

*Leave of Absence**Monday, April 19, 1993***SENATE***Monday, April 19, 1993*

The Senate met at 1.30 p.m.

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

Mr. President: Hon. Senators, I have granted leave to Sen. Gordon Draper to be absent from sittings of the Senate during the period April 14 to May 02, as he will be out of the country.

I have also granted leave to Sen. Dr. Lenny Saith, to be absent from sittings of the Senate during the period April 15 to 22 as he will also be out of the country.

I have granted leave to Sen. Pundit Ramcharan Gosine to be absent from today's sitting due to illness.

I have granted leave to Sen. Stanford Callender from today's sitting.

PAPERS LAID

1. Annual Report of the Integrity Commission for the year 1992. [*The Minister of National Security (Sen. The Hon. Russell Huggins)*]
2. Report of the Auditor General on the accounts of the Students' Revolving Loan Fund for the year ended December 31, 1982. (*Hon. R. Huggins*)
3. Report of the Auditor General on the accounts of the Students' Revolving Loan Fund for the year ended December 31, 1983. (*Hon. R. Huggins*)
4. Report of the Auditor General on the accounts of the Students' Revolving Loan Fund for the year ended December 31, 1984. (*Hon. R. Huggins*)
5. Report of the Auditor General on the accounts of the Students' Revolving Loan Fund for the year ended December 31, 1985. (*Hon. R. Huggins*)

ORAL ANSWER TO QUESTION**BCCI****(Transfer of)**

79. Sen. Everard Dean asked the Minister of Finance:

- a. Will the Minister of Finance state whether the Central Bank of Trinidad and Tobago had given permission to Bank of Credit and Commerce

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International to transfer funds from Trinidad and Tobago to the Cayman Islands and/or to Miami in 1989 or earlier?

- b. If the answer is in the affirmative, will the Minister state when the transfer/s took place, in what amounts and on whose behalf?

The Minister of Local Government and Minister in the Office of the Prime Minister (Hon. Kenneth Valley): Mr. President, the answer to question No. 79, part (a): The Central Bank of Trinidad and Tobago has advised me that approval was given between 1987 and 1989 to Bank of Credit and Commerce International to transfer funds from Trinidad and Tobago to Miami, but no such approval was granted in respect of the Cayman Islands.

Mr. President, in answer to part (b): The Central Bank is prohibited by section 44 of the Exchange Control Act Chap. 79:50 from revealing such information.

NEWSPAPER REPORT

Sen. Roi Kwabene: Mr. President, Senators, hon. Ministers, my attention has been drawn to an article published on Thursday April 15, in the *Trinidad Express* on page 8; this feature, better known as "The Chamber Column", representing the Trinidad and Tobago Chamber of Commerce, was headlined, "MOB RULE". Stated *inter alia* was the following:

"Both national dailies have strongly criticized the behaviour of these predators. But as at time of writing there has been no supporting condemnation from any of the exemplars in our society. No politician; no trade unionist; no prelate of any of our major churches has yet thought it necessary to point out to these workers and to the nation at large that government's failure to pay them their wages was no justification for the terrorizing and robbing of innocent people.

Indeed, the reverse applies, in the Senate on April 13, Sen. Roi Kwabene attempted the usual justification of the actions of the looters by making reference to the dispossessed who will take their affairs into their own hands if they lose faith in their politicians. It is as well to point out that those who robbed a grocery did not loot food, but according to the *Express* 'champagne and whiskey.'

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Mr. President, I find it totally unsatisfactory that my humble contribution in this honourable Chamber should be mis-represented in such a callous manner. This article sought to convey the erroneous impression that I attempted to justify the terrorizing and robbing of innocent people.

This is a classical example of irresponsible journalism and is unethical in the main. The Senate met on April 12 not 13, and at no time during my discourse did I indicate my support nor exonerated such sinister actions.

1.40 p.m.

Mr. President, to set the record straight, permit me, through your good self, to categorically denounce violence as a means of a solution to the problems we face in our beloved republic, far more the illicit proceeds of looting, in particular, alcohol.

This disturbing article was unduly sensational in content, strengthening a tradition whereby the news media create, rather than report, the news. Of this we must be wary. It appears that I have been deliberately misquoted when I said the following:

"There is need in this Parliament for reform and I do not know if it is forthcoming. Our Constitution in Trinidad and Tobago is in dire need of change. If we are to stand dignified as a people in Trinidad and Tobago, certain changes have to take place. If they do not take place in Parliament, we are going to be confronted with a stunning reality, that people are going to take affairs into their own hands if they lose faith in the politicians, and we have to be very mindful of this."

And I continued:

"The actions of the dispossessed get more daring as time passes. People have truly changed over the years."

Mr. President, I think it is unfortunate that such a situation should arise, and as I have stated earlier, I have read this information into the records of *Hansard* so that it should be properly recorded. I have a little word of advice to members of the media and members of any institution in this country. If they are going to quote a parliamentarian, there are hardworking staff at the *Hansard* department, they can get a copy before anybody is misquoted.

Thank you, Mr. President.

**CARIBBEAN ORGANIZATION OF SUPREME
AUDIT INSTITUTIONS (INC'N) BILL**

Oral Answer to Question

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Question put and agreed to, That a Bill to provide for the incorporation of the Caribbean Organization of Supreme Audit Institutions and for matters incidental thereto, be now read the first time.

Bill accordingly read the first time.

SRI SATHYA SAI BABA ORGANIZATION (INC'N) BILL

Question put and agreed to, That a Bill to provide for the incorporation of Sri Sathya Sai Baba Organization of Trinidad and Tobago and for matters incidental thereto, be now read the first time.

Bill accordingly read the first time.

YOUNG WOMEN'S CHRISTIAN ASSOCIATION (AMDT.) BILL

Question put and agreed to, That a bill to amend the Young Women's Christian Association of Trinidad (Inc'n) Ordinance (No. 29 of 1946) and for matters incidental thereto, be now read the first time.

Bill accordingly read the first time.

**IMPASSE
PRESIDENT/OPPOSITION**

The Minister of National Security (Sen. The Hon. Russell Huggins): Mr. President, at this time I seek your leave to raise a Matter of Privilege under Standing Order 26, under the caption, "Office of the Leader of the Opposition". A document described in its title as a PRESS RELEASE, dated April 1, 1993, was published and subscribed as follows:

"SURENDRANATH CAPILDEO

Leader of the Opposition, Senate (AG.)..."

The press release was apparently widely circulated.

Also, a document headed "Statement by Sen. Hosein, March 17, 1993" has been similarly published and circulated.

Both documents refer to debates of the Senate of the Republic of Trinidad and Tobago. The press release discusses sittings from February 9 to March 30 and the statement comments on sittings from February 9 to March 16, 1993. In newspapers of April 2, 1993, articles were published as follows:

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1. In the *Trinidad Express* at pages 1 and 4 under the respective headlines "Opposition May Sue Senate President" and "Carter Should Resign, says Capildeo."
2. In the *Trinidad Guardian* at page 9, under the headline "UNC planning action on Carter."

Also, in the *T&T Sunday Mirror* of April 11 on page 7 under the headline: "TNT Senate will be World Laughing Stock—Capildeo."

In addition, there is a video record of a report that was televised on Trinidad and Tobago Television in connection with the news conference.

Those newspaper articles and the video tape refer to a news conference by Sen. Capildeo and Sen. Hosein at which the contents of the news release and the statement were allegedly discussed by them with the media. This matter, therefore, involves Senators and the media.

Both hon. Senators, as Members of this House, are entitled to disassociate themselves from the publications to which reference has been made, and to disavow their contents, especially the grave unsupported allegations and imputations detailed in them. Consideration by them of such action as will satisfy the Senate is entirely their choice. Customarily, at this point, such interventions would be sought. The item "Personal Explanations" under Standing Order 12(11) when called in its proper place is available to any Senator to make an appropriate and relevant statement. With leave, a Member may offer a personal explanation at any other stage of the proceedings of this House. Standing Orders 83 and 84 refer.

If Sen. Capildeo and Sen. Hosein do not feel able to disassociate themselves from those various documents it would seem that while a serious view must, in any event, be taken of them, even if some atonement is offered, this House should proceed in the first place under Standing Order 26, and refer those publications to the Committee of Privileges.

The newspaper articles, the news conference, the press release and the statement, in every aspect of their contents constitute, together and separately, a grave, inaccurate and deleterious reflection on the Senate and the Chair. The Constitution of the Republic of Trinidad and Tobago recognizes and declares fundamental human rights and freedoms, including in section 4:

"(i) freedom of thought and expression

- (j) freedom of association and assembly; and
- (k) freedom of the press."

In no way will this House ever seek to infringe these or any other rights and freedoms. Section 55(1) of the Constitution states:

"Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Senate and House of Representatives, there shall be freedom of speech in the Senate and House of Representatives."

1.50 p.m.

The Standing Orders regulate the conduct of our proceedings. Close attention should be paid to Standing Order 35 on contents of speeches, noting provisions on relevant, offensive and insulting language and imputations of improper motives; and Standing Order 41 which deals with "Responsibility for Order in the Senate and in Committee" which provides that the Chair's rulings:

"...shall not be reviewed by the Senate except upon a substantive motion made after notice."

Other dissent from the ruling of the Chair is as much to reflect on the presiding officer's conduct of the House as on the House for not taking positive action by motion against rulings which are the subject of disagreement.

Mr. President, it is, therefore, grossly improper to take issue with such rulings outside Parliament. It is the particular right and obligation of Members that they may and should make such challenges in the forum provided. A reflection on the character or actions of the Presiding Officer, inside or outside the House, is punishable as a breach of privilege. In the principal textbooks on parliamentary practice and procedure, there is no support, whatever, for such dissent against which Standing Order 43(3) will normally be invoked.

Dissent is remedied neither by lapse of time nor by repetition. Disrespect for the Chair is disrespect for the House. It is the obligation of Members of any institution to observe such rules as from time to time are agreed or otherwise prescribed for that institution.

Mr. President, this matter should therefore be referred to the Committee of Privileges, premised on the six documents and video tape submitted under Standing Order 26, to consider the matter, with the usual powers to summon

witnesses, etc. and to report its findings to the Senate and to make recommendations.

Mr. President, I beg to move.

Mr. President: Standing Order 26, under which this matter was raised, states that:

- "(1) A motion directly concerning the privileges of the Senate shall take precedence of all other public business.
- (2) Any Senator desiring to raise a matter under this Standing Order shall first obtain leave of the President who shall determine whether the Senator is entitled to raise the matter as a question of privilege.
- (3) If permission is given by the President under paragraph (2) of this Order, the Senator so permitted may raise it any time after Question Time and move that the matter be referred to the Committee of Privileges.
- (4) No debate shall ensue on a Motion under this Order but if the President decides that a *prima facie* case has been made out he shall so state and refer the matter to the Committee of Privileges."

In accordance with the Standing Order, the Minister sought leave to raise this matter, and was granted leave. The Chair is satisfied that a *prima facie* case has been established and, as such, the matter—the documents referred to—will be referred to the Committee of Privileges for their consideration and report.

LAND ACQUISITION

The Minister in the Ministry of Planning and Development and Minister in the Office of the Prime Minister (Sen. The Hon. Camille Robinson-Regis):

Mr. President, I have the honour to move that this hon. Senate approve the decision of the President of the Republic of Trinidad and Tobago, to acquire lands described in the Appendix for the public purposes specified.

Mr. President, these acquisitions are in respect of 10 projects. Project (1) at Woodlands Estate, Moriah, Tobago, was used for the construction of a radio repeater station for the Trinidad and Tobago Telephone Company Limited, now the Telecommunications Services of Trinidad and Tobago Limited, as part of the Company's developmental and expansion programme, aimed at improving the nation's telecommunications services.

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Proceedings for the acquisition were initiated on July 27, 1979 when a notice of intended acquisition, in accordance with section 3 of the Land Acquisition Act, was published in the *Trinidad and Tobago Gazette*, following which, the authority to commence work on the land was issued under section 4 of the Act on August 28, 1979.

With regard to Project (2) at Sam Boucaud Road, Santa Cruz, this land was used for providing recreational facilities for the residents of the area. Proceedings for the acquisition were initiated on September 16, 1976 in accordance with Section 3. Following the issuing of the section 3 Notice, the authority to commence work was issued on October 13, 1976 under the provisions of section 4 of the Act.

The third parcel was used for the construction of a national security complex and a police station at Perseverance Estate, Cedros. Acquisition proceedings were initiated on April 6, 1990 in accordance with section 3 of the Act, following which, in accordance with section 4 of the Act, authority to commence work on the said parcel was issued on May 7, of the same year.

Mr. President, in order to construct the St. Augustine South Government Primary School, acquisition proceedings were initiated on April 18, 1990 in respect of the fourth parcel of land located in St. Augustine. The notice, under section 3 of intended acquisition, was published in the *Trinidad and Tobago Gazette* following which, the authority to commence work on the said parcel was issued on June 27, 1990, under section 4 of the Act.

Located on the south-eastern corner of the Store Bay Local Road and the new Airport Road at Crown Point, Tobago, the fifth parcel of land was used in order to expand the Crown Point Aerodrome Development Project. By memorandum dated July 11, 1990, the Permanent Secretary of the then Ministry of Works, Infrastructure and Decentralization, now the Ministry of Works and Transport, advised that the then Minister had supported the acquisition of the subject land.

Entry was made onto the said parcel for implementing the project on June 26, 1991. The section 3 and 4 notices were not published. However, section 5:1 of the Land Acquisition Act states, *inter alia*:

"On the acquisition of land for public purposes being decided upon the President with the approval of Parliament, the President may (whether a notice in the *Gazette* in relation to land has been published under section 3 or not and, if a notice has been so published, whether all or any of the powers

conferred by that section have been exercised or not), by Notice published in the *Gazette*, declare the land to have been acquired for public purposes."

This section, therefore, provides for the formal acquisition of land for public purposes even though the notice of intended acquisition, in accordance with section 3 was not published.

The sixth parcel of land, located at Charlieville, in the Borough of Chaguanas was used for the purpose of extending the Charlieville Recreation Ground. Proceedings for the acquisition were initiated on January 17, 1991, upon publication in the *Trinidad and Tobago Gazette*, of the section 3 Notice. The authority to commence work on the said parcel was issued on February 12, 1991 under section 4 of the Act.

2.00 p.m.

Again, with regard to parcel No. 7, the acquisition of land at La Canoa, Lower Santa Cruz, was for recreational facilities on land which had been used for a number of years by the youths of the area. Proceedings for the acquisition were initiated on November 11, 1991 when the section 3 Notice of intended acquisition was published in the *Gazette* following which the authority to commence work on the said parcel was issued on November 14, 1991, under section 4 of the Act.

The parcel of land identified as No. 8 in the appendix was utilized for the erection of a health centre at Real Street, San Juan. Proceedings for the acquisition were initiated on July 1, 1977 with the usual section 3 Notice, and authority to commence work on the said parcel of land was also issued on July 1, of the same year.

In order to facilitate improvements, including realignment, to the Shirvan, Grafton and Golden Grove roads, the land described at No. 9 of the appendix situate at Shirvan Road, Tobago, was acquired. Proceedings for the acquisition were initiated on October 1, 1983, and the authority to commence work was issued on June 15, 1984 under section 4 of the Act.

Parcel No. 10 comprises two parcels of land which were required for drainage improvement works at the Steel River catchment, Scarborough, Tobago. A section 3 Notice was published in the *Gazette* to initiate proceedings on April, 3, 1991. Following this, the authority to commence work on the said parcels was issued on April 17, 1991 under the provision of section 4 of the Act.

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Mr. President, I take this opportunity to point out that the section 3 and 4 Notices allowed the state to enter the land to do the work necessary. However, the acquisition is only complete when the Motion is moved and approved by the Parliament. Acquisitions, of course, are done for the greater good, and we on this side are conscious of the need for citizens to be fairly and, as far as possible, promptly compensated for their lands, and we continue to do everything in our power to ensure that this is done.

I wish to advise this honourable Senate that the Chief Parliamentary Counsel is at present working steadfastly on making amendments to the draft Land Acquisition Bill which would replace the Land Acquisition Act Chap. 58:01 under which we now work. The new Act is aimed at improving the procedures for acquisition and the assessment and payment of compensation thereby reducing the hardships now experienced. It is expected that the Bill will be introduced into Parliament during 1993.

Mr. President, I beg to move.

Question proposed.

Sen. Surendranath Capildeo: Would the hon. Minister be in a position to state if the people from whom these lands have been acquired have been paid and the amount of money? For example, let us look at No. 2; it is since 1978. Can the Minister say whether they have been paid or not and how much money in respect of each parcel of land?

Sen. Robinson-Regis: Mr. President, Parcel No. 2 was specifically mentioned. I would like to inform this honourable House that the formal acquisition only takes place when the Motion is moved and approved by the Parliament, and it is only at that stage that we can sit and negotiate with the land owners as to compensation with regard to the various parcels.

Mr. President: Sen. Capildeo, is it a contribution?

Sen. Capildeo: Yes, it is a contribution in the sense that there have been complaints over the years by land owners, that the state in its present method of acquisition moves onto the land, occupies the land, actually completes construction of buildings on the land, highways or playgrounds, as the case may be, and the owners of the land are left without adequate compensation. We have been hearing about the new Bill, and I wonder if the Minister is in a position to say whether the Bill will rectify that situation so as to provide an immediate form

of compensation for people whose lands have been acquired or intended to be acquired by the state. I am sorry the Junior Minister of Finance has left because the other question is: if the Government is strapped for money, and now that we are an open-market economy and can deal in dollars, is the state or this administration considering the payment for lands acquired from its citizens by way of land bonds in United States dollars or otherwise? Negotiable land bonds in foreign currency?

I have in my office files of people whose lands have been acquired ten years or more and they are yet to get compensation. I can speak on my own with respect to the Golden Grove Prison. It took the threat by me to bulldoze the existing structure onto the ground before the Government moved to compensate the owner. That one took ten years. They had put infrastructure on the man's land worth over \$9 million and then abandoned the infrastructure.

I wonder if the Minister could state whether the new piece of legislation will offer some sort of immediate compensation to people? Also whether or not the state will be using its foreign dollar facility to acquire lands by way of land bonds? I thank you, Sir.

2.10 p.m.

Sen. Everard Dean: Mr. President, one would not normally want to rise to speak on a Motion like this, but I just want to indicate that in looking at the schedules on projects one, five, six and 10, I recognize that Tobago is described in two ways.

In five, six and 10 it is described as the Ward of Tobago, and in one it is described as the island Ward of Tobago. Both might be technically correct, but I suppose for consistency, we need to use one way; either the Ward of Tobago, or the island Ward of Tobago.

In the same manner as contributed by Sen. Capildeo, the Tobago United Cooperative had a piece of land in Carrington Street, Tobago, and in 1976, it was acquired by the Government. In 1991, some discussions and negotiations took place, and it was agreed that \$1.678 million would be paid to the Tobago United Cooperative for that piece of land.

As a result of delays in the payment of this land, the National Commercial Bank appointed a receiver to collect some money owed to them by the Tobago

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United Cooperative, in the sum of \$ 1.245 million. I want to appeal to the Government that they make some kind of request to the receiver and the National Commercial Bank, to postpone the contemplated action, where they would sell the assets of the Tobago United Cooperative to recover the sums, and at the same time to expedite the compensation by Government to the society, so that it can meet its commitments with the Bank and keep the wolf from the door. This goes back since 1976.

I understand that some money has been disbursed earlier this year, yet there is a substantial balance. I appeal to the Government to do something on this matter.

Thank you.

Mr. President: Anyone else? Hon. Minister.

The Minister in the Ministry of Planning and Development and Minister in the Office of the Prime Minister (Sen. The Hon. Camille Robinson-Regis):

Mr. President, with regard to payment of compensation, once the matters have gone through Parliament, provisions are usually made in the budget to ensure that those matters which have formal approval are provided for in the budget of the Ministry of Planning and Development. It is slow, but at this point in time, this is how the matter is being attended to.

With regard to the new Bill which is being amended and should be introduced in Parliament this year, there is a section of the Bill which would entitle the claimant upon application and subject to satisfactory proof of title, to get part of the compensation to which he is entitled, and upon the formal acquisition of the land to receive the outstanding balance.

With regard to negotiating land bonds, at this time this is neither within the contemplation of the Government nor is there any contemplation of paying in Deutschmarks, Canadian dollars, US dollars, pounds sterling or the Japanese Yen.

With regard to the Tobago United Cooperative, this matter—I am advised by the Minister who is responsible for Tobago Affairs, the hon. Prime Minister—is with the Ministry of Finance. Sen. Dean rightly said that part of the money was paid earlier this year, and every effort is being made to pay the outstanding balance.

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I beg to move.

Question put and agreed to.

Resolved:

That this Senate approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

APPENDIX

Description of Land	Public purposes for which to be acquired
<p>1. The following parcel of land containing 645.5 square metres, more or less, situate at Woodlands Estate, Tobago, in the ward of Tobago, in the parish of St. David, described in the Schedule hereto and coloured raw sienna on the plan of survey signed by the Director of Surveys and dated 18th May, 1989, executed under Survey Order No. 123/88 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land comprising 645.5 square metres situate on the eastern side of Culloden Road approximately 100 metres north of the 21/2 m.m. along the said road in the parish of St. David in the island ward of Tobago and said to belong now or formerly to Francis E. H. St. Louis.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140, folio 73 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>2. The following parcel of land containing 2.0437 hectares, more or less, situate at Sam Boucaud Road, Santa Cruz, in the ward of St. Ann's in the county of St. George, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated July 17, 1978, executed under Survey</p>	<p>Siting a Radio Repeater Station</p> <p>A Recreation Ground</p>

<p>Order No. 60/77 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land containing 2.0437 hectares situate at Sam Boucaud Road, Santa Cruz, in the ward of St. Ann's, in the county of St. George, opposite the Church of the Nazarene and about 46 metres from Stollmeyer Street and said to belong now or formerly to David Lue.</p>	
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APPENDIX (cont'd)

Description of Land	Public purposes for which to be acquired
<p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in Book 1066 at folio 124 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>3. The following parcel of land containing 0.5236 of an hectare, more or less, situate at Perseverance Estate in the ward of Cedros, in the county of St. Patrick, described in the Schedule hereto and coloured raw sienna on a plan of survey filed with the Director of Surveys and executed under Survey Order No. 150/90 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p style="text-align: center;">A parcel of land comprising 0.5236 of an hectare situate immediately west of the existing police station in the ward of Cedros, county of St. Patrick and said to belong now or formerly to Perseverance Estate.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Police Station and National Security Complex</p>

<p>4. The following parcel of land containing 11581.59m², more or less, situate at Bidessie Trace, St. Augustine, in the ward of Tacarigua, in the county of St. George, described in the Schedule hereto and coloured raw sienna on a plan of survey filed with the Director of Surveys and executed under Survey Order No. 5/83 and filed in his office.</p>	<p>A Primary School</p>
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APPENDIX (cont'd)

Description of Land	Public purposes for which to be acquired
<p>THE SCHEDULE</p> <p>A parcel of land comprising 11581.59m² situate at the southern end of Bedessie Trace 0.5 km south of the Churchill Roosevelt Highway, in the ward of Tacarigua, in the county of St. George, and said to belong now or formerly to Crescent Motor Supplies Limited.</p> <p>This parcel is more particularly shown coloured pink and raw sienna on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	
<p>5. The following parcel of land containing 0.3220 of an hectare more or less, situate at Store Bay Local Raod, in the parish of St. Patrick, in the ward of Tobago, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated August 21, 1992, executed under Survey Order No. 119/90 and filed in his office.</p> <p>THE SCHEDULE</p> <p>A parcel of land comprising 0.3220 of an hectare situate at the south-eastern junction of Store Bay Local Road and Crown Point Airport in the parish of St. Patrick, in the ward of Tobago, bounded on the North by Store Bay Local Road, on the south partly by state lands and lands of Glenora Trim, on</p>	<p>Crown Point Aripport Development</p>

<p>the east partly by lands of Crooks and Carrington and on the west partly by the Crown Point Airport Road and state lands and said to belong now or formerly to Knowslon Gift.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140, folio 118 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	
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APPENDIX (cont'd)

Description of Land	Public purposes for which to be acquired
<p>6. The following parcel of land containing 3146.3m², more or less, situate at Dowrah Trace, Charlieville in the borough of Chaguanas, in the county of Caroni, described in the Schedule hereto and coloured raw sienna on a plan of survey executed under Survey Order No. 58/91 and filed in the Office of the Director of Surveys.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land comprising 3146.3m², situate on the eastern side of Dowrah Trace and immediately West of the Charlieville Recreation Ground in the Borough of Chaguanas and County of Caroni and said to belong now or formerly to Ameeran Ali.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Extension of Charlieville Recreation Ground</p>
<p>7. The following parcel of land containing 5,114 square feet/475.1 square metres, more or less, situate at La Canoa, Lower Santa Cruz, in the ward of St. Ann's, in the county of St. George, described in the Schedule hereto and coloured pink on a plan of survey filed in the Office of the Director of Surveys.</p>	<p>Recreational Facilities</p>

<p>THE SCHEDULE</p> <p>A parcel of land comprising 5,114 square feet/475.1 square metres situate on the eastern side of La Canoa Road, Lower Santa Cruz, in the ward of St. Ann's, in the County of St. George said to belong to Selwyn Wilson and bounded on the north, south and east by lands of B. G. Sing and on the west by La Canoa Road.</p>	
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APPENDIX (cont'd)

Description of Land	Public purposes for which to be acquired
<p>This parcel is more particularly shown coloured pink on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>8. The following parcel of land containing 989.0 square metres, more or less, situate at Real Street, San Juan, in the ward of St. Ann's, in the County of St. George, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated October 10, 1986, executed under Survey Order No. 56/84 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>One parcel of land comprising 989.0 square metres situate in the ward of St. Ann's, in the county of St. George and bounded on the North by Real Street, on the South by lands of the Roman Catholic Archbishop of Port of Spain, on the east by Queen Street and on the west by Cemetery Street and said to belong now or formerly to the Roman Catholic Archbishop of Port of Spain.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140, folio 34 in</p>	<p>Health Centre</p>

<p>the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>9. The following parcel of land containing 78.859m², more or less, situate at Shirvan Road in the parish of St. Patrick, in the ward of Tobago, described in the Schedule hereto and coloured raw sienna on a plan of survey filed in the Office of the Director of Surveys.</p>	<p>Road Construction</p>
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APPENDIX (cont'd)

Description of Land	Public purposes for which to be acquired
<p style="text-align: center;">THE SCHEDULE</p> <p>A parcel of land containing 78.859m², situate at the north/eastern corner of Shirvan Road and Cocorico Avenue, approximately 200 metres south of the junction of Shirvan/Auchenskeoch Buccoo Road in the parish of St. Patrick, in the ward of Tobago and said to belong now or formerly to Marlon Allan Gremlı and Bedia Patricia Gremlı.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in the Lands and Surveys Department, Red House, Port of Spain.</p> <p>10. The following parcels of land containing 283.8m², more or less, situate between Milford Road and the Claude Noel Highway, in the parish of St. Andrew, in the ward of Tobago, described in the Schedule hereto and coloured raw sienna on a plan of survey filed with the Director of Surveys and executed under Survey Order No. 48/91 and filed in his office.</p> <p style="text-align: center;">THE SCHEDULE</p> <p>Two (2) parcels of land together comprising 283.8m², situate on either side of the Steele River</p>	<p>Drainage Improvement</p>

<p>between the Claude Noel Highway on the North and the Milford Road on the South, in the parish of St. Andrew, in the ward of Tobago and said to belong now or formerly to Jeremiah Prescod.</p> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	
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TRAFFIC CONTROL REGULATIONS

The Minister of Works and Transport (Hon. Colm Imbert): Mr. President, I beg to move,

Whereas it is provided by section 100 of the Motor Vehicles and road Traffic Act, Chap. 48:50 (hereinafter referred to as "the Act") that, subject to affirmative resolution of Parliament, the President may, *inter alia*, make regulations in respect of anything which by the Act may or is to be prescribed, the classification of roads and the prohibition or restriction of the use of any classified roads by vehicles of any specified class or description and generally, for the better carrying out of the provisions of the Act and in particular for the safety, control and regulation of traffic and the use of vehicles or any class of vehicles on any road and the conditions under which they may be used;

And Whereas on the 4th day of December, 1992, the President made the Traffic Control Regulations, 1992;

And Whereas it is expedient that the said regulations be now affirmed:

Be it resolved that the Traffic Control Regulations, 1992 be affirmed.

Question proposed.

The regulations before this Senate deal with the control of traffic in Trinidad and Tobago. Before I go into the specific regulations themselves, I will give a brief overview of the need for traffic regulation.

The Traffic Management Branch, as we know it today, in the Ministry of Works and Transport indicates not only an on-going need, but also an ever-increasing need to manage the movement of vehicles and pedestrians on the nation's roadways. Originally, traffic control was handled exclusively by the Police Service, Traffic Branch or Mobile Branch. The Mobile Branch remains almost as a residue of that original portfolio.

The Trinidad and Tobago Transport Board, and the Transport Division of the Ministry of Works and Transport, arose as spin-offs from that original authority. Eventually even these agencies, the Transport Board and the Transport Division, proved inadequate for the purposes of the management and control of traffic. As a result, the Traffic Management Branch was created in the late 1970s to deal with the overall need to regulate traffic. This Branch has undergone continuous upgrading over the years since that time.

The advent of the motor vehicle around the turn of the century brought sweeping changes in the modes of transportation worldwide, and in Trinidad and Tobago generally, placing greatly increased facility, distance and speed of travel at the command of the individual. The social and economic benefits of this new type of transportation, while they have been of great measure to the individual, have also caused many problems. The very benefits of motor vehicle use have caused congestion and situations of traffic safety, and other problems on the main arteries of travel, especially in urban areas.

Furthermore, the mechanized development of modes of transportation has brought with it the horrendous toll of human casualties, congestion and accidents which arise as a consequence of motor vehicle transport, therefore resulting in loss to the public at large.

To satisfy the demands of the new modes of transportation, communities have had to embark on extensive development in the form of new highways and infrastructure, but, it has long been established that for real efficiency, the much less conspicuous and less noticeable skill of traffic management is equally important to the development of infrastructure.

Expenditure on traffic control measures is marginal when compared to the expenditure on the infrastructure itself, but the benefits of traffic control may be equal to or even outweigh the benefits of the actual road infrastructure. It should, therefore, be a priority in any community with limited financial resources to maximize its ability to control traffic. We, in the Ministry of Works and Transport, see this as a continuous process.

The law at present provides for a system of implementation of temporary measures which use the trial and error method. Traffic behaviour and problems are monitored and accessed by agencies, such as regional corporations, the Ministry of Education through the schools, the Highways Division, the Police and the Traffic Management Branch.

2.20 p.m.

The public, as you will realize, Mr. President, is also very vocal in observing what it considers to be noteworthy and important with regard to the control of traffic. As a result, the Traffic Management Branch is placed in a very sensitive and responsible position.

Following upon the various processes of observation and comment, measures are drafted by the Police Service and Traffic Management Branch together and they sometimes use inputs from other agencies. These new measures are put into effect on an experimental basis using an experimental traffic scheme which may remain in force for no more than three months at a time. It is normal to revise the measures as appropriate as their effectiveness becomes limited. When it is ascertained that no further amendment is warranted, the measures are recommended for permanency as traffic control regulations.

Therefore, Mr. President, the regulations before this honourable Senate today effectively ask this Senate to make permanent the traffic control Order No. 1 in the following areas:

- Port of Spain
- Tunapuna
- Arima
- Sangre Grande
- Marabella
- St. Margarets
- Tobago
- Chaguanas
- Princes Town
- San Juan, and
- in the nation as a whole.

This traffic control order has been used experimentally and found to be adequate and satisfactory. It has relieved certain locations of traffic congestion in addition to creating extra capacity on the road. Our investigations have found that it has reduced travel time between locations, thereby resulting in savings in terms

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of vehicle operating costs. There has also been a reduction in traffic accidents, and it allows for easy access by emergency vehicles in unforeseen events. It has increased the capacity of the road network and has allowed some regulation of the activities of taxis and maxi-taxis. We have also found increased safety for pedestrians and a reduction in the general level of pollution due to vehicle emissions, especially in urban areas.

The traffic control regulations also have the effect of extending the life span of critical sections of our road network, particularly bridges. If I may digress, the B-146 bridge on the Mayaro roadway was damaged by an overweight vehicle approximately one and a half years ago. That bridge was limited to vehicles not exceeding five tonnes of capacity, and a container truck of approximately 20 tonnes attempted to cross the bridge and the bridge collapsed in the third span. This is an illustration of how important these traffic controls and regulations are.

Going into the regulations themselves, we will see that they deal in the various sections with “no entry” to various roads and highways, with maxi-taxis, prohibiting parking, “one-way” traffic and, generally, with regulations concerning “stopping” and “waiting” at various points on our nation's roadways; with “right turns”, “left turns” and other traffic control measures. It is with pleasure, therefore, Mr. President, that I ask this Senate—

Sen. Spence: Mr. President, I wonder if the hon. Minister could say if these are additional roads. This is not the complete list of roads in which there are “no entries” and “one ways” and all the rest of it, because this seems to be a very short list. Could he also say whether other stipulations as to the use of taxis could also be made under these regulations, for example, prohibition of music?

Hon. C. Imbert: I thank Sen. Spence for that intervention. There are regulations in force at this point in time which deal with all of the roads in the country. The regulations we are looking at presently flow from an experimental traffic scheme which has been in place for the last six to nine months. This is additional to what was there before.

With regard to regulations governing taxis and so forth, I can advise this Senate that Cabinet has approved new regulations for maxi-taxis, and the regulations have been drafted. I hope to bring them to this Senate and the other place in due course. Provisions relating to music will be addressed. Cabinet has agreed to a mechanism to address that matter.

It is my pleasure, therefore, Mr. President, to move that the Traffic Control Regulations, 1992, be now affirmed.

Question proposed.

Sen. Surendranath Capildeo: Mr. President, we are dealing with a legal notice involving the Traffic Control Regulations, 1992. We have just heard from the hon. Minister that these measures are drafted by the police and Traffic Branch. I want to ask the Minister, Sir, in all seriousness, who is going to enforce these regulations?

I want to quote from the editorial of the *Sunday Guardian*, April 18, 1993. The headline is "Who is in charge here?" The first question is:

"Who is really running the Trinidad and Tobago Police Service? Is it the Commissioner, Jules Bernard, is it National Security Minister Russell Huggins or is it the New Scotland Yard detectives who have been appointed by the Minister in his attempt to clean up the Police Service?"

We ask this in the light of a number of recent developments which have left us confused."

So I ask, in all seriousness: Who is going to enforce these regulations? Is it the Commissioner of Police, Jules Bernard? Is it the National Security Minister, Russell Huggins? Or is it the New Scotland Yard detectives? These are the first questions.

We have had the Maxi Taxi Bill debated in this Senate. It was a very serious debate in both Houses. It attracted much public attention and concern, and the reasons were obvious. The maxi-taxis are lethal weapons on the roads of Trinidad and Tobago. There are innumerable accidents involving the maxi-taxis. The noise emanating from the maxi-taxis has been of great concern to the citizens of this country. The touts who operate on the maxi-taxis have also been of great concern, not to mention the cost pre-floating and post-floating.

I want to ask the hon. Minister whether or not it would not have been more desirable to have the Maxi-Taxi Regulations here before us now because school began today. Our children are in the maxi-taxis on the priority bus route and they are on the East-West corridor. Heaven forbid, I do not want to wake up tomorrow morning and read in the newspapers, that once more, the flowers of the nation are involved in some horrendous crash.

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Mr. President, I would urge the hon. Minister to bring those regulations here and not tease us with these minutiae regulations which really should not concern people like us. These regulations are for experts, and side by side with these regulations, we should have been told in great detail of the experimentation which the Minister has alluded to. Because part and parcel of the recognition of any civilization are small things, how you take care of your old people, and what kind of health service you provide for your people. Included in part of the human development and in the assessment of the civilization of any people are small things such as the naming of roads and streets. Other small things, such as the maintenance of traffic lights, signs on the highways, lines along the highways, stop signs on the major roads, zebra crossings for children and old people, small things like that, Sir, measure the extent of how civilized we are.

I would ask the Minister occasionally, when he is about his business in other parts of Trinidad, apart from where he lives and in the Ministry, to drive around and see whether he really is satisfied:

- (1) with the state of the roads in our country;
- (2) whether, for example, a tourist could really find his way around in this country, because there are absolutely no signs of any kind in most parts of the country;
- (3) whether the signs which operate traffic are in order or they are falling down, pushed down, dilapidated, non-existent or destroyed.

When I left the Chamber with your kind permission last time—I would have loved to go by pirogue—that sign to Cedros, if you did not know Trinidad, you would travel in the opposite direction because some genius turned it around. Of course, I do not know if the Traffic Branch people drove up and down to Cedros to see if that sign is pointing in the right direction. I do not know if it is somebody heard that I had left here to go down to Cedros so that I would have taken the wrong turn. But I know Trinidad. Part and parcel of the development of our society has to be that the infrastructure must be there; the traffic lights must work. The signs must be there. On top of that, when last has anyone seen a highway patrol, whether by bicycle, motor bicycle or any one of the new vehicles, imported or otherwise?

Side by side, Sir, what are we going to do about safety on our highways? We read about the Piarco bandits and the problems in other parts of the country, and I tell you, it is scary to drive in Trinidad after nine in the night. It is terrifying to

stop at a red light in the City of Port of Spain after dark. To take a particular point, the one by the Jean Pierre Complex or any part of the city: It is frightening to stop at a red light in the night. So side by side with these regulations, what are we going to hear about the safety of the citizens of Trinidad and Tobago who are about their lawful business in their motor vehicles up and down the highways and byways? What is being done about that?

Mr. President, I want to refer to another publication, the *Express* of January 7, 1993 and it involved that most unfortunate incident when Mr. Kenrick Rennie died in an accident. I want to quote the *Express*:

"A new \$100,000 crash cushion system which is designed to reduce the number of road deaths, was installed yesterday on the Churchill Roosevelt Highway, 100 metres away from O'Meara Road, Arima.

Hugh Francis, former Works and Infrastructure Minister and an agent of the Energy Absorption Systems Inc., based in California, which manufactures the systems, told the *Express* yesterday, "What is nice about the system is that it works and saves lives."

The Minister's predecessor in title, belonging to the same political party, has absolutely no excuse, he could get the information first-hand. Has he taken into consideration this crash cushion which is going to be provided for on our highways? Are all our lives going to be protected? Will Mr. Hugh Francis be given the contract?

Mr. President, side by side with that are the statistics which are horrendous. I ask that, in relation to the computerization of the Licencing Office and the Traffic Branch. In 1990, according to the Annual Statistical Digest, there were some 20,725 accidents. According to the traffic bulletin issued from the Office of the Prime Minister, CSO, volume 17, No. 39, in 1991, 22,674 accidents of which 140 were fatal, 2,640 involved slight and serious injuries, 148 people killed. I want to know what is the state of our ambulance service with respect to these regulations which are being brought to Parliament. Do we have an ambulance service which can assist with these regulations and the enforcement thereof?

Mr. President, are we in a position to deal with these kinds of statistics? In 1990—and this is a rough estimate—according to the Annual Statistical Digest, there were about 200,000 vehicles.

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The question I want to raise, Sir, is has there been any consideration given in these regulations to the people who are victims of accidents on our highways and streets? I do not think it is that far divorced. I see the Minister looking quite puzzled. He must be, because these are the dry bones of regulations. But on these dry bones, flesh and blood is hurt.

So I want to know, while they are devising these regulations, where maxi-taxis cannot park and where taxis cannot enter, and where motorists can and must not park, I want to know if side by side in the consideration of these regulations, did they take into account the number accidents which take place, the number of people who are injured and whether or not whichever Ministry is involved, if they can provide assistance to our citizens?

We are taking it one step further, Sir. Are the hospitals in a position to assist the citizens? Do we have the ambulances and the staff to take injured people to hospitals? Do we have the highway patrols to assist them?

Mr. President, with respect to the crash cushion system which I spoke of, installed on January 6, 1993, I understand it is in pieces now; it has fallen apart. It is like the highways system. The whole thing has fallen apart. Mr. President, we hear great details of regulations in Port of Spain, dealing with Frederick, Charlotte, Queen, Duke, Henry, Richmond and Rapsey Streets; in Tunapuna, Curepe, Arima, Tobago, they are all over the place. We have very good regulations.

Has any consideration been given to traffic wardens to ease the burden on the police in enforcing these regulations?

Whilst we are about these regulations, has any consideration been given to noise pollution? It is all well and good to come with these dry bones of a regulation system and completely and conveniently forget the human element. The whole thrust of my argument in this is that the people who are drafting these regulations must take into account and have to take into account, and are bound to take into account, that it is people who use these roads and it is no good coming to the Senate and having all these pages of neatly typed regulations, when none of the support services exists in the country, when we are left at the mercy of unpatrolled highways, no ambulance system, a defective street light system and absolutely no road patrols at all.

Mr. President, what about the environment? I think the Minister himself was speaking on the billboards. What has happened to that? Are we not entitled to

some aesthetics in our life, apart from the Government? We are entitled to look at the beautiful scenery in this country, and if it is going to be polluted by billboards which are unattractive and do not fit into our landscape, did the people who formed these regulations look at that at all?

Mr. President, whilst I am on that, the *Trinidad Guardian* February 6, 1993: "Imbert: too many billboards." The Minister had announced that Cabinet had agreed to a committee called the highways beautification unit. What has happened to the highways beautification unit? Are we going to see fruits and flowers bearing from that beautification unit? Or is it going to float through the window like everything else?

There is another matter which I think the Minister of National Security will understand immediately. Has there been any consideration given to titles with respect to vehicles? Under our present registration of title, if a vehicle is subject to hire purchase, it is not registered anywhere. If it is subject to a bill of sale, it is in the registry and you can go and check it. If it is a hire purchase, there is absolutely no way you can check it. Has any consideration been given to assist potential car buyers, and I say this with the utmost seriousness, because the cost of cars is going to rise and we are going to have a thriving trade in second-hand vehicles, and the buyers must be protected. The *caveat emptor* rule ought not apply to them. There is no way, if you buy a vehicle and it is subject to a hire purchase agreement that you can find that out. It has happened on several occasions that a poor victim goes along, buys his vehicle, is driving it, one day a bailiff comes and seizes it because there is a hire purchase agreement and it belongs to some finance company.

Have we given any consideration to the computerization of the ownership of vehicles so that anybody at any point in time can go to the Licensing Office, request same, and see the whole thing? In fact, is there any method whereby a policeman, driving one of his fancy vehicles, whether it is a bicycle, motorcycle or car, can punch up on a computer and see the exact registration of a vehicle.

At present, particularly with respect to the maxi-taxis, Sir, they are approaching the half million dollar mark. In fact, now, the price is probably above a half million dollars. So you have a citizen who decides he is going to buy a maxi-taxi, raises the funds, enters into an agreement for sale, gets delivery of the maxi-taxi, starts to work it, but because the previous owner had entered into a hire purchase agreement with a finance company and that agreement is registered

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nowhere at all, the previous owner having defaulted on payments, the vehicle is seized and the new owner is left with nothing at all.

I would ask the Minister to make very serious efforts to rectify this situation immediately by computerizing the records of the Licensing Office in such a way that it will be possible in a fraction of a second to bring up the owners and the insurance companies of all these vehicles which are on our roads. That should not be a very difficult thing for any computer expert. More so, since the cost of vehicles is going to be prohibitive and there is going to be a thriving trade on second-hand vehicles, you need to protect the people who are going to be buying those vehicles, particularly the taxi drivers, because when a poor taxi driver buys a vehicle, he is driving the vehicle for a couple of months, the finance company wakes up, realizes that no payments are being made on the hire purchase agreement, sends the bailiff out to look for the vehicle; he sees it on the road and then they seize it. There is no protection for that buyer. So whilst we are about all these regulations, I would ask the Minister to look into this question. It is a very serious and immediate question.

Mr. President, there is another troublesome and pathetic situation. Again, I am glad the Minister of National Security is here. The farce that is the ticketing system. If they are going to have these regulations here and enforce these regulations, there must be some sort of sanctions. I know they say that we are a carefree people and that we are indisciplined and so on, but I think the facts belie that. November 19 at the National Stadium, our Carnival, our Eid festival, our Divali festival, our Hosay festival, the facts belie that. We are a disciplined people. But the ticketing system, which really is a revenue earning system, more than a punishment system, is losing on both counts. They are not collecting the revenue and they are not punishing anybody. Therefore, have the people who draft these regulations thought about that? Are they going to do something about it? Are they going to have a system which will impose sanctions so people will not park on the wrong side of the street, would not break a red light; and before you impose sanctions about the breaking of red lights, are they going to have security to see that they are safe when they park at the red light? Because there is the danger of being parked at a red light with a gun at your head. I have made this statement several times in this Parliament. You cannot deal with these things in isolation; they are all linked. It is a whole society of problems, and whilst you are framing these regulations you should have all these things in mind.

2.50 p.m

Mr. President, I want at least to compliment the Minister on bringing the regulations, it shows some kind of effort on his part, but I would urge him to greater effort. When I see these regulations and I recall the absolute chaos in the Licensing Office for the payment of licences, I will not for one moment believe that these regulations can be or will be enforced. If we cannot yet devise a civilized system for a simple thing like the collection of revenues for licences in a country like Trinidad and Tobago which has seen motor cars from day one, and we cannot yet devise a civilized system to collect revenue, then how are we going to enforce these regulations? Nice typing, looks pretty, but totally unenforceable. Have we worked out a civilized system of paying licences?

Whilst we are about that, are we going to have appropriate signs on our highways for our left-hand drive vehicles? Because when you drive on the left hand side, as you do in the United States of America and you return to drive here, you tend to look on the wrong side of the road for your directions—simple things, Mr. President, but people could lose their lives, and since you would not take up Mr. Hugh Francis on his offer, I do not know.

Mr. President, the accidents are so enormous that they are mind boggling. For example, if you take the five years from 1987 to 1991, more than 100,000 persons were injured. In a population of 1,200,000. people, this is an incredible number of accidents. It is either we are extremely bad drivers, which I do not think, or we have extremely bad roads, which I do think.

Can the Minister tell us whether side by side with the regulations, he is doing anything about the state of our roads, particularly the capital city? I drive through what is known as the "big shot" area, like Wainwright Street and I have to buy a pair of shocks ever so often. Then Carlos Street in Woodbrook, where I grew up as a little boy, if you walk on Carlos Street, you will probably need to buy a pair of ankles too. And those are streets in the capital city. I am not talking about places like the Mc Bean stretch, where death stalks every night. I am not talking about deep South. Our roads, Sir, you will agree, are in a terrible condition.

I want to close, Mr. President, by asking another simple question: Has any thought been given to the under-utilization of the Priority Bus Route? That is a remarkable piece of highway engineering which is totally under-utilized in this country. Have the experts at the Traffic Branch and the Traffic Management Branch given any kind of consideration to the prime utilization of the Priority Bus Route, particularly at peak hours, in this country? I think if you look at that, Sir,

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you will probably solve a lot of the congestion coming into and out of Port of Spain in the morning and afternoons.

I thank the Minister for bringing the regulations to the Senate and I hope that this is an omen of good things to come and that we will see the maxi-taxi regulations, not shortly, but immediately, because that to my mind is more important than these regulations.

Sen. Rev. Daniel Teelucksingh: Mr. President, since the Traffic Control Regulations make certain provisions to ensure the effective functioning of our transport system as it specifically relates to maxi-taxis, the conventional taxis and other vehicles, may I bring to the notice of the hon. Minister of Works and Transport, two areas which appear to be omissions.

I observe that certain parts of Trinidad and Tobago with a heavy concentration of taxis and maxi-taxis are not included in the regulations. One is San Fernando, although I heard him mention San Fernando in his presentation. The most important intersection near La Pique and Library Corner in the heart of San Fernando is chaotic at peak hours. Commuters and motorists alike have long hoped for a solution to one of that city's most critical traffic problems and this has been neglected for too long.

The other area is not referred to in the regulations, and again I heard the hon. Minister mention it, but it is not there in the regulations. I got Sen. Dean to double check for me. Similar traffic regulations need to be enforced in these places. In Chaguanas, and San Fernando, the flow of traffic is comparable to any other municipality, and vehicular congestion in Chaguanas is a driver's nightmare. I respectfully ask the hon. Minister if both San Fernando and Chaguanas will be considered in supplemental regulations and when will these be implemented? I notice he is double checking.

Mr. President, in the Traffic Control Regulations 1992 which are before this honourable House, I notice reference is made to the speed limit in specific areas and at least one reference to the Priority Bus Route on page 3. I know Sen. Capildeo made reference to the Bus Route, but I would like to make some further observations. I hope that the hon. Minister is aware of the urgent need to monitor closely its use by maxi taxis and other vehicles. There have been too many serious accidents on the Priority Bus Route. That road has taken too many lives and

maimed several more. And the question about that Bus Route is: how many more must die?

The Route ought to be a blessing but it holds its terror for many commuters because of ineffective regulations and too few responsible chauffeurs. Mr. President, to certain maxi-taxi drivers and others, the Route is a drag strip; please do not hope to be on the opposite lane when a government vehicle is approaching.

3.00 p.m.

Everybody is talking about the maxi-taxi drivers flying on the Priority Bus Route, but just be careful when a WASA van is coming down that road, or somebody from Works department, or a green coloured regiment jeep, speeding as if a war is on, not to mention the unusual speed of the buses themselves. I think that is one of the greatest terrors, this monster coming down the highway. I wonder if they can drive at any speed just because the route is called the "bus route". Some persons who have permits to use the bus route believe it is now safer, although it is inconvenient, to use other roads than to be a part of that mad rush on that very important East/West highway.

Permit me to share with the hon. Minister three suggestions relative to safe motoring on the bus route. Firstly, there should be an improvement in the police patrols on the bus route, not merely during peak hours; even that, at present, is so irregular. Sometimes you could drive at any hour on that highway and find no patrols.

Secondly, notwithstanding the usual fines, which no one seems to take seriously, for exceeding the speed limit on the bus route, let us add a further deterrent—I do not know if the Minister has considered this—the suspension or the withdrawal of those special permits to use the bus route for second and third offenders. I believe that habitual offenders should not be allowed to use the bus route. Their permits should be withdrawn. It is high time that we be firm with those in whose hands are entrusted the lives of commuters or other drivers who endanger the lives of people.

Thirdly, I want to point out to the hon. Minister—I do not know if he uses the route—there are a few intersections on the Priority Bus Route with only flashing warning lights. These "caution" lights are about the most dangerous signals on the Priority Bus Route. Many motorists are amazed that the Ministry of Works and

Transport is so slow to recognize this. I do not know who are the technocrats recommending that, but flashing lights on a highway like that, is really a hazard. It is useless and dangerous—flashing lights which signify nothing specific for certain motorists—and must be immediately replaced by regular traffic signals with their definite "stop" or "go" signals. I hope that the Police Traffic Branch and the Ministry of Works and Transport will provide more effective surveillance, supervision and control, thereby ensuring responsible use of the Priority Bus Route.

Permit me to add a fourth suggestion based on Part 12 of the Regulations we are considering. Clause 36 reminds motorists of the removal and impounding of vehicles unlawfully parked—shades of the much despised and widely condemned wrecker system. The time is certainly long overdue in Trinidad and Tobago for the installation of parking meters in our towns and cities.

I close by kindly asking the hon. Minister to inform this Senate if any progress has been made to date on the installation of such meters.

I thank you, Mr. President.

Sen. Prof. John Spence: Mr. President, just a few brief words, first of all, to support the efforts that are being made with respect to the control of maxi-taxis, particularly noise pollution. This is an extremely urgent problem, it seems to me, and certainly it should be addressed expeditiously. Apart from the adverse effects that it may have on the hearing of the youths, there is also the morality of the music that comes over those systems. Occasionally one hears reference to our culture. I am sure that the technology that goes into the speaker systems in maxi-taxis has nothing to do with our culture.

The other aspect which seems to me would need looking at is the colour of the glass on the sides of maxi-taxis and cars in general. It is amazing to me, really, that given the present state of crime in this country, that vehicles should be allowed to use coloured glass which prevents seeing into them. That, certainly, it seems to me, should also be looked at.

With respect to the Bill itself, I agree with Sen. Teelucksingh, that there seem to be some omissions. I think all of us who travel in Port of Spain must go down Maraval Road opposite to TTT. It is impossible to pass there at any time and not find that the traffic is restricted because of parking on both sides. It may be that there are already regulations preventing this and they are not policed, but certainly I have always been amazed at the number of people, including Ministers and,

presumably, police and traffic officials, who must pass there and not notice the difficulty in the free flow of traffic at that point.

Reference has been made to the crash barrier on the highway. It seems to me that there is a design fault at the end of that road. I, too, pass that spot frequently, and nearly every Saturday that I pass there, there is evidence of a new crash onto the barrier. That must surely mean that there is some problem with the design of the road. I am certainly not a civil engineer or an expert in traffic, but, to me, the evidence is in the number of accidents that occur at that point. It seems to me that the road should start to widen when one is travelling into Port of Spain before it does, so that there is not the necessity of a relatively sharp left turn at that point, which causes people to go straight into the middle of the barrier.

I support the Bill and the efforts that are being made to control traffic. I certainly think that one needs to address the other points which the Minister said are being addressed. I certainly support that. I look forward to that Bill coming before the Parliament, and I think that there are some other areas in Port of Spain that need to be looked at, and perhaps some other districts which should be added to the list of changes that need to be made in traffic regulations.

Thank you, Mr. President.

The Minister of Works and Transport (Hon. Colm Imbert): Mr President, I would like to address a number of the issues raised by Members opposite. Let me deal first with Sen. Capildeo. He raised a number of issues, including non-functioning traffic lights, inadequate signage throughout the country. He spoke about traffic wardens, noise pollution, billboards and so forth. I would like to advise this House that the issue of traffic wardens is already being addressed by the Ministry of National Security. I believe the Minister himself made a statement in this House. I do not know if Sen. Capildeo was present. But the Ministry of National Security is presently in the process of arranging for the drafting of legislation to make traffic wardens legal. This will also help with the unemployment situation.

3.10 p.m.

With regard to noise pollution—I am glad that Senators opposite raised this point—solution to many of the points raised already exist in law. I would refer Senators to the Motor Vehicle and Road Traffic Regulations, Chap. 48:50, Section 43 which reads:

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"Any person driving or in charge of a motor vehicle which causes a loud noise to the annoyance or disturbance of any person is guilty of an offence ..."

This brings us to the problem—

Sen. Hosein: Hon. Minister, would you give way? Could the Minister tell this hon. House what is being done about that, particularly? It seems there is no action taken with respect to this law.

Hon. C. Imbert: Mr. President, I was coming to that. Many of the perennial problems that arise with the use of motor vehicles on the nation's roadways are already covered in law. The question of touting, for example, is already covered.

The Government uses the ticket system, primarily, to enforce these regulations, and there is no question that this system is very unsuccessful. As a matter of fact, in some quarters it has been described as a failure. What one finds quite often is that persons tear up the ticket in the presence of the prosecuting officer or, if they are asked to turn down their music, they do so, and as they drive off they turn it up again; persons do not pay the tickets and the necessary infrastructure is just not in place to investigate or determine whether persons are, in fact, paying their fines. There is absolutely no question that a new system is required.

For this reason, my Ministry and the Ministry of National Security have been looking at a system of penalties which would involve a point system where offenders would accumulate points which would be charged against their drivers' permit; whenever they reach a certain number of points, their licences would be revoked. We believe that this is the only system that would be practical and workable. It operates in many of the metropolitan countries. I already have a team in my Ministry—the Ministry of National Security is also doing some work on this—looking at various systems which operate in other parts of the world—in the United Kingdom, Canada, British Columbia and North America—to come up with the most appropriate system of enforcement for Trinidad and Tobago using a points method.

We believe once persons have the threat of losing their driver's permit if they do not follow the law or pay their fines, we would have greater compliance with the law. I believe that would address that matter.

The formulation of an appropriate points system for motor vehicle offenders is part of a wider process currently taking place in my Ministry. We are looking at comprehensive amendments to the Motor Vehicle Act. One of these amendments

will be an amendment to the system of licensing motor vehicles which was raised by Sen. Capildeo. We believe it is more appropriate to move to the anniversary date system, either by using an appropriate date, such as the month in which the driver is born—which is used in some metropolitan countries—or the first issue of the licence of the motor vehicle. In this way, we believe that the licensing process will be spread throughout the year and there will not be this tremendous rush in the first three months of the year.

Might I say, however, that the rush at the Licensing Office in the early part of 1993 was caused, in part, by the large number of persons who had not paid their licence for a number of years nor brought in the vehicles for inspection. It appears that there was sufficient concern about the information coming out of the Licensing Office to bring in the vehicles and actually license them. What we found was that vehicles which have not been seen for five to ten years were coming over the inspection pit this year. This was responsible, in part, for the situation—not that the situation was desirable. As a result, we are now moving towards the anniversary date system, as I have pointed out.

Mr. President, we are also looking at the inspection of vehicles by private garages, because we believe that once we deregulate the inspection of vehicles, and remove it from a central location—or a few central locations such as Port of Spain and San Fernando—and we authorize garages throughout Trinidad and Tobago to inspect and certify the road-worthiness of vehicles, as is done in the United Kingdom, that the congestion at the central points can be reduced. The team that is presently looking at the points and anniversary date systems is also looking at appropriate regulations to bring in the inspection of vehicles by private garages.

Sen. Cowie: Mr. President, perhaps the Minister can assist this honourable Senate in particular, with respect to paragraph 35 of the proposed regulations—in terms of an approach corollary to, shall we call it, the accentuation of prosecutions, detection and enforcement and so forth—what has been the extent of consultation, if any, with purveyors of heavy transport vehicles, transport industrialists and that sort of thing. It seems as if these prohibitions against excess over certain maximum gross weights would, to a large extent, touch and concern access along principal roads.

Perhaps, corollary to enforcement initiatives, the Minister can advise to what extent consultation has taken place with respect to preliminary formulation of these proposals.

Hon. C. Imbert: Certainly. The maximum gross weight indicated is the actual carrying capacity of the bridges on these roads. Even if someone operating a vehicle in excess of this weight wishes to operate on any of the roads in question, we could not allow it. Let me also say that there is a continuous process of consultations through the Transport Board, the Traffic Management Branch and the police. My Ministry has continuous liaison with various associations involved in the transport sector, such as the Maxi-Taxi Association. We speak to the manufacturers and importers of motor vehicles on a regular basis and we consult generally.

We expect motor vehicles in excess of the tonnage indicated here, to use alternative routes which are available. Certainly, if someone wants to transport a 40 ton container down one of these roads, there will be some inconvenience, but we cannot allow an overweight vehicle to destroy a bridge and thereby cut off a community for over one year, as was the case with the Naparima/Mayaro Road.

One would hope, as time goes by, and more funds are available, that we can upgrade the carrying capacity of the bridges and the roads themselves. At the present time we are in discussion with the European Economic Commission for a loan totalling some \$60 million ECUS, that is approximately TT \$100 million for the upgrading of our main roads such as these roads mentioned here, which would include, of course, strengthening and upgrading of the bridges. I do not know if that answers the Senator's question.

Sen. Capildeo mentioned the state of the country's roads. I agree that the state of the country's roads is not of the best. I think that is the best way I can describe that. But the condition of the country's roads is directly related to the amount of money spent on them. In many countries there is a taxation system whereby the taxes collected from motor vehicles licences, even from gasoline, are placed in special funds and used specifically for repair of the nation's roads.

3.20 p.m.

The Ministry is currently looking at such a system, but we would need, of course, the concurrence of the Ministry of Finance and the Government in general, because this is not a unilateral matter. There are many considerations. If we impose additional taxation on persons, would they accept it? However, I will tell you we are considering, and we are looking at systems that are in place in other countries. For example, Barbados has a system where a percentage of the taxation on gasoline is assigned specifically to the repair of the roads in that

country. But as I said it is not a simple matter. It has to be taken in a national context.

Sen. Capildeo: Have you any idea as to what percentage of moneys generated from the sale of gasoline and the taxation and licensing of motor vehicles is spent on our highways?

Hon. C. Imbert: I cannot answer that question specifically, but all taxes go directly into the Consolidated Fund as you know. As an example, I can tell you in 1993 we have approximately \$8 million available for the procurement of goods and services for the repair of the nation's roads. In 1982, some 11 years ago, the amount spent was some \$16 million. That will give you an idea of the reduced resources available to us. But as with all other areas of Government we all make demands on the national purse. One has to decide whether to devote more funds to repairing roads or to hospitals. One has to view it in the national context. However, as I have indicated, we are looking at systems available in other countries. In the metropolitan countries, for example, tolls are charged on highways and the funds generated from these tolls are used specifically for repairing these highways. However, these countries have several alternative routes. If one were to charge a toll, by the principles of natural justice, one should provide an alternative route. So that before a toll is implemented on any of our highways we would have to upgrade the secondary and main roads to such a standard so that persons not wishing to pay the toll would have an alternative available to them.

These traffic control regulations are intended to reduce accidents and, as I said, it is a formalization of an experimental scheme. Our records indicate that the experimental traffic schemes which we are now proposing to this Senate make permanent, have reduced the number of accidents in the particular areas.

Sen. Merritt: Mr. President, the Motor Vehicle and Road Traffic (Amdt.) Act of 1980 section 22 (b) has not yet been proclaimed. This relates to the compulsory fitting and wearing of seat belts. I wonder whether the Government have any intention of proclaiming this Act?

Hon. C. Imbert: Yes, I would come to that shortly. Sen. Capildeo raised the point about the cause of accidents on our roadways. Accidents are caused by a number of reasons: poor road conditions; unsafe road conditions that manifest themselves in blind corners. But poor driving habits, in my view, is the main cause of accidents on the nation's roadways. Every day one sees persons driving

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through red lights, not stopping where they should, stopping where they should not, parking indiscriminately, overtaking—three abreast sometimes. On the Priority Bus Route we have a particular problem. Again, it comes down to the problem of enforcement because the system available to us at this time, quite apart from putting someone on a formal charge, is the ticket system, and it is not working. That is why we are moving to the system of revocation of permits, and we hope with that we will see a greater compliance with the law.

The Seat Belt Provision was not proclaimed because of a problem with the required standard that these seat belts should satisfy. My understanding is that the Ministry of Trade is actively looking at the appropriate standard that the seat belt should conform to. It is one of the issues that I personally am looking at. At last check my information was that it would be sent for drafting in the shortest possible time. It is an area that concerns me. I have had many queries about the seat belt legislation, and upon investigation I determined that the only thing that was holding it up was how strong the seat belt should be? What sort of resistance and protection it should afford the driver? But there was no problem with the concept itself.

In response to a general question raised by Sen. Spence and Sen. Teelucksingh about other areas, these regulations are intended to complement regulations already in force; there are already regulations in force for other parts of Trinidad and Tobago. This is additional to them. The Traffic Management Branch together with the Police Traffic Branch continuously monitor areas in Trinidad and Tobago to determine whether there is need to change regulations or implement new regulations with regard to the control of traffic. I hope that answers the particular questions raised.

The question of enforcement: again this comes back to the penalties in the law and how successful these are. I am certain that there are traffic control regulations in Chaguanas and San Fernando at the present time. I am also certain there are traffic control regulations on Maraval Road but whether they are being enforced I cannot say. One would hope that with the movement to the point system we can deal with that.

With regard to the delay in bringing to Parliament the Maxi Taxi Regulations, I can inform hon. Senators, that one of the problems was what exactly we should do about excessive noise and music in maxi-taxis. Questions of constitutional rights were raised. We do not always get the co-operation of the Opposition whenever we seek to pass legislation in the public interest. There was the question

as to whether we would need a three-fifths majority to pass such legislation banning music entirely from the maxi-taxis.

Sen. Rooks: May I offer a suggestion? Three days ago I had been to one of these places that are making speakers for maxi-taxis. They are using large 15% inch speakers. Why can they not be confined to the normal automotive speakers? I think this would solve the whole problem.

Hon. C. Imbert: I am grateful for that intervention Sen. Rooks. That is exactly what Cabinet has agreed to: that as a first step we would seek to regulate the equipment in the maxi-taxis and limit the size and power of the receivers, amplifiers and speakers. The problem would be enforcement. What we are determined is if we are unable to enforce that—because even if you prescribe two speakers, a receiver or amplifier not exceeding four watts per channel or something of that nature, the very next day you might see a maxi-taxi on the road with ten speakers, three amplifiers and a pre-amps, ignoring the law. Side by side there must be enforcement and you must increase the penalty. That is exactly what we have come up with.

3.30 p.m.

In Jamaica, Barbados and Guyana, music in maxi-taxis is banned altogether. When I come to this Senate, to ban music in maxi-taxis, I would ask the Members of the Opposition to support such legislation and not engage in obstructionism.

Mr. President, I beg to move that the Traffic Control Regulations be affirmed.

Sen. Cowie: Mr. President, I hesitate to intervene at the point at which the Minister purported to complete his presentation, but as a matter of interest, might I enquire as to whether it is the Minister's intention from time to time, to promulgate deeming provisions, as regards areas in which it appeared that there might previously have been some confusion as to which are minor or major roads?

I invite the Minister's attention in particular to paragraph 20. It seems as if there is some kind of inspiration that has prompted the declaration, that the Old Southern Main Road, at its intersection with Ramdhanie's Road is deemed a major road. Does the Minister intend at any point in time to embark on—if I might describe it as—a clinical exercise which would perhaps augment the tenor of paragraph 20 in respect of other areas of uncertainty.

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Hon. C. Imbert: The roads that are deemed to be major roads are specified and a list is continuously reviewed by the Highways Division.

I am grateful for the Member's intervention because I would like to expand on that issue. There is tremendous confusion in this country on exactly what are major roads and minor roads, and which agency has the responsibility for these roads.

Sen. Capildeo raised the question of Carlos Street which is under the purview of the Port of Spain City Corporation and, therefore, under their responsibility.

However, the Minister of Works and Transport has the authority under the Highways Act to declare any road in this country to be a major road, and thus bring it under the control of the Ministry of Works and Transport. It is a process that is continuous. The Highways Division is continually examining the level of traffic on virtually every major road in this country. We add to the list of major roads from time to time.

For example, Wrightson Road, for many years, was under the control of the Port of Spain City Corporation, and has only recently been put under the Ministry of Works and Transport. As time goes by, we would add more roads to the list as they become more frequently used by traffic.

I beg to move.

Question put and agreed to.

Resolved.

That the Traffic Control Regulations, 1992 be affirmed.

ADJOURNMENT

Motion made and question proposed, That the Senate do now adjourn to Tuesday April 27, 1993 at 1.30 p.m. [Hon. R. Huggins]

Mr. President: Hon. Senators, before putting the question, I crave your indulgence to be absent from sittings of the Senate, during the period April 27 to May 16, 1993.

During my absence, the Vice-President of the Senate, Sen. Ainsley Mark will be performing the duties as Vice-President of the Senate.

Question put and agreed to.

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Senate adjourned accordingly.

Adjourned at 3.35 p.m.