—churlish and you do not want to accept our offer, well, go ahead, no problem, you will pass bad law, and we on this side will not support it. I thank you, Mr. Speaker. [*Desk thumping*]

**4.15 p.m.**

**The Minister of State in the Ministry of Works and Infrastructure (Hon. Stacy Roopnarine):** Thank you very much, Mr. Speaker. It is indeed a pleasure

to join in this debate today, to contribute to what can be considered, indeed, to be certainly groundbreaking legislation for the benefit of the people of Trinidad and Tobago. Indeed, I would say that this is something that is perhaps long overdue for us and nonetheless we are here to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, which would authorize the use of speed detection devices by police officers in order to measure the speed at which a person is driving. And also, Mr. Speaker, to provide for the admissibility of evidence in connection with the use of these devices.

Mr. Speaker, in the contribution of the last speaker, I must say I was indeed very disappointed—indeed extremely disappointed—as a past Minister responsible for transport, I expected a lot more from him, in terms of having the experience of serving in the Ministry and understanding the grave challenge that faces Trinidad and Tobago; not today, but for decades upon decades, upon decades. So I thought, in his contribution, I would have heard perhaps what his plans were when he was Minister of Works and Transport. Or perhaps he would have told this House what he did, as Minister responsible for transport in Trinidad and Tobago.

So indeed I was very disappointed, Mr. Speaker, that this was left out of his contribution, but rather he came here to educate the public about the technical specifications of speed guns. Indeed, Mr. Speaker, it is quite unfortunate that he chose to go this way.

Mr. Speaker, we all know that one of the biggest challenges around the world today is indeed that of road safety and indeed the total number of road deaths remains very high. Mr. Speaker, according to the Global Status Report On Road Safety 2013 by the World Health Organization, it indicates that worldwide, the total number of road traffic deaths remains high—1.24 million persons per year. There are:

“Only 28 countries”—which cover—“7% of the world’s population,”—that to date—“have comprehensive road safety laws on five key risk factors:”

These are:

“drinking and driving,”—of course—“speeding”—which we are seeking to rectify today—“and failing to use motorcycle helmets, seat-belts, and child restraints.”

Trinidad and Tobago is indeed no different to the rest of the world in this regard. And therefore, Mr. Speaker, we have to continue to find ways to decrease

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the road carnage in our country. One must understand that behind these statistics shown globally, there is indeed a lot more because when persons lose loved ones in road accidents, indeed you have a lot of grieving parents, a lot of grieving children, grieving family members, friends—[*Interruption*]

**Dr. Browne:** Grandparents.

**Hon. S. Roopnarine:**—grandparents. Thank you, Member for Diego Martin Central. Thank you. Indeed, there are many persons affected by this. There is that emotional struggle and there is also a financial struggle—a financial struggle in terms of cost relating to the accidents. Perhaps cost relating to funerals and perhaps health and so on, Mr. Speaker. So indeed this really takes a toll on the people of Trinidad and Tobago—not just the victims of the accidents.

So Mr. Speaker, Trinidad and Tobago has indeed been able to make some progress over the last couple of years. And if you look at the Trinidad and Tobago Police Service Roadway Safety Review in 2013, it was revealed that the year 2013 showed the lowest road traffic fatality figure recorded in Trinidad and Tobago in over 10 years.

So that is indeed an achievement. And, you know, I heard the Member for Diego Martin North/East speaking, at great lengths, about his breathalyzer and so on, which he took credit for, as then Minister of Works and Transport. But we have to give credit to the police service for the implementation and the execution because they are the ones who are able to effect the change that was legislated in this House. And without that implementing arm, Mr. Speaker, this would be of no use.

So I really want to say that we have made progress over the years and we have come to a point where in 2013, we have recorded the lowest road traffic fatality figure in over 10 years. That is indeed an accomplishment. [*Desk thumping*] The figures would show that in 2013, the fatal road traffic accidents decreased by 22 per cent, ending with 131 road traffic accidents recorded and it would also show that the road traffic deaths decreased by 21 per cent, ending with 152 road traffic deaths being recorded.

So we are making some progress. We are heading in the right direction but indeed it means that with 152 road deaths recorded last year, we must continue to do more. And Mr. Speaker, that is indeed what we are trying to do here today in order to find better ways of curbing the road fatalities in our country.

Mr. Speaker, this Bill before us seeks to introduce technology that will indeed assist the police service in solving this very outdated and archaic means by which you have police officers using the formula: speed equals distance over time, which we were all taught in Physics class many, many years ago. This is indeed something that is very outdated. I think there are very few countries that perhaps still operate in this frame, in the 21<sup>st</sup> Century, Mr. Speaker.

So what we know of in Trinidad and Tobago is we will have one police officer positioned at point X, another officer positioned at point Y, with the distance point XY being known and then they timed how long you took to get from point X to point Y. And this officer would have to be hiding behind a lamp post, hoping that a driver coming up does not see him because then what happens is the driver will slow down. So you have the officer hiding behind the lamp post at point X; hiding behind the lamp post at point Y and then perhaps you have another one at point Z waiting for the officers down the road to say: stop that vehicle.

Mr. Speaker, the days for that are long gone. There is so much wrong with what I just explained. The accuracy of this, it is laughable, Mr. Speaker. Our police officers deserve to be equipped with the technology for them to do their jobs. And that is what we are doing here today.

In clause 3 of the Act, we are seeking to amend section 62 of the parent Act so as to replace subsection (6) with new subsection (6), which would allow for the use of these handheld devices, to measure the speed at which a vehicle is travelling, using these devices which the Minister shall, by order, approve.

I think a lot was said by the Minister of Transport, in his opening and I really want to commend him for his presentation and for his drive and determination to bring this Bill before the Parliament today. Mr. Speaker, I want to go into the actual benefits of using these speed guns in Trinidad and Tobago because indeed there are quite a number of benefits and I feel we have not spent enough time explaining what these benefits are.

Mr. Speaker, first of all there will be improved accuracy. As I just explained, we have a very outdated system of measuring the speed of vehicles and therefore, these devices would indeed decrease that margin of error that is currently being used. Mr. Speaker, if you look at clause 3, it must be noted that we have included that the constable will have responsibility to ensure the devices are working satisfactorily and ensure that it is:

“properly calibrated so that it indicates speed readings within a limit of error not greater or less than two kilometres per hour of the true speeds,...”

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This error of margin is more or less standard globally. That is why we are seeking to use that margin and this concept of these devices, Mr. Speaker, indeed follows very similarly to the concept of the breathalyzer on which the MP for Diego Martin North/East spent the majority of his contribution. So Mr. Speaker, if you look at it, you would see that there is provision being made for a margin of error because perhaps no technology is indeed 100 per cent accurate, and we know that. So that the provision is there, in the Bill, to allow for this margin of error.

And Mr. Speaker, you know, the MP for Diego Martin North/East went on, and on, and on about calibration and ensuring that it is properly calibrated and who is going to ensure this. Well, it is the same concept as the breathalyzer. The average man will not understand the actual working of these devices, so that the provision is made for that margin of error. Mr. Speaker, while he went on to talk about the breathalyzer being used and so on, it is interesting to note that to date there have been no known cases challenged successfully with respect to that breathalyzer legislation. And what we are doing today is very similar to that but in this instance, we are introducing the electronic speed guns.

So that in theory it is the same concept, it is the same principle and what we will have to ensure is that in acquiring these devices that you have your technical people look at these in more detail, Mr. Speaker. But the provision is there for that margin of error in the Bill itself and perhaps the Member for Diego Martin North/East did not read the Bill before coming to this House, Mr. Speaker—*[Laughter]*—as he accused the Member for Chaguanas East of not doing his research before he came here. But perhaps he did not read the Bill before he came here, or else he would have seen that there is a provision to deal with that margin of error.

So Mr. Speaker, we spoke about improved accuracy as one of the benefits. Another advantage is that in using these guns, it offers some more mobility to the police service in that, as it stands, persons know where to look out for these police officers. You know around which corner they might be and with the use of cell phone technology now, you have persons texting each other to say: “well police officer up the road 10 kilometres”, as the case may be.

**Mr. Indarsingh:** Motorists flash their lights.

**Hon. S. Roopnarine:** Some persons even flash their lights and so on when they are driving, to indicate that there are police officers. *[Interruption]* I will deal with that. So Mr. Speaker, this indeed allows the police officers some more

flexibility because the locations of the officers would not be known to members of the public, in that you will be driving along the road and this device will zap you, literally zap you.

**Dr. Browne:** Where would they be? Jumping from behind lamp posts?

**Hon. S. Roopnarine:** No. They will not be positioned behind lamp post X and lamp post Y. The idea is to offer more mobility to the police service so that persons—and they do not even have to be in marked police vehicles. They could also be in unmarked police vehicles so that their locations will not be known to members of the public.

Mr. Speaker, this will offer some more mobility to the police service and therefore we would expect to see more persons being perhaps charged, under the law of speeding. In addition to the mobility, there will also be increased detection. These devices will allow the officer to use them at any time of the day. Under the current situation, you have officers who perhaps will not be working when rain falls because they will have to be out on the highways and so on, getting wet. You perhaps will have them not so much in the night-time as well, because which officers are going to risk their lives to jump out from behind the lamp post to come onto the roadway, perhaps facing the challenge of being knocked down by oncoming vehicles. So Mr. Speaker, you will see an increased detection rate in implementing these devices.

You will also have increased awareness and the main benefit of this system is that motorists will be able to be more aware that when they are driving, their speeds can be checked at basically any location. And with this increased awareness, Mr. Speaker, you would find a general trend of persons adhering to the laws, rather than taking the chance and perhaps being picked up by one of these devices.

So you would have persons being less inclined to break the speed limits. And, in addition, Mr. Speaker, we have included in clause 5, which deals with amending section 66, to add a penalty of imprisonment for 12 months for repeat offences. So indeed, Mr. Speaker, members of the public will be more aware, they will be more educated and they will be more cautious in terms of taking a chance to break the speed limit.

**Mr. Deyalsingh:** Would the hon. Minister just give way for a sec, please?

**Mr. Speaker:** I am on my legs now. I think it is a good time for us to suspend for tea. This sitting is now suspended until 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Hon. S. Roopnarine:** Thank you, Mr. Speaker. Before we went to tea, I was making the point of the benefits of implementing the speed guns. I spoke to the fact that there would be improved accuracy. I spoke about the fact that police officers would be able to operate from different locations, locations that would not be known by individuals who would, perhaps, see the officers. I spoke about increased detection. I spoke about increased awareness of members of the public and I want to speak a little bit now about increased revenue.

The Member for St. Joseph is harassing me to give way.

**Mr. Deyalsingh:** Mr. Speaker, just before the tea break, I did ask if the Member would give way because she was speaking about nights. Is it that the speed guns would be used during the night? That is all.

**Hon. S. Roopnarine:** Mr. Speaker, the use of the guns would be determined by the officers under the Commissioner of Police. The point I was making about the night-time was simply for the safety of our police officers. While their duty is to protect us, we also, as parliamentarians, as legislators, have a duty to protect them. The point I was making is that it is indeed very difficult for the officer to operate at nights, especially on our very busy highways and so on, as perhaps, it would put their lives at risk with the officer having to jump out from behind the light post, as I was talking about earlier. That was the point.

So, I wanted to speak a little bit about increased revenue. One of the benefits we expect is, indeed, more revenue from this. I just want to give some indication of what the statistics were in 2013, according to the police reports. The TTPS alone issued 30,411 traffic tickets to a value of—sorry, I do not have that information; the total tickets by the traffic wardens unit was 6,992 and by licensing we had 1,278 tickets, thus totalling 38,681. These are for traffic violations and we expect, with the implementation of these speed guns, to see an increased number of tickets, thereby equating to increased revenue for the country.

Mr. Speaker, we also expect that our police service would be better equipped. Currently, we see police driving along the highways and you would oftentimes see other vehicles speeding past them, because the police do not have the equipment, at this point in time, to detect those speed rates. You would also expect to see, coming out of this—another benefit is that of decreased road fatalities. This, to me is perhaps one of the most important benefits of the



implementation of these speed guns. It would greatly reduce the road deaths, as a major reason for road deaths is that of driving above the speed limit. With this deterrent and the law enforcement tool to pinpoint those who are driving above the speed limit, indeed, we expect to have a reduction in these road fatalities.

Mr. Speaker, we expect to see more persons being responsible drivers because they would now have more reason to be, because of the fact that you could expect to see a police officer operating at any point in time. They would be zapped, so to say, by these speed guns.

Mr. Speaker, according to the website of the Pennsylvania State Mayors' Association in 2011, Pennsylvania had the third highest number of speeding fatalities and the second highest percentage of speeding fatalities to total the fatalities in the United States.

The numbers of speeding fatalities on roadways where police are prohibited from using radar guns were three to six times higher than the number of speeding fatalities on roadways where police are allowed to use the guns. Mr. Speaker, this by itself shows that in the areas where the speed guns were being used, those areas had a lower rate of road fatalities than the areas where the guns were not used. Mr. Speaker, we also expect to see better evidence in the courts, in terms of those who are caught in the speeding violations.

Clause 3 provides for the officer to deliver to the driver of the motor vehicle a printout from the speed measuring device, which purports to be evidence of the speed at which the driver was driving the motor vehicle. This is going to be the evidence that the person was driving above the speed limit. The officer now will be issuing to you a printout from his device, which bears an endorsement by the constable who operated the device. Therefore, this by itself is better evidence, as opposed to somebody manually taking a recording and making a calculation which has that human error involved in it.

There would also be a reduction in criminal activity, as the Minister of Transport, Member for Chaguanas East, had indicated in his presentation. These guns, some of them, depending on the type of gun that you purchase, could also give pictures of number plates, and so on and this would be very useful in the fight against crime, in terms of reducing major criminal activities, as in most criminal activities the roadway is used and those escaping from the scene of a crime, perhaps, may be inclined to drive above the speed limit and, perhaps, these guns will then pick them up as well. Mr. Speaker, we expect these speed guns to help in the general fight against crime.

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Mr. Speaker, there is also a direct link, on many occasions, to persons driving under the influence of alcohol and those driving above the speed limit, as drinking and driving causes loss of good judgment and rational thinking whereby those irresponsible persons then speed, which eventually turns into road accidents and even road fatalities. Hence, this device would cause a domino effect, via persons who are drinking [*sic*] under the influence, now being picked up while speeding. It is almost as though you have now two checks and balances. You have the breathalyzer test, plus you have the speeding devices, which, perhaps, would now pick up more drivers who are driving under the influence, who would be more inclined to speeding or driving above the speed limit.

Mr. Speaker, the police have been able to charge a number of persons under the Breathalyzer Act. Up to 2013, I believe the figure was approximately 299 persons, and so we expect that, perhaps, this would be increased, due to the fact of having these speed guns to pick up these persons who, perhaps, are driving above the speed limit, under the influence of alcohol.

So, Mr. Speaker, I have listed here about 10 benefits and I can list even more, but these are just 10 benefits of implementing these speed guns in Trinidad and Tobago.

Mr. Speaker, this is certainly not something new and I cannot see why Trinidad and Tobago cannot join with other countries in implementing these devices, which certainly would go a long way in helping to reduce the road carnage, in helping the police officer to execute his or her duty, and generally in the protection of the citizens of Trinidad and Tobago.

Of course, Mr. Speaker, there is always a loophole in everything and in this case it is persons who, perhaps, would like to invest in technology that would interfere with the use of these devices. This is why we have included a clause 4, which deals with the insertion of new section 62A in the parent Act, for prohibition of the use of devices which may interfere with the speed devices used by the officers.

Mr. Speaker, this Government is indeed very committed to that of road safety. This effort today, with this Bill, is only one measure in the whole fight against road carnage. As you know, there were several mechanisms that we have already put in place, one of which has to do with the implementation of regulations relating to the use of mobile phones while driving, in order to prevent drivers from using their phones.

I am advised that there were quite a number of persons who were charged for the use of these cellular phones. The information I have here is data issued by the Traffic Branch Division of the police service, for the period 2012 to March 20, 2014. For the period 2012, I am advised that there were 1,638 charges for cell phone use while driving; 2013, 1,719 charges and from January to March 20 of this year, 394. So, indeed, this shows that the implementation of that regulation is indeed working, that the police continue to do their job in charging these individuals who continue to break the law.

In addition to the implementation of the cell phone regulation, we have also implemented a cable barrier system. It was this Government that implemented the use of cable barriers on our nation's highways. You would recall that it was in 2010, the Ministry of Works introduced the first cable barrier along the Solomon Hochoy Highway when implementation of these barriers began around May of 2011. The Ministry installed 10 kilometres of high tension cable barriers on the median of the Solomon Hochoy Highway in the vicinity of Claxton Bay. In addition, we also completed 34 kilometres on the median of the Solomon Hochoy Highway between Chase Village and Tarouba and that was June of last year. To date, the Ministry has installed 44 kilometres of cable barriers, with the intention of adding further. [*Desk thumping*]

Mr. Speaker, we have some statistics here which show over the period November 2013 to February 2014, the Ministry recorded a total of 81 median crossover accidents that were prevented. That shows that 81 accidents were, perhaps, prevented and if you would check that, in terms of the amount of lives saved, it would, perhaps, double or triple in some cases. These barriers are, indeed, working very well, in terms of the reduction of our road carnage and this is a measure that we, indeed, would continue to implement, together with other measures.

As you know, Mr. Speaker, it was also this Government that implemented the use of traffic wardens. The traffic warden system was launched in November of 2010, under section 10A of the Motor Vehicles and Road Traffic Act, Chap. 48:50. The Commissioner of Police was given the power to appoint persons as traffic wardens for the sole purpose of assisting the police in connection with the control and regulation of road traffic and the enforcement of law.

The main objectives of these wardens were to keep our roads clear of illegally parked vehicles, to ensure the smooth flow of traffic, and to enforce traffic regulations. Mr. Speaker, you can see our traffic wardens out there doing a very good job. In many instances they have assisted with traffic alleviation across the

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country. The first phase of traffic wardens in March of 2011, saw approximately 77 wardens out on our streets. To date, we have 272 traffic wardens, who have been recruited and there are plans to recruit an additional 100 wardens to be trained this year.

**5.15 p.m.**

To date, Mr. Speaker, approximately 6,958 tickets for various traffic offences, have been issued by these traffic wardens, and this equates to approximately a value of \$6,477,650 as at January 31, 2014. So, Mr. Speaker, the Ministry has taken many steps in terms of fighting road carnage, in terms of ensuring that we have some enforcement of our traffic laws, and of our traffic regulations. Therefore, we continue to support measures such as these, including the introduction of these speed guns here today.

Mr. Speaker, another measure implemented is that of the National Traffic Management System, which was launched to monitor and control traffic on the East-West Corridor. Three systems were deployed as a pilot project between Ana Street and the interchange. These three systems include the Corridor Traffic Management System, the Traffic Signal Control System, which is the coordination of traffic lights, and the National Traffic Management Centre.

Mr. Speaker, the heart of this system is located in the Ministry of Works and Infrastructure's administration building, and in an effort to institutionalize the system, in July 2012, we engaged four operators and one supervisor. Presently, this system is manned on a shift basis between the hours of 5.00 a.m. to 9.00 p.m., Monday to Friday. The relevant authorities are in particular, the police are informed when accidents or incidents occur along the corridor. Mr. Speaker, I would say that this has been a very successful project. To date, they have recorded 292 incidents—details for the year 2013, and one of these incidents, if we consider accidents perhaps, for the period 2013, there were 55 accidents recorded by the system.

So indeed, this gives us the information required and this system also allowed us to partner with CNMG, so many persons would have seen a pilot project where video footage was taken from the system, and shown on CNMG during their Morning Edition programme. So that persons could see what the traffic flow is like coming into Port of Spain on a morning. Persons could also see if there are incidents along the route, or perhaps accidents, and so on, and that has been working very well. We continue to expand that system, Mr. Speaker, that system also—there are many other plans for that system. So I will just briefly outline one

of them, Mr. Speaker, which is red light enforcement. We are looking at the use of automated method of red light enforcement, to detect red light violations and record and identify information about the vehicle and the driver.

Mr. Speaker, we have deployed a pilot project at the Dock Road intersection, and the information we have here, Mr. Speaker, is on a daily basis there are approximately 52 violations captured at that intersection. So there are many things that we are implementing in the Ministry of Works and Infrastructure and in the Ministry of Transport to continue to allow us to alleviate our problems, in terms of traffic, in terms of persons who disobey our traffic laws.

We also have to improve on our traffic management. One of the challenges with road fatalities is that the number of pedestrians, cyclists and motorists that are affected is indeed very high. According to the Trinidad and Tobago Police Service, Mr. Speaker, 38 per cent of road fatalities for the year 2013, were pedestrians. This is indeed very worrying. One thing that is very clear is that the drivers need to reduce their speed around pedestrians, and give them more attention, because when you are driving, you are not only driving for yourself, you are also driving for those around you, whether they are motorists, passengers or simply those who are walking along the roadsides or along the pavements.

Mr. Speaker, on the occasion of World Day of Remembrance for Road Traffic Victims in 2013, the UN Secretary-General, Ban Ki-moon's message indicated, and I quote:

“I welcome action by cities around the world to improve the safety of pedestrians, cyclists and all other road users. Sidewalks, crosswalks, overpasses and roadway lighting are being installed; laws on drunk driving, speeding, wearing seatbelts and prohibiting texting and other dangerous use of mobile phones while driving are being enacted and enforced; pedestrian zones are being created in city centres;”

Mr. Speaker, Trinidad and Tobago remains committed to this cause, and the Ministry of Works and Infrastructure continues to embark on re-enforcing our crossings, whether it is at schools, implementing more pavements and we continue to improve lighting. You would notice many areas where we have improved lighting. We have more speed reflectors across many roads in the country, Mr. Speaker. This assists both the motorists and the pedestrians in ensuring road safety.

In addition, Mr. Speaker, you would also see that we continue to implement walkovers along our highways. Some of the most recent being at Maloney and at

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Oropoune in the constituency of St. Augustine. Mr. Speaker, this is an effort that we certainly continue, because we have to ensure that our citizens remain safe on our nation's roadways.

One of the very recent tragedies that we would have had, was in the Sea Lots community where you would recall, Mr. Speaker, three of those persons, a mother and her two daughters succumbed to injuries. That indeed was very tragic, and the Ministry had put things in place to ensure that we continue to protect those citizens. Some of the things that we did, just to indicate, and these are not measures that we just did in Sea Lots, or they are not measures that we do in reaction to perhaps something that has happened, but it is something that we are doing across the country. I just want to give an example, in that particular case, of what was done.

The Ministry had the installation of New Jersey barriers along the south side of the Beetham Highway, from Abattoir Road to the lighthouse; installation of rails along the sidewalks to protect because of the fact that the highway is so close to the sidewalk, the implementation of rails was used in that instance; the installation of pedestrian push button crossing at both Abattoir Road and at the lighthouse; the construction of a bridge, at East Dry River to link Pioneer Drive to Production Avenue; the institution of a safety zone with new traffic management markings, to alert drivers to the pedestrian crossing.

So these are some of the examples, Mr. Speaker, of some of the measures that we have put in place to increase the safety of our citizens along our nation's roadways.

But, Mr. Speaker, that being said, if we do not have proper roadways, that presents a very big challenge in terms of a motorist's safety on the road. So one of the challenges that we are faced with in the Ministry is that of the upgrade of our road infrastructure.

It is no secret, Mr. Speaker, that upon taking office in 2010, this Government inherited some of the worst roads across Trinidad and Tobago, in particular in rural communities. Many of us here as parliamentarians, who represent communities that are considered rural, can attest to the fact that we inherited some of the most deplorable roads, Mr. Speaker. The Ministry was faced with the challenge in 2010, of ensuring that we rectify this situation, and we have made much progress in that regard. In many constituencies, we are seeing roads being paved for the first time, roads that perhaps, did not exist on the map of the last Government are now being paved, repaired, and [*Desk thumping*] in my own

constituency, roads such as Tulsa Trace, which was never paved before, Gopie Trace and so on. These roads have to be properly rehabilitated so as to ensure the safety of the drivers along the roadways.

So, Mr. Speaker, we continue to put measures in place to ensure the safety. We continue with our road paving exercise, and I must commend the Minister of Works and Infrastructure, [*Desk thumping*] as it was only last week, he commissioned over 400 new projects across Trinidad and Tobago, under the PURE Programme. I know that many communities will be looking forward— [*Interruption*]

**Miss Ramdial:** \$1.2 billion.

**Hon. S. Roopnarine:**—to this \$1.2 billion worth of road infrastructure projects. In my own constituency, I think, Pluck Road project started this week, Mr. Speaker. So we have quite a lot of work to do in terms of the rehabilitation of our nation's roadways. We have made a lot of progress and we have more work to do in that regard.

So, Mr. Speaker, the Government is committed to ensuring that we decrease the number of road fatalities. In the Ministry of Works and Infrastructure, we certainly intend to support any measure that can assist with this decrease in road carnage. Mr. Speaker, indeed, one life lost on the nation's road, is too much. It is indeed very worrying to me, as a young person, when you look at the Trinidad and Tobago Police Service report, you will see that the data indicates a consistent demographic trend in the ages of road traffic victims, with over 50 per cent comprising of the category of 15—34 years, in the year 2013. We are losing too many of our nation's youth to road carnage. This is also a global problem. If you look at the global status report on road safety of 2013, it indicates that almost 60 per cent of road traffic deaths are among 15- to 44-year-olds.

Mr. Speaker, you would recall an incident in 2009, many of us here may also recall that incident. I refer to that incident which took place on the Mosquito Creek, which claimed the lives of four young people, Mr. Speaker. Today, as we seek to pass this Bill, we pay tribute to those persons who would have lost their lives tragically in those very, very, tragic road accidents, in particular, those four young persons.

Today, the families and friends of those young persons have formed a group called the Citizens Against Dangerous Driving. We also pay tribute to them for the work they have done in terms of increasing the awareness and there are survivors of that accident, Mr. Speaker, who today can speak out, because

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families were affected. There were survivors out of that very tragic accident, a very young boy, I think he would have been, perhaps two or three years at the time. He will never have a normal life because of that incident. I do not know if I can call their names or not, Mr. Speaker, but I think everybody knows, everybody is aware of that very tragic incident that took place, that claimed the lives of four young persons—no, I think it was four young persons and, of course, many others suffered injuries, in particular, the young people of this country.

Mr. Speaker, I really want to call on motorists as a Member of Parliament, to take a little time to be cautious on the roadways, obey the speed laws. I also want to say too many of those young people out there who, you know, you rush to get your driver's permit, and then you rush to drive a car, but you may not have enough experience to do some of the things that you may want to do. So I really want to appeal to these young persons. I recall for my own self, getting my licence at the age of 18—[*Interruption*]

**Mr. Speaker:** Hon. Member. Hon. Members, the speaking time of the hon. Member for Oropouche West, Minister of State in the Ministry of Works and Infrastructure, has expired.

**Mr. Sharma:** Mr. Speaker, I was almost tempted to ask the last speaker if she got her licence two years ago.

*Motion made:* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. C. Sharma*]

*Question put and agreed to.*

**Mr. Speaker:** You may continue, hon. Member. [*Desk thumping*]

**5.30 p.m.**

**Hon. S. Roopnarine:** Thank you, Mr. Speaker. I am near the end of my contribution, but I really just wanted to give my own experience in terms of when I got my licence at the age of 18. At that point in time, I was very excited. I thought I was going to get to drive on my own. Little did I know that, for the next five years, I would have to drive with my father as co-pilot in the front seat of the car.

Sometimes, as a young person, you really do not understand, or perhaps you might be a little upset at the time because you want to be out there on your own driving a motor vehicle but, on reflection, Mr. Speaker, this to me served a very good purpose because you would have gotten the experience required and there



are things that you would perhaps not do with your father sitting in the front of the car; and that, by itself, instilled something in you. There are laws you may not want to break in terms of speeding.

So I really wanted to make the point to all of those young drivers who are very excited to get their licence and so on; we all have been there. Perhaps you need to exercise due caution; you need to be patient and you need to not rush and take a motor vehicle out on the road, especially on the highways, before you are ready. One appeal I would like to make to young persons is: do not rush to drive vehicles on your own; get the relevant experience and always ensure that you obey the traffic laws in the country.

So, Mr. Speaker, I think that, as responsible parliamentarians, we all have a responsibility; we all have a duty to ensure the protection of the citizens of this country and that is, indeed, what we are trying to do today. We are trying to ensure the protection of our citizens on our nation's roadways and we are trying to ensure that we equip the police with the necessary tools required for them to protect the citizens of this country.

Mr. Speaker, I hope that good sense will prevail with Members of the Opposition and that they would lend their support for this Bill. Thank you. [*Desk thumping*]

**Mr. Terrence Deyalsingh** (*St. Joseph*): Thank you, Mr. Speaker, for allowing me the opportunity to contribute on the Motor Vehicles and Road Traffic (Amdt.) Bill, 2014.

I start with the closing sentiments of the Member for Oropouche West. As responsible parliamentarians, it is our duty to pass law which passes constitutional muster. As responsible parliamentarians, it is not to use emotion to scare the public, as you have done with other pieces of legislation, for example, the Central Bank (Amdt.) Bill, which was deemed unconstitutional; the Dog Control Bill, which will be deemed unconstitutional. To bring statistics is one thing, but the gory details of accidents do not mean that the law that we are passing is going to be constitutional.

So I want to tell the Member for Oropouche West, as responsible parliamentarians, do not support bad law. What we are doing here today in your contribution is supporting bad law. I put the blame for this bad law squarely at the doorstep of the Legislative Review Committee and I am glad that the Member for St. Augustine, who is the chairman of the Legislative Review Committee, is

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present because now he has no choice but to stand in this Parliament and explain to us why he and his committee allowed a patently bad piece of legislation to come to this Parliament.

What has happened here today is a travesty in that, once again, good intention has been sacrificed at the altar of legislative expediency; good intention, but sacrificed at the altar of legislative expediency, just to say we passed a law; just to say we passed the Central Bank amendment law; just to say we passed this law; just to say we passed the Dog Control Bill—legislative expediency.

After the Member for Chaguanas East piloted the Bill and the Member for Diego Martin North/East replied, it should have been abundantly clear to any reasonable observer; any reasonable, objective observer, devoid of political ties to either the UNC, the COP or the PNM, that the Bill has problems and the debate should have been stopped then. But to allow the Member for Oropouche East to compound the error of the Member for Chaguanas East—*[Interruption]*

**Mr. Speaker:** You mean Oropouche West.

**Mr. T. Deyalsingh:** Oropouche West, sorry—to compound the error of the Member for Chaguanas East is unforgivable. The debate should have been stopped right after the Member for Diego Martin North/East spoke; but the Member for Oropouche East, again, as is the wont of the Government, baited the public on emotion.

I am going to be as objective as I can and if I take the Bill and start, clause 3, where we are amending section 62, subsection (6A):

“The Minister shall, by Order, approve the speed measuring devices what may be used for purposes of subsection (6).”

So here we are talking about a range of devices. It goes on that the device should be:

- “(a) in a satisfactory condition; and
- (b) properly calibrated so that it indicates speed readings within a limit of error not greater or less than two kilometres per hour of true speeds...”

Mr. Speaker, I want to refer to certain articles in the local and international media which speak to different types of speed measuring devices. They speak about the LiDAR speed gun and, just for clarification, to read it into *Hansard*.

“A LiDAR speed gun is a device used by the police for speed limit enforcement which uses LiDAR to detect the speed of a vehicle. Unlike Radar

speed guns”—so it is a different type of gun working on a different principle—“which rely on doppler shifts to measure the speed of a vehicle, these devices allow a police officer to measure the speed of an individual vehicle within a stream of traffic.”

So I am starting to talk about the range of devices.

Article, August 15, 2012:

“LTI Laser Speed Guns Tested for Speed Enforcement in Trinidad”

I am starting to show Members opposite the types of equipment that have been used in Trinidad and Tobago for their trials.

“For this study, Laser Technology’s TruCam and TruSpeed-S LIDAR units”—the same LIDAR units which I just spoke about—“were used.”

So we actually used the LIDAR units in Trinidad for a trial.

“TruCam’s ability to provide speed and range, recorded video and/or still images, deployment stats, i.e., location, time of day and operator ID was used effectively to generate accurate data for the study.”

It goes on:

“It was also noted that ‘President of Arrive Alive Brent Batson agreed with Piggott’—who is a police officer—“that the equipment provided by Lasertech was more accurate and modern than the technology currently used by police to determine the speed of cars on the road.””

So we are seeing the different types of technology being used in Trinidad and Tobago. The Member for Diego Martin North/East had the same information from the *Daily Mail*. I will not go into that.

I refer to another article, this time in the *Guardian*, Friday, November 22, 2013.

“VMCOTT...He said the devices will be the most modern hand-held types and he expected the projected 400 speed guns will be in use by February 2014, depending on delivery.”

So here we have, Mr. Speaker, the procurement of 400 speed guns admitted by VMCOTT without the legislation being passed, without the regulations being passed, but the procurement has gone ahead. The Government has already procured 400 speed guns. *[Interruption]* Sorry?

**Dr. Griffith:** You know that.

**Mr. T. Deyalsingh:** If I know that. Well, maybe I can read again for the benefit of the Member for Toco/Sangre Grande. *Guardian*, Friday, November 22, 2013 by Gail Alexander. Maybe I can make my friend, the Member for Toco/Sangre Grande, more comfortable, I will read the entire thing from start. [*Members protest*] Well, the Member for Toco/Sangre Grande is asking me how I know that.

**Dr. Griffith:** I did not ask you how you know that, I—

**Mr. T. Deyalsingh:** I am telling you that VMCOTT—

**Dr. Griffith:** Will you give way?

**Mr. T. Deyalsingh:** Sure.

**Dr. Griffith:** I did not ask you how you know that, I asked you, do you know that? And if it is from the *Guardian* you are reading, do you believe that?

**Mr. T. Deyalsingh:** That comment does not even deserve a response. Did you deny it at the time? Did you, at the time, deny that the Government purchased 400 speed guns? Answer me! I will give way to you. [*Sits for response*] [*Stands*] Chair, no answer. He is asking me if I believe the *Guardian* article. I am asking him, did the Government purchase 400 speed guns? No answer. So you have the procurement of 400 speed guns last year with no Act.

It goes on.

“Cadiz said a complete ‘180-degree’ reform will be involved in the new Licensing Authority, for which he said he’s given himself a personal deadline of September 2014. He said the authority will have categories for juvenile drivers, mature drivers, vehicle DNA...”

and so on.

Article, *Express* August 03, 2012, the trial again that took place at Ariapita Avenue.

“The errant drivers were identified using two high-speed guns, the Tru Speed Test and Tru Cam...”

The Tru Speed Test, which was on loan by local company Laser Tech...”

So they already have their suppliers. Now, if it is the Member for Toco/Sangre Grande is saying that the *Guardian* is lying, now maybe we have the *Express* lying. The *Express* is saying that:

“The Tru Speed Test, which was on loan by local company Laser Tech,”—so this local supplier—“costs \$17,000 per unit while the Tru Cam costs \$75,000 a unit.”

Mr. Speaker, what is coming up here is a whole issue of procurement. How is the Government procuring these speed guns? They already seem to have their suppliers on board without the legislation being passed and that is pause for a cause; pause for concern. Other types of speed guns:

“Pennsylvania State Troopers have written thousands of speeding tickets with radar guns that a state police expert says are so defective they would clock a roadside rock at 70 mph.

The manufacturer of the Genesis radar gun...”

—and I will stop there.

My reason for bringing up all these brands is that we will be keeping a very keen eye to see which brand of speed gun—already procured without the legislation, without regulations—that we are going to be purchasing. That is the reason for bringing up this.

It is a saying now, you want to walk in the rain and not get wet, but I will tell you something: that is impossible. The Member for St. Augustine, as chairman of the Legislative Review Committee, has to tell us how he intends to walk in this rainstorm without getting wet because it brings me to the constitutional issue.

#### **5.45 p.m.**

Mr. Speaker, when one looks at the Evidence Act of Trinidad and Tobago—the Evidence Act, Chap. 7:02—what does the Evidence Act of Trinidad and Tobago say? In section 14B of the Evidence Act, it states—because this is a criminal proceeding and the Member for St. Augustine and Chairman of the Legislative Review Committee is a criminal lawyer, and this is the closest reference I can find in the Evidence Act as to the admissibility of a printout from a speed gun. I stand corrected, and the Chairman of the Legislative Review Committee can tell me if we are wrong. Admissibility of computer records:

“In any criminal proceedings, a statement contained in a document produced by a computer shall be admissible as evidence of any fact stated therein if it is shown that—

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- (a) there are no reasonable grounds for believing that the statement is inaccurate because of improper use of the computer;
- (b) at all material times the computer was operating properly, or if not, that any respect in which it was not operating properly or was out of operation was not such as to affect the production of the document or the accuracy of its contents;”

And this speaks to the printout that we are going to get from the radar gun.

Section 15B of the Evidence Act of Trinidad and Tobago:

“Proof of criminal conduct”:

In any criminal proceedings, evidence of criminal conduct which may be contained in a document may be admissible in evidence if the document—

- (a) is the best or only evidence of that conduct which is alleged by the prosecution; and
- (b) is obtained by or under the hand of the Attorney General in any matter related to mutual legal...Assistance...”

That does not apply in this case. The question to ask the Government—the printout from the handgun which cannot be questioned in a court of law because the burden of proof has now been shifted from the prosecution to the defendant is: how does this piece of legislation square with the Evidence Act? That is what they are doing with this piece of legislation. This goes against the grain, Member for D’Abadie/O’Meara, of natural justice. It goes against the Constitution because the Constitution, my friends, 4(b) under “Rights enshrined” says:

“the right of the individual to equality before the law and the protection of the law;”

Where is the protection of the law in this Bill for someone who was caught speeding, if the burden of proof has been shifted? 4(d) says:

“the right of the individual to equality of treatment from any public authority”—example the police and—“in the exercise of any functions;”

What is happening here, Mr. Speaker, when you go to clause 3(6E)(b)(i) and (ii), this seems to me to contravene everything that the law of evidence is stating because it says he must:

- “(b) deliver to the driver of the motor vehicle a printout from the speed measuring device which...”

Because the only analogous situation in the Evidence Act is a computer:

- “(i) purports to be evidence of the speed at which the driver was driving the motor vehicle;
- (ii) bears an endorsement by the constable who operated the device, stating the date and time of the offence, the place where the offence occurred and that the constable is qualified to operate the device;”

And when one goes on, it says, all this advice:

“...is admissible and is *prima facie* evidence of the particulars certified in and by the certificate.”

So they are accepting this as evidence but, Mr. Speaker, the frightening part is (6i). It says:

“In proceedings for an offence under subsection (5), evidence of the condition of a speed measuring device or the manner in which it was operated shall not be required...”

Now, tell me—“...evidence of the condition of a speed measuring device...”—and we have spoken, the Member for Diego Martin North/East and myself—about the problems with different types of speed measuring devices. A stationary rock could be tagged at 66 miles per hour.

The training, the certification, the maintenance of these devices:

“...shall not be required unless evidence that the instrument was not in a satisfactory condition or was not properly operated has been adduced.”

That places a great burden of proof on the driver. How is he going to determine that the instrument was not properly maintained? Because cases have been lost in the United States where the regulations governing this particular issue stated that a measuring device must be serviced, let us say, every three months. Someone was charged in month four, and when the driver challenges, he finds that the device was not serviced, the case goes out the window.

So, Member for Oropouche West, our responsibility as responsible parliamentarians is to help you pass good law. We will not be a party to passing bad law. I want the public, Arrive Alive and other NGOs to understand our position. The same argument we made for the Central Bank amendments, the same arguments we made for the Dog Control (Amdt.) Bill is the same argument we are making now. You are passing bad law which the Judiciary would strike down. What is the point? That is why I said, after the Member for Chaguanas East

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spoke and the Member for Diego Martin North/East spoke, the debate should have stopped. You should have taken up the Member for Diego Martin North/East's very magnanimous suggestion, stop the debate; let us fix bad law. [*Desk thumping*]

Mr. Speaker, we go on again, both the Member for Chaguanas East in piloting and the Member for Oropouche West in her response, again, supported a particular clause of this legislation. And, again, it is incumbent on the Chairman of the Legislative Review Committee, the Member of Parliament for St. Augustine, to speak to this issue, because supporting an issue because it sounds good, because emotions are high, is wrong if it does not pass muster in the courts of law.

You could print as many pictures of road carnage as you want, if the law that we pass is not accepted by the Judiciary, you have wasted time, and this goes to the heart of section 62A which is being amended in clause 4: "Prohibition on devices designed to detect speed measuring devices". Mr. Speaker, we all know in Trinidad that we break traffic laws all the time. Anybody can go anywhere. I could get a number plate for my friend's car, the Member for St. Augustine, put it on my car, commit a robbery, and the police would come and look for him, but we have laws.

There is a law against strobe lights in cars. You can go in to any motor car accessory place, buy strobe lights and put them on your cars. I do not know if anyone has had the dangerous, unpleasant experience of driving behind a car where the fool in front has on strobe lights and has them on all the time at the back flashing, and you have to look at that. It happens. Number plates with light; number plates where the manufactured number plates here are totally out of code, but they are on cars and nobody does anything. So we have this law now.

"A person shall not—

- (a) equip a motor vehicle with; or
- (b) use, buy, possess, manufacture, sell, or otherwise distribute...—a jamming device.

Sounds good in law; sounds good in theory, and the Member for Oropouche West spoke in support of it. But what does the case law say, Mr. Speaker? What does the law state? Forget the emotion; forget how this sells to the public, what does the law state? At the start of my contribution on the Evidence Act, I said the Evidence Act is predicated on English law.



There is a case in England which is authority: *R v Knightsbridge Crown Court, ex Foot* 1998. The question before the courts was this: Are those detectors legal? Are the detectors which are sold—are the detectors which we install legal? That is the question. No amount of emotional posturing by the Member for Oropouche East is going to drive case law away. So let us understand what we are up against.

“Some said yes, and some no, but in *R v Knightsbridge Crown Court ex p Foot*...the question is answered. They”—that is radar jamming devices—“are legal—well to the extent that their use was alleged to be an offence under the Wireless Telegraphy Act 1949...”

Basically, Mr. Speaker, what I am saying is for us to understand the folly of this piece of legislation, we also have to go now to our local wireless laws to determine what is a message, because the question before the court is: what is a message and are we interfering with a message?

Are the emissions from a speed radar gun a message? That was the question before the courts in England. Were the emissions from a radar speed gun—that is the gun that the police are using—was it a message? And was it then illegal for a radar jamming device to intercept that message? It was held in England that the use of radar detectors is not unlawful, and did not interfere with the transmission of a message.

That is why I am saying, Mr. Speaker, we want to assist the Government in passing sound law that passes constitutional muster, because the first case that goes before the courts is going to be struck down. This piece of legislation is deficient in so many ways. It is a tragedy. It is a tragedy and a travesty to bring such deficient legislation to the Parliament; absolute travesty. Any first year law student could pick up this piece of legislation on the constitutional aspect alone, and realise that something is amiss.

Mr. Speaker, when I had given way to the Member for Oropouche—sorry, when I asked the Member for Oropouche West—forgive me—to give way just before the tea break, she was alluding to the fact that the use of this legislation, and the use of these devices could possibly be used in the night. I want again to refer to the article “Speed guns to curb road carnage”, Saturday, July 21, 2012 by Radhica Sookraj of the *Guardian*.

“The \$50,000 speed guns are expected to be purchased by Government once the necessary legislation is passed in Parliament.”

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The point is, procurement again. We have not passed the legislation, but we already have a price; \$50,000.

**Dr. Rambachan:** Come on, come on, they could get an estimate of the price.

**Mr. T. Deyalsingh:** Good! So I am going to put you on the spot now.

**Mr. Imbert:** What is the date on that?

**Mr. T. Deyalsingh:** It is 2012. The price of a top-of-the-line speed gun is not more than about US \$2,000. [*Crosstalk*] I am just saying, be on notice that we will be watching you to see the prices that you are paying for these speed guns.

**6.00 p.m.**

The other major point is that:

“Inspector Ernest Wright said most...fatalities were occurring at night and it was not possible for police to do speed traps at night.”

Who said that? Acting Inspector—you know how you all like acting inspectors now. The Attorney General said it is good to have an acting Commissioner of Police because you will keep him on his toes. Remember you all used to blame Manning for that? That Manning should not have an acting Commissioner of Police. Remember that, Mr. Speaker? They used to go on and on and on about the last Government having an acting Commissioner of Police, now they are saying it is a good thing because we could keep him on his toes. “Doh make him permanent”, and the former leader of the OWTU who worked for years to have people being permanent, supports that. He does not like acting people and temporary people, he wants people to be permanent, but, Pointe-a-Pierre, you are supporting an acting person again.

Anyhow:

“...acting Inspector Ernest Wright said most of the fatalities were occurring at night and it was not possible for police to do speed traps at night.”

And that is a fact.

So we have to find a way to do these types of surveillance at nights. The speed gun is not the answer to all of this. It is a good tool in the arsenal. We want to support it, and I want Arrive Alive to know that, but I also want Arrive Alive and all the paid letter writers who are going to start to write letters to the Editor saying that the PNM opposing for opposing sake, is that we are not supporting the current

form of the legislation because it would be struck down by the courts. It is unconstitutional. It takes away your rights. You have no natural justice. It reverses the burden of proof.

So, Mr. Speaker, since we debated the new Standing Orders I have tried to live within the time frames of the new Standing Orders. I am in total support of the position of the Member for Diego Martin North/East, and I am pleading with the Government, let us end this debate, let us sit together, fix the legislation, because if any other Government speaks in support of this Bill they will be supporting nonsense. Absolute nonsense! Mr. Speaker, with those few words, I thank you. [*Desk thumping*]

**Mr. Speaker:** The hon. Minister of Works and Infrastructure. [*Desk thumping*]

**The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan):** Thank you very much, Mr. Speaker. Mr. Speaker, I am very happy to join what I consider to be a very important debate as we add to the package of laws intended to protect our citizens on the highways and byways, but not only protect them, protect others because of the behaviour of some, but protect those from themselves also.

Mr. Speaker, the Member of Parliament for St. Joseph, in his usual alarmist style takes the quotation of a reporter who says \$50,000 for a speed gun and he makes that as if it is a procured speed gun and the Government has already bought it, but that is what they are intent upon doing these days. Everything is about exaggerations and falsehoods intended to make it stick on the Government, when in fact this Government is the only Government that is very serious about procurement policy and procurement legislation, and is about to lay in the Parliament of this country, a Bill regarding procurement, something that you all have [*Desk thumping*] never done in all the history that you have done. But to just take up a newspaper and call that factual, and bring it here, I think, Member for St. Joseph, you disappointed me tremendously, when I know that you are a man who has always said he is committed to truth and to speaking the truth.

Mr. Speaker, very often in this country we know what has to be done but the problem has always been, do we have the will to do it? And one of the distinguishing marks of this Government is that it has demonstrated more political will in the last three and a half years than any other Government that ruled this country, including the PNM.

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Mr. Speaker, what is intended here in the Parliament and it has been an important debate—and I for one do not want the Members of the Opposition to think that the points they are making in the debate are points that are not going to be considered, that is why we have a debate. We want to bring the best intelligence to bear upon legislation, and if it is the legislation needs to be refined, well the legislation has to be refined. But again, I want to point out to my hon. friend from St. Joseph that, you know, you must not be alarmist and take everything the newspapers have to say for the truth.

Like this morning there is a headline on the *Trinidad Guardian*, and this headline on the *Trinidad Guardian* says \$1.2 billion for small contractors, when in fact it is \$1 billion in the new programme for the PURE works, and another \$275 million that came in the PSIP in the month of October, which works are on now in terms of 267 road projects, and the billion dollars is for 423 new projects, so that there are 740 projects going on in the country [*Desk thumping*] or about to be started. Historic, that never in the history of this country has so many projects been started under the Ministry of Works and Infrastructure.

Mr. Speaker, just to tell you, that with the 423 projects, 207 contractors are going to be engaged in these jobs. Mr. Speaker, I say this to you because the other part of the story again was confused. Under the URP programme, 452 projects are ready, some have been awarded, some tendered and that involves 307 small contractors. [*Desk thumping*] So while we take care of contractors who could do work, you know, from \$100,000 to \$1 million and then medium contractors from \$1 million to \$5 million and so on, and so forth, we are also thinking about the small man in the country. The small man in the country, and 307 of them have benefited or are benefiting right now from the URP programme.

I am really very pleased that my colleague for Chaguanas East, the Minister of Transport, has brought this Bill before Parliament, because as I said, I consider it to be an important development in the package of laws which will positively impact upon the behaviour of our drivers on the roads. Mr. Speaker, it is worth repeating. It is worth repeating. The Minister of Transport referred to recent accidents but, Mr. Speaker, right there in Freeport, a couple of weeks ago, two persons lost their lives, because they came off on the exit with such speed that they could not control their vehicle and both young men died in the prime of their lives, young men who could have made a contribution to the economic and social, and the future development of this country.

Last weekend, Mr. Speaker, on the Western Main Road, two persons sitting on a tray of a vehicle, and the story in the media read that they had just come from

some fete and they were going for a bath, I believe in the sea, and they were thrown off the vehicle. Mr. Speaker, that could only be speed again and slamming the brakes, and we need to talk about that because when you see young people losing their lives like that, it provides adequate justification for more stringent enforcement of the laws. Mr. Speaker, if it is one thing that I disagree with, vehemently, is the fact that we are not applying the laws more stringently in the country.

Mr. Speaker, we need to do more. The Member for Diego Martin North/East referred to a magistrate in San Fernando, who was in fact putting higher and higher fees upon people who are driving under the influence of alcohol. I agree, maybe the fees should be higher because, Mr. Speaker, this is a country unless you have consequences for deviancy, you are not going to stop the deviancy, whether it is the deviancy in schools, whether it is the bullying in schools, whether it is the violence in school. We have to take a stand in this country against all kinds of deviant behaviour, especially when that deviant behaviour arises among our youth population, because if it gets away when they are young and it is not corrected, then you are going to find in the future that is going to become acceptable behaviour, and that is not the kind of society that we wish to construct or build in this country.

Mr. Speaker, while I say all of this, police officers cannot be here, cannot be there, cannot be everywhere. That is despite the increase in the number of police vehicles and blue lights you are seeing on the roadways. Mr. Speaker, you turn right, there is a blue light you turn left, there is a blue light; [*Desk thumping*] you look in front of you, there is a blue light; everywhere there is a blue light and the Minister of National Security has to be congratulated [*Desk thumping*] in terms of that.

Mr. Speaker, not only are there more blue lights in terms of the vehicles and policemen who are there looking over matters 24 hours a day, but the introduction of the Rapid Response Unit, the re-engineered Highway Patrol Unit, all of these are really important interventions that have come about by this Government in a very short space of time in order to arrest the crime situation, but also to deal with the way people are driving and using the highways and the byways.

But, Mr. Speaker, having said that, at the end of the day, or maybe we should say at the end of the night, impatience, lack of respect for other users of the road, lack of respect for oneself and a lack of value upon one's own life, as well as the

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lives of others, impetuous youth behaviour, these, Mr. Speaker, are at the heart of the problem of indiscipline on the nation's roadways. And how do you correct that? How do you correct that?

Mr. Speaker, unless we deal with self-discipline, unless we find a way to have people start respecting themselves, unless we find a way to integrate in people's thinking and philosophy about a value for life in the country, you are not going to find a solution or end to some of these impetuous behaviours that result in these accidents and deaths on the nation's roadways. Mr. Speaker, I also want to say here this afternoon that parents also have to shoulder blame for some of the poor driving habits that are taking place in this country by their children. Let us not run away from it as parents. We have to take blame for it.

Mr. Speaker, at the age of 17 in 1966, June 21, I got my driver's licence. That means to say 48 years I am driving on the road—driver's permit. Mr. Speaker, I remember my father buying a new brand Cortina car for \$3,000, PJ 8846. Mr. Speaker, I was a student then at Naparima College and I wanted to drive this car to go to school. I really wanted it, but all I could do on weekends, Mr. Speaker—*[Interruption]*

**Hon. Member:** “Yuh wash it, polish it.”

**Hon. Dr. S. Rambachan:** My friend is right. All I could do was wash this car every weekend, polish it every month and get one drive on a weekend with him sitting on the front seat of this vehicle, until one year later—this is serious—when he was satisfied that I could drive this car, he said, “Okay, go dong Fyzabad and come back. Full it with gas at Mohammed's filling station and come back”, and after that I got a chance to drive on my own on the road.

Mr. Speaker, I think we have to return to that kind of parenting. We really have to return to that kind of parenting. I remember when I took that car on my own the first time, my father said to me, he said, “Remember, this vehicle is a weapon in your hand”, and I have never forgotten that, and he was so absolutely right. Mr. Speaker, we hear parents speaking on the radio stations and writing letters and saying that, you know, persons who get their licenses should not be able to drive for at least a year or two years without having someone with five years' experience driving next to them, accompanied by an adult. Mr. Speaker, we talk a lot, but how many of us as parents or adults in society with that kind of experience, enforce—self-enforcement of those very principles which we wish for?

We should not have laws in the country to demand that we do those things. We should be a society that is now so mature with a value for life that we are able to rise in our thinking and in our maturity in order to have a lot of self-enforcement. Mr. Speaker, I really believe that responsible parenting would lead to a measure of relief in terms of accidents, but I think responsible parenting has to be about road mentorship, mentoring our children about how we use the roads.

Mr. Speaker, it is also a good time for us during this debate to reflect on the indiscipline of persons who risk their lives crossing the highways of the country, especially the highways. There are several deaths that took place on the Solomon Hochoy and Uriah Butler Highways, as well as in the vicinity of Cocorite and, Mr. Speaker, what is very sad about this is that these deaths took place where there were walkovers, where there were walkovers, Mr. Speaker.

I was recently driving in the twilight of the evening coming from Piarco at Oropune, and there we recently built this very beautiful walkover, and there were two women trying to run across the road in the twilight of the evening. Right. Is it that they do not value their own lives and they are trying to do that? Mr. Speaker, so many people have died in the vicinity of Chief Brand and the Charlieville walkovers, trying to cross the highway, run across with bicycles and what have you.

**6.15 p.m.**

Mr. Speaker, you will even see where there are red lights and people are crossing and the vehicles are coming up under red lights. What is happening to us? But, whilst speeding and recklessness are features—I have to say they are features—of our youthful and not so youthful population also, because it seems that this thing about speeding goes across the board and across age groups. And while we can blame speeding for so many of the accidents and road deaths that are taking place, I think it is important also for us to use this opportunity to focus upon some other factors which contribute to speeding.

Mr. Speaker, one of those is the use of alcohol. Undeniably, alcohol has become and continues to be a major contributor to accidents on our highways and our roads. The statistics bear out that we are a high alcohol consumption nation. You will remember a couple weeks ago the distributors of Johnny Walker scotch came to Trinidad and they described Trinidad and Tobago as one of their best markets in the Caribbean and this side of the world, and I think also, if I am not mistaken, they said that Trinidad and Tobago was among the top five per capita consumption—*[Interruption]*

**Mr. Deyalsingh:** Consumers.

**Hon. Dr. S. Rambachan:**—consumers, sorry. Thank you, Member for St. Joseph. Consumers of Johnny Walker scotch in the world per capita. Top five in the world.

Mr. Speaker, I would give you a statistic that will astonish you. In 2011, 1.6 million bottles, 750 ml of whisky were imported into Trinidad.

**Dr. Browne:** How much?

**Hon. Dr. S. Rambachan:** One point six million bottles. In 2012—  
[*Interruption*]

**Mr. Warner:** Legally.

**Hon. Dr. S. Rambachan:** I am going to come to that, 1.950 million bottles were imported into the country and from January—September 2013, 808,000 bottles, 750 ml were imported.

Now, Mr. Speaker, if 25 per cent of your population, or let us say 300,000 persons are drinking scotch, that means that you are looking at six bottles of scotch per person per year, of people who drink scotch in Trinidad and Tobago. And I am not here talking yet about rum, I am not talking about gin and I am not talking about—[*Interruption*]

**Dr. Browne:** Beer.

**Hon. Dr. S. Rambachan:** I am coming to beer—champagne and I am not talking about wine. But, Mr. Speaker, something has to be going good in the country, where in one year, between 2011 and 2012, people have imported 350,000 bottles more of scotch than they imported in 2011, so something must be—there has to be extra money in the pockets of people.

Now, I am not saying go and spend your money on liquor but I am using it to show something, that people have more disposable income and they are using it on luxury goods, which means that something is happening to this economy under this People's Partnership Government. [*Desk thumping*]

I am saying do not use it to drink, but people are buying more luxury goods. That is the point I am making. And it is not only luxury in terms of high-price liquor, luxury in terms of cars. The sale of cars has gone up, middle-class houses have also gone up and the people with clothing stores, although they keep bawling all the time, they are telling you they are selling more than they sold the last year.



But, Mr. Speaker, we are talking about how much alcohol is consumed, because I want to make a point, that we need to have some discipline about how we consume alcohol.

**Dr. Browne:** Correct. [*Desk thumping*]

**Hon. Dr. S. Rambachan:** Mr. Speaker, just to let you know that the statistics I got from a colleague in the beer industry suggested that 760,000 cases of beer are sold per month in Trinidad. That amounts to 9,120,000 cases or, if I put it nicer for you, 220 million 330 cl of beer are sold in Trinidad and Tobago. If 40 per cent of your population drinks beer, it means to say that in that 40 per cent of the population, every person is drinking about 18 cases of beer per year.

Now, Mr. Speaker, you understand why so much of our accidents are due to people under the influence of alcohol, and therefore, you cannot control this only by legislation. You cannot control it only by the breathalyzer. You have to really appeal to a different sensibility in people; a different consciousness in people, and that is why I said that while we can have all laws and everything else, what we have to do in this country is that we have to engage in self-discipline. We have to engage in self-enforcement, and that is where we are missing so many things in this country. This could be even a better country if people would become a bit more disciplined in the country, whether in terms of how they throw away their garbage, or how they dispose of waste or what have you, but we need that discipline.

So, Mr. Speaker, that is an important point I wanted to make. In addition to that, you know speed is because of other kinds of reasons. Someone will have a domestic problem at home, a quarrel with his wife or her husband, and they will pick up a vehicle and they drive down the road, and drive out the frustration and the stress, they are driving down to take the stress out, not realizing that they are endangering themselves and endangering others—and there are cases where people crashed. They crashed on the roads. Mr. Speaker, we call it “tabanca” in this country. They get a “tabanca” and they take it out on the car.

Mr. Speaker, having said that, though we have laws against it, people are still texting on their phones and driving, dialling and making calls; they are answering their phones. Mr. Speaker, we still have the cases where you see cars hit because of speed, and what happens? The cars mash up in two and three pieces, because, somehow we still have welded cars. This era when cars came in two pieces so people broke the law in order to save taxes and they come and they weld it up and they have not pinned the chassis and so on, properly, the man dead, maimed.

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Mr. Speaker, I know this is something that will cause debate, but we have to look at the quality of foreign-used tyres that are coming into this country. I think that people who use trucks, and maxi-taxis, and taxis, they should never be able to put on foreign-used tyres on their vehicles. We have to be a serious country. We have to be a serious country, and when you really look at the number of foreign-used tyres that are still being used on vehicles, it is something that we must speak out against and we must do something about in this country if we are to protect our people.

Mr. Speaker, the Minister of Transport, we were talking recently and we were both talking about the garages that had to examine cars over five years old, and we have to look at that again. People who have a five-year-old vehicle they were supposed to go and have these vehicles checked and have a sticker put on it and so on. We got to look at that. I do it for my five-year-old car, or every two years after that I have to do it. I have a 13-year-old Honda which I drive.

Mr. Speaker, these are some of the frustrations and other things that we have to look at, even as we speak on this matter of this Bill. Mr. Speaker, having said that, this administration has been making valiant attempts in order to reduce stress on the roads. It could really be stressful when you start from the stadium in Port of Spain on an evening to try to get to the Uriah Butler Highway interchange, and one of the biggest bugbears is that area between the stadium and the Sea Lots area.

**Mr. Ramadhar:** Central market.

**Hon. Dr. S. Rambachan:** Yes, central market. Thank you, Minister. Mr. Speaker, what is exciting is what happens after Production Avenue. We are so confident of what we have done now in terms of that interchange, and some other small measures, that we can now put on the electronic board the number of minutes it is going to take you from that point to that interchange, and it is taking you between 10 and 15 minutes now to get from that point to that point. And it is going to get even better.

**Dr. Browne:** What time?

**Hon. Dr. S. Rambachan:** After three in the afternoon. Mr. Speaker, we are doing something even more, if you notice, from St. Vincent Street near the Central Bank on Wrightson Road going to south or going east, you will see there that we have widened the road into three lanes and four lanes as you get by the PTSC, and then you have the lights, and after that we have widened it now into three lanes again, and within the next month WASA would move the line and we

will expand the bridge and you will have three lanes, which means that getting out of Port of Spain should become faster from St. Vincent Street right down into the Beetham Highway.

So, that is a major development, and we are doing many small things like that in order to alleviate the stress of traffic. So, Mr. Speaker, when we did the Preysal Flyover Interchange and where traffic used to come back on the highway and it used to take you 30 to 45 minutes just to get over that interchange, there is no traffic now on the interchange.

At Freeport, on the exit we made a three-lane exit—*[Interruption]*

**Hon. Member:** Well done. *[Desk thumping]*

**Hon. Dr. S. Rambachan:**—that has taken away the traffic. And some very intelligent thinking went into that.

Under the Freeport flyover, we took the pavement and put it behind the pillars and made it safer, and therefore expanded the road into a three-lane road at a minimum cost. Then we paved from Freeport to St. Mary's, the entire road overnight and it is running much better.

So, we have done many things like that throughout the country in order to alleviate the traffic problems. Let me go to Valencia, because one of the accusations we get about this Government is that we are not doing things in the East-West Corridor. But I am linking this, Mr. Speaker, to the matter of speeding, because the assertion I am making is that stress causes you to behave at times in a manner that makes you speed and behave erratic on the road and what have you. So, if we can reduce the stress of using the roadway, we can probably reduce the other kinds of behaviours that lead to accidents.

So, in Valencia, as you know, we have started to build a bypass road from Antigua Road in the vicinity of Seeraram brothers going right into Kangalee Village. Mr. Speaker, that will take a great deal of traffic from the Valencia junction, so you do not have to go into Valencia at all. I want to tell you, Mr. Speaker, the project is on time and the project is within budget and it will be completed by September 2014. If you go there now, you would see the road is being paved. *[Desk thumping]*

Mr. Speaker, what we have also done—and that is where the thinking of this administration is so much different from the thinking of the last administration. For years the traffic was also piling up at Valencia junction, so we brought in the traffic wardens. That helped, but then we discovered what was part of the problem, the road was undulating—*[Interruption]*

**Hon. Member:** Wavy.

**Hon. Dr. S. Rambachan:** Yes, wavy and that was slowing down the traffic, so one night we brought in, I believe it was Jusamco with a milling machine and we milled two kilometres of road, and we paved it back and that cut down the waiting time and traffic by about 50 per cent, so people could go home with less stress or come to work with less stress.

**Mr. Indarsingh:** The paving of the Freeport Mission Road.

**Hon. Dr. S. Rambachan:** The Freeport Mission Road which was dilapidated for how many years. In Diego Martin, my friend from Diego Martin Central will tell you that we widened the Diego Martin Main Road in front of Starlite Shopping Plaza which has, of course, eased the traffic and, Mr. Speaker, one can go on and tell you more and more of what we are doing in order to alleviate the traffic situation.

The Member for Couva North will tell you there used to be a lot of pile up on the Exchange Road because of the quality of the road and going to the St. Joseph Convent there, now that has become a paradise to drive. At a cost of simply \$800,000 it was able to be repaved and fixed and that matter has now eased. Mr. Speaker, we are doing a number of things in this country in order to alleviate the traffic situation and to make it easier to reduce the stress that will cause people to behave in an erratic fashion when they get on the highways.

Mr. Speaker, I have listed here about 24 things that we have done to alleviate the traffic situation, but you know one of them again, people used to have to go through St. Helena, go on the St. Helena bridge, then get into Piarco. Intelligent thinking cut a road coming off Kelly Village there and you get a bypass and you are straight into Piarco without much ado. [*Desk thumping*]

Mr. Speaker, I will give you another one that is so easy. In Gasparillo, in my constituency people quarrel every day about getting out of Gasparillo, but if you live in Whiteland or if you are coming from Tabaquite or Guaracara to go to San Fernando now, you come to Bonne Adventure and you take the Lightborne Road, and we have just repaired three bridges and repaired the roads through Caratal into Forres Park and you are on the Claxton Bay highway in 10 minutes. [*Crosstalk*]

**6.30 p.m.**

**Mr. Deyalsingh:** Do not put the radar guns. [*Crosstalk*]

**Hon. Dr. S. Rambachan:** And we are not going to do it—the Bull Bull Bridge is being built even at this point in time. [*Desk thumping*]

But Mr. Speaker, I say all of this to you because people say the Government is not communicating, so here I am communicating and I am exciting the Member for St. Joseph because, you know, he now wonders whether he is safe in his seat anymore. [*Laughter*]

Mr. Speaker, there are other things that we have been doing in the country. My colleague, the Member for Oropouche West, and my colleague in the Ministry, she spoke about the cable barriers, and she did mention that between November and February of '13 and '14, 81 vehicles were prevented from going over on the other side of the highway, and that is very important because what that showed is how the vehicles crash into the barriers. We will tell you 81 vehicles were prevented, but she would have also told you that 247 vehicles between November and February hit those cable barriers—247 vehicles. So you have probably saved 247-plus lives because of that. But when a vehicle goes over, you and I know when it crashes into another car on the other side, what happens.

So, Mr. Speaker, while we deal with the matter of the radar gun and what have you, that is not the only thing we are doing in order to deal with speed on the roads and the traffic situation.

Mr. Speaker, there is another thing that is happening and that has to do with the red light enforcement. The red light enforcement is being used right outside the Parliament here. Since September 2012 these were installed, may I say, within time and budget, and we collected some data since then and this is what the data showed, and it is important. I will get to the point I want to make.

More violations occurred on weekends, early Saturday and early Sunday. More violations occurred in the early morning hours—12.00 a.m. to 5.00 a.m. and an average of 50 violations per day, with almost twice as many eastbound violations than westbound—getting out of Port of Spain than coming in—an average of 50 violations per day.

Now, we also discarded a number of violations which are not counted in that average of 50. Mr. Speaker, the tapes and the pictures are there for you to see. They were police vehicles, Government vehicles and emergency vehicles that

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were also breaking the red light. I have here some pictures, you know, of the actual vehicle numbers, the names and addresses of the persons driving the vehicles, which cameras were taken.

Mr. Speaker, what is interesting about that is this. If you average 50 violations per day and a fine of \$1,000, that is \$50,000 per day by one light, right here on this Wrightson Road. That is \$50,000 by 30, is \$15 million?

**Hon. Member:** No, \$1.5 million.

**Hon. Dr. S. Rambachan:** \$1.5 million by 12, \$18 million a year by one light. Imagine you have five lights going—\$100 million. You have money to build roads.

Mr. Speaker, what I am saying is that the Government is moving forward with new technology in order to get this, and this is why we have to, as a Parliament, pass this legislation because this legislation is very important in order to ensure that we save more lives in the country.

Mr. Speaker, even as I address you, there will be more ease in the traffic coming very soon with the construction of the Curepe roundabout interchange. Even as I speak, the tenders have been opened for that project and the evaluations are being done. We hope an award will be made very soon and construction will start sometime later this year in terms of that particular project.

Mr. Speaker, there are lots of other measures that are being put in place to ease the traffic and improve the traffic flow. There are many bridges in this country that are single-lane bridges, and now, at the moment, 13 bridges are under reconstruction and we take the opportunity to tell the people of Calcutta Road in Balmain that by the end of May, traffic will be flowing on that bridge in Calcutta. We faced some problems with the soils and we had to do some redesigns.

In addition to that, 11 more bridges are due for tendering now. We have received confirmation of funds and, again, these are single-lane bridges where traffic—just like the Bull Bull Bridge—had to stop and pile up. These are being tendered, and we are about to design 13 more bridges, which means that in the Ministry of Works and Infrastructure, in this space of time, we would have designed and tendered 24 major bridges and have ready another 13 bridges to go forward with, so that makes 37 bridges in these three years all ready to go. [*Desk thumping*] That is the kind of performance that beats old talk, and that is the kind of performance that differentiates the People's Partnership Government from the former administration.

**ARRANGEMENT OF BUSINESS**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, in accordance with Standing Order 37(3), I beg to move that debate on the Motor Vehicles and Road Traffic (Amdt.) Bill, 2014 be adjourned.

*Question put and agreed to.*

**Mr. Speaker:** Bill No. 1, the hon. Minister of Legal Affairs. [*Desk thumping*]

**MISCELLANEOUS PROVISIONS (LICENSING COMMITTEE) BILL, 2014**

**The Minister of Legal Affairs (Hon. Prakash Ramadhar):** Mr. Speaker, I thank you for the opportunity, and I beg to move that:

A Bill to amend the Liquor Licences Act, Chap. 84:10, the Cinematograph Act, Chap. 20:10, the Registration of Clubs Act, Chap. 21:01, the Theatres and Dance Halls Act, Chap. 21:03, the Moneylenders Act, Chap. 84:04, the Pawnbrokers Act, Chap. 84:05, the Licensing of Dealers (Precious Metals) Act, Chap. 84:06 and the Old Metal and Marine Stores Act, Chap. 84:07, be now read a second time.

Mr. Speaker, there are few things in life as valuable as the time in this Parliament or, indeed, the time spent at court. It is painfully obvious to all who care about the administration of justice in this nation, that the courts are overloaded with work, tremendous backlog and judicial time is spent on matters that really should not be there at all.

Indeed, Mr. Speaker, the purpose of this Bill, really, is to remove a most unnecessary and a heavy burden on the courts of Trinidad and Tobago. Mr. Speaker, specifically, I speak to the Magistrates' Court where, in fact, magistrates have to deal on a daily basis with matters of preliminary enquiries, from murder, rape, manslaughter, high drug offences; they have to deal with summary offences, of larceny of motor cars, wounding and a host of other matters, together with sitting as a coroner's court.

Mr. Speaker, the big trouble I have as a Minister—and we all have as citizens of this country—is a matter I now will bring to your attention. Every month when a period has been called for the liquor licences session, on an average there may be two days per week, sometimes for a full month, or two days per week for sometimes two months for a court to hear and determine applications for liquor licence, for precious metal licences, for dance hall licences, registration of club licences, and all of those eight bits of legislation that we now will be dealing with.

Mr. Speaker, when those bits of legislation first came into being, it was a different era. It was the colonial period, when the issue of issuing licences took on a very different complexion from that which should attend to the day's attention, in that you had a magistrate—as we still do—sitting with a committee to hear and determine matters whether a person should be granted a licence, whether for liquor, for dance hall, for precious metal.

We are saying that the time has now come where we must take that bull by the horn and remove the need to burden a magistrate, a judicial officer trained to deal with very, very important and serious matters, and put those matters where they rightly should be put, as an administrative act.

Indeed, Mr. Speaker, it was over 20-odd years ago where the Gurley Report recognized—and if I may be permitted, it said this:

“Applications for licences fall into two categories, namely (1) new licences and (2) renewal of licences. Both types of licences are granted by a Licensing Committee which is chaired by a Magistrate. The Committee sits at 9:00 a.m, on the days set aside for the hearing of the applications. The procedure of hearing applications necessitates the appearance of the Applicant in Court and at times he is represented by an Attorney-at-Law. If there are objections to the application, the Magistrate will entertain the objections and then determine whether the licence will be granted or refused. In the vast majority of cases”—we observed—“there is no objections.”

And the Gurley Report which was created to look into the delay into the administration of justice over 22 years ago, recommended this then:

“That the Magistrate and the Committee grant licences, to which there is no objection, by a mere administrative act. This can be done in Chambers. In cases where there are”—in fact—“objections, the licence applications should be listed and heard in open Court.

Appropriate amendment will be required to the Liquor Licensing Act, Chap. 84:10 and to the Legislation applicable to other licences.”

Following hot on the heels of those recommendations would have been the recommendations of the Mackay Commission, which I understand was some 12 years. No administration took the responsibility, notwithstanding, knowing since then the awful state of the administration of justice, to do anything about it. This is what that report had to say:

“At certain times of the year there are many applications for liquor licences which are dealt with by the Liquor Licensing Committee chaired by a



Magistrate. Unnecessary appearances are caused where applications are not opposed, for example, for checking whether the fire or the necessary approval has been given. It seems to us that unopposed applications could be granted without appearance thus saving the Magistrate's time. If the burden of opposed licence applications is significant, a licensing tribunal without any involvement of the Magistrate might be appropriate to deal with these. If they continue to be heard by a tribunal chaired by a Magistrate they should be heard and determined in public as they are at present."

Now, 22 years ago and then 12 years ago, these were the recommendations of very robust bodies, and robust commissions. This legislation that we are attending to today, finally intends to deal with these matters, to remove the burden of unnecessary administrative acts from the court and place it where it should rightfully belong, with a Clerk of the Peace, a new committee being created to deal with those matters. So that the court itself, being unburdened, the magistrate will have the time to hear and determine very serious matters.

For instance, in the future, as I imagine, when we have radar guns or infrared speed guns and a matter comes before the court, real lawyers will know that if a burden is put on you—and you will argue this—for you to prove or to raise issues about the certification of the equipment, all you need do is to apply for what we call, disclosure, and that the prosecution will then have to show their records of what matters have been attended to, whether the equipment was in good working order; what certification and so. But I shall not go into that now because that is common sense for those who know and have experience.

**6.45 p.m.**

Another issue that will be attended to once this law is passed—[*Crosstalk*]  
Could I—[*Interruption*]

**Mr. Speaker:** Member for Diego Martin North/East, please.

**Hon. P. Ramadhar:** Little with big noise, yes. [*Laughter*] So, Mr. Speaker, the new legislation—if I may be permitted—the amendment to section 5 would be quite easily understood if I—and I think it would be quicker time spent—should just read it—5(1):

“There shall be a licensing committee for each magisterial district which shall consist of the following members:

- (a) the Clerk of the Peace or, where more than one Clerk of the Peace is assigned to a Magisterial District, a Clerk of the Peace designated by the Chief Magistrate;

- (b) one person, or his alternate, nominated by—
  - (i) the Tobago House of Assembly, in the case of...
  - (ii) the Municipal Corporation of the municipality in which the magistrate's court is located; and
- (c) one person nominated by the Minister in consultation with the local business associations or his alternate;”

And we go on.

Now, the purpose of changing the format is very simply this: you free the magistrate to go and do real judicial work. The committee sits and where all of the requirements have been put before the committee—you know, in these matters, you have reports from health, from fire, from local government and whatever other reports are necessary. Once those reports have been put before that committee, they automatically approve the renewal of the licence or indeed a new licence.

Very often, in the courts, hundreds of business owners and persons who object to licences have to attend on those days that I have described before, and as the magistrate goes through the list, you will have a name called. Sometimes they have run off to the washroom or wherever and rushing in, only to be told, “Well, your matter has already been adjourned” or that “We have to set you for another date because the report from health has not come in”—as one example—and time is wasted days on end, and it adds up to a tremendous waste of judicial time.

Now, when these reports are in, the committee sits. There is no need under this new legislation for the applicant to appear. Not at all, so that you would not have to waste time coming in, but apart from which, you have good and decent people. The applicants and those who wish to object to licences rubbing shoulders with persons who are on bail for the most heinous of crimes of rape, robbery, manslaughter, drug dealing, and we thought it wrong that we should mix those two bits of society. But necessarily, under the old system, they would necessarily have to rub shoulders and sometimes be very intimidated in that process. By this new legislative move, there will be no need for them to attend before the court in the first instance and for them to attend at all. If there is no objection or if all the reports are there, then it becomes an administrative act that the application is made; once approved, you just send and you pay, and you get your licence.

If there is objection, in the old days, you would have had to appear before the court yourself and say, “I object”. Now we have put a provision where, by

writing, you could indicate that you are objecting to a new licence or the renewal of a licence for good cause. What is very innovative in this process is that when that occurs, you attend before the committee, which is chaired, again, by the Clerk of the Peace, a member from the local or municipal corporation, and a member of an NGO—the business community—who will sit together with the applicant and the objector with an intent to modernize the delivery of justice to form some sense of mediation so that nobody comes out thinking that they have lost, and everybody has a sense of participation in the decision with which they must all be comfortable.

If, at the end of that effort, there is no success, well, then the matter is referred to the magistrate who will hear and determine, like any other case, where witnesses are brought, evidence is led, and the magistrate makes a decision one way or the other. Any party who is unhappy with that decision, we have still retained the right of appeal to the Court of Appeal for determination on these matters.

I am pleased to say that this effort to introduce, at that level, a mediation process, which is the future of the dispensation of justice, is something that I think the country needs, because as many of us have reflected, we are an angry society, and the Minister of Works and Infrastructure spoke about the road rage and everything else. There is a lot of frustration in the society because people do not feel in a large part that they are justly treated in one way or the other, but in mediation, you really have the opportunity to understand the golden rule: Do unto others as you have them do unto you.

I am deeply pleased to say that under the Ministry of Legal Affairs falls the responsibility for ADR—Alternative Dispute Resolution. Even this week, I had a meeting with the director, and she has undertaken to create a training programme for all the Clerks of the Peace in Trinidad and Tobago so they will be the beneficiary of that training to assist them in the mediation process, and that is a culture that we want to spread.

I am also pleased to say that under the Ministry of Legal affairs, Legal Aid falls under that jurisdiction also, and I have spoken with the venerable Chairman, Mr. Israel Khan, Senior Counsel, and he has agreed to somewhat marry the whole issue of mediation as a first option in legal aid.

Permit me to come off track a little bit. Just this week in my constituency office, a young man came, tears in his eyes. His mother, for whatever reason, obtained a domestic violence order against him and he is out of the home, and he

wanted legal aid help. As a human first—forget MP, forget lawyer—I knew that if you had a relationship between a mother and son to have arrived to a position where a mother has to go to court to get an order against her son, something is terribly wrong.

There is no justice that could be meted out by any court. They must have a meeting of the heart, a meeting of the mind, to mend that relationship, and that is the sort of business that mediation must come to the aid of, so that is why we want to introduce that there. But we are doing it now in this law, and we shall extend it throughout the judicial system. I know my friend from Port of Spain South, her heart as warm as it is, will welcome this effort.

So, as we proceed, this Bill, as I have already indicated, saves time, it may save relationships, because the bar owners and the applicants are the neighbours of those who will object, most times, and you must have that peaceful co-existence, that harmonious relationship, in any community for the community to succeed and we move forward.

Mr. Speaker, in this new effort, under section 21 of the old law, there was, in fact, the issue where you can object but you must have done so in person. Under the new law, you can do so in writing and therefore save yourself a lot of problems, a lot of time and a lot of effort. But, in that section 21—more important than anything else as far as I am concerned—is this new introduction and if I may be permitted to read it. At 21C(1), it says:

“A Magistrate may, on complaint made in writing by an aggrieved person, suspend or revoke a licence if satisfied by evidence that the conduct of any trade or business on licensed premises to which this Act applies has caused annoyance to persons in the vicinity of that trade or business by virtue of excessive noise...”

That was the old section that stopped there. We have now extended it to read:

“...or other nuisance.”

Mr. Speaker, we have been regaled, as Members of Parliament and as concerned citizens, of the problems of the neighbours of business institutions that, not just any blared noise at all hours of the night—that is one aspect and the EMA has the legal authority and responsibility to deal with those issues, but there are many other nuisances that are as bad or sometimes even worse, where patrons of those institutions, without a second thought, will block your gate preventing you from entering or leaving. You will have patrons who will break bottles, they will

urinate on your walls, on your gate, and all of these awful things. But, under the old law, it was not clear that a court could have taken those considerations—and these are important things—to suspend or revoke an existing licence.

What we say in a society as small as ours, there must be give and take, but you cannot avoid the responsibility, once you exercise your right to commercial venture, to your duty to your community and to your neighbours. It will be sometimes difficult to enforce those things but you cannot avoid it and say that is a matter for the police, you must take responsibility; and this law says that if you do not, then the court may suspend or revoke your licence. You may have to hire more security, well that is the cost of business; you may have to hire a wrecker, that is the cost of business; because you cannot conduct your business oblivious to the rights of everybody else around you.

**Mr. Imbert:** You sure you know what you are talking about?

**Hon. P. Ramadhar:** In this society—[*Interruption*]

**Mr. Imbert:** You read this law?

**Hon. P. Ramadhar:** Are you asking me to give way?

**Mr. Imbert:** No.

**Hon. P. Ramadhar:** Thanks.

**Mr. Imbert:** I will explain when I am talking.

**Hon. P. Ramadhar:** So, Mr. Speaker, these are the things that the court may consider in its new effort to change the legislation.

Mr. Speaker, another point: many of the fines for offences under this legislation had not been interfered with for over 10 years, and I shall not trouble this august House with going through the details. It is in the amendments to the law that fines have been raised from just niggling sums to really a level that it is a true penalty. So that if you commit an offence, you will truly feel, once you have been properly convicted, that you are being penalized for something and not just consider it a joke. But, I want to spend one moment on this point, that the sale of alcohol to children is a growing problem—big, huge and growing problem—where younger and younger persons are resorting to the use of alcohol, and to have heard the troubles of the carnage on the roads that nobody cares, once the money is made: you sell, they drink, they leave drunk, they go and they kill themselves or others. It is painful and I shall not have to go through the details of that but to just tell you that death from a motor vehicular accident is a horrific thing for all involved.

I remember, it was the first week of May in 1980, around 5.00 in the morning, a car pulled up outside our home, it was my uncle. Blew the horn, we looked out, what is wrong? What is happening? At that hour, you know something terrible has gone wrong. It was my Uncle Mahase from McBean and he said, “My son, Narie, is dead”. That is my cousin who grew up, as brothers, at home. We could not believe it.

**7.00 p.m.**

We got dressed, went up to the General Hospital in Port of Spain, passing along Guayamare—we were told that the accident was in Guayamare, we are looking out, it was still dark, we did not see any vehicles really. When we got to the hospital, we were told—at emergency: no, no, check the morgue. And we did. My cousin was dead. His father had not known he had gone out that night before and when he received this information at 4.00 a.m., I could only imagine the torture and horror of him walking to that room, opening that door and wondering and praying: please, let him be home. But he opened and my cousin was not there. He was dead. Not only was he dead, his brother-in-law—his sister’s husband—also died in that accident. My cousin was pregnant with twins at the time. They never saw their father. Two others in that car had died and the other oncoming vehicle, the driver of that had died. So I know the horror of these things.

So—I am not saying for a moment that that was alcohol induced but there are many young people on the roads today—and not just young ones, but let us deal with them here—where establishments look at them as their captive market. Nobody takes the time to check and see whether they are of the age of maturity or less. And in the past law, of course, there were fines. For a first offence, selling to young people, the fine was \$2,000.

In this new legislation, the first offence of selling to a young person alcohol, \$7,500. This is where we said a message has to be sent, of a most serious nature. If under this new amendment we pass, you sell alcohol to a minor, the second offence the fine moves from \$5,000 to \$10,000. But for the first time in the country’s history, the sale of alcohol to a minor will attract a jail term of one year. [*Desk thumping*]

If there is a third offence of selling alcohol to a minor, the fine moves from \$7,500 to \$15,000 and to two years imprisonment. That is as serious as we see it. That is not the only thing that we must do to deal with the sale of alcohol to young people, but this is a necessary first step. So Mr. Speaker, as I started, I said that

the most precious time, apart from the court, is this Parliament. And as simple as these amendments are, they are critically important and I will not waste a further moment.

I expect the debate on this matter to be short because all right-thinking persons must agree that there is need to unburden the courts; that there is need to remove ourselves from archaic laws and dream of a land that is far better, far superior. And we are not afraid to take steps to do the things that have been left on a shelf—first, for 22 years and then for 12, with no actions. No law, no effort is ever perfect but remaining perfectly still moves you nowhere. So Mr. Speaker, I look forward to the contributions of my friends in this august House to improve on our law, that I consider good but can always be made better with good contributions.

Thank you, Mr. Speaker. [*Desk thumping*]

*Question proposed.*

**Mr. Speaker:** The hon. Member for St. Joseph. [*Desk thumping*]

**Mr. Terrence Deyalsingh** (*St. Joseph*): Thank you, Mr. Speaker. Mr. Speaker, I need to put on record the fact that we are seeking to amend eight pieces of legislation, so unfortunately I do have to read into the *Hansard* that the Opposition recognizes that there are eight pieces of legislation, because the hon. Member of Parliament for St. Augustine spent all of his time speaking about one piece of legislation.

So from the Opposition, I say: it is an Act to amend the Liquor Licences Act, Chap. 84:10, the Cinematographic Act, Chap. 20:10, the Registration of Clubs Act, Chap. 21:01, the Theatres and Dancehall Act, Chap. 21.03, the Moneylenders Act, Chap. 84:04, the Pawnbrokers Act, Chap. 84:05, the Licensing of Dealers (Precious Metals) Act, Chap. 84:06 and the Old Metal and Marine Stores Act, Chap. 84.07.

Mr. Speaker, it is my intention to separate these eight pieces of legislation into two groups. Group one to five which starts with the Liquor Licences Act, which the hon. Chairman of the Legislative Review Committee spent all his time on—all his time—neglecting the fact that we are also amending seven other pieces of legislation—seven; ignoring the fact—ignoring the fact that two pieces of legislation that we are amending, the Licensing of Dealers (Precious Metals) Act and the Old Metal and Marine Stores Act have serious implications for money

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laundering, financing of terrorism and the FIU legislation. And it is my intention to educate the Government on the folly of only dealing with the Liquor Licences Act.

Mr. Speaker, the hon. Member for St. Augustine is quite correct when he speaks about the waste of judicial time for liquor licences. He went back 22 years and he went back 12 years speaking about the administration of justice. But let us just go back three years to see this Government's approach and failure on the administration of justice. He went back 22 years, he went back 12 years. It is this Government, Mr. Speaker, who brought that infamous piece of legislation to abolish preliminary enquiries. Where are we with that, Mr. Speaker? Forget 22 years ago; forget 12 years ago, let us just go back three years. What has happened to that? What has happened? Because if magistrates and these Clerks of the Peace are to sit, what has happened, Mr. Speaker, to the three judicial centres that this Government was going to build—or the four judicial centres?

Let me just remind the Government. They were going to build judicial centres—where?—Sangre Grande, I think Carlsen Field, Siparia, Tobago—four purpose-built judicial centres. Not a blade of grass has been cut because they have violated the Central Tenders Board Regulations—not one. What has happened to the amendment to the Supreme Court of Judicature Act to hire masters of the courts? Absolutely nothing. So we do not need to go back 22 years and 12 years. Just go back three years—just go back three years. What has happened? And out of this, we got the unholy alliance which gave us clause 34 or section 34. That is the history of three years in trying to fix the administration of justice under this Government. “Yuh” want to walk in the rain? “Yuh” will get wet. “Yuh” want to walk in the rain? You will get wet. You will get soaked!

So Mr. Speaker, the Minister, in piloting, is partially right and the issue about liquor licences being taken away from magistrates does need some support. It is administrative, absolutely no problem there, although other Members may speak to that piece of legislation. However, as I said, the Member of Parliament for St. Augustine and—because I want to harp on this—he is the Chairman of the Legislative Review Committee, and he ought to know certain things, and he spent all his time only speaking about liquor licences. And there is some merit in what he has said. It is administrative; you do not need the careful eye of the Judiciary looking at it. It is a checklist—health certificate, fire—fine. Do it. But, Mr. Speaker, we are amending other pieces of legislation which the Member for St. Augustine did not cast an eye on.



And as I said, I am separating the eight pieces into two. The parts which are purely administrative, hon. Member, we have no problem with but we do have a problem with two pieces of legislation that you are amending. The first one that we have serious problems with, is the Old Metal and Marine Stores Act. Mr. Speaker, the Old Metal and Marine Stores Act governs the management, the establishment of scrapyards and it is painfully obvious that the Member for St. Augustine does not even know his own Government's policy, when it comes to scrap metal dealers. And that is what is sad. He does not know his own Government's policy, when it comes to scrap metal dealers.

Mr. Speaker, I refer this honourable Chamber to a document:

“Scrap Metal Policy for Trinidad and Tobago

Prepared by

Ministry of Trade, Industry and Investment

Trinidad and Tobago

August – 2013”

This is their policy.

Mr. Speaker, I do admit I am going to quote a bit from it, if you will excuse me.

“Over the last decade the Scrap Metal Industry has provided viable business opportunities for a number of small and micro enterprises... Despite these benefits, there are many issues that have been raised by stakeholders relating to procurement, pricing...marketing...”

The development of this Scrap Metal Policy is, therefore, an attempt...”

And this is where things get cloudy because the Member of Parliament for St. Augustine wants to take away the judicial eye. And this is what the Scrap Metal Policy is saying:

“The development of this Scrap Metal Policy is, therefore, an attempt to introduce new regulatory measures to govern the Industry.”

Now, to the uninitiated, this is telling me that this is to introduce more judicial scrutiny because of the problems of the scrap metal industry. Because we all know that the scrap metal industry, some of them, you have stolen metal. Any

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business in Port of Spain, when you switch on your air condition on a morning and it is not working, you now know to go and check the copper lines; TSTT, copper lines.

“Specifically, the Policy seeks to provide the framework that will ensure compliance with health and environmental requirements, registration...”

—registration.

“...and other issues...”

The “consultations facilitated dialogue...”

—et cetera, et cetera.

Another piece of that policy frame—because, Mr. Speaker, what we are saying: while we may agree that under liquor licences you have little need for the judicial eye—for the magistrate’s eye; for other spheres, you may want to have that magistrate’s eye, you may want to have that judicial eye.

“Unfortunately,”—the—“rapid growth of exports within the Industry occurs concurrently with an alarming increase in...theft of similar types of metals that support the country’s infrastructure.”

So we have the Government has identified the scrap metal industry with theft that affects the country’s infrastructure.

“Telecommunication cables, water pumps, manhole covers...”

—et cetera.

Mr. Speaker, this document, which is a Government document, goes on to talk about the objectives of the policy. And this is the objective of Government policy on page 2 of their policy statement:

“To provide contemporary guidelines and regulations to facilitate the operations of the Scrap Metal Industry in Trinidad and Tobago;”

But here it is now:

“To develop an effective licensing regime for scrap metal dealers;”

And we are now being asked to take away the judicial eye. [*Interruption*] Then correct me when you stand.

Mr. Speaker, let us look at the number of people who were invited to comment on this scrap metal policy.

**7.15 p.m.**

**Dr. Moonilal:** Why scrap metal?

**Mr. T. Deyalsingh:** Because the scrap metal industry is governed by this piece of legislation and you are amending this piece of legislation to take away the judicial eye over an industry which your Government has identified as problematic. Yes.

**Mr. Imbert:** It is not just liquor.

**Mr. T. Deyalsingh:** It is not just liquor. Yes. And that is why I am chiding the mover of this Motion for spending all his time speaking only about liquor licences. We are amending eight pieces of legislation, Mr. Speaker; eight pieces of legislation. He did not mention two to eight, he only dealt with number one. That is a travesty.

Let us see who was consulted: TSTT, T&TEC, WASA, Ministry of National Security—Mr. Speaker, I only call out this list to show you the importance of this Scrap Metal Policy—the Ministry of Works and Infrastructure, local government, the EMA, police service, health, public utilities, Financial Intelligence Unit. They were called in, the FIU. It continues: West Indian Metal Recycling, Ross & Sons, Future Venture Trinidad, Stacy Scrap Metals, Victoria Variety One Stop Scrap; Lucky 8 Recycling, Chabilal Enterprises; Premier Metals, Coop Sammy Scrap Metal; N&E Recycling; Millennium; Harry Scrap Metal Recycling; Metal Lab Trading and Recycling; Trinidad and Tobago Scrap Metal Dealer Association, KPD Landscaping, Globe Metals, and I go on and on and on. That was the nature of the consultation.

So when we come here today to amend the Act governing the scrap metal industry to take away that judicial eye, I have to ask: Why? Why is the FIU involved in this? What is the scrap metal industry linked to that will attract the attention of the FIU? But now we want to take it away from the magistrates to see about. Explain that. Explain that to the population of Trinidad and Tobago.

But what is even worse, Mr. Speaker, is that the scrap metal dealers were led up a garden path with this Scrap Metal Policy. They thought, that by partaking in this consultation, that they as an industry would benefit, only to find later that the Government has taken a policy decision, which they are entitled to do, to set up their own scrap metal recycling plant. Now, if that is your policy decision, not a problem.

**Miss Ramdial:** Would the Member give way?

**Mr. T. Deyalsingh:** Sure.

**Miss Ramdial:** Just to clarify, Mr. Speaker, that statement is totally false. It is not a scrap metal recycling company or whatever it is—plant, sorry—that we intend to set up.

**Mr. T. Deyalsingh:** Would you like to tell us what it is you plan to set up?

**Miss Ramdial:** Mr. Speaker, we intend to set up a recycling plant. We are in the initial stages of engaging possible persons who are interested and we are in the initial stages. The message out there, the news out there, is very wrong and, therefore, the Ministry of the Environment and Water Resources intends to clarify before Monday, on this matter.

**Mr. T. Deyalsingh:** It is amazing how now all the news out there is wrong. The news was wrong from the *Guardian* on the radar guns. The news from the *Express* was wrong and now the news of this is wrong. It is amazing.

But, Mr. Speaker, if you think the issue of the scrap metal dealers is bad enough, the issue of taking away the magisterial gaze from the Old Metal and Marine Stores Act is even more frightening.

Mr. Speaker, to explain how serious this issue is and to explain the tragedy of the Minister not addressing it, one needs to go to the *Hansard* of none other than my good friend, the hon. Attorney General, in piloting the legislation dealing with the Financial Intelligence Unit. I quote from the *Hansard*, which speaks specifically to jewellery, precious stones, where we sought to introduce a schedule of listed business and this is the Schedule:

“...real estate; motor vehicle sales; money or value transfer services...”

And again, money or value transfer services falls within this piece of legislation that we are amending, the Pawnbrokers Act, but in piloting, no mention made of that. It continues:

“pool betting; national lotteries; online betting games; jewellery; a private members club; accountants,...”—et cetera.

So jewellery is a listed business under the FIU.

The hon. Attorney General goes on:

“Mr. President, as you can see from this list, these are businesses where cash transactions can take place and dirty money, laundered money, can be washed, laundered, cleaned up and put back into the system.”

And that is why these businesses are listed. So the Government, the Attorney General, who acts in the public's best interest, has identified jewellery shops with things like money laundering, dirty money.

“Mr. President, you would have heard in my previous response to a question on the Order Paper the list of businesses acquired by an organization that stormed this nation's very Parliament.”

That is the link being made by the Attorney General, to listed business including jewellery shops.

“There are persons in this country who seem to have no known source of income, they never filed an income tax return...”

**Mr. Roberts:** Rowley.

**Mr. T. Deyalsingh:** “Is it the proceeds of crime? Is it illicit drug money?”

**Mr. Roberts:** Rowley.

**Mr. T. Deyalsingh:** “Is it financing for terrorism?”

**Mr. Roberts:** Rowley.

**Mr. T. Deyalsingh:** “Is it coming from a foreign government?”

**Mr. Roberts:** Rowley.

**Mr. T. Deyalsingh:** “Is it that the jewellery is coming from a pawn shop whereby people are being robbed of their jewellery and then it is being pawned or as has been the case, the gold is melted, recreated and refashioned into other forms and items of jewellery?”

So the hon. Attorney General, in piloting the FIU legislation, specifically points out, picks out, targets, goes after the jewellery business, the jewellery shops and has made a direct link between the legal proceeds, financing of terrorism, money laundering and here we are being asked—[*Interruption*]

**Mr. Roberts:** Rowley.

**Mr. T. Deyalsingh:**—to look at a piece of legislation governing jewellery shops and taking away the magisterial gaze from their licensing and I do not think that this is funny. Members opposite can say Rowley how long they want, it does not take away from the fact that the Minister, Chairman of the Legislative Review Committee, failed by only talking about liquor licences.

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“So it is in those circumstances, Mr. President, that this Bill is now brought to this honourable Senate, because it seeks to give the FIU this expanded remit to allow for the Financial Intelligence Unit...”

So he wants the unit to supervise listed businesses, which include jewellery shops.

What is the rationale? Now, the Minister never explained the rationale for taking away this function from the Magistrates’ Court. Was that the intention to give it solely to the FIU? Is the FIU going to license these shops? Tell us.

Mr. Speaker, the reason this is important is that recently Trinidad and Tobago’s good name has been tarnished.

**Hon. Member:** By Rowley’s irrelevant statement.

**Miss Mc Donald:** Stop it! What it is going on? Disrespectful!

**Mr. Speaker:** I think I need to protect the Member for St. Joseph.

**Mr. T. Deyalsingh:** I do not need protection.

**Mr. Speaker:** No, well, I am protecting you. When you are on your legs, I ask Members to listen to the Member who is on his legs.

**Mr. Roberts:** And take notes.

**Mr. Speaker:** And take notes. But we cannot be engaging in a stream of commentary and the Member for Diego Martin West is not in this debate, so constantly referring, I do not think that is proper. So I ask Members and appeal to Members to allow the Member to speak in silence. Continue, hon. Member.

**Mr. T. Deyalsingh:** Thank you, Mr. Speaker, but I am very capable of handling the Member for D’Abadie/O’Meara not a problem there.

Mr. Speaker, there was an article that appeared in the *TnT Mirror*, Friday, February 28, 2014:

“The Diamond Dame

Woman travels to Toronto with 10,000 gems in her belly

A 66-year-old woman travelled from Piarco Airport to Toronto...with more than 10,000 diamonds in her stomach.”

Now, that kind of seems impossible to me, so maybe this is a lie again. I do not know.

“She was arrested on arrival at Pearson airport.

The 10,202 diamonds are estimated to be worth TT\$2.5 million but the nationality of the woman, Helena Freida Bodner, is unclear.

According to an expert, the case suggested that the stones could have originated in Venezuela and were probably destined for another country to be cut and polished so that they would be less identifiable.”

So this talks of Venezuelan connection.

Mr. Speaker, the reason I raise the Venezuelan connection, we all know that Trinidad, geographically, while we are blessed with certain resources, we are also cursed because we are the junction between South America, the drug-producing countries, and North America and Europe, the drug-consuming countries. It would seem now that Trinidad and Tobago is now being used as a transshipment point for gems, uncut gems, and the Venezuelan connection is not to be laughed at, as the Member for D’Abadie/O’Meara is attempting to do and I will say why.

There is an article that appeared in the *Stabroek News* on November 05, 2007. So this is 2007. We need to know why it is Trinidad is how being used as a transshipment point, not only for cocaine but now for uncut gems, possibly from Venezuela.

“As days run into weeks. The Guyana Geology and Mines Commission (GGMC) announced that it has seized some 4,000 carats of diamonds suspected to have been smuggled here.”

Why were they smuggled there? Why is Venezuela so important in this?

**7.30 p.m.**

“Guyana is a signatory to the Kimberly Process Certification Scheme (KPCS).”—the Kimberly Process Certification Scheme.

“The KPCS originated from a meeting of South Africa diamond producing states in Kimberley, Northern Cape...May 2000.”

So Guyana is a signatory. What this means, Mr. Speaker, when you are a signatory, as Guyana is, as Venezuela is not, when you export diamonds, you have to pay a higher duty.

“He noted that Caracas did not sign on to the KPCS and as such exporters of diamonds in Venezuela are made to pay huge sums in export taxes.”

If you are a signatory like Guyana, you do not pay these huge export taxes. Venezuela is not a signatory, so they have to pay these huge export taxes. It is

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possible now, that Trinidad and Tobago is not only a transshipment point for cocaine from South America, to North America and Europe, it would seem that Trinidad and Tobago is now a transshipment point for illegal diamonds, possibly blood diamonds from Africa.

“In order to get around this the source said diamond dealers in Venezuela are smuggling their gems to Guyana where they are put through the KPCS before being exported.”

Mr. Speaker, I raise the issues of the scrap metal industry, and now the jewellery business, to demonstrate to the Government, that this is a serious amendment that we are looking at; very serious. And I am really saddened that the mover of this Motion did not see fit to mention the other pieces of legislation, only focused on liquor licences. He needs to tell us in his wrap up, what is his position on the jewellery business. His own Attorney General spoke about terrorism financing, money laundering with jewellery business. He needs to tell us what his position is on the scrap metal industry. What is going on there? Because the argument could be the jewellery business falls under the gaze of the FIU. So there may be a viable reason for taking it away from the Magistrates’ Courts. He may say that, but does the scrap metal industry fall under the FIU? Is it one of the listed businesses?

When the scrap metal industry and players sat down with this Government, as I have called out all the names, more than 20 scrap metal dealers sat with this Government, they were expecting some sort of framework to be presented to them, to regulate the industry, to weed out bad practices. What they were not expecting was the Government then to take a policy decision to wipe them out of business. If that is your policy position, so be it. We do not have a problem with that. Tell us what the policy position is. The same way we would have taken a policy position on a smelter, which you opposed, fine, but what is your policy position for the scrap metal industry? What is your policy position now, for the jewellery business in Trinidad?

So this legislation asks many, many questions and if it is we do not believe the *Mirror*, I go again to the *Guardian*, March 09, 2014, article by Natasha Fatah, a writer and broadcaster based in Toronto. She says:

“Trinidad is not a diamond-mining country, and so the diamonds must have come from another country making their way through Trinidad...to Canada.”

Same theory that the *Stabroek News* has about Guyana.



“A substantial percentage of diamonds that are being moved illegally around the world comes from African countries. The issue of so-called “blood diamonds” has been popularised by movies, books, documentaries, and a Hollywood movie. Now the world knows that slave labour is being used to mine the diamonds and then those diamonds are being used to finance violent insurgency movements.”

Again, the link that the hon. Attorney General made between jewellery, jewellery stores, gold, financing of terrorism, money laundering, Miss Natasha Fatah is making the same link. Is it that by passing this amendment, we are telling the FIU that they are the only ones in charge of this industry? Are we telling the scrap metal industry, that you will now fall under the ambit of the FIU?

So the way in which this Bill was piloted leaves a lot to be desired; a lot to be desired. The hon. Member for St. Augustine did us a great disservice by not speaking to the other seven pieces of legislation. So it is only natural for us to raise the issue. So again, Mr. Speaker, I do adhere to the new Standing Orders even though they are not in force.

I thank you for this opportunity. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for Diego Martin North/East.

**Mr. Colm Imbert** (*Diego Martin North/East*): Mr. Speaker, the fact of the matter is that the Bill does affect far more than the Liquor Licences Act, something that the Member for Oropouche East seemed blissfully unaware of. It deals with the Cinematograph Act, the Registration of Clubs Act, the Theatres and Dance Halls Act, the Moneylenders Act, the Pawnbrokers Act. Mr. Speaker, one of the first things—and the Old Metal and Marine Stores Act.

One of the first things I would like to look at, Mr. Speaker, is the list of amendments which the Minister did not have the courtesy to tell us were being circulated, did not have the courtesy to explain the policy behind the amendments, but that is typical of this particular Minister; does no work. Mr. Speaker, when one looks at the amendments, one sees that in the amendment to the Registration of Clubs, I believe, because if I go to the amendments, in section 14 of clause 5. Let us go straight to it. Clause 5(f) of the Bill dealt with the amendments to the Registration of Clubs Act, Mr. Speaker. This amendment is removing the words “Licensing Committee” and substituting the word “Magistrate” in section 14(1) and (2), in subsections (3) and (4) of section 14, and subsections (5) and (6) of section 14. Now, let us see what the effect is of all of this, Mr. Speaker. Let us go

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to section 14 of the Registration of Clubs Act, and the effect of the amendment in section 14 of that Act is where presently the words “Licensing Committee” exist:

“Where a club is registered in pursuance of this Act, a Licensing Committee, on complaint in writing by any person, may, if it thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds:

- (a) the club has ceased to exist...
- (b) that it is not conducted in good faith as a members’ club...
- (c) that there is frequent drunkenness on the club premises;
- (d) that illegal sales of intoxicating liquor have taken place on the club premises;
- (e) that persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor;
- (f) the club occupies premises in respect of which, within twelve months, a licence under the repealed Liquor Licences Ordinance...has been forfeited...
- (g) ...persons are habitually admitted as members contrary to the provisions...”—that we have—“contained in the rules of the club;
- (h) that the supply of intoxicating liquor to the club is not under the control of the members...
- (i) that the premises...of which application is made are unsuitable either owing to the difficulty in supervising them, or their size, state of repair...unsanitary conditions...
- (j) ...there are frequent breaches of the rules, under which registration was obtained;
- (k) that there is frequent disorderly behaviour on the club premises.
- (2) The Licensing Committee...”—

because this amendment is changing, deleting the words “Licensing Committee” and substituting the word “Magistrate”:

“The Licensing Committee, on complaint in writing by any person, may cancel a certificate on any of the following grounds:

- (a) ...the premises has become unsuitable...

- (b) ...the application made by the club...not in conformity with the...Act;
- (c) ...the club is not conducted in good faith...
- (d) ...persons who are not members are habitually admitted to the club merely for the purpose of gambling;”—et cetera, et cetera, Mr. Speaker.

Then subsections (3) and (4):

- “(3) For the purpose of determining whether a club is conducted in good faith as a club, the committee shall have regard to the nature of the premises occupied by the club and any relevant fact.”—that is (3).
- “(4) If the committee grants a summons on the complaint, the summons shall be served on the Secretary”—or any other person “if any, as the committee may direct.”

It is also amending 5 and 6, taking out “Licensing Committee” and substituting “Magistrate”:

- (5) Where the Licensing Committee makes an order striking a club off the register...”—it may—“by that order, further direct...the premises occupied by the club shall not be used for the purposes of a club...; and
- (6) Every persons who acts in contravention of any direction of a Licensing Committee under subsection (5) is guilty of any offence under this Act.”

So, Mr. Speaker, in addition, amendments to 5(g), again, in section 14A of the Registration of Clubs Act, we are changing the words “Licensing Committee” and replacing them with the word “Magistrate”. Again, it speaks about:

- “14A(1) A Licensing Committee may, on complaint made in writing by a person to whom this section applies, make an order directing the club to be stuck off the Register if it is satisfied by proof on oath before it that the conduct of any trade or business on premises to which the public has access is contrary to the provisions of section 14B.
- (2) Where a complaint has been made against a licensee...the Chairman of the Committee shall summon the licensee to appear before the Committee on the date set for hearing...”— and so on, and so on, Mr. Speaker.

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Now, what is the effect of all of this? It means, for the registration of clubs, everything the Minister said is irrelevant, because he said, the hon. Minister said, that this law is going to remove the burden from the courts, take away the strain from the magistrate, so he will have time to attend to other matters, waved his hand and flourished when he told us that, [*Mr. Imbert waves his hand in the air*] and so many other Governments could have done “dat, but he doing dat”. It is evidence that his Government is so progressive and tra la la and la-di-da.

But the amendments which the Minister did not have the courtesy to inform this House about, or did not have the courtesy to tell the listening public, or you or I, Mr. Speaker, change “Licensing Committee” with respect to registrations of clubs, and substitute “Magistrate”. They do the exact opposite of what the Minister has said the Bill seeks to do. So with respect to clubs, and we have thousands of clubs in Trinidad and Tobago, Mr. Speaker. All of these members’ clubs that have sprung up all over Trinidad and Tobago, that are, you know, posing as clubs, but they are really casinos and so on; this is what this refers to.

So for casinos and members’ clubs, where gambling takes place, it is no longer that the Committee has to deal with objections, it is no longer a Committee that has to deal with complaints. This brilliant Minister, this brilliant Minister, has replaced the words “Licensing Committee” with “Magistrate”. So let us see what is the effect of that, because he told this Parliament, that the Bill is intended to free up the work of magistrates and not to give them any additional workload. It is to reduce their workload. So let us see what will happen now. We delete the word “Committee” and we put in the word “Magistrate”. This is how 14(1) will now read:

Where a club is registered in pursuance of this Act, a Magistrate on complaint in writing by any person may, if it thinks fit, make an order directing the club to be struck off...

That is 14(1), and it goes through all these clauses that deal with intoxicating liquor and the premises. The magistrate has to go and inspect the club now, to establish whether the premises are unsuitable in terms of their size, their state of repair, their condition, where before it was a committee, it is now the magistrate has been given all of these responsibilities by this brilliant Minister.

#### **7.45 p.m.**

If we move on, Mr. Speaker, the “Licensing Committee”, now changed to “the Magistrate”, on complaint in writing by any person, may cancel a certificate on any of the grounds that the premises have become unsuitable; and that the club is

not conducted in good faith. So it is now the magistrate's responsibility to establish all of these things. No longer a committee or a group of persons having responsibility to investigate, it is now "the Magistrate".

Let us move on.

"For the purpose of determining whether a club is conducted in good faith as a club, the Magistrate shall have regard to the nature of the premises"—it changed from committee to magistrate—"occupied by the club and any other relevant fact."

So the magistrate now has to go and visit the club, check it out, see if they are letting non-members in; see if they are selling intoxicating liquor to minors, et cetera, et cetera; see if they are operating it as a rum shop, rather than a club, et cetera, et cetera. That is all in 14.

In 14A, it is no longer a Licensing Committee, it is now:

A Magistrate "may, on complaint made in writing by a person...make an order directing the club to be struck off..."

Where a complaint has been made against a licensee"—gone is Committee, a Magistrate shall summon the licensee to appear before the Magistrate on the date set for the hearings.

What does this do? With all these proliferations of members' clubs and casinos in Trinidad and Tobago, the entire purport of the Bill to amend liquor licences, cinematographic, et cetera, is defeated because you are now substituting for "Committee", "Magistrate". This is in the amendments. He did not introduce the amendments. He did not explain the amendments. The amendments are contrary to the entire spirit of the legislation.

But be that as it may, if that was not bad enough, we have another problem, Mr. Speaker, because the Minister seems to be unfamiliar with the Liquor Licences Act. I heard him talk and talk and talk and told us that, with respect to a matter where evidence is required, that the rules of disclosure will allow a person to apply for information and he was talking about some other debate that we had, not even understanding that in that previous debate the specific law prohibits the handing over of the evidence.

So you cannot have disclosure if the law prohibits it. The law says that it is not required. They do not have to give them. So how could you ask for disclosure if the law says you do not have to give them? But anyhow that is trite.

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[*Interruption*] That is what it says. The information is not required to be given to the accused. [*Interruption*] That is what it says. The meaning of “not required” is you cannot give them.

Anyway, let us forget that. Let us move to the Liquor Licences Act where the Minister got it all wrong, again. He said that this amendment Bill is going to make it easier for members of the public to get involved in objecting to the issue of liquor licences. He missed the whole point entirely, Mr. Speaker. What does this do?

In clause 2 of this Bill, it says:

“5(1) There shall be a licensing committee for each magisterial district...”

Of course, this does not apply to clubs. They switch ’round and gone upside down with clubs. Let us deal with the Liquor Licences Act.

“There shall be a licensing committee for each magisterial district which shall consist of...:

- (a) the Clerk of the Peace...;
- (b) one person, or his alternative, nominated by—
  - (i) the Tobago House of Assembly, in the case of Tobago; or
  - (ii) the Municipal Corporation of the municipality in which the magistrate’s court is located; and
- (c) one person nominated by the Minister in consultation with local business associations...”

Again, the Minister misunderstood. He said an NGO. Not an NGO, it is a representative of local business associations and when you have objections, who objects to an application for a liquor licence? The man who is applying for it? The businessman objects? Come on! Hon. Speaker, is the Minister living in Trinidad and Tobago? Did you see what was happening in Ariapita Avenue—not that I am in complete agreement with what went on there?

Did you see, Mr. Speaker through you? It was members of the public; it was residents of Woodbrook who were complaining against the grant of liquor licences to premises on Ariapita Avenue, not businessmen. So you are putting on the committee a representative of business. They will now decide who should get licences, but you are not putting on the committee a representative of the residents association.

What kind of upside down logic is that? You do not put a member of the community on the new committee, but you put a person who wants to run the rum shop or the club as the case may be. What do you expect a member, a representative from a business association to do?

**Mr. Ramadhar:** How you so dishonest, boy?

**Mr. C. Imbert:** Mr. Speaker, I will not—

**Mr. Speaker:** I think we have a Procedural Motion. I call on the hon. Leader of the House.

#### PROCEDURAL MOTION

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, in accordance with Standing Order 10(11), I beg to move that the House continues to sit until the completion of the matter before us and until dealing with the Motion on the legislative reform process.

*Question put and agreed to.*

#### MISCELLANEOUS PROVISIONS (LICENSING COMMITTEE) BILL, 2014

**Mr. C. Imbert:** Mr. Speaker, I think I will have to go slowly and go “ABC, 123 ketch a crab”, to explain to the hon. Minister because he is slow. He does not understand.

We are talking about the committee which will be granting the licence and you have now introduced on to that committee, the decision-maker—“ah” going slow, “ABC, 123, ketch a crab”—the committee which decides whether to grant a licence or not. You have now introduced on to that committee, like a virus or a germ or some contaminant, a representative of the business association in the community. Instead of introducing a representative of the community in order to have broad-based balance, so you have the Clerk of the Peace, you have the municipal corporation person, you have the business, you need to also have a member of the community.

If the committee is made up of three persons, Clerk of the Peace, regional corporation rep, business rep, clearly the presence of the business rep is going to create bias in the decision-maker; not just apparent, real bias.

If a businessman sees another businessman applying for a licence for liquor, certainly two things are going to happen. Either the businessman will say, that is a competitor, so I will object; or, that is a partner so I will agree. But there is going to be no fairness in the decision-making.

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So I hope I have explained through you, Mr. Speaker, to the Government that by introducing businessmen without balancing them with the community—if you had looked at the legal proceedings, if you had bothered to take five minutes to look at the legal proceedings with respect to the objections to those clubs, you would have seen that the court took due regard of the views of the community, the decision-maker. But you are changing the magistrate now as a decision-maker and you are putting a committee and what you are putting is a representative of business. So himself will be granting licence to himself.

Quite apart from that, Mr. Speaker, quite apart from all that, I heard the hon. Minister say that this reform now allows members of the public to object. You see, he likes to jump the gun. First, I am dealing with the decision-maker, so the public authority will now be subject to judicial review because in its very composition, it is biased by its very nature. So it is starting off with the judicial review over the transparency, the equity in the decision-maker. *[Interruption]* You can “steups” all you want you know. These are facts.

But let us go now to what is going to happen when you have an objection. Now, Mr. Speaker, one of the biggest problems in Trinidad and Tobago with respect to the granting of liquor licences is the granting of liquor licences for fetes. This is where people have the biggest problem. Those of you who might live in the Cascade area will be aware of the nuisance that is posed by fetes at the Chinese Association. Those of you who live in the Maraval area will be aware of the nuisance that is caused by the Country Club. Those of you from Cucharan Trace will be aware—*[Interruption]* Cucharan. Cuchawan? Cuchawan? By the Bull Bull Bridge?

I will be guided, Mr. Speaker, but those—I am speaking about matters of which I have knowledge, but there would be, I am certain, establishments in south Trinidad, in east Trinidad, in D’Abadie and O’Meara, in Oropouche, in St. Augustine—I think in the WASA fete, it was a kind of upside down “ting” that went on there.

Be that as it may, one of the biggest problems with respect to the grant of liquor licences in Trinidad and Tobago is the grant of what is called an occasional licence. You see, those of us who represent people, who take telephone calls from our constituents, who see our constituents in their office, who go in the field and talk to our constituents, those of us, like myself, will know that the grant of an occasional licence—I mean, the only person who will not know this is an MP who is dysfunctional, who does not have constituents who have made representation to them with respect to the occasional licence. The only person who will not know



this and would bring a Bill to this Parliament and not deal with section 44 of the Liquor Licences Act is a dysfunctional MP who is not listening to his constituents, who does not understand the problems of his constituents.

So, Mr. Speaker, when this Bill was debated in the other place, I got a barrage of calls from my constituents in Maraval.

**Hon. Member:** They know who their MP is?

**Mr. C. Imbert:** Yes. You see, unlike some “ah dem”, my phone number is listed in the telephone directory and I answer the phone and I deal with my constituents. [*Desk thumping*] Some of these Members they have unlisted numbers and I am not even sure if they go in their constituencies. I am not even sure if they live in their constituency. I am not even sure if they go home, following what the Member for Oropouche East has told me. But I live in my constituency; I live in my home. I go to my home every night and my number is in the book.

So, Mr. Speaker, as soon as this thing was up for debate in the Senate, in fact as soon as it was published on the website, I started to get calls. It was around the carnival period so my constituents were a little anxious because the Country Club had applied for an occasional licence and all of the people who live around the Country Club—now Maraval is a mature community, there are people living in Maraval for 50 years, for 60 years; a lot of retirees, a lot of elderly folk, especially in the lower part of Maraval in the area—[*Interruption*] I have a few years to go. You have to fix the pension legislation first and then “ah go join dem”.

All jokes aside, in the Maraval area, there are people who have been living there for 50, 60 years, retirees—elderly people, pensioners and so on—and they all live in the lower part of Maraval because that is how Maraval developed. It spread from Port of Spain, went toward Boissiere Village and then started to go up toward the village of Maraval and then you have the new communities of Fairways, Haleland Park and Moka, which came 20, 30 years ago; but the areas lower down in Maraval, in Boissiere, for example, are communities of 50, 60 years old with elderly people in them and they all live around the Country Club in Maraval. Whenever there is a fete, whenever there is a carnival fete at the Country Club, the Country Club applies for what is called an occasional licence. You see, a functional MP would know this.

**8.00 p.m.**

And hear what happens with an occasional licence.

“A licensed retailer of spirits or wine and beer may apply to a licensing committee at any time for an occasional licence, on the occasion of any public entertainment, festivity or meeting, to carry on his trade at the place of such entertainment, festivity or meeting and shall in such application state the name and residence of the person by whom such trade will actually be carried on; and the licensing committee may at its discretion grant such occasional licence for the hours, on the days and to the extent that may be considered necessary for the public convenience on condition that—

- (a) sufficient notice of such application has been given to the police officer in charge of the Police division, who may oppose the same;”

Now, I am going to go back to “ABC, 123, ketch ah crab”. What this means, Mr. Speaker, those very noisy fetes that are held at the Country Club, and I dare say are held at the Chinese Association; and I dare say are held all over Trinidad and Tobago by persons who are already licensed retailers of spirits—they already have a licence. It is not as if they are going before the magistrate for the first time, they have a licence already. They have an annual licence that allows them to retail spirits. What they are doing is when you have an event—Christmas, Carnival—they are going for an occasional licence and, unfortunately, in this very old law, the only person who can oppose that application—Minister of Legal Affairs, do something good for a change “nah”—is the police.

The residents cannot object to it, and there is case law on this, Mr. Speaker, because the residents who live in Maraval, Mr. Speaker, they went to court and they sought to join the hearing for the application [*Interruption*—you know about these things—and the court told them: “No, go and check section 44(1)(a) of the Liquor Licences Act and you will see, you have no locus standi.” Only the police can object; the public cannot object.

And, Mr. Speaker, the matter, they lost the case at the High Court and so desperate were they, because when you have these fetes—in any fete, it could be anywhere—the police, I am told, for whatever reason—I would not repeat what I was told sotto voce by the Member for Tabaquite. All I would say is that the police do not oppose these applications; they do not oppose these applications.

When the residents of Maraval went to the Court of Appeal to get this decision overturned, the Court of Appeal dismissed the case telling them until and

unless the Legislature amends section 44(1)(a) and allows a member of the public to object to the grant of an occasional licence, too bad, sorry. “We emphathise with you”—this is what the Court of Appeal said—“We emphathise, but the law, the way it is written, you cannot object.”

So here you have, Mr. Speaker—and I hear the frivolity from the hon. Minister, “ban fetes”. We are not talking here about banning fetes. You started off your entire contribution by saying that this Bill will give the public the right to object to the grant of licences. Your whole contribution is based on participation by the community in the grant of licences and allowing the public to object, and I have proven, Mr. Speaker, the public is not represented on the decision-making committee, and in the case of occasional licences which are often the most disruptive, because they are held at times when you have a lot of activity, a lot of energy and a lot of noise in the country—Carnival time, for example—the public cannot object. So they cannot make a decision because they are not on the committee, the residents. They are not represented on the committee and they cannot appear before the magistrate or the licensing committee as it will be now, and object because they have no locus standi.

I would have thought that any compassionate caring government, any sensible government, any intelligent government, any government that is in tune with the needs of the population, in seeking to bring a miscellaneous amendment Bill would have addressed the problem with section 44(1)(a) because you cannot talk out of two sides of your mouth at the same time. You cannot say the Bill is allowing greater participation by the public when it completely excludes them. They are not on the decision-making committee and they cannot object to the occasional licence.

I see the Member shaking his head. Do you know why he is shaking his head? Because he does not understand. You are bringing a Bill to change the law, to allow greater participation by the public—by the people affected by this—and you are deliberately not putting them on the decision-making body, and you are deliberately not amending section 44(1)(a) to, at least, allow them to have a presence in the court to object.

Mr. Speaker, on behalf of my constituents and on behalf of every citizen of Trinidad and Tobago, Mr. Speaker, I demand that the Government amend section 44(1)(a) of the Liquor Licences Act. [*Desk thumping*] At least, allow them to say something. Do not preach participatory democracy in your words and then defeat participatory democracy in your actions. The Minister could shake his head and

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nod his head a hundred times, it does not change facts, you know. The fact of the matter is you are putting businessmen, owners of bars, to decide who should get licences.

Mr. Speaker, you know, I have to go back with the “ABC ketch ah crab”, because he does not understand.

“The Liquor Licences Act is amended—

(a) by repealing section 5 and substituting the following section:

There shall be a licensing committee...which shall consist of the following members:

- (a) the Clerk of the Peace”—that is not a resident;
  - “(i) the Tobago House of Assembly”—that is not a resident;
  - “(ii) the Municipal Corporation”—that is not a resident;
- (c) one person nominated by the Minister in consultation with the local business associations...”

So, Mr. Speaker, what business associations would have locus standi with respect to the retail of spirituous liquors: a greengrocer? An apple vendor? A doubles vendor, Mr. Speaker? Come on, you put in the law, a liquor licenses law, that the Minister will put a representative of business associations, but what are you going to put? A gardener? A taxi driver? Clearly, it is persons who operate business establishments who have an interest in the granting of licences for the retail of spirits.

So the fact of the matter is that the law specifically states that it is in consultation with local business associations, not residents associations. What do you have against people? What is it that this Government has against people? What are you bringing this kind of draconian legislation for where the businessman will now have a say in whether he should get a licence or not? Come on! Even by the principles of fairness, if you wanted to do that, well put the residents too; put the relevant residents associations for the area if they have one—some kind of group representing citizens in that area. Have a heart!

So, Mr. Speaker, I know the Member for Tabaquite knows what I am talking about. He knows what I am talking about. He knows it is unconscionable. This is the second piece of unconscionable legislation for the day. It is unconscionable to remove the magistrate as the head of the licensing committee and put a businessman on the committee. It is unconscionable. What are you doing that for? What motivated that? What is the policy behind this Bill?

The Minister has not told us what is the policy. You know, in all his introduction, he has not told us what is the policy in granting licences to consult with business. You do not consult with labour; trade union is not interested. [*Crosstalk*] Mr. Speaker, now I am hearing is the PNM. We are running this country? This is what is going on here. I mean, come on, what a lame excuse. So you are putting in a businessman, you are not putting in a representative of labour; you are not putting in a representative of the people.

But let us deal with this occasional licensing because it is a serious matter, a very, very serious matter. I do not understand why the Minister does not see the need for that. What is your problem? Why is it that you want to leave the law as is; that only the police could object and they never object? So a businessman goes before a businessman—a businessman who owns the place, the club, goes and sits and stands before a committee comprised of a businessman and his peers and the police do not show up—[*Crosstalk*] Go ahead and say that. We are dealing with serious matters here. As a parliamentary representative, I am appalled that the Member for D’Abadie/O’Meara that he could be supporting a situation where you are excluding the public from having any say in the granting of occasional licenses. [*Crosstalk*] But you just said so.

**Hon. Member:** Explain it again.

**Mr. C. Imbert:** Explain what? Why are you not amending section 44? [*Crosstalk*] He cannot educate me. I am calling on the Minister to amend section 44(1)(a). You do not do it, no problem, we will do it, Mr. Speaker. I am giving a commitment to my constituents and also to the general public—all citizens of Trinidad and Tobago who have been affected by occasional licences, affected by the grant of occasional licences without consultation with residents; without allowing residents to make an appearance in the court; without allowing the cries of residents of Trinidad and Tobago to be heard—I am giving a commitment on behalf of the People’s National Movement. I realize this Government likes to railroad legislation. I realize this particular Minister is “harden”; he does not like to listen. Go ahead and pass your nonsense law—I am giving a commitment on behalf of the People’s National Movement that we will amend section 44(1)(a) of the Liquor Licences Act to allow—[*Interruption*]

**Hon. Member:** Unless Penny wins.

**Mr. C. Imbert:** Not a chance; not a snowball’s hope. [*Laughter and desk thumping*] But you know that too. Not a snowball’s hope in that hot place. But I am giving a commitment on behalf of the PNM, we will amend this to give

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residents associations a say; to give members of the public a say and to allow members of the public to object. The committee does not have to take them on. They just have to be heard, a basic principle of natural justice; the right to be heard. All these people are crying for is a right to be heard but, Mr. Speaker, we will do it. He does not want to do it because he is lazy or whatever, we will do it, Mr. Speaker, on behalf of every citizen of Trinidad and Tobago whose sleep and peace and tranquility and life has been disrupted.

You know, long time, Mr. Speaker, when you went to a fete they used to have small speakers, a little two foot by three foot. [*Interruption*] No, not too long ago. [*Laughter*] Mr. Speaker, when you go to a fete now, you have an array of speakers—the size of the speaker, 20 feet high, 20 feet across. The decibels level, Mr. Speaker—the output and power of the sound systems nowadays—the sound travels for miles.

If you live close to one of these establishments and they put up the speaker five feet away from your wall, because you cannot object—as a member of the public, you cannot do anything, you know. You cannot say “boo”, you have no locus standi. So they put up the speaker tower, as they did for the Country Club fete, a couple feet away from the wall—the person’s house is just five feet or 10 feet over the wall—as they start to put on—“Gih meh ah song”—that bumper to real [*Laughter*] and the base starts to jam, Mr. Speaker—[*Laughter and desk thumping*]—or they put on “big truck”—[*Crosstalk*]

**Mr. Roberts:** Or yuh dhote too short!

**8.15 p.m.**

**Mr. C. Imbert:** “Nah”, not that one. [*Laughter and desk thumping*] Mr. Speaker, if you have ever been in a house next to one of these establishments, when they put on this music and a heavy baseline, the whole house shaking up, your windowpane shaking. You could put in earplugs, you still getting it, Mr. Speaker. On behalf of every person in Trinidad and Tobago who has had their peace and tranquility disturbed by things like that, when they were denied a natural justice provision, when they were denied the right to even say that they should place the speakers at least 50 feet away from their wall, on behalf of all those people, Mr. Speaker—[*Interruption*]

**Hon. Member:** What is the EMA in all of this?

**Mr. C. Imbert:** We will amend this law. The public is not involved in that. We will amend this law, the public has no right to object to that either.

We are going to amend this law on behalf of all the suffering public of Trinidad and Tobago. If the Minister does not want to do it, the Government does not want to do it, that is their business. This is yet another instance of bad law—yet another instance of bad law, pandering to business interests and excoriating and punishing the public of Trinidad and Tobago. We are not in support of this legislation, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** The hon. Member for La Horquetta/Talparo and the Minister of Land and Marine Resources. [*Desk thumping*]

**The Minister of Land and Marine Resources (Hon. Jairam Seemungal):** Thank you, Mr. Speaker, for allowing me to contribute on this debate brought by my colleague, the Member for St. Augustine and the Minister of Legal Affairs.

Mr. Speaker, I listened to both the Member for St. Joseph and the Member for Diego Martin North/East, and on listening to both, one would feel that the Member for St. Joseph has a scrap metal plant that he is looking after, and the Member for Diego Martin North/East dwelt on the Liquor Licences Act, in direct contravention to the Member for St. Joseph, because the Member for St. Joseph said that there are eight pieces of legislation and the Liquor Licences Act is not as important as the rest, but the Member for Diego Martin North/East spent all his time on the Liquor Licences Act.

Mr. Speaker, let me just address the Member for Diego Martin North/East where he spoke a lot about the licensing committee, and the licensing committee, he rightfully said that it comprised of the Clerk of the Peace, a representative from the Tobago House of Assembly or the municipal corporation, and a member of the business community, and like all his presentations, he fell short of giving other explanation to coincide with what he has said before.

But, Mr. Speaker, the licensing committee comprises of these individuals, and further down in the same amendment what he did not give is with respect to clause 2(4), and permit me to read into the *Hansard* to help with persons who would like to read on this debate afterwards, and to correct some of the grave errors that he may have placed on *Hansard*, and permit me, Mr. Speaker, in subsection (4):

“A member of a licensing committee shall declare any possible or perceived conflict of interest in respect of an application before the committee, and”—  
Mr. Speaker, in such a case any member, that—“member shall-

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(a)...withdraw from considering the application and...

(b)...be replaced by his alternate.”

[*Crosstalk*] Mr. Speaker, the Member for Diego Martin North/East had a lot of time. He even had more time that he could have spoken. So if you would ask the Member for Diego Martin North/East if he can keep quiet a bit.

Mr. Speaker, he also said, and the section further goes on to say that:

“a conflict of interest is deemed to arise if a member of a licensing committee makes or participates in the making of a decision”—and—“he knows or ought”—reasonable—“to know, that...the making of the decision, there was an opportunity either directly or indirectly to further his private interests or that of a member of his family...”

Mr. Speaker, what the Member is saying is that the members of the business community, they may be corrupt, the members of the business community would not give regard to members of the community, the members of the business community would make decisions that are not in keeping with the ordinary man on the street. But, Mr. Speaker, a member of the business community is a member of any business, not necessarily a member of the liquor licensing that the Member for Diego Martin North/East alluded to.

So, Mr. Speaker, I thought I would want to clear that point, that the licensing committee comprises of members of the business community who are just as hard-working as everyone else, and may even come from the neighborhood where one of these events is also taking place. So he is not just a member of the business community, he is a member of the community, and that is the point that the Member for Diego Martin North/East tried to mislead this House against.

Mr. Speaker, this Bill seeks to amend the Liquor Licences Act, Chap. 84:10 of 1955; the Cinematograph Act, Chap. 20:10, 1936; the Registration of Clubs Act, Chap. 21:01 of 1955; the Theatres and Dance Halls Act, Chap. 21:03, 1934; the Moneylenders Act, Chap. 84:04, 1932; the Pawnbrokers Act, Chap. 84:05 of 1889; the Licensing of Dealers (Precious Metals) Act, Chap. 84:06 of 1945; and the Old Metal and Marine Stores Act, Chap. 84:07 of 1932. Mr. Speaker, these Acts did not come into effect in 2010, nor 2011, or 2012 and nor 2013, so when the Member spent a lot of time stating that when they come in Government he will amend these Acts, these Acts were there on the books before. In the history



of the PNM, they were there on the books and he never thought about amending these Acts and seeing about the simple people until the Minister of Legal Affairs brought this Act to Parliament. [*Desk thumping*]

Mr. Speaker, that is totally dishonest and misleading to the general community, making them feel that he cares about them, or the PNM cares about them, and then they come into the Parliament and try to read into the *Hansard* very misleading and dishonest statements [*Desk thumping*] with respect to how they care about individuals. Mr. Speaker, when one looks at these eight pieces of legislation that we are amending, one may want to look at what are the purposes, or what are the benefits to these pieces of legislation once amended.

Mr. Speaker, the answer is a multifaceted one. Mr. Speaker, first of all, it is designed to relieve the frustration and discomfort of applicants seeking to procure licensing for various fields of endeavour. Secondly, the Bill is part of this People's Partnership plan for a more effective and a more efficient judicial system in an effort for tackling crime. Thirdly, Mr. Speaker, it engenders community development and cooperation among citizens in towns and villages. Fourthly, it is used to update penalties and fines for breaching licensing agreement. And, finally, it will be used to improve the ease of doing business. Some of these, Mr. Speaker, I will attempt to expand during my contribution.

Mr. Speaker, on assuming office in 2010 the People's Partnership Government outlined seven pillars of sustainable development on behalf of the people of Trinidad and Tobago. Mr. Speaker, one is people-centered development; two, poverty eradication and social justice; three, national and personal security; four, information and communication technology; five, a more diversified, knowledge intensive economy; six, good governance; and seven, foreign policy. Mr. Speaker, these are the very pillars which our manifesto of the People's Partnership Government is based upon.

Mr. Speaker, with respect to my first aim, or the first aim of this Bill, of relieving the frustration and the discomfort of applicants for these miscellaneous licences, we have to consider the ordeals that persons go through on a week-to-week or their appearance in the court system with respect to these renewals. Mr. Speaker, they have to attend court and, not infrequently, they have to wait sometimes the entire day to have their application heard. Sometimes, and more often than not, they are told that the matter is not ready, they have to come back the next day, especially if the magistrate is not there on that day, well then they have to come back, and if the magistrate gone on a week they have to come back again.

Mr. Speaker, sometimes they may not have all the supporting documents, because when you have to make these applications before the court, for some of these you have to ensure you have the approval of the fire service, the health sector, and other Government agencies to complement your application. So it is not just a matter of applying directly to the magistrate and he makes a decision. When you have to apply for a liquor licence, you have to apply to the police itself to have a police character, or a police visit your establishment to determine whether or not you qualify for a liquor licence. You also have to have the Health Inspector visit your place. You also have to have the fire service inspect your place, and Town and Country must have given you approval prior to the application.

So when the Member for Diego Martin North/East comes here and wants to mislead this House, and tells the House that it is the committee and the committee makes the decision, Mr. Speaker, there are institutions set up to ensure that the process is not tainted.

**Mr. Imbert:** Would the Minister give way? I thank the Minister for giving way. The occasional licence applies to somebody who already has an annual licence, so they have met all the requirements in terms of Town and Country Planning, et cetera. So therefore we are not talking about somebody who has not complied with all those multitude of requirements. We are talking about somebody getting an occasional licence to make noise, and giving residents a right to be heard to deal with that.

**Hon. J. Seemungal:** You know, if I knew the Member was going to continue in this trend that he was, I would not have given way.

Mr. Speaker, he spent a lot of time speaking and chastising the Member for St. Augustine about the licensing committee and the work of the licensing committee, and whether or not they can do a proper job; whether or not the businessman placed in the licensing committee will do a fair job. He spent all his time, the majority of time, speaking and chastising the licensing committee. I am dealing here with the licensing committee, and the Member now wants to change his mind and talk about the section. The Member will deal with the section 44(1)(a) in course, but let us finish the debate on the licensing committee.

### **8.30 p.m.**

So, I am just putting on the record for persons who would come back and look at this debate and see whether or not the Member for Diego Martin North/East was actually making sense and then they would realize that—Mr. Speaker, I just

want to repeat, very slow, so that the Member for Diego Martin North/East would understand the process. I know he is an aspiring lawyer, but we who attend court sometimes, we know of the process and the hardship of clients when you attend these courts.

Mr. Speaker, to obtain a liquor licence you must apply to the police and the police must visit your place, and you must have that certificate from the police that they visited and they gave you clearance. You must apply to fire department, the fire department will visit your place, they will have to number your rooms, you would have to put up your fire hydrants, you will have to make sure that your place has sufficient ventilation and also exits in case of any events of fire or hazard. They also have to apply to the health inspector. The health inspector also visits your place and ensures that your water system is okay, your food is being treated properly, that the place where you store food, if you have any at all in these bars, also prescribe to the sanitation and the sanitary inspector's regulation.

Mr. Speaker, these are four institutions of the State that assist the committee with respect to issuing a licence, and it is not just the committee that you apply to and they issue a licence automatically. You have to provide these documentations from these independent institutions of the State, and that is what I believe that the Member for Diego Martin North/East was misleading the House in his very cunning way to feel that it is the licensing committee alone to deal with these licences.

So, Mr. Speaker, these hardships that persons encounter with respect to the application, let me just go back and draw an analogy of how these hardships really occur. Mr. Speaker, when we came into office in 2010, I was very fortunate to have been sharing a Ministry with the Member for St. Augustine, who was the Minister of Legal Affairs, and I was Parliamentary Secretary in the Ministry of Legal Affairs—and when we went into office, similar to these persons today who are suffering in waiting in the Magistrates' Court, there were lines from the Registrar General's door straight down—who knows the Trinidad House—up Abercromby Street. Every single morning we are told, Mr. Speaker, from sometimes two o'clock in the morning, persons lined that street, and the Member for Diego Martin North/East would have been passing there on a regular basis, and they were seeing it on a regular basis, and they were in Government then. Just like the section 44(1)(a), they never did nothing now; you think they will do anything in the future, Mr. Speaker?

**Hon. Member:** Never! Never!

**Hon. J. Seemungal:** Mr. Speaker, both the Minister and I had to come up with ways to move these people off the street, these inhumane facilities that they had to endure. The harsh weather, rain falling, flood, on the corridors of the Ministry of Legal Affairs, moved them from there and put them inside the building.

We gave instructions to the security that the building should open at 5.00 a.m. to move these people from the street—very law-abiding citizens, many times there were clerks working in lawyers’ office, there were people coming from Toco, from Moruga, from Mayaro, old people coming to look for a birth paper or something and coming to the Ministry in Port of Spain and having to endure that type of hardship under the People’s National Movement Government, and to come here and say that when they come in office “they go do something”. They did not do it now, you think they would do it again? That is only one.

We have also in the Ministry of Legal Affairs moved birth certificates—you used to spend two years, when a family marry and they have children they had to wait two years to get a birth certificate—two years when you make that first baby, you have to hold in your hand and put a name, and some never got birth certificate.

Mr. Speaker, the Ministry of Legal Affairs which is piloting this Bill, moved birth certificate from two years to two days, and now it is two minutes. [*Desk thumping*] Your death certificate is also by way of electronic copies, and to make life easier there are now four registrar general’s houses: one in Port of Spain; one in San Fernando; one in Tobago and the very new one in Arima. [*Desk thumping*]

Mr. Speaker, this is how we look at people. This is how we treat people. The Member for Diego Martin wants to know about how we treat people, if we care about them; this is caring for people. This is a Government that cares for every single individual from every nook and cranny of this country, to make sure that the services are made available to them in an easier and humane manner. It is the same thing with this Bill. This Bill is making the lives of individuals accessing the courts of Trinidad and Tobago and the services that they require, much easier and this is what this Government is about.

Mr. Speaker, in many of these Magistrates’ Court, this is how they operate with respect to these licences. They have one day for the licence for the week, so the magistrate will put aside every single thing that they are doing to call a “Licence Day”, and every applicant is expected to be at the Magistrates’ Court on that licence day, and if the magistrate does not come, you come back another day.

But, it does not stop there, the magistrate goes to hear the application, then the magistrate has to go and verify whether or not what they are saying is true. So, the magistrate has to leave Magistrates' Courts matter—and statistics have shown that there are over 130,000 applications before the Magistrates' Courts in this country, and only 10 per cent of them are actually heard before the court. The rest of them, for those who have never gone to court before, and the Member for St. Augustine knows, and the Member for Oropouche East would have the opportunity sometime to practise in those courts as well.

**Dr. Moonilal:** You wish me to leave here? [*Laughter*]

**Hon. J. Seemungal:** “May ever have”, I correct my statement. And the Member for Diego Martin North/East, he may very well practise in the Magistrates' Court next.

But, Mr. Speaker, when you go to these Magistrates' Courts, apart from being small, they are overcrowded, and especially on a licence day; every person who requires a licence comes on that particular day to attend court. Even the OSHA Act does not prescribe the number of people attending court to obtain a licence on that particular day.

So the situation is grave and it is of hardship to the individuals who attend court for their licence. Mr. Speaker, these are not attending court as criminals, these are not attending court because they have done something wrong; these are entrepreneurs, these are business people, these are people who are making an honest living, have to go and fight in the court system, as it is now, just to renew a licence. And, that being so, what we will be doing is actually freeing up two days now for the magistrate to hear other matters, and they could actually hear matters with respect to criminal activity or whatever else they can do in the course of the judicial system. So, Mr. Speaker, this is actually assisting the judicial system and lending towards that whole process, to make the Judiciary, by way of the magistrate, more efficient and effective.

Mr. Speaker, the licensing committee by way of the legislation gives the Clerk of the Peace the authority to chair these licensing committees, and in every district there is going to be a licensing committee responsible for that jurisdiction in which the court applies. So, Mr. Speaker, not only would this Bill assist with respect to the freeing up of the Magistrates' Court, it will also assist victims of crimes who are sometimes waiting days upon days and months and years to have their matter heard, because they are affected by some criminal matter. So, it would provide now an opportunity and at least give them an early opportunity

within the judicial system of the Magistrates' Court to hear their matters. Even the persons who are offended as well—I mean, to see some of these matters going on for years and years, because the magistrate just does not have time, it will also assist them.

Mr. Speaker, on the issue of engendering the community development and cooperation among citizens, I am here referring to an improved system in handling the objection to the licensing application. This is really providing an opportunity for persons to object, not only to object to the licence, per se, but it gives the opportunity for persons to object based on the fact that there may be disturbance in the neighbourhood; the cars may be parking in front of your driveway; persons coming and urinating by your wall. These are things that within these neighbourhoods that persons can use in addition to the general objection to object directly in writing to the committee. Once this objection is taken, the committee is then obligated to call parties together.

Now, Mr. Speaker, most of the time these are parties that know each other, you know. These are parties that actually live in the same neighbourhood, some of them actually block the road to get their road repaired, they would join in those. Some of them actually go to church together; their children play together; they go to school together and they sometimes lime together, but when coming to these liquor licences, that is when the conflict occurs. So, rather than going to a full-blown trial as currently in the system, because if you object you go straight to the magistrate, the magistrate calls a trial, you call witness, you bring your lawyer, it becomes very expensive, and from one day being friends, the next day you are full enemies because you are battling each other.

So, this allows for the committee to actually hear these individuals, first of all, in an ADR session, closed door, parties sitting together, if they cannot find a formula and they are still at loggerheads then they refer the matter to the magistrate for trial.

So, Mr. Speaker, I want to support my colleague in this Bill, and this Bill will not only lend support to the community, it will help build the community in a different way. It also helps the businessmen who spend a lot of time in these liquor licences day; it also helps to free up the judicial system and it also helps to build communities and, unlike the Member for Diego Martin North/East, who says that we do not care about people and we do not care about the little people, this allows every single person to have an equal opportunity and an equal voice amongst the law.

I want to congratulate the Member for St. Augustine and Minister of Legal Affairs for his foresight in bringing a piece of legislation, something the previous administration failed to do and now they are coming to say they are going to do it—50 years they did not do it, but now they are going to do it. We are doing it, Mr. Speaker.

I thank you.

**8.45 p.m.**

#### ARRANGEMENT OF BUSINESS

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that the debate on this matter be adjourned.

**Mr. Speaker:** Hon. Members, the question is that under Standing Order 37(3), this debate on the current matter before us be adjourned.

*Question put and agreed to.*

#### DRAFT HOUSES OF PARLIAMENT SERVICE AUTHORITY BILL, 2014 (Appointment of Joint Select Committee)

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, it is my honour to speak to the Motion that is stated on the Order Paper in my name:

*Be it resolved* that the Legislative Proposal entitled, “the Draft Houses of Parliament Service Authority Bill, 2014” be referred to a Joint Select Committee of Parliament for its consideration and report no later than May 31st, 2014.

Mr. Speaker, this is a Motion that is very critical for us, seeking to deal with the role of the Parliament in enhancing our governance structures, in ensuring that the Parliament of the Republic of Trinidad and Tobago is so enhanced to become a truly independent institution that represents, not just the citizens of Trinidad and Tobago, but also provides Members of Parliament with the capacity to undertake their work in a much more productive environment, and provides, through a legislative proposal, entitled the House of Parliament Service Authority Bill, 2014.

Mr. Speaker, parliaments around the world have been moving towards the establishment of corporate bodies as a method of improving the utilization of resources, as well as enhancing their independence from the Executive. Since the

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main function of the Parliament is to hold the Executive to account, there is a compelling argument that the Parliament should be allowed to discharge its constitutional functions without Government interference. It is felt that the establishment of a corporate body secures the independence, effectiveness and accountability of the Parliament, and overall good parliamentary governance.

At present, the governance structure of the Parliament is similar to other departments of Government. The staff of the Parliament is public service, employed through the Public Service Commission or contract employees, with terms and conditions of employment determined by the CPO. Budgeting arrangements follow the same procedures established for ministries, requiring regular reports to, and requests for release of funds from the Ministry of Finance.

In 1997, a report of the House Committee of the House of Representatives identified a need for organizational change for the Parliament, which has remained unaltered since 1962. Mr. Speaker, you will recall that recently we passed the historic Motion that dealt with the review and reform of the Standing Orders. Again, the matter of the organizational structure of the Parliament and the basis for its financial management has been rooted in the post-colonial public administration system since 1962, and in 1997, a report by the House Committee spoke to this change.

The then Cabinet mandated the Law Commission to prepare a working paper on the issue. The Law Reform Commission submitted its report to the Cabinet in 2000. This year 2000 working paper of the Law Commission on the reform of the management structure of the Parliament, was laid before both Houses of Parliament and referred to a joint select committee of Parliament for consideration. In pursuance of its mandate, that committee examined several management structures which existed in other Commonwealth Parliaments, such as the United Kingdom, India, Sri Lanka, Barbados and elsewhere, and considered legislative policies which would be required to effect the proposed reforms.

Mr. Speaker, after prudent deliberations and the examination of the legislation of other Commonwealth Parliaments, the joint select committee reported in 2000, recommending the establishment of an independent administrative corporate structure for the Parliament with a management board, as obtained in modern legislatures. It also recommended a service commission to deal with staffing issues, separate and independent from the Executive.



Mr. Speaker, that proposal adopted by the Law Commission, also led to a working paper and recommendations of the committee, following which the office of the Attorney General prepared a draft preliminary Parliament Service Act in 2000 and a Constitution (Amdt.) Act, 2001. Upon receipt of the draft legislation, the then Speaker referred them to the Clerk of the House for comment. Unfortunately, the 2001 dissolution of Parliament interrupted the progress of these pieces of legislation and no priority had been given since 2001 to this matter in the succeeding years.

Consequently, this matter was among a package of outstanding business handed over to this current Parliament and the current Speaker of the House. However, since the laying of the committee's report in 2000, two significant studies have been conducted as a result of the Commonwealth Latimer House principles endorsed at a Commonwealth Heads of Government meeting in Abuja in 2003.

The report of a Commonwealth Parliamentary Association study group on the administration and financing of parliament held in Zanzibar, Tanzania in 2005, and most recently the CPA Benchmarks for Democratic Legislatures of the Caribbean, Americas and Atlantic Region, also contained instructive recommendations for the independent governance of modern parliaments and promote reformation of the management structure of parliaments to provide for independent corporate bodies. It has been recommended that all parliaments should seek to reform their management structures either by legislation or resolution and to establish corporate bodies responsible for providing services and funding entitlements for parliamentary purpose.

Mr. Speaker, the need for the Parliament to evaluate and transform its present governance structure has become critical, as many jurisdictions have since adopted and enacted legislation to address the relationship between the Executive and the Legislature. The Parliamentary Service Acts have emerged as the common approach in defining this relationship, notably examples of its application include the Parliaments of Canada, Australia, the UK, New Zealand, Scotland and elsewhere. These parliaments have all adopted systems that distinguish the organization of support services for parliament with a central aim of removing policy and management responsibility for those services from the Executive. In many of these countries a Public Service Commission has responsibility for the personnel establishment of executive ministries and departments.

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[HON. DR. R. MOONILAL]

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So, Mr. Speaker, it is along these lines that the legislative proposal attempts to bring reform and attempts to refashion the current institutions to better promote independence and better promote the integrity of these very critical governance institutions.

Mr. Speaker, the process of reforming the management structure of the Parliament that commenced in 2000 was resumed during this 10<sup>th</sup> Parliament and the package of the 2001 draft legislation was revised to provide for the establishment of an independent corporate structure for the management of the Parliament. It is against this background that the Draft Houses of Parliament Service Authority Bill, 2014 was approved by the Cabinet for laying as a legislative proposal in the Parliament. This proposal was laid in this House on February 14, 2014 and is now before us for consideration today. Mr. Speaker, I am advised that the proposal before us took several months to prepare since the legal and technical consultant felt it was necessary to conduct proper research on several models.

As would be observed by the perusal of the proposal, the implementation of an autonomous structure for the Parliament will require the establishment of a parliamentary management board to act on all financial and administrative matters in respect of staff, services, premises and Members. In keeping with best practices as established in the previous mentioned works, the board will act as an employer for staff of the parliamentary service and will have legal authority to approve the terms and conditions of employment.

Another critical element is the proposed transformation of the present system and the establishment of a parliamentary service as an administrative agency. This agency will provide services to Members of Parliament that promote effective parliamentary governance by supporting them in carrying out their duties and maintaining services and facilities.

So, Mr. Speaker, our Parliament has established a vision to become a modern Parliament that fulfils its constitutional duties to its fullest extent and effectively serve the people of Trinidad and Tobago. This legislative proposal which will facilitate the transformation of the administration of the Parliament is but one step on the road towards the maturity and the development of the Legislature and the ultimate realization of this vision.

For all these reasons, Mr. Speaker, I beg to move:

That the legislative proposal entitled “the Draft Houses of Parliament Service Authority Bill, 2014” be referred to a Joint Select Committee for consideration and report.

Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Colm Imbert** (*Diego Martin North/East*): [*Desk thumping*] Mr. Speaker, it is typical of this Government to bring matters before this Parliament that are not done properly; that are fraught with error; where the Government has not done its homework; where the proposals are impractical, unworkable, ultra vires the Constitution, anti-people. [*Laughter*] It is the practice of this Government to do that, and today we had two examples of that, and here we are, Mr. Speaker, this is not an example of that. [*Laughter*] In this case, I will not speak for 75 minutes, nor even 45 minutes or even 15 minutes, as the case may be. I think it is just necessary to say some things about what we are seeking to achieve so the public will know and parliamentarians will know.

The Leader of Government Business pointed out that the objective of these legislative proposals, which include a Bill, the Houses of Parliament Service Authority Bill, 2014, among other things, that the objective is to dismantle the existing public service model with an independent, non-partisan Houses of Parliament Service Authority.

What the public needs to know, and what parliamentarians need to know, is that this new Parliament Service Authority, which is set up to serve the Parliament, not to usurp the functions of the Speaker or to interfere with the independence of Members—it is a service authority—it will be managed by a board comprising Members of Parliament, representative of the Government, the Opposition and the Independent Senate Bench and chaired by the Speaker, and that is a very laudable proposal and objective so that they will be, not just bipartisan, but the board of management of the Parliament Service Authority—  
[*Interruption*]

**Hon. Member:** Tripartite.

**Mr. C. Imbert:** Tripartite? I guess you could use that word—will comprise all of the Members of Parliament on the Opposition, Government, Independent Benches—representatives of them—and the Speaker will also be there.

The Authority will directly employ the Parliament staff, other than the holders of office of the Clerks of the House and the Senate, both of which it is proposed—and I guess this is one of the things that we need to look at very carefully. It is proposed that these two office holders—Clerk of the House, Clerk of the Senate—are to be given the status of special offices under the Constitution and appointments are to be made to these offices by the President on the advice of the

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Prime Minister and the Leader of the Opposition, so that the Clerk of the House, the Clerk of the Senate, in theory, will be insulated from politicians and political interference in their appointment. The Clerk of the House, it is proposed, shall be the Chief Executive Officer of this new Parliament Service Authority and shall manage the Authority and be responsible to the board.

The specific objects of the legislative proposals are:

“to ensure the autonomy of and to promote...efficiency of the Parliament...

to establish an independent non-partisan Houses of Parliament Service Authority...

to provide a legal framework for the effective and fair employment, management and leadership of the employees of the Authority; and

to establish rights and obligations of the employees of the Authority.”

The whole point behind this whole thing is to allow the Parliament to be independent: free from pressure from the politicians, free from pressure from other elements, interest groups or forces within the country.

### **9.00 p.m.**

In terms of funding, I would say, in similar fashion, not exactly, to the Tobago House of Assembly, a fund will be created and the appropriations of Parliament will be deposited into that fund which will be under the control of the board and the Chief Executive Officer. You know, Mr. Speaker, the way the Tobago House of Assembly is treated is there is a Dispute Resolution Commission which ensures a certain minimum funding for the Tobago House of Assembly, and we should, perhaps, look at that or some form of that in terms of funding the Parliament. Because one way a Government can control an institution is to starve it of funds. You have heard the Judiciary in years past, not now so much, but many years ago, a former Chief Justice complained that a then Attorney General was using funding as a weapon to harass the Judiciary—I am not taking any sides in that battle, I am just saying the complaint was made.

Therefore, in establishing the independence of this service authority, putting the positions of Clerks of the House and the Senate as creatures of the Constitution appointed by the President in consultation with the Prime Minister and the Leader of the Opposition, I think we also have to look at the independence of the funding arrangements for the Parliament. So that when this thing goes to the committee, I am sure there is a lot of it we can accept right away, but there are some things we need to tweak, because if we really want the Parliament to be

independent and free from political interference, then we have to make it truly independent. We must, I mean we cannot—it is like a former Prime Minister said, “yuh cyah be half pregnant. Yuh know, is either yuh pregnant or yuh not pregnant.” So the Parliament cannot be half independent, it is either you are independent or you are not independent, and you are not under pressure from the Executive by way of denial of funding in terms of forcing the Parliament to operate in a particular way.

So that in principle, no one could possibly, I think, as far as I know, no serious person could have any objection to the principles enunciated in these legislative proposals. We just need to tweak them a little bit, to see if we can really achieve the objective of true independence so I support the measure, Mr. Speaker, that it goes to a joint select committee.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I have heard all the arguments put forward by the Member, all these critical comments raised and I am sure at the Joint Select Committee, we will address the very serious concerns.

I beg to move.

*Question put and agreed to.*

Resolved:

That the Legislative Proposal entitled, “the Draft Houses of Parliament Service Authority Bill, 2014” be referred to a Joint Select Committee of Parliament for its consideration and report no later than May 31st, 2014.

**JOINT SELECT COMMITTEE  
(APPOINTMENT OF)**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move the following Motion:

*Be it resolved* that this House appoint the following five Members to serve with an equal number from the Senate on the Joint Select Committee established to consider the Legislative Proposal entitled: the Draft Houses of Parliament Service Authority Bill, 2014.

The following five persons: hon. MP, Wade Mark, Chairman; Colm Imbert, MP; Marlene Mc Donald, MP; Dr. Roodal Moonilal, MP and Jairam Seemungal, MP.

*Question put and agreed to.*

*Adjournment*

*Friday, March 21, 2014*

**ADJOURNMENT**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, I beg to move that this House do now adjourn to Friday, March 28, 2014, at 1.30 p.m. On that day, it is Private Members' Day and my colleague opposite may wish to serve notice as to the business on that day.

**Miss Mc Donald:** Thank you, Mr. Speaker. I hereby give notice to the Government that on Private Members' Day, March 28, we will be debating the Motion filed by the Member for Diego Martin West and Opposition Leader, the matter concerning the WASA affair. Thank you.

**Leave of Absence**

**Mr. Speaker:** Hon. Members, before putting the question to the House for adjournment, I would like to revert to an item under announcement. Hon. Members, I have received communication from the hon. Kamla Persad-Bissessar, Prime Minister, Member of Parliament for Siparia, who is out of the country and has asked to be excused from today's sitting of the House. The leave which the Member seeks is granted.

Hon. Members, may I also take this opportunity to advise that dinner is served and Members are accordingly invited to have their dinner prior to their departure from the Parliament building.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 9.07 p.m.*

## WRITTEN ANSWER TO QUESTION

**Petrotrin  
(Suspension of Employees)**

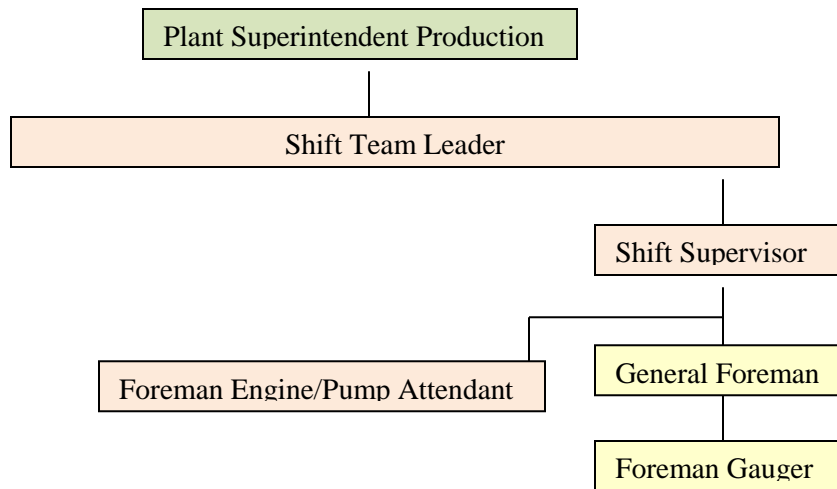
**72. Mrs. Paula Gopee-Scoon** (*Point Fortin*) asked the hon. Minister of Energy and Energy Affairs:

Could the Minister state:

- a) The reasons for the recent suspension of employees involved in the loading and receiving of fuel at the port and marine operations of Petrotrin, Pointe-a-Pierre?
- b) Whether any disciplinary action has been taken against these employees to date?
- c) What is the current job status of these employees?
- d) What are the job titles of these employees and to whom do they directly report?
- e) The detailed chain of command related to these employees and the jobs which they perform?

**The Minister of Energy and Energy Affairs (Sen. the Hon. Kevin Ramnarine):** The loading of the Marabella barge involved two functional areas, Refinery Operations and Port Operations. The chain of command in ascending order for those persons engaged in the respective operations was as follows:

(A) Organisation Chart

Refinery Operations (Oil Stocks):

- The Foreman Engine/Pump Attendant reports to the Shift Supervisor who reports to the Shift Team Leader
- The Foreman Gauger reports to the General Foreman
- The General Foreman reports to the Shift Supervisor who reports to the Shift Team Leader

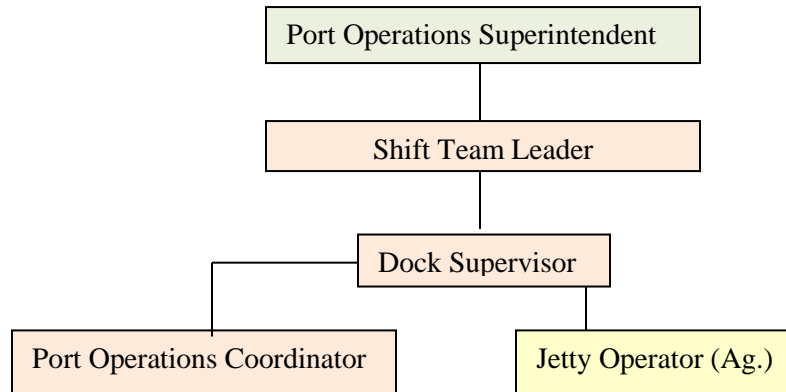


*Written Answer to Question*

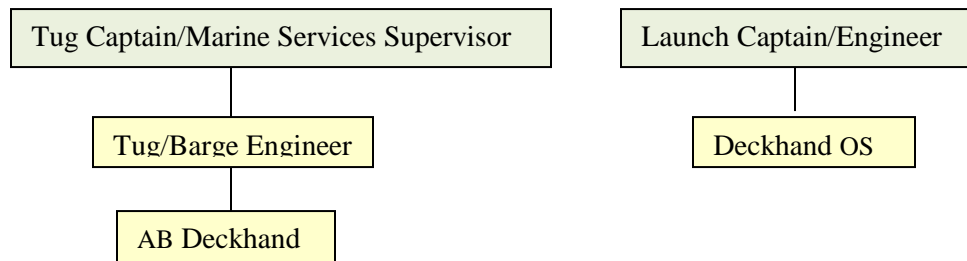
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(B) Port Operations (Port and Marine):

Port



Marine



- Port Operations Coordinator reports to the Shift Team Leader (Port & Marine)
- The Jetty Operator (Ag.) reports to the Dock Supervisor
- The Dock Supervisor reports to the Shift Team Leader who reports to the Port Operations Superintendent
- The AB Deckhand reports to the Tug/Barge Engineer who reports to the Tug Captain/Marine Services Supervisor
- The Deckhand Ordinary Seaman reports to the Launch Captain/Engineer

(C) The functions of the twelve (12) Petrotrin employees who were engaged in the loading and receiving of fuel at the Petrotrin Pointe-a-Pierre Port on December 17, 2013 are as follows:

- The Shift Team Leader (Port and Marine) is in charge of vessels loading and discharging operations in the Port.
- The Dock Supervisor is in charge of berthing, unberthing, coupling and uncoupling of hoses and housekeeping.
- The Port Operations Coordinator is the central communication link in Port and coordinates activities on the Port
- The Shift Supervisor (Oil Stocks) executes all oil stock activities and shipping schedules as per daily instructions.
- The Shift Team Leader (Oil Stocks) directs and controls the performance of assigned plants. Ensures safe and controlled start-up operation and shut down of plant and equipment.
- The Foreman Engine/Pump Attendant (Oil Stocks) operates equipment at the number 1 pump house and environs. He/she ensures that products to be transferred from tanks to the bund area and loading docks are correctly routed.
- The Jetty Operator effects and maintains safe and efficient operations for vessel turnaround on assigned berth. Monitors vessel activities and mooring lines during cargo operations. Monitors pipelines/hoses for operating pressures and leakages, takes appropriate action and reports all abnormalities
- The Able Bodied (AB) Deckhand carries out operations and maintenance of tugs and barges as directed. Handles (securing, letting go) all mooring lines, during berthing, towing and unberthing activities on vessels.
- The Tug/Barge Engineer supervises and carries out the effective and efficient operations and maintenance of tug and barge facilities and storage, handling, loading and delivery of bunker fuel.
- The General Foreman supervises and coordinates the activities of workers engaged in field operations, such as gauging and pump-house operations.
- The Ordinary Seaman (OS) Deckhand carries out operations and maintenance of launches as directed.

*Written Answer to Question*

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- Foreman Gauger operates equipment in No. 1 Pump-house and environs to ensure the efficient supply and distribution of products, air and water is required.