

**THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT**

**IN THE SECOND SESSION OF THE FIFTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON NOVEMBER 27, 1995**

SESSION 1998—1999

VOLUME 14

SENATE

Tuesday January 12, 1999

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

SEASON'S GREETINGS

Mr. President: Hon. Senators, greetings, and may we have a very productive 1999.

I have received the following communication from the Tobago House of Assembly:

“Dear Member,

The Tobago House of Assembly 1996—2000 at its Plenary Sitting (Thirty- fourth Meeting) held in the Tobago House of Assembly Chamber on Thursday December 17, 1998, by resolve directed that Seasons Greetings for a Blessed Christmas and a Happy New Year be extended to the President and other Members of the Senate and their families.

Yours faithfully,

Ag. Clerk of the Assembly.”

An appropriate letter of thanks would be forwarded to the Tobago House of Assembly when we shall reciprocate the kind sentiments conveyed to us in their letter.

CONDOLENCES

Mr. President: On behalf of Members of the Senate and staff and others, I wish to offer condolences to the Minister of Culture and Gender Affairs, Sen. The Hon. Daphne Phillips, on the recent passing of her father.

Condolences are also expressed to the family of the late Mr. Narine Dookie, a former Member of the House of Representatives, who served during the 1971—1976 period and who passed away during the course of last week. Appropriate letters of condolence would be sent to the families of both bereaved families.

As a mark of respect to the former Member of Parliament, may I ask all to stand for a minute's silence, please.

The Senate stood.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the Strategic Services Agency for the year ended December 31, 1997. [*The Minister of Finance (Sen. The Hon. Brian Kuei Tung)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the Public Utilities Commission for the year ended December 31, 1997. [*Sen. B. Kuei Tung*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the Legal Aid and Advisory Authority for the year ended December 31, 1997. [*Sen. B. Kuei Tung*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the Tunapuna/Piarco Regional Corporation for the year ended December 31, 1994. [*Sen. B. Kuei Tung*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of the San Fernando City Corporation for the year ended December 31, 1988. [*Sen. B. Kuei Tung*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the accounts of San Fernando City Corporation for the year ended December 31, 1989. [*Sen. B. Kuei Tung*]
7. The Family Proceedings (Amendment) Rules 1998 [*The Minister of Public Administration (Sen. The Hon. Wade Mark)*]
8. The Civil Proceedings (Amendment) Rules 1998 [*Sen. W. Mark*]

ORAL ANSWERS TO QUESTIONS

Environmental Management Authority Rules

1. **Sen. Prof. Julian Kenny** asked the Minister of Planning and Development:

Could the hon. Minister inform the Senate:

- (a) Whether Environmental Management Authority rules, in accordance with section 26 of the Environmental Management Authority Act of 1995, are being made?

If the answer is in the affirmative, could the Minister inform the Senate of the timetable for tabling in Parliament of the rules,

procedures, designations or standards required under section 26 of the Environmental Management Act, 1995, in particular:

- (1) Sensitive areas
 - (2) Sensitive species
 - (3) Certificates of Environmental Clearance
 - (4) Ambient Environmental Quality Criteria of Standards
 - (5) Designation of hazardous substances and procedures for handling and safe disposal of such materials
 - (6) Vehicle Emission Standards
- (b) Could the hon. Minister also inform the Senate of the numbers of personnel, both full time professional employees and consultants employed in preparation of these rules, procedures, designations, and standards, their individual qualifications and remuneration packages.

The Minister of the Environment in the Ministry of Planning and Development (Dr. The Hon. Vincent Lasse): Mr. President I am delighted to provide the information requested to Sen. Prof. Julian Kenny listed as question No. 1 on the Order Paper.

With respect to part (a), the Environmental Management Authority has been pursuing the drafting of subsidiary legislation which would serve to activate enforcement mechanisms needed to operationalize the Environmental Management Act 1995. In this regard, the following is a proposed timetable for tabling in Parliament of the specific rules.

- (1) Environmentally sensitive areas rules, schedule date for laying in Parliament—February 1999.
- (2) Environmentally sensitive species rules—February 1999.
- (3) Certificate of environmental clearance designated activities order—February 1999.
- (4) Certificate of environmental clearance rules—February 1999.
- (5) Vehicle emission standards and rule—September 1999.
- (6) Water pollution rules—September 1999.

- (7) Ambient air quality standards rules—December 1999.
- (8) Designation of hazardous substances and procedures for handling and safe disposal of such materials—June 2000.
- (9) Air pollution rules—June 2000.
- (10) Noise pollution rules—December 2000.

The first four matters which are rules for environmentally sensitive areas, environmentally sensitive species, environmental clearance and certificate of environmental clearance designated activities order are scheduled to be considered at this week's regular meeting of the Cabinet which is scheduled for January 14, 1999, where a decision would be taken with respect to tabling in Parliament and publishing in the *Gazette*.

With respect to Part (b), the following personnel have been involved in the development of the subsidiary legislation to date. I would give the name, position, educational training, years of experience, work experience and, of course, the salary of the individuals.

NAME	POSITION	EDUCATION/ TRAINING	YRS/ EXP	WORK EXPERIENCE- SECTOR	EMA SALARY
Calise Narinesingh	Legal Officer I Full time EMA Staff Member	Bachelor of Law (LLB) Legal Education Certificate (LEC)	5½ yrs.	1. Legal Assistant (private firm) 1 yrs 2. State Counsel I (DPP) 4 yrs. 3. Legal Officer I (EMA) ¾ yr.	\$7,500 per mth
Marise Warner	Legal Officer I Full-time EMA Staff Member	Bachelor of Law (LLB) Legal Education Certificate (LEC)	1½ yrs.	1. Associate Lawyer (Private) 1 yr. 2. Legal Officer I (EMA) ½yr	\$6,500 per month
Justice Cecil Kelsick	Legal Consultnat	Bachelor of Law (LLB)	60 yrs	<u>Other West Indian Islands</u> • Private Practice-6 yrs. • Crown Attorney-5 yrs. • Ag. Attorney General- 1 yrs. <u>Trinidad and Tobago</u> • Legal Draftsman-3 yrs.	
NAME	POSITION	EDUCATION/ TRAINING	YRS/ EXP	WORK EXPERIENCE- SECTOR	EMA SALARY
Justice Cecil Kelsick	Legal Consultant	Bachelor of Law (LLB)	60 yrs.	• Solicitor Genral, Ex Officio- director of Public Prosecution,	

				constitutional Adviser to the Governor, Member - Judicial & Legal, Service Commission-9 yrs <ul style="list-style-type: none"> • Chairman, Tax Appeal Board- 12 yrs • Chairman, Law Commission -6 yrs. • Justice of Appeal-5 yrs • Chief Justice and President of the Court of Appeal - 2 yrs • Chairman C ouncil of Legal - 3 yrs • Asst. tutor and Course Director - Hugh Wooding Law - 8 yrs • Legal Consultant - EMA-2¾ yrs 	\$20,000 per
Justice Kester McMillan	Legal Consultant	Barrister-Bar	44 yrs	<ul style="list-style-type: none"> • Private Practice- Grenada - 3 yrs • Asst. Attorney General - Grenada - 1 yr • Magistrate - Grenada - 3 yrs <u>Trinidad and Tobago</u> <ul style="list-style-type: none"> • Crown Council - T&T Government - 3 yrs • Legal Draftsman - Federal Government - 2 yrs • Legal Draftsman - T&T Government - 2 yrs • Supreme court Judge - 30 yrs - Court of Appeal - High Court • Legal consultant - EMA - 9 mths 	\$20,000 per month
Rajendra Ramlogan	Legal Consultant	BA-English Literature Bachelor of Law (LLB) Legal Education certificate (LEC) LLM PhD Candidate	7 yrs	<ul style="list-style-type: none"> • Legal Counsel (Special Prog. PETROTRIN - 6 yrs • Foreign Assoc. (private firm) 6 mths • EMA Legal Consultant 9 mths 	\$17,000 months

1.45 p.m.

Radindra Ramlogan, legal consultant: BA, English Literature; Bachelor of Law (LLB); Legal Education Certificate; LLM Ph.D. candidate; years of experience, seven years; legal counsel, special programme, Petrotrin, six years; foreign associate, private firm, six months; EMA legal consultant, nine months. Salary, \$17,000 per month.

Mr. President, I do hope that the information provided will be of assistance to all concerned and to the honourable Senate. I thank you.

Sen. Prof. Kenny: Mr. President, my question specifically asked about the remuneration package. Salary is rather less than the remuneration package. Would the hon. Minister care to answer my question about the total remuneration package? Is there anything else that goes with the consultancy or the job?.

Dr. The Hon. V. Lasse: I appreciate the question raised by the hon. Senator, however, at this point in time, I have not got a breakdown of the package. I will be willing to answer this at a subsequent time. Thank you.

Sen. Prof. Kenny: Thank you, Mr. President. Just a supplementary question. On the sensitive areas and sensitive species, the rules were put out to the public over two years ago. I think they were actually in 1996, because I responded in writing and I just wondered why these have not actually seen the light of day. It is over two years.

Dr. The Hon. V. Lasse: I am sure that the hon. Senator is quite aware of the fact that these rules are normally sent out for public comment and this does take some time.

Sen. Diana Mahabir-Wyatt: Two years!

Sen. Daly: Mr. President, a supplemental question. Who determines these remuneration packages the hon. Minister has described?

Dr. The Hon. V. Lasse: This is a question I cannot answer, but I want to believe that the persons have been employed by the EMA and I think the board of the EMA should be appropriate to determine that. Thank you.

Caroni (1975) Limited Land

Re: Terms and Conditions - Innercob/InnCogen

2. Sen. Danny Montano asked the Minister of Agriculture, Land and Marine Resources:

Would the Minister please state the financial terms and conditions regarding:

- (a) The land supplied by Caroni (1975) Limited to Innercob/InnCogen and state what was Caroni's valuation of this land for the purpose of industrial development;
- (b) The land to be supplied to Norsk Hydro by Caroni (1975) Limited and state what was Caroni's valuation of the land for the purpose of industrial development and what was Caroni's starting financial terms requested at the beginning of negotiations with Norsk Hydro.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. President, the financial terms and conditions regarding the land leased to Innercob are contained in the registered lease that can be obtained from the Registrar General's Office at the Red House. The lease is for 60 years with an option to renew for another 30 years. There were 32.4 hectares, or approximately 80 acres of land, which were leased.

The price paid by Innercob is TT \$2,587,186 or US \$1.40 per square metre in the first year, which includes a premium and lease rental costs. Thereafter, there is an annual lease rental of TT \$816,338 or US 40 cents per square metre, including a price escalation which will be pegged to the US Consumer Price Index. The lease value of the land considered several factors such as infrastructural cost for roads, drainage, water and sewerage to be borne by Innercob. The valuation of this land by Caroni (1975) Limited was TT \$150,000 per acre, based on the market value of land existing in the Point Lisas area, not in close proximity to the port, nor within easy access to other services.

In response to part (b) of the question, the land being made available for the Norsk Hydro Aluminium project is to be leased on a lease premium of US \$1.10 per square metre and an annual lease rental of US \$1.26 per square metre. The lease value of the land was based on Norsk Hydro being provided with infrastructure such as access roads, water, electricity, natural gas and telecommunications. These costs are to be borne by Caroni (1975) Limited. The valuation of this land by Caroni (1975) Limited was TT \$200,000 per acre based on the market value of land existing in the Point Lisas area. Justification of the price also took into consideration proximity to the port, as well as easy access to other services.

Mr. President, Caroni (1975) Limited did not commence negotiations on the financial terms with Norsk Hydro. Norsk Hydro had placed with Plipdeco a land option at rates that existed at the Point Lisas estate. These lands were found to be unsuitable. Norsk Hydro then found suitable lands near the port on Caroni's estate for the aluminium project. Negotiations for the Caroni land were informed by the earlier discussions between Norsk Hydro, Plipdeco and the National Gas Company, with a lease premium of US \$1.10 per square metre and an annual lease rental of US \$1.26 per square metre. No payment has been effected on this land, however, a land option of US \$1 million was previously paid to Plipdeco.

Thank you.

Sen. Montano: Mr. President, a supplemental question. Perhaps the Minister could supply me with the numbers of the leases so that I could find them a bit more easily. My second question is: Could the Minister advise this House of who at Caroni or outside of Caroni advised on the value of the land, TT \$150,000 per acre? Was that an independent expert or was that someone inside of Caroni itself?

Dr. The Hon. R. Mohammed: I would willingly oblige to provide the hon. Senator with the lease numbers. With respect to his concern about the valuations that were done, I am certain that the Lands and Projects Committee of Caroni has the capability to do its valuations. However, I cannot respond positively or negatively with respect to whether an independent valuator was called in to do the valuations as indicated in this answer.

Prof. Ramchand: Mr. President, I wonder if the Minister could state whether the proceeds from the sale of these lands will be going to Caroni (1975) Limited to assist Caroni (1975) Limited to improve its balance of payments and, perhaps, save the jobs of the board? *[Laughter]*

Dr. The Hon. R. Mohammed: I want to assure the Senator that there is no question of sale of lands here. The lands are not to be sold. They are to be leased. Yes, the proceeds of the lease rentals would, in effect, be going to Caroni (1975) Limited.

Sen. Montano: Final question: Could the Minister advise this honourable Senate, if these were lands that were formally in cultivation, what was the annual yield of these lands?

Dr. The Hon. R. Mohammed: Mr. President, the lands earmarked for be it light industrial development, or heavy industrial development, have been deemed unproductive as far as agriculture is concerned. The people at Caroni (1975) Limited, the management and the board, have a database which would inform which lands in Caroni are suitable for agricultural production, which lands can produce economically and otherwise. So, in keeping with the transformation plan we have for Caroni (1975) Limited, those areas which are earmarked for light or heavy industrial development would have been deemed unproductive agricultural lands.

Sen. Montano: Mr. President, the Minister said "deemed" which is not necessarily the same thing as being, in fact, unproductive. Were they, in fact, unproductive or are they being deemed unproductive for the future?

Dr. The Hon. R. Mohammed: Mr. President, I would expect that these lands would have been selected based on the fact that from an economic standpoint they were not agriculturally productive.

Sen. Montano: Mr. President, with respect, he has not really answered the question. He said that the land is being deemed unproductive, but I would really like to know what the productive yield was. If it was nil, nothing, zero; then say so. If it was marginal, then give us the actual yield. If he does not have that at hand, I ask him to give us an undertaking to come back with the information. I would accept that readily.

Dr. The Hon. R. Mohammed: Mr. President, I will give the hon. Member the undertaking that I will come back with that information.

LEGAL AID AND ADVICE (AMDT.) BILL

Bill to amend the Legal Aid and Advice Act, Chap. 7:07 [*The Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings. [*Hon. W. Mark*]

Question put and agreed to.

EVIDENCE (AMDT.) BILL

Bill to amend the Evidence Act, Chap, 7:02 [*The Minister of National Security*]; read the first time.

*Motion made, That the next stage be taken at a later stage of the proceedings.
[Hon. J. Theodore]*

Question put and agreed to.

LITTLE FLOCK CHRISTIAN MISSION (INC'N) BILL

Question put and agreed to, That a bill to provide for the incorporation of the Little Flock Christian Mission and for matters incidental thereto, be now read a first time.

Bill accordingly read the first time.

**NATIONAL SAFETY COUNCIL TRINIDAD AND TOBAGO
(INC'N) BILL**

Question put and agreed to, That a Bill to provide for the incorporation of the National Safety Council Trinidad and Tobago and for matters incidental thereto, be now read a first time.

Bill accordingly read the first time.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, in terms of the order of business, we are proceeding with Motion No. 1, Motion No. 3, then Motion No. 2.

Agreed to.

2.00 p.m.

TRINIDAD AND TOBAGO POSTAL CORPORATION (NO. 2) BILL

House of Representatives Amendments

The Minister of Public Utilities (Hon. Ganga Singh): Mr. President, I beg to move,

That the House of Representatives amendments to the Trinidad and Tobago Postal Corporation (No. 2) Bill, 1998 listed in the appendix be now considered.

Question proposed.

Question put and agreed to.

Clause 49.

Senate amendment read as follows:

Delete paragraph (a) and remove "(b)" appearing before the word "noxious" in paragraph (b).

Mr. Singh: Mr. President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

Question proposed.

Question put and agreed to.

Clause 58.

Senate amendment read as follows:

Substitute for the word “five” appearing in line 4, the word “three”.

Mr. Singh: Mr. President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

Question proposed.

Question put and agreed to.

PRIVILEGES AND IMMUNITIES (CONVENTIONS OF LOMÉ)

ORDER (APPROVAL OF)

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. President, I beg to move,

Whereas it is provided by section 9(2) of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01 (hereinafter referred to as “the Act”) that the President may by Order declare that any international or regional organisation or agency named or described in such Order shall, to such extent as specified in the Order, be accorded the privileges and immunities set out in Part 1 of the Fifth Schedule therein.

And Whereas it is also provided by subsection (3A) that an Order made under subsection (2) may, notwithstanding anything contained in that subsection or in any other written law, confer on the organisation or on such persons or classes of persons as are referred to in subsection (3), or on persons who have entered into contracts financed by the organisation, such immunities, privileges or exemptions, as the case may be, as are required to give effect to any international treaty or convention in that behalf to which Trinidad and Tobago has been a party.

And Whereas it is also provided by section 9 of the Act that every Order made under that section shall be subject to affirmative resolution of Parliament.

And Whereas the President has on the 2nd day of September, 1998 made the Privileges and Immunities (Conventions of LOMÉ) Order, 1998.

And Whereas it is expedient that the Order now be affirmed.

Be It Resolved that the Privileges and Immunities (Conventions of LOMÉ) Order, 1998 be approved.

Mr. President, Members of this honourable Senate have before them—I hope, it has already been sent for confirmation—an order entitled the “Privileges and Immunities (Conventions of LOMÉ) Order, 1998”. The Order was made by His Excellency the President on September 2, 1998 in accordance with the power vested in him by section 9 of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01. Section 9 of the Act also requires that every Order so made under that section shall be subject to affirmative resolution of Parliament.

The purpose of this Order is to be found in paragraph (2) which states that Mr. Garvin McGillavray, the foreign expert assigned by the European Union to the Programme Management and Co-Ordination Unit of the Caribbean Regional, Agriculture and Fisheries Development Programme of Cariforum, is accorded the following privileges: namely, full exemption from the payment of customs duty, purchase tax, stamp duty and other direct or indirect tax on personal and household effects imported within eight months of his arrival for his personal use.

Mr. President, on February 2, 1995 on the basis of the LOMÉ IV Convention Article 164, and by Financing Agreement No. 5475 dated March 23, 1995 between the Commission of the European Communities and member states of Cariforum, the Commission of the European Communities approved the Caribbean Regional Agriculture and Fisheries Development Programme as one of the Cariforum projects of the Caribbean Regional Indicative Programme financed from the resources of the first financial protocol of LOMÉ IV Convention. The programme, which was allocated 22.2 million ECUs, is designed to be executed over a six-year period. Members of the Senate would remember and would recognize that the funding that we are talking about is actual loan funding which is given to the Cariforum countries under two tracks, as it were: one under the regional programme and one under the national indicative programme. The programme

we

are talking about here is a programme under the regional programme under the Cariforum programme.

The main objectives of the Caribbean Regional Agriculture and Fisheries Development Programme is to strengthen the economies of the Cariforum member states by consolidating and enhancing the contribution of the agriculture and fisheries sector. The programme aims to facilitate investment in agricultural and fisheries development; to promote diversification and market development; and to improve necessary sector development support services with particular emphasis on the private sector.

Mr. President, a Programme Management and Co-ordination Unit located in Trinidad and Tobago was established by Government to co-ordinate the regional initiatives proposed under the programme and to ensure the fullest and most equitable participation of Cariforum member states. Following a competitive tendering procedure, Huntings Technical Services Limited of the United Kingdom was selected to carry out the technical assistance framework contract which included the provision of the programme management services. Mr. McGillavray arrived in Trinidad and Tobago on April 14, 1998 to assume duties as manager of the Programme Management Co-ordinating Unit.

I draw the attention of Senators to Act No. 18 of 1988 which amended the Privileges and Immunities Act by the insertion of a new subsection (3A) of section 9 of the Act and the explanatory note to the Act reveals that it came about as a result of Trinidad and Tobago becoming a party to Protocol 6 of the third ACP/EEC LOMÉ Convention. Paragraph (1) of Article 1 of Protocol 6 enjoins ACP states to “apply to contracts financed by the community, tax and customs arrangements no less favourable than those applied vis-à-vis the most favoured state or most favoured international development organization”.

Act No. 18 of 1988 extends to persons who have entered into contracts financed by the European Union such immunities, privileges or exemptions, as the case may be, as are required to give effect to any international treaty or convention in that behalf to which Trinidad and Tobago is or has been a party. But an order must be made pursuant to subsection (3A) in order that those immunities, privileges or exemptions regarding contracts financed by the European Union may be applied.

Senators are reminded that while paragraph one of Protocol 6 broadly defines the standards of the privilege or exemption to be afforded to contracts financed by

the European Union, the precise delineation of what most favoured nations stated represent in terms of particular exemptions must be gleaned by a reference to Chap. 17:01—and I have already pointed to that—and also, to any resulting orders that have been made by the President and confirmed by this honourable Senate subsequent to the passage of Act No. 18 of 1988.

In this regard, an examination of the consolidated index of acts and subsidiary legislation as at January 1, 1997 reveals that there have been four orders, Orders No. 199 and 200 of 1989, and Orders No. 88 and 89 of 1990, extending tax exemptions to European Union finance contracts and projects pursuant to subsection (3A) of section 9 of the Act. Some of those orders have included first arrival privileges for officials engaged on projects or executing European Union finance projects and so, practice and precedent would therefore indicate that the foreign expert in this instance, Mr. McGillavray, should be afforded the privilege provided for by subsection (3A) of Chap. 17:01 in respect of his own European Union finance contract as a technical advisor to the Programme Management and Co-ordination Unit of the Caribbean Regional Agriculture and Fisheries Development Programme of Cariforum.

Mr. President, it is also evident that Chap. 17:01 of the laws of Trinidad and Tobago attaches particular importance to the protection of the state's revenues. Section 9(3B) provides that an order referred to in subsection (3A) may specify such conditions for protecting the revenue as the President may deem necessary or expedient. The concern about protection of those revenues is as relevant in the case of an individual who is importing his personal and household effects, as it is the case of a company importing plant and machinery. It is for this reason that decisions to forego revenues, as in the instant case, requires the sanction of the Parliament of Trinidad and Tobago. Parliament enacted legislation in 1988 to recognize Trinidad and Tobago's treaty obligations in respect of European Union finance contracts and this order in consonance with the law, as stated in the Privileges and Immunities Act, merely seeks to give effect to that treaty commitment of the Republic.

In conclusion, I am sure that Senators would agree that this Order is a simple one indeed and the rationale for it very clear. I therefore recommend that hon. Senators support confirmation of the Order entitled Privileges and Immunities

(Conventions of LOMÉ) Order as made by His Excellency the President on September 2, 1998.

Mr. President, I beg to move.

Question proposed.

2.15 p.m.

Sen. Danny Montano: Mr. President, as the Minister I think clearly articulated, the matter is relatively simple. It obviously had its genesis in 1988, and I know that the Minister was not part of any government at that time. It seeks to grant exemption from duties and taxes to a consultant coming to reside in our country, presumably for the benefit of all of us and for our Caricom neighbours as well. His expertise, I assume, is going to be beneficial to the country as a whole. That is what we would hope, and that certainly was the thinking behind the legislation as it was originally passed.

While I have absolutely no doubt that Mr. McGillavry is a highly qualified expert in his field of competence, the tragedy is the state of affairs as it exists in our foreign affairs generally, and specifically with our immediate neighbour, Venezuela, and other Caricom neighbours. Sometime ago Members would remember that we debated a Bill which I would loosely refer to as the Caricom Skills Bill, where we were discussing the allowance of Caricom nationals to move freely between states and specifically to come into Trinidad and Tobago if they were of a certain level of qualification.

At the time, Members would remember, I expressed chagrin that since we now had the opportunity, we were addressing the issue of the movement of professionals and at least intellectual capital between the islands, that we could have at least addressed the issue of actual capital. I expressed my concern that a Caricom national who wanted to reside here, if he comes with thousands of dollars or even \$1 million, he could invest it here without a problem, but he has no right to reside here. He still has to go through the routines of applying for work permits. A gentleman such as Mr. McGillavry has no such burden. But Caricom nationals who commit financial capital and can invest and create jobs must apply for a work permit.

Mr. President, even more sadly, was the state of affairs and the shocking and disgraceful actions of this Government on our brother Mr. Julian Rogers, who was asked to leave the country post-haste when his work permit was not renewed. I

would throw the question open, not only to this Senate, but to the population as a whole. Who do you think was making a greater contribution to our society, Mr. Rogers or this gentleman? Who does this country need more? What kind of capital does the country need here, Sir? That is the shocking and disgraceful state of affairs to which this country has come.

We have a situation where the Government in a cloak of secrecy signed a Shiprider Agreement, has not laid it in Parliament, and those of us know nothing about it. We just roll over and play dead. I am shocked and dismayed at the alacrity and ease with which this Government would roll over for foreign states. I have not read the Shiprider Agreement, I am not privy to it, but I know that my counterparts in Jamaica and Barbados took the option to make certain amendments. They felt that they should not simply roll over just like that.

It is not that I am necessarily opposed to the concept of the Shiprider Agreement. In fact, I would go so far as to say that we should have a similar agreement with our immediate neighbour, Venezuela, with which we have none. Only last week two fishermen were lost. Apparently their engine had shut down and they had drifted into Venezuelan waters, and our Coast Guard do not have the right to enter Venezuelan waters to rescue them; not even to rescue them! During this Administration, the affairs between our country and our biggest neighbour reached such an atrocious state of affairs that Venezuela sought to recall their Ambassador, thereby giving us a diplomatic slap in the face.

It is the poor citizens of our country who are feeling this burden of the irresponsibility of this Government. I have no particular difficulty with this Motion, but it must be placed in the context of what we are doing generally and internationally. I, Sir, cannot condone the actions of the Government. I have no difficulty with this Motion. It is, of course, a matter of law and international convention, and I welcome the intellectual expertise of Mr. McGillavry and his colleagues, whoever and wherever they maybe. We on this side welcome them here, but we would also welcome back Mr. Julian Rogers.

Thank you.

Sen. Prof. Kenneth Ramchand: Mr. President, I would like to make a brief intervention. I doubt that what I have to say would make any difference, since the Minister has quoted precedents and conventions and has indicated that, as usual, we are hog-tied by international conventions and treaties that come to us on a take it or leave it or else basis.

Just as a scrupulous historian would find that I have been proposing daylight saving time to this country since 1975, and for many productive reasons, one would hope that a scrupulous historian would also find me holding another patriotic position and it is this: an individual should be paid a salary appropriate to his qualifications and to the kind of job he has been hired to do. If an individual is paid such a salary it should not be necessary for a country to forego revenue in the form of income tax relief and freedom from duties et cetera, on the importation of items for personal use. I think that the practice of giving exemptions is a substitute for paying a person an appropriate salary. The failure to pay an appropriate salary is one of the evils in our society. I just want it recorded.

I have nothing against Mr. McGillavry. I do not know what his salary is. If my brother-in-law is worth \$22,000, I would pay him that sum per month. But pay a man the salary that he deserves and let him pay the taxes that the country exacts and extracts from everybody else.

Thank you.

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. President, just to respond to the two contributions. The last one made by Prof. Ramchand about the country being hog-tied to international conventions and that we operate on a take it or leave it basis, is really an exaggeration, an extreme position. There is really no relation to what is taking place with respect to Trinidad and Tobago in the international environment.

We are a country, a sovereign nation operating in the modern environment, conducting our relations with other people and nations, and getting into acts of co-operation with other countries. When you do that it places upon you certain obligations. No one is hog-tied to anything. No one is dishing out to Trinidad and Tobago rules, regulations and principles under which we operate on a take it or leave it basis. We are in a civilized community of nations, and as a result of that, we act in a co-operative and accommodating spirit. The whole question of diplomatic privileges and immunities is a long standing tradition in international relations, and this is what this Motion is based upon. So Prof. Ramchand in his usual extreme position—

Sen. Prof. Ramchand: Mr. President, I thought I was making a very simple point. I do not wish to enter into a debate here about the kinds of treaties we have signed like the Patent Act, the Shiprider Agreement and so forth. I do not wish to debate or dispute that here, but I do object to the Minister saying that I am being

extreme "as usual". I think I am being very reasonable and sensible. I think the proposal I was making is one that has far-reaching consequences. I hope that the Minister knows the word conditionalities, I have heard that word so often. [Interruption]

Hon. R. Maraj: Thank you, Mr. President, for intervening. We were getting another contribution from the Professor. I maintain that it is a very uninformed view, a very extreme position to take, that because we come with a Motion like this it is to suggest that Trinidad and Tobago is hog-tied to the diplomatic immunities tradition that forms a basis upon which we conduct our relations.

The other extreme position was taken by Sen. Montano. He used an extreme word, "tragedy"; the "tragedy of our relations with Caricom". I do not think that there is any tragedy in Trinidad and Tobago's relations with Caricom. In fact, we are leading the way as usual in ensuring that the Caricom agenda is adhered to, the single market and the economy, part of which is the free movement of skills. Like other countries in Caricom, we have enacted legislation in this Parliament for the free movement of skills. The legislation is once more before the Cabinet subcommittee of the Finance and General Purposes Committee and we are looking at it with respect to making certain adjustments and amendments.

The fact is, we are committed. There can be no question of Trinidad and Tobago's commitment to Caricom. We pay the highest contribution to the Caricom secretariat. We are always there at all meetings and supporting whatever initiatives that Caricom is undertaking. To suggest that there is some tragedy in the relationship between Trinidad and Tobago and other Caricom members is again a very extremist position, ill-informed and sensationalist.

Sen. Montano: Would the Minister give way? [Interruption]

Hon. R. Maraj: In the other matter he brought up he is suggesting that through the Shiprider Agreement, Trinidad and Tobago in the conduct of its foreign policy is rolling over to other states. Nothing could be further from the truth. We maintain an independent foreign policy. We conduct our foreign policy with dignity in the international environment. We are well respected and our views are aired and heard, and our positions based upon principles.

If the Government of Trinidad and Tobago decides that in its own national interest it is willing to enter into an agreement with the United States of America to combat the illegal trade in drugs and to do so with an investment of some of its sovereignty for the protection of its citizens, it has all right to do that.

2.30 p.m.

Mr. President, we have—for example, and today I signed an agreement dealing with technical co-operation with the Cuban Ambassador pointing to the strides we are making in our relationship with Cuba—made our position clear over and over that on the issue with Cuba we differ with the United States of America. Whilst we promote and advocate engagement to see the changes that we want to see take place in Cuba, we are against the United States and its policy of isolation. So, do we not have an independent position? If on one issue we agree with the United States and on another we do not, do we not demonstrate independence in our foreign policy? So when people come here and make all these kinds of ill-informed, sensationalist, extreme positions about tragedy and so forth, clearly we ought to take issue with that.

The other so-called tragedy the Senator talked about has to do with the relationship between Trinidad and Tobago and Venezuela. Mr. President, I am proud to say that never before in the history of the relations between Trinidad and Tobago and Venezuela have the two countries been so close. Look at the number of agreements we have signed during this administration—agreements in culture, trade, technical co-operation, agriculture, transportation. We had a problem. Most countries with maritime borders have fishing problems—between France and Germany, between Canada and the United States. What has happened? We had a problem which escalated, we took certain courses of action and a new fishing agreement was signed.

When last have you heard of any problems in the Gulf of Paria involving our fishermen and the Guardia Nacional? For almost all of 1998 there was not a single problem taking place in the Gulf of Paria involving the Guardia Nacional and our fishermen. The problem, even though not fully solved, has certainly subsided and that is as a result of the direct action of this Government. To come and talk in a sensationalist and extreme way about tragedy and so forth, is really to be going in the wrong direction. We have put the relationship between Trinidad and Tobago and Venezuela on a very sound footing. As I said, the relationship today is multifaceted, covering a wide area of activity. The fact of the matter is the new fishing agreement that we have with Venezuela has contributed significantly to an alleviation of this problem; this age-old problem that countries with maritime boundaries usually experience.

That having been said, Mr. President, I would like to thank hon. Senators for their support of this Motion. Mr. President, I beg to move.

Question put and agreed to.

Resolved,

That the Privileges and Immunities (Convention of LOME) Order, 1998 be approved.

MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) REGULATIONS

The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh): Mr. President, I beg to move,

Whereas it is provided by section 100 of the Motor Vehicles and Road Traffic Act that the President may make regulations in respect of, *inter alia*, the better carrying out, generally, of 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 it is also provided by section 100 of the Act that regulations made under that section shall be subject to affirmative Resolution of Parliament.

And whereas the President has on the 9th day of September, 1998 made the Motor Vehicles and Road Traffic (Amendment) Regulations, 1998.

And whereas it is expedient that the Regulations now be affirmed.

Be it resolved that the Motor Vehicles and Road Traffic (Amendment) Regulations, 1998 be approved.

Mr. President, this Motion is intended to boost the plans of the Ministry of Works and Transport for the transportation sector. The mechanism provides one key aspect of the regulatory framework for regulating the transport industry and is intended to utilize private sector resources, namely private garages, to undertake the inspection of private vehicles in Trinidad and Tobago. The substantive legislation has been provided for under the Motor Vehicles and Road Traffic (Amdt.) Act, No. 25 of 1997 and the Motion now being proposed is intended to provide the necessary support to that provision.

Mr. President, this measure is essentially one of a series of measures to improve safety and efficiency on the roads of Trinidad and Tobago. It is to be noted that some of the other measures include the establishment of traffic wardens, introduction of the Breathalyzer, the introduction of a school transportation system, national road safety and the enhancing of the information base of the Transport Division and the introduction of an overall land-based transportation

policy. Cabinet has already agreed to the establishment of traffic wardens and the administrative mechanisms for a pilot programme in San Fernando and Port of Spain are now being put in place.

In 1999 it is proposed that efforts to advance the introduction of the Breathalyzer will be undertaken. In this regard, the necessary legislation including the standards and other aspects will be completed. The school transportation system provided by private operators is currently being reorganized to enhance the level of service offered to our school children. In addition, where transportation difficulties are now being experienced in remote areas throughout the country, the mechanism is being restructured to promote greater safety and regularity of transport. The National Road Safety Committee was established during the last quarter of 1998 to co-ordinate safety matters in respect of road transport. The committee will be monitoring progress in terms of safety on the nation's roads and also developing a programme to encourage motorists to drive to arrive alive.

Our ministry is currently initiating a comprehensive national land-based study which will clarify rules for various modes in an integrated transport system. This will assist in providing the framework for regulation of the industry. Cabinet also has agreed to the reorganization of the Transport Division in terms of its organization and information system which currently exists. The proposal has been informed by a study which was conducted by Ernst & Young during 1998 and it is expected to be implemented over the next 24 months.

Mr. President, the primary measure which is being proposed has to do with the introduction of private garages to undertake the inspection of private vehicles. It is to be noted that at present public service vehicles are required to be inspected annually, whereas private motor vehicles are outside of the inspection net. The main intent is to improve the safety of the motor vehicle population by subjecting this section of motor vehicles to regular checks. An obvious option that has been available in pursuit of this goal was to expand the capacity of the Transport Division. However, after considering the pros and cons it was concluded that the more efficient approach would be to utilize the private sector in terms of utilizing private garages. For instance, our memory of the long lines at the Transport Division associated with the former system of annual licensing was an important factor in that decision and in general, it was felt that the resources of the private sector would be a more efficient approach.

The preparation for the introduction of private garages commenced more than nine months ago and the procedure adopted involved the following:

A committee appointed by the Transport Commissioner developed basic guidelines and determined standards for the establishment of vehicle testing stations on private premises for the biannual examination and/or inspection of privately registered vehicles under a tare weight of 2,270 kilograms and over five years old from the date of manufacture.

The committee considered a number of issues and consisted of representatives of the Ministry of Public Administration and technical officers from the Ministry of Works and Transport. Discussions were held with representatives of both the public and private sectors which included officials from the police service, the Ministry of Works and Transport, Public Transport Service Corporation, insurance and motor vehicle companies. The Department of Engineering at the University of the West Indies and CARIRI also developed a training programme for persons desirous of being certified as motor vehicle examiners. A special training manual for this purpose was developed following discussions between the Department of Engineering at the University of the West Indies, representatives of the Public Transport Service Corporation, CARIRI and representatives of the Motor Vehicle Equipment Dealers and members of the committee.

The Transport Commissioner has prepared a document entitled: "Responsibilities of a vehicle testing station operator or motor vehicle examiner". This document outlines the requirement for the establishment of a vehicle testing station and the qualifications, training and experience required for persons wishing to perform the duties of motor vehicle examiner. The document also provided prospective applicants for testing station garages with a list of the basic accommodation and equipment required to commence operations. A special application form was also developed. To date, 467 application forms have been issued. However, only 200 applicants have been submitted for approval, 11 of these in respect of Tobago. In response, 44 premises have been identified as having the facilities to commence operations in Trinidad. Only one has indicated its readiness with respect to Tobago. However, it is Government's intention to allow the Transport Division in Tobago to begin to perform private vehicle inspections if the situation so demands.

2.45 p.m.

The procedure adopted for approval of applications are as follows:

On receipt of an application, a file will be opened and a subsequent appointment made for the committee to visit the proposed site.

Visits are planned according to areas. A visit to the eastern area, for example, will include sites located in Sangre Grande, Arima, Tunapuna, Curepe and D'Abadie.

Applicants are required to submit a sketched plan of the proposed layout along with their application. The first visit by the committee considers such issues as location, accessibility, size, parking, and office layout. In terms of layout a waiting room must be accommodated to allow customers to view the inspection procedures and the process should be designed to promote the free flow of traffic not only in and out of the facility but also the process that will not cause traffic congestion on the public roads in the immediate vicinity of the proposed site. If the site did not have the necessary space for parking and/or skid brake testing, the proprietor was advised that the facility would be approved only if inspections were done on a strict appointment basis and that brake testing can only be done on a brake testing machine.

In addition, proprietors are being specifically advised that their premises must comply with all the requirements which have been set out by Government's regulatory agencies such as Town and Country Planning, local health authorities and the fire services. Proprietors are also required to submit a certificate of character.

After examining the site if it is found suitable for the establishment of a vehicle testing station an official letter would then be forwarded to the applicant for the commencement of renovations to the building and to ensure the smooth flow of the operation at the premises. Any special concerns that are to be addressed will be mentioned in the letter. When these preparations have been completed or if there has been a change in the agreed layout a second visit may be applicable. A final visit is made to ensure that the site is physically ready to commence operations according to the approved plan and that basic equipment is available.

A vehicle testing station would be ready to commence operations only when the following conditions have been met:

- (1) the premises have been approved by all Government regulatory agencies;
- (2) the proprietor and/or directors and representatives of the company charged with responsibility for the vehicle testing station operations have submitted a certificate of character;

- (3) proof of accident and public liability insurance has been submitted for the premises;
- (4) basic equipment to be used in the inspection process is available;
- (5) the authorization fee for the establishment of a vehicle testing station has been paid to the Transport Division.

A vehicle testing station identification number will be issued to each station that has met the conditions pertaining to physical readiness. This number is to be displayed prominently on the official sign that is to be erected in front of each testing station.

Before the actual vehicle examination or inspection process can commence the proprietor must ensure that all the official documents have been obtained from the Transport Division. These documents include: inspection check list, certificate of inspection, inspection stickers, monthly return forms and complaint notice forms. It is proposed that the fee for these documents be \$5,000 for which the proprietor would receive 100 inspection check lists in duplicate, 100 certificates of inspection in triplicate and 150 inspection stickers—it is to be noted that these are only manufactured in rolls of 150 so whereas you will get 100 inspection certificates, on the second and third occasions it would not be necessary to purchase any stickers—100 monthly return forms in duplicate and 100 complaint notices forms in duplicate. The proprietor would then recover his prepaid fee when the inspection certificate is issued at a cost of \$50 per certificate to the customer. In addition, the customer would be required to pay a fee of \$100 for the actual vehicle examination which is expected to be a detailed check of all the various operating systems of the vehicle and is expected to be performed in a period of 20 to 30 minutes. Value added tax will be charged on the \$100 examination fee. The total cost to the customer for inspection of a motor vehicle will be \$165 per vehicle.

A breakdown of the inspection fee for a motor vehicle is as follows:

\$50 prepaid cost for an inspection certificate and all the relative documents;

\$100 motor vehicle examination fee and \$15 VAT.

The inspection fee for a motor cycle would be \$107.50, the breakdown is as follows:

\$50 prepaid cost for the inspection certificate and relative document;

\$50 examination fee with \$7.50 value added tax.

Requirements for motor vehicle testers: Mr. President, the roadworthy examination of any vehicle testing station must be conducted by a person who has been certified as a motor vehicle examiner by the Transport Commissioner. Persons wishing to be considered for certification and/or employment must be recommended by the proprietor of a vehicle testing station and must be at least a graduate of part two of the auto and diesel technician course conducted by the National Examination Council or must possess qualification of an equivalent standard from a recognized institution. Applicants must also show proof of having been employed in the field of motor mechanics for approximately 10 years. Applicants are required to submit a certificate of good character and candidates who have satisfied the qualification prerequisite must attend a training programme designed to explain and acquaint them with the details of the motor vehicle examination process which also includes the documentation processes involved.

The motor vehicle examiner would be certified to function at only one vehicle testing station and would only be reassigned to another upon application and approval by the Transport Commissioner one month after the date of the application. The inspection check list which has been developed is to be introduced at all motor vehicle examination sites including for use at the Transportation Division of the Ministry of Works and Transport. This will serve to standardize, simplify and speed up the vehicle examination process.

The customer will be issued with the original copy of the check list. If a vehicle meets the roadworthy standard, the check list will be used to prepare the certificate of inspection. The number and title of the vehicle testing station must be stated on both the check list and the certificate of inspection. The person who carried out the examination must sign both documents.

If the vehicle does not meet the standard, then the defects indicated on the check list must be rectified and the vehicle brought back in for a second examination. If this was done within a six-week period from the first examination no additional fee would be charged as only those defects listed on the check list would be examined. If the vehicle is brought back in later than six weeks for the second examination then a total road worthy check would be done and a fee of \$115 would have to be paid by the customer, that is \$100 examination fee and \$15 VAT. Since a certification of inspection fee was already paid at the time of the first examination, a fee of \$50 would not have to be charged. This measure is designed to promote road safety by encouraging vehicle owners to repair their defects early.

Only when a certificate of inspection has been prepared, signed, print stamped and delivered to the customer would the motor vehicle examiner affix a tamper evident inspection sticker on the lower left hand corner of the vehicle's front windscreen. In the case of a motor cycle a sticker would be placed on a conspicuous place at the front. Customers who are aggrieved by the outcome of their vehicle examination have the option to forward a notice of complaint of the grievance to the Transport Commissioner within seven days of the incident.

It should be noted that vehicle testing stations would be subjected to a registration fee of \$500 and an annual renewal fee of \$1,000 payable to the transport division. The motor vehicle examiner is liable to a bi-annual certification fee of \$300 payable at the Transport Division. A motor vehicle examiner will be issued with an official identification badge which must be worn whilst on duty. Both the authorization of the vehicle testing station and the certification of the motor vehicle examiner must be displayed prominently in the waiting room of the testing station.

The Transport Commissioner has complete discretion to withdraw authorization for the functioning of a testing station or the certification of an examiner. However, representation in writing can be made against such withdrawal within 30 days. Personnel from the Transport Division will undertake random checks in an effort to ensure the quality standards on the operations of the vehicle testing stations to ensure that they are operating in compliance with the Motor Vehicles and Road Traffic Act and the vehicle testing station regulations.

Testing stations are required to submit to the Transport Division a monthly return of their operations within seven days of the end of each month. Mr. President, while the primary emphasis of the Motor Vehicles and Road Traffic Amendment Regulations is the implementation of the private garage inspection regime, the opportunity was taken by the Ministry of Works and Transport to address related areas of the regulations rendered invalid, unusable or ineffective by virtue of their inapplicability to modern road transport. In this context changes were made to terminology particularly as used in traffic signage, road signage and vehicular technology in order to replace archaic terms. This is to ensure that the legislation governing motor vehicles and road traffic remains dynamic and adaptable to the ever-changing trends and new developments of vehicular transport and road traffic.

3.00 p.m.

Examples of these are seen in the following:—

Regulation 3(m)—where amendments have been inserted to more truly reflect the lighting carried by motor vehicles;

Regulation 3(o)—where amendments have been inserted to give a more accurate reflection of the motor vehicle indicator systems;

Regulation 3(r)—where the provisions with regard to reflecting mirrors have been amended to properly indicate for the use of side mirrors on the vehicles;

Regulation 3(ee)—where there have been extensive amendments and additions in order that a more comprehensive overview is given on the significance of traffic light signals and the responsibilities of drivers and traffic corresponding to these signals;

Regulation 3(gg)—which substantially amends regulation 104 in order that a more correct representation of pedestrian traffic signals as currently in use is given.

The Amendment Regulations also give the opportunity to remove from the statute books those provisions that are outdated or are simply inapplicable to modern day Trinidad and Tobago. Examples of these are found at:

Regulation 3(aa)—those provisions for the licence fees and routes pertaining to motor omnibuses are no longer in use as this particular need has been taken up by the maxi-taxi and its own specialized legislation;

Regulation 3(hh)—which removes an archaic reference to traffic patterns in Port of Spain;

Regulation 3(nn)—which removes the Second Schedule and its representation of the system of identification marks for vehicles, also known as licence plates.

The purpose of this particular amendment is to implement a system of personalized plate numbering of motor vehicles. The proposed shift is intended to convert from the existing numbering system which links the plate numbering to the vehicle, to a system whereby the numbers would be assigned to individuals. The main purpose of the change will be as follows:—

Standardization of number plates;

To provide an enforcement mechanism;

Reduction of evasion from the system; and

A more efficient system generally.

Mr. President, I wish to point out to Senators of this honourable Senate that Government has used the establishment of the private Vehicles Testing Programme to address a number of issues. The primary issues of road safety, the fight against crime and corruption involving motor vehicles are obvious. What is less obvious is the question of time that would be saved and the choice of inspection site that will be afforded to the customer.

As the Ministry of Works and Transport concentrates on being more customer focussed, we are making every effort to improve the efficiency of the Ministry. In addition, it is to be noted that the proprietors of these private vehicle testing stations have indicated a willingness to operate their stations from the hours of 7.00 a.m. to 5.00 p.m., Monday to Friday and for a shorter period on weekends and public holidays.

Employment opportunity is another issue that has been addressed. It is envisaged that each testing station would have to employ at least four to five persons who would be directly involved in the inspection process. At present, there are 44 stations that have been recommended that have the infrastructure in place to commence operations. This would therefore mean that 240 persons can be employed immediately and this at no major investment cost to the Government and the taxpayer.

There are over 120,000 privately registered vehicles that are over five years old. Revenue accruing to Government should therefore be in the region of \$6 million for the issue of Certificates of Inspection and approximately \$1 million in VAT collections after the first phase of inspection.

Advanced training in the field of auto mechanics is another area that must be addressed. Great difficulty has been encountered by vehicle testing stations in recruiting qualified and experienced personnel. Institutes involved in technical training would have to be encouraged to plan appropriate programmes to address this need.

Introduction and the development of the foreign used car industry has added to Government's concern about traffic and road safety. The Vehicle Testing Station Programme would go a long way in assisting in keeping dilapidated local and foreign used vehicles from our nation's roadways.

Over 10,000 foreign used vehicles have been registered by the Transport Division for the period January 2, 1997 to December 30, 1998. In this connection, it should be noted that emissions control standards are currently being established

by the Environmental Management Authority, which would eventually be incorporated into the inspection process.

Proprietors of the vehicle testing stations have already been notified of this intention as the approval of testing stations and the renewal of licences would depend on the station being equipped with the appropriate emission control testing capability.

It is therefore expected that an efficient inspection process in respect of the private vehicle inspection programme will be realized as Government moves into a new role of governance, that of involving the ordinary citizens in the day-to-day business of Government. With the introduction of any new programme there will be teething problems, but we expect the co-operation of the population and, especially the motoring public, as we strive to make the roads of our country safer through this endeavour.

Finally Mr. President—

Sen. Prof. Spence: Mr. President, can the Minister say whether “T” registered vehicles will also be able to go to these garages? Could pick ups—“T” registered vehicles—also go to these garages, or do they still have to go to the Transport Division?

Hon. S. Baksh: At this time, it is intended that all “T” registered vehicles as well as all public service vehicles will go to the Transport Division of the Ministry of Works and Transport.

Mr. President, all the proprietors of the Vehicle Testing Station Programme have waited long for this measure and I would like to thank them for the understanding shown in spite of the various delays that have been encountered in the introduction of this programme.

I beg to move that the Motion be approved subject to the following amendments:

In Regulation 3:

- (a) Delete paragraph (b);
- (b) In paragraph (dd), delete subparagraph (iii);
- (c) Delete subparagraph (nn) and renumber accordingly.

Mr. President, I beg to move.

Mr. President: Hon. Senators, I shall propose the question on the original Motion first and then the proposed amendment.

Question proposed.

Question, on amendment, proposed.

Mr. President: Senators wishing to take part in the debate may speak on both the original Motion as well as the proposed amendment to the Motion.

Sen. Joan Yuille-Williams: Mr. President, before I begin, let me reciprocate your very kind sentiments expressed at the beginning of the session and extend them to other Members of Parliament and the parliamentary staff, the police and media here with us, as we look forward to a most productive 1999.

As we talk about productivity, which is on the lips of everybody, I must say that it is not a pleasure to have to make the comments that I will make at the very beginning, but I think it absolutely necessary if we are to fulfill the task which we set ourselves and if we are to fulfill the oath that we took as Senators.

I wish to say how very dissatisfied I am—and Senators of the Opposition here join me—at the manner in which we have started again to handle the parliamentary agenda. We have come here to make our contributions so that we could have good governance as we say, however, when we left the Parliament last year, I think we were told that we would be doing Private Members' Business today and we went around with that over the holidays and addressed that. It was not until sometime last week that we got the idea that things were not going to be as planned—even up to last night, we had a change—and today when I got here, I heard something different.

Now, we cannot be productive if we continue to operate like that and I would have thought that the honourable Minister on whom I am putting the full blame and not the rest, at least in his first statements, would have apologized to the Senate if he felt it was necessary, but he just went ahead as if this is the way things are going to happen. Either take it or leave it and I was very disturbed about it, because we have to plan. I do not care how long I am told we might have something, we have to prioritize; we have other things to do and when we know what is coming up, we try to do our best to make preparations, but to come here, or just to hear one's leader saying, "I will call somebody to find out" and on Saturday and Sunday we could not call and then we hear things have changed.

Then, somebody was going to the airport this morning and called me to say, “Did you hear the Minister of Legal Affairs was coming because she said she was going to walk her bill through”, then we heard that was going to be postponed. It was really chaotic. I think we need to have things changed or we need to have some kind of order.

What hurts me is the person who is leading the Senate is the Minister of Public Administration who is all around the country—I must say it is only public relations—talking about strategic planning, human resource development and all kinds of things, and none of those things he is using in Parliament. But I suggest that he goes to every lecture at all the ministries, because this is important to us.

In fact, he has a concept called “customer delight zone”—I do not know if you have heard about it, Mr. President—in which the ministries are going to find ways to interface with the customer so that the customer becomes important, number one. Again, productivity. I understand that one ministry decided to say if it had to do that, its project in “customer delight zone” would be to develop the staff first since the staff must be motivated and whatnot. That is what it chose as its product for “customer delight zone”.

3.15 p.m.

I remind him that he should take as his special project this Parliament and the staff and put us all into a customer-delight zone and I am sure by the end of this session we would be doing much better. This is serious business. You cannot be talking about customer-delight zone outside, and inside here there are no delights at all, so I really want to recommend it very strongly to the hon. Minister that he moves in that direction because we want to be productive, to get things done and we cannot be treated like this. I am hoping that it is the last time we have to make statements like this concerning the parliamentary agenda.

We are here today and we had to move very fast, and in spite of it all, we have to make our contribution. Sometimes I wonder if these things are done so we do not make the kind of contribution we can make. Probably that may be the reason, I do not know. Whatever it is, it is a shortcoming which must be addressed. With those few words let me turn to the Motion today.

When I heard the presentation of the hon. Minister, I really wondered whether I was looking at the correct regulations or amendment. I really wondered at what I was looking and what the Minister was telling us. I went through these 40-odd pages which were difficult and probably because of the way it was written, I may

have missed a lot, but I thought I went through it fairly thoroughly, and what he had been saying I had not been able to refer to a large amount of it at all. I think it is unfair to us as he makes those statements. How could we comment on them? I started to write and then I found I would have to be writing many pages and I cannot do shorthand, and I am not a palantypist so therefore, I did not know what I should have done.

I was a bit disappointed that I could not relate as I would have liked to, to the things which the hon. Minister had read. In fact, I would have hoped that he could have walked us through this in some way, not every page, but at least the parts he considered important to us because this is legislation and it is going to go into the laws and there are many things in here that we would want to discuss. I do not know how we are going to do it now because I was hoping as he walked us through we could have been making notes of some of the things, but it did not happen and we just have to try to do our best and in fact, that is a difficult job at this time.

Before I try to make comments on areas which I had noted before, I want to state that I am sure even though the hon. Minister apologized to the proprietors, the garage holders, something must have gone wrong one year ago. I was not in this Parliament, but I remember looking at the television and there was great fanfare. I saw garage holders being interviewed, I saw waiting rooms all put together, coffee tables there, there were areas for cool drinks and so forth. There was a publication in the newspapers of the number of garages which were going to be opened and in fact, some motorists approached garages with their cars to be tested. That was about a year ago and I wondered what had happened during the year.

In fact, sometime ago I was going to ask the hon. Minister what had happened to all those people and if they are being paid. Was it just a public relation exercise? Were we all being fooled? Were they a part of it? Was that exercise to get kudos at that time? Because the amount of work that was done from then to now; it is either the Minister is incompetent, or he just wanted to railroad the whole Parliament. One could not have gone to that stage one year ago and come here today and go through what you have just said. That is just impossible. If you are making these changes you have to have amendments done, there must be regulations. They were not in place. How could you let these people go out and take loans, buy equipment, outfit their garages—I saw one woman sitting very proudly smiling as the television showed her waiting room for her garage. After one year she must be still sitting there waiting and that is an embarrassment.

Today, to come with a simple apology to those people is not good enough. I need to know what has happened, whether they were compensated or not. This is the kind of thing we are subjecting ourselves to, the public relation is continuous and, to me, it would not stop. Therefore, now that we have reached this stage one year later and everybody in this Parliament knows that this regulation was absolutely necessary, we have reached here a year later and have to go through a big document and I think everything in here is important, but unfortunately it is going to be difficult for us to do that so I am just going to make a few comments.

I am really dissatisfied with the kind of work I am going to have to put into this at this stage because I really looked forward to the presentation from the hon. Minister to make my comments and that was not there. I would like him to tell us what is going to happen with all that information which he has read. Where is it going to be posted? How could we get it? Are we going to be able to make comments on it? I do not know. I was looking at my colleagues to see if they were following. I turned to the back to ask the Senators if they were following what the Minister was reading there and it seems to me that both documents are different. At one time I felt embarrassed that I had the wrong document. The Minister needs to tell me something more about the regulations and where would the information be which he has read and how would the persons know exactly what is happening.

With these few comments let me try to go to a few places in this and tell you that it is difficult to support this Motion when we have not gone through it and I see we want to do other things which mean to say that we are to run this through very quickly. This Motion was expected to be presented and accepted and that we go on to other things and I think it is too serious. What we are doing here is very serious business and I think we need to take some time with it.

When I first started to look at this, just over the weekend I tried to hustle it through. I looked at the old legislation Chap. 48:50 and I quickly put it aside because I could not take it. The only thing I saw in terms of the interpretation which was in the definition area is the word "overcrowding" which was not there before and I am wondering if that is complete in itself. It says:

“Overcrowding’ means more persons than will allow the driver to operate his vehicle freely without interference, and safely; that is, if his movement as they affect the gear shift lever, the brakes...” and so forth.

I think overcrowding means much more than that. I remember the accident in Blanchisseuse where there was overcrowding and I do not think any of these things were interfered with. I think that is a most limited definition at this stage. If it did not affect the driver in terms of how he operates his vehicle is it not overcrowding?. There are cases where because of too many people who move to one side of a vehicle that many accidents happen. I am not sure how a definition is prepared but my layman's knowledge tells me that could not be the end of overcrowding. For a bit of legislation like this which is aimed at safety and efficiency, I am saying we have to do much more with that terminology "overcrowding".

The arrangement of the amendments here was difficult to follow so we have to jump through this whole thing.

In clause 27—I do not know how we moved so quickly from there to clause 27. The Minister did not speak on this so I have to ask many questions. Clause 27(1) tells me that vehicles from one year to four years must be inspected annually. I remember when this was done, even in the budget, the hon. Minister talked about inconveniences, and long lines and said they would be a thing of the past. We are talking about 100,000, a large number of vehicles and we are talking about inspection, and I noted that there is no transition period for this. All private vehicles would be taken in.

When this was first done in the former administration, there was going to be a transition period and a limited number of vehicles 10 years old and over were going to be sent to these garages because it was noted that there was need for a transition period to get things in place. This does not have a transition period. Whenever this goes into operation, all private vehicles would be inspected and it brings me to the point that there are 43 garages in Trinidad and one in Tobago. I do not know the spread, but it seems like this is voluntary for those who would like to have it. There might be areas where there are no garages at all, so I do not know how you are going to cope with that in terms of the spread and the long lines which you say would not be there. It seems to me that they would still be there and, therefore, you have to look at that very closely.

Vehicles one to four years every year have to be inspected? Is it so? Clause 27(1) says:

"A registered owner of a motor vehicle or trailer shall produce it for inspection by a transport officer, annually..."

You did not go through it and this is the interpretation I am putting to it, I am subject to correction and this is why we are here. This is what I am reading. Is this true or not? Annually, vehicles one to four years old are going for inspection.

Then lower down it says:

“...where such motor vehicle or motor cycle is five years old or more, shall produce it for inspection by a transport officer, biannually...

This is twice a year. Now, twice a year, a five year old vehicle is to go to the testing station? Is it that? That is what it is saying here, biannually, twice a year and each time you are paying \$165.00. Please look at it because it seems to be wrong. First of all, I do not see why the year old must go every year to the garages and I would talk about that. Somebody wants somebody to get rich quickly. Why must a one-year-old vehicle go for inspection annually and one that is five years, every six months? You are telling me about long lines, about inconvenience. I am reading things here, nobody went through it for me, I am going through it for myself at this point and I am objecting to it. I cannot support this regulation because it is total madness. It is chaos and it is encouraging people to get rich very quickly and I am sure there is nobody in this country who wants to take a five-year-old vehicle in twice a year to any station, and one that is 1—4 years, every year.

Sen. S. Baksh: Mr. President, vehicles over five years old are required to face inspection every two years.

Sen. J. Yuille-Williams: This did not say so, it says biannually. So then vehicles which are 1—4 years go every year. When my colleague asked me today where we are standing as far as this legislation is concerned, I said we cannot support it, there are too many errors and if he goes through this the hon. Minister would see how many areas he does not wish to be in there. That is just one area you can think about, biannually and annually, but I know from a language point of view what it means and I have already worked out the cost, and I know you are paying these people all that time and I am saying we would have longer lines, greater inconvenience and much more chaos.

Then somewhere along in this legislation, I know you might fail the test. To me, what I am gathering if one fails a test, one must pay a second fee, but if the car is repaired in the same testing station he does not pay a second fee.

3.30 p.m.

If one repaired one's car in the testing station where one failed, one will not be asked to pay a second fee for that new examination. If one takes it away from that station—I think they said 14 days—and takes it to another testing station before 14 days, one will not pay a fee for the second examination, but if I take it to my own mechanic and have it repaired, it seems that I will then have to pay for the second test, because this regulation is silent on that. It brings me around to this: What is this great love arrangement with proprietors? Here am I almost being threatened, I want my car to pass the test so I pay. Since I want to pass, I tell them that all of those things that need repair, repair them and I will not have to pay again. I am sure they would pass the vehicle then, because their garage did the repairs.

First, I am subjecting myself to exorbitant fees in terms of fixing. They can also make me pay for things for which I do not necessarily have to pay because they are solely in charge, and I want my car to pass the test. It is twice a year I would have to do it now. I want my car to pass so I would now have to use the same garage, which is not fair.

If I go to a second testing station within 14 days, I do not have to pay that fee even though it was not the first one I approached. How come when I get to that testing station I do not have to pay that fee, and if I go to my private garage to get my car fixed, I have to pay a second fee? That is what leads to corruption and injustices. Who are these proprietors they have selected? Are they people whom they care so much about that they are almost coercing the client to stay with the testing stations to have their cars repaired? This is a serious matter. That is why I say, go through these regulations.

At no point here have I seen where I can go to my mechanic and have it repaired, go back to a testing station and not pay a fee. It did not say that. The only time I will not pay a second fee is if I use the testing station that I used before or within two weeks, I go to another testing station which, incidentally, had nothing to do with my car in the first place, but hear, that testing station must now approve my car for free, which I find is foolish. If anybody comes to my testing station with a car which I had not attended to before, I would put those that I am attending to as priority, because I am not getting a second fee for that any way. If I go to my mechanic, this does not tell me anything at all about what would happen if I fix it outside of the testing station.

I am now being compelled to repair. In fact, it should be a smaller fee, but apparently, there is some kind of arrangement between the proprietors and whoever is putting this in place, because these people are running clear—as we will see—and they are in a position to make me repair what I do not need to do and make me stay with them. The client is now at the beck and call of the proprietor. I think they need to look at that very carefully because this is a very serious matter in terms of those who fail the test. I did not even bother to go through all they said about the requirements for all these tests. It did not bother me, but I am very worried now that I am taking my car in and can be called upon to pay any amount of money in these so-called testing stations. I will look at it, because I do not know who is overlooking these testers at all.

There is also an appeal process here. I was hoping the hon. Minister would go through this appeal process. It is a most cumbersome process, that is why he did not bother. It is the kind of process where one will say one is not going to bother to appeal. Maybe that was the intention. They would not appeal but stay with the testing station and pay and move out. The appeal process is cumbersome and it could lead to corruption. We do not even know how long it would take before an appeal is heard.

This whole thing is intended to frustrate people. Mr. President, in my humble way trying to go through this legislation—it was difficult to read, the sentences are the longest I have seen anywhere—I did not see any penalties. What happens to these proprietors if they do not follow what they are supposed to follow? Will they just lose their licence? The things I will be put through with these proprietors, I need to have some guarantee that someone would be overlooking them, or there would be some sort of penalty, but I have not seen that at all in these regulations. All I am hearing is that they can lose their licence for certain things.

What happens to those who did not go according to the regulations—the dishonest ones? One can always find them there. Who is looking at them? All I am seeing here is that I am appealing if I am not convinced that my car should fail. I am not seeing any other appeal. I want to appeal other things too and I do not see any area for that; I do not see any area for if these people are unfair and unjust; there are no penalties and, therefore, I am wondering, after one year, how has this reached the Parliament in this state?

Those are just a few areas. Mr. President, I hope you spent a good holiday and did not bother to read this. If one goes through this, one would be tired and frustrated. Why is this coming to us in this form? Why is the Parliament being

taken through this? A lot of talk, a lot of public relations, and I suppose probably that is why sometimes these things come quickly and they hope it will pass us by.

We need to look at this. In this form, I cannot support it and I really came to go through this with the Minister, seeing that I could not go through it on my own. I do not think he was fair in what he was doing. When I heard him talk about the stickers, I noted that. What is going to happen afterwards? He said we were going to have stickers put at some point. I was reading this document to see what it says about certain things, but I did not see it.

The hon. Minister presented us with a number of other things which we could not relate to at all in the regulations and which we would like to comment on, but we could not, because we did not have the data in front of us. It was so much critical information to these regulations. I think it was unfair to Parliament that he read all of that and we sat here and listened. I think he brought it here so that we would make comments—I am quite sure that was what he intended—but unfortunately, in the way it was presented, it did not give us the opportunity to make the kinds of comments we would like to make and, therefore, I think grave injustice has been done.

At this point, I am saying that as it stands here, it is difficult for me to support it. There is not much we could do in terms of the regulations, but I would hope for the country and for putting a new system in place that we would take time to go through this again. In fact, I am quite sure a number of people would be glad to have the opportunity to look at it closer. I would have liked the opportunity to look at it a little closer, and together we could be productive and put regulations in place that we feel would assist. It is a new process. This is not the only place in the world that will have something like this, but we really need to do much better than that.

I listened to the qualifications for the garages. I do not know when those qualifications came into being, but I know that those people are already waiting. There are 44 persons out there waiting to open their garages and we need to know who came up with those new criteria the Minister has just presented to us. This talk about the motor cycles and light vehicles. I was interested in the other vehicles, as Prof. Spence asked, and I really wanted to know how often they were going, whether they were once a year, one to four years, or whether trucks are going biannually. I still want to know what happens in the licensing department as against these. Is this a penalty for private cars? The others have now gone outside of this and will continue as they have been accustomed.

As the Minister quite rightly said, he took the opportunity to clean up some other places with these regulations. When I was looking at the law, I saw that he cleaned up some other things about the conductors who will no longer wear metal badges, but the Minister needed to sit here and let the Parliament know about the conductors. This took in the private garages, but that is not the whole story. This is an amendment in which he cleaned up certain things, and I felt that if he was cleaning up, he had a responsibility to let us know exactly those areas that were cleaned up.

Mr. President, I regret that at the beginning of this year I have to start on this note, but I think we have got to be serious with the work we do here. I think we are serious and those in charge should understand that we are serious people, we want to contribute, do the work and be productive. The talk is about the new millennium. Are we going to the new millennium, as they would wish to say, with regulations and agendas like these? How are we going to the new millennium like that?

Mr. President, I hope you would permit me to make a comment on traffic. I live in South Trinidad and I am one of those persons who have to abide by what happens on the roads where these same vehicles will be going. We might have to carry some of these vehicles in three times a year, because they might be so damaged, they might want to see them a little more often. Even with the latest road we have, if I were the hon. Minister, I would have been a bit embarrassed; I would have told the contractors not to open the road because they would embarrass me.

I was driving from south today and I went up a little hill and went down a little gradient. As I went down, I hoped that no one touched a barrel there or they would go down a cliff. When I looked at the surface, I thought to myself that this certainly could not be new for all the months they have been here. I am not blaming the Minister, but I am saying that he had a responsibility, and he should not have allowed them to do that. I am not an engineer, but as one goes down that road, it is an embarrassment. Talk about winding! It is just like long ago with all the tracks and traces that were eventually paved. It is similar to that. It is the most ridiculous thing I have ever seen!

I hope you live in the north, Mr. President, because we want you to be here as often as you can. For the time being, until something is done, try to be safe and not take that north/south road, because it is certainly an embarrassment. I hope that the hon. Minister will understand that this is not criticism for criticism's sake, but I see it every day. We are looking forward to a better year and, unfortunately,

I am not happy with the regulations as presented. There is a lot of work still to be done in certain areas and I do hope the Minister concerned would take what we have said very seriously and try to address them.

Thank you very much, Mr. President.

3.45 p.m.

Sen. Rev. Daniel Teelucksingh: Mr. President, I too would like to join with all the others in wishing this Parliament and this nation a very happy New Year. That word “happy” means a lot. I pray that we will have a prosperous, healthy and peaceful year in this country.

I begin by mixing disappointment with hope. We need optimism and that is important. It is one of my resolutions for the New Year that in things and matters where disappointment is glaring at me, I still want to look for optimism and hope. While listening to the Minister during his presentation, I was asking myself: Why do we take so long to do things? Then, Senator Yuille-Williams was asking the same question.

We found ourselves in a very embarrassing position with respect to the foreign used vehicles, because the Government made a promise to sort out things about that industry and they take so long to do this. I was reminding one of my colleagues how long this matter has been before us, the regulations concerning these new testing stations. Yet, in my few comments, I want to find room, some way to compliment the Minister and to thank the Government for bringing it, even a little late. This is the kind of optimism I want to find in things. I want to thank you for bringing these regulations, although it took so long. I wish we would know why you take so long to do things.

This is a very important piece of legislation, the Motor Vehicles and Road Traffic Regulations, 1998, Mr. President, because there had been too many serious road fatalities in the year 1998, and we started off this year in the same manner. Today, one of our Senators, and others too, went to the funeral of a young university student. He died on the Priority Bus Route a few days ago. Then, an 82-year-old citizen died in a crash. This is how we started the year. There has been too much road violence and this is why I compliment the Government, even for this step they are taking and possibly other plans. Something has to be done.

They talk about 10,000 foreign used vehicles registered over a period of time and I understand it is about the same number of new vehicles. So we are adding to our roadway about 20,000 vehicles in that particular period. I am quoting the Minister on a previous occasion. So, this principle of decentralization in the inspection of vehicles with the introduction of vehicle testing stations, I think, is a good idea. I cannot see with 20,000 vehicles added to our list that the one or two licensing offices can handle that. I think there might be some wisdom in this and I will go along in supporting this package of regulations. Because we need to do something. I cannot see all of them lining up in San Fernando, Chaguanas and Port of Spain as they did. But it is extremely important—and Sen. Yuille-Williams possibly is leading us there—you need somebody to be held accountable for the activities of all of these testing stations and I hope that it will be the Ministry of Works and Transport. In the final analysis, the Ministry of Works and Transport will be held accountable for the proper implementation of this package of regulations.

Maybe I need to ask a question. What of this \$165 that will be charged for the inspection or the examination of vehicles? How much of this will the Ministry of Works and Transport or the Government be sharing in? Because we are going to have inspectors from the Ministry of Works and Transport, from the various licensing offices. We will have inspectors and that will incur costs. Are we going to share, as a Government or Ministry, in the \$112 for the motor cycles and the \$165 for vehicles. This is one of the questions I want to ask.

I just want to make comments on two or three items. The Minister in his presentation a while ago made reference to road wardens. Now, I do not know what he has in mind with the introduction of road wardens. Where will there be road wardens? Somehow or the other, as a road user, I do not know what he has in mind. He did not explain. But my own feeling is, without an explanation or definition of road wardens, I do not think we need road wardens. I feel we need a properly functioning, effective highway patrol in Trinidad and Tobago. You see this road wardens thing, it conjures up in my mind the feeling that near to a school you have some uniformed people to take children across the road. So, I will stay with the highway patrol. The Ministry of National Security, I wish that probably they can work on this: We need a regular visible police presence on our highways. Not the occasional speed traps with police hiding behind some tree or a bridge. I think we have passed that stage. I wish that in 1999 we will have more policemen on the road.

Also, the hon. Minister made reference to the Breathalyzer. And talking about why things take so long: it is 20 years now we have been hearing about this Breathalyzer. Why are we taking so long? You had a chance to do it, about three years in Government to at least introduce this thing and have a few, and you have made another promise again today to introduce the Breathalyzer. We need to have it.

I too would like to make a comment on the views expressed by Sen. Yuille-Williams a moment ago. While coming to the session today, I heard one of the news reporters collecting comments of people who went on that section of the Solomon Hochoy Highway that has been reconstructed. It has not been tested. It has been reconstructed, the part at Indian Trail in the Toruba to San Fernando reconstruction project.

Earlier on we talked about the European Economic Community (EEC). We had a piece of legislation dealing with our friends from the European Economic Community when the Minister of Foreign Affairs was here, telling us that the European Economic Community was sending a specialist in fisheries and agriculture to help us in Trinidad and Tobago and the Caribbean. It is our friends there from the European Economic Community, the self-same fellowship of nations, that gave us a grant of \$120 million for the reconstruction of that highway and we only added \$7 million to it. But that is a disaster story! I do not know what we are going to tell them.

I hope we have something good to tell them about the Motion we dealt with earlier on from the same EEC that would be sending someone here to help us with fisheries and agriculture. They are giving us a grant to build that road. Almost all the motorists who are using that road have condemned the little piece that has been opened. It is a disaster story, and not because it is a gift, we are going to get more gifts from them. Earlier on this afternoon we heard about another gift. The gift of an expert, who is here already. Now the gift of \$120 million to build a road. We are the supervisors of that. We are the custodians of that gift and that is a disaster story, the reconstruction of that road.

I think we need to have, as a Government, an immediate enquiry into the reconstruction of that road. [*Desk thumping*] We have friends in the European Economic Community, and as a developing nation, they help us in agriculture, the LOMÉ agreement and so forth, they help us in so many ways and it is fantastic. I hope we send a letter of thanks and we are very proud about this gift. But what about the management of this gift? Our Government needs to look into this. I used that road, and I am very displeased and dissatisfied with those Spanish/Argentine

construction people who are here. We need to tell ourselves that. We should stop it and tell the European Economic Community, who helped us select the construction people, that we as a nation know about building roads and we are dissatisfied about it.

A long, long time ago the Americans built the Churchill Roosevelt Highway. That highway has withstood the test of time. Seereeram built some little pieces that have been lasting a long, long time. We have construction people here. I think we made a mistake. We certainly made a mistake, to use this gift of \$120 million plus a \$7 million from our coffers, not to talk about the pressures of our people in this country, to go along with this project. We are saddled with it and we have been told that it could possibly be another year or two of pressure on the roads. It is not going to finish now. So, the Bill is about road safety. We are talking about roadworthy vehicles, but we also need worthy roads. And that is important.

During the vacation I learnt a new term from the hon. Minister—"orphan roads". I really did not know about orphan roads. I looked it up in the dictionary. It is an old term? It is new to me. We have many orphan roads. Our highways are like orphans. Orphan roads are all over this country, it is not only some agricultural roads that are orphan roads. In fact, the way things are in this country, with lack of regulations as far as the condition of vehicles and roads are concerned—I just started off by talking about the accidents on the road in 1998 and we started off the year with two. We are creating orphans because of our bad management of roads.

So, I want to leave these three thoughts with the hon. Minister. One is, I am not too sure about what he has in mind about road wardens and secondly I would stay with the need for a more effective highway patrol with a regular police presence on all our highways; the need for the Breathalyzer in 1999 and no later than 1999 and; thirdly, that Government look again immediately into the use of the \$120 million for the reconstruction of the highway, the gift from the EEC.

Thank you very much, Sir.

Sen. Nafeesa Mohammed: Mr. President, after receiving the blessings of Sen. Rev. Teelucksingh this afternoon in the Chamber, I wish I can say that I would share in the optimism that he talked about. Regrettably, when I thought in 1999 we would start off this session on a good footing—as my colleague, Sen. Yuille-Williams pointed out at the start of her contribution—yet again, we have been

misled by the Government, and I must take issue with the Leader of Government Business for the very sudden change in the parliamentary agenda. Because many of us would recall when we last met in this Chamber that we were specifically told that today would be Private Members' Day.

Just on Friday we were notified that, in fact, we were going to be dealing with these Motions. As my colleague pointed out, after looking at this bundle of regulations, notwithstanding the fact that we have had it for a period of time, the fact of the matter is that we were following a particular schedule week after week. Here it is, from Friday to now, we have had to look at these regulations and it is, in fact, a disaster.

4.00 p.m.

It is a bundle of regulations that we have great difficulty in supporting, especially in the way it is presented in this document today. Mr. President, this bundle is made up of some 41 pages and it seems to be nothing short of a recipe for chaos, confusion and more corruption by this UNC Administration. Once again, they are putting the cart before the horse.

I listened to the hon. Minister as he presented this Bill. I must say that he really did not present this. He spoke about several other extraneous matters, more concerned with internal arrangements pertaining to administrative matters that his ministry and, indeed, the Transport Division and proprietors would have to be concerned with. But when he came here and spoke about road safety, and especially if we are looking at amendments to the Motor Vehicles and Road Traffic Act, we know that regulations made under this Act are made specifically to provide for road safety and improve the roadworthiness of our vehicles.

Looking through this bundle of confusion, with all due respect, it is with great difficulty. We have had tremendous difficulty trying to make sense out of it and in seeing how this piece of legislation would really enhance road safety in Trinidad and Tobago.

Sitting next to my colleague, Sen. Montano—who happens to be an accountant—while the hon. Minister was speaking about the fee of \$165 that has to be paid and the vehicles to be inspected annually and bi-annually, he calculated a figure close to a \$100 million a year industry. If we look at a break down: let us assume that there are 400,000 cars in this country, and further, that 200,000 of these are new cars or five years and under, and another 200,000 over five years. We are just assuming here, that would work out to an annual revenue of \$100 million per year.

The hon. Minister mentioned that already there are about 45 garages short-listed or approved to carry out these inspections. He mentioned too that these proprietors would have to pay something like \$500 for 100 forms, or what have you. He boasted that this would help with unemployment in the country because these garages would have to employ about five persons. Mr. President, assuming that you employ 4 to 5 people, that may work out to be approximately \$100,000 in salaries for the year. With the \$500 they have to pay for the forms, that is the only other cost. It is working out that each of these proprietors stand to gain a profit of something close to \$2.5 million per year! Is this designed as another pay back measure? It is obvious! It is there for all to see. We have to raise these concerns.

It reminds me of people who for the first time travel to another country. In typical "never see come see" style, they see something in the foreign country and "bam" when they come back home they expect that is what they would have in place. Since this UNC Administration has come into power and formed the Government of this country, that is the kind of behaviour we have been getting.

I would just trace through in my contribution some of the pronouncements pertaining to road traffic and safety measures in this country and the Licensing Division that the hon. Minister has been speaking about. I wish to endorse the statements made by my colleague Sen. Yuille-Williams, that it is yet another public relations exercise. Everything the hon. Minister of Works and Transport does, seems to be based primarily on a public relations stunt. New Year's day how distraught I was to see him all over the place talking about orphan roads. This kind of Bill would cause more orphans in the country, especially with the conditions of the road that Sen. Yuille-Williams spoke about.

As we talk about orphan roads—it was mentioned just now—these plans to deal with orphan roads would fall outside the purview of the Public Accounts Committee and the Auditor General. Therefore, you have a situation where some \$50 million would just be available to the hon. Minister, and we know this is an election year, so we could well imagine what is taking place. We have to express our concerns about these things.

In terms of these private garages that are being set up, obviously it means that the proprietors would have to be people with a certain standard or ability to have certain kinds of infrastructure in place. I have to wonder about the impact this would have on the small garage owners, because I come from an area in El Socorro Road where so many people depend on these little garages for their livelihood. What are they going to do? How is this going to impact on them?

Again, it seems as though certain financiers would be benefiting from this measure, and not the small man.

Mr. President, I would go back a bit on a statement made by the hon. Minister some time ago in this Chamber, in his 1999 budget presentation, when we were debating this year's budget sometime last year, I think it was on October 21, 1998. I would make a brief reference to a statement made by the hon. Minister:

"I nevertheless point out that the introduction of this new industry..."

He is talking here about the foreign used car industry.

"...has dramatized the problems at the Transport Division in terms of weaknesses in the system and the information base which have resulted in numerous avenues of fraudulent activities."

We have a situation where the hon. Minister of Finance in his budget speech introduced certain measures that were impacting negatively on this whole foreign used car industry. We have the hon. Minister of Works and Transport coming into Parliament and making statements, casting aspersions at so many people involved in that industry, and a few weeks later "bam" they reversed the restrictions placed, obviously for political reasons. But I want to know, with all this talk by the hon. Minister about the problems at the Licensing Division, how are these regulations going to improve the system in any way? I would really like to know.

We know that in Trinidad and Tobago, especially since the early 1990s the stolen vehicle racket has escalated. I am sure the Minister of National Security would agree with that. Especially, in my practice as an attorney-at-law, I can say that on a regular basis, people have come to me with concerns that they were driving their vehicles very innocently and yet the vehicles have been seized by the police. Two years would go by and they could not get their vehicle back. I know for a fact that so many people have had to file constitutional motions in order to get their property, and very rarely do they get it back. When they do get it back it is in a terrible condition.

What I do know is that for some time the problem linked with the stolen vehicle trade is one where there have been tampering with the records of ownership of vehicles at the Licensing Division. That is a fact known to the population. You request a copy of ownership and you would see a particular engine and chassis number, but the registration number and the name of the owner do not correspond with the engine and chassis number. That has been going on for some time.

I do know that under the previous PNM administration very concerted efforts were being made to deal with this problem. I distinctly remember under Mr. Colm Imbert as Minister of Works and Transport, he, in fact had some members of the fraud squad posted at the Licensing Division. Moves were being made to ensure that the computer system there was improved and, certainly, that things were tightened up. The situation, more or less, was being brought under control.

As soon as the UNC Administration came into power in 1995, all hell has broken loose. We saw where in their very first budget speech they opened up the whole foreign used car industry. We told them, warned them and urged them that before they did that they needed to put certain regulations and mechanisms in place. It is not that we are against the foreign used car industry. I know many people who are honestly making a decent livelihood from that industry. What we are saying is that they needed to have certain things in place first so that the whole system could be properly controlled and monitored. With this Administration, however, we have just the opposite taking place.

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

Mr. Vice-President, I had cause to go through some of my papers. This is our third year in Parliament. I would just make a brief reference to the very first budget presentation of the hon. Minister of Works and Transport, in this Parliament. It was on January 23, 1996. The hon. Minister said in talking about the Transport Division:

"the Division will be looking very closely at the possibility of introducing a system of triennial..."

Not biennial—

"...inspection of private motor vehicles and motor cycles.

In 1996, the Division intends to intensify its efforts towards the acquisition of a new computer system, the installation of which would place it in a position to do several things. For example, it can introduce the renewal of driver's licence as well as vehicle licence on the anniversary date of transaction. The personalization of number plates should play a supportive role in revamping the ticket system, for motor vehicle offences."

That was his first budget speech.

Subsequent to that, in September 18, 1996 the very same minister came to this Parliament Chamber and gave an address. He talked about transforming the Licensing Division and boasted of a strategy with a short-term and medium term

programme. Since then he boasted that there would be no more long lines at the Licensing Division and announced certain measures. He proceeded to announce in this address, measures including the anniversary date for the licensing of vehicles, October 1, 1996 and the increase in the number of inspection facilities. At that time in his address, he talked about a plan to use the PTSC facilities in order to carry out inspections. He also spoke about a one-stop shop to register vehicles.

Later on, the very same year 1996, in the 1997 budget debate taking place on December 20, 1996, the hon. Minister—who I really have great difficulty with when he makes his pronouncements—talked again about transforming Licensing Division. He admitted that their short term initiative had failed and so to avoid the long lines and the waste of productive time, they decided to replace motor vehicles licences by a system of an increase in fuel prices. It was a "financial trade-off", that was how he described it. Mind you, a "financial trade-off" with what consequences? He went on in that contribution to talk about plans to tighten controls on such vehicles.

4.15 p.m.

I must ask the question: if the idea behind these changes to do away with annual licensing and so forth was to remove the long lines at the Licensing Office, and now that private garages are going to be introduced, does that mean that the price of fuel is going to be reduced? That was the basis and rationale given to the fuel price increase in that budget debate. I wish to ask the hon. Minister what he will do about that. He said it was a financial trade-off. He talked in this presentation about plans to tighten controls on such vehicles in order to provide improved safeguards to consumers and citizens at large.

Yet again, for another time, the Minister talked about upgrading our computer facilities, tightening the screws and plans to implement personalized number plates. The Transport Division was also in the process of implementing a personalized number plate system for motor vehicles during 1997. We are in 1999, we are about to enter the new millennium as my colleague pointed out. I wonder what about the personalized number plates.

Mr. Vice-President, with these speeches it is clear as daylight that a lot of these pronouncements are mere public relations statements. They are not statements of fact because three years and more have gone by. The computer system at the Licensing Office, I can tell you, still remains as archaic as it was. I have mentioned already in Parliament last year, in terms of long lines I spent

some three days just trying to get a duplicate driver's permit, and it is the same old computer system. So I wonder what is happening with the computerization process at the Licensing Department.

Mr. Vice-President, when that 1997 budget debate was taking place and the Minister of Finance talked about removing the annual vehicle licensing system, I distinctly remember that ATTIC expressed very serious concerns about the removal of that system of annually licensing vehicles. I have in my possession a document that ATTIC circulated in dealing with these changes in the licensing system. In this they expressed serious concerns about passenger safety issues, as well as the road-worthiness of vehicles. There is concern. This was a document circulated by ATTIC during the time of that budget debate and they expressed:

“There is concern that the only formal check for the insurance of motor vehicles, the time of the annual renewal of licences, will now be no longer applied and the random road check is likely ineffective.”

I would like to ask the hon. Minister of Works and Transport, since the removal of this licensing system, what measures are there in place to ensure that there is compliance with that requirement that one must have motor vehicle insurance? Instead of the long lines at the licensing office, they want to create long lines on the roads and highways. Through road blocks? It is the most ridiculous thing that has happened, Mr. Vice-President. Ridiculous because I am sure there are many people today driving around without a proper and valid motor vehicle insurance policy in force. When the old system with the motor vehicle licensing existed, that was the one sure way when you go to renew your licence, you would have to produce a motor vehicle insurance certificate, and so a proper record and check is kept.

I would like to know what the ministry has done with these concerns insofar as they were expressed by ATTIC since then. Since 1997, what developments have taken place? At that time they also suggested to the Government that, perhaps, in terms of the compliance with the requirement to have a motor vehicle insurance, some kind of sticker system be used. Please tell us. We would like to know because here we are talking about road safety and the safety of passengers are just as important as well as roadworthiness of vehicles.

Mr. Vice-President, to continue to show the mamaguism or the tendency of the hon. Minister of Works and Transport to hoodwink this nation, I would like to refer to an article published in the *Newsday* of Wednesday, December 24, 1997 at page 5. The headline reads:

“Baksh to modernise transportation”.

Just like all the orphan roads he will be fixing all over. Cheap political expediency!

Mr. Vice-President, in this article the Minister says:

“Modernisation of the transportation system is expected to receive a fillip in 1998 with major projects carded for the new year.”

He also talked about simplification of the procedures at the Licensing Department. The hon. Minister of Works and Transport said that apart from removing licensing of vehicles, you can now stay at home and renew your permits. Well I really wish I had that privilege, Mr. Vice-President. Again, the Minister boasted about the personalized number plates and new garages are to be on stream by 1998 to inspect and certify roadworthiness.

Mr. Vice-President, here we are dealing with regulations to the Motor Vehicles and Road Traffic Act. I am sure every single Member of the Senate would recall that some time last year the hon. Minister of Works and Transport came with a bill in Parliament—an amendment to the Motor Vehicle and Road Traffic Act. I think it was some time in the middle of last year—June 1998—a debate took place with respect to the Motor Vehicles and Road Traffic Act. What has happened to that Bill? I would really like to know. I would like to ask the Government. Many of us spoke on that but it would seem that Bill is yet another one of the measures that Government has just allowed to lapse. It is very difficult when the hon. Minister comes here and talks, for us to take seriously what he is saying, because it is just a continuation of promises that remain unfulfilled.

Mr. Vice-President, when my colleagues spoke—and based on the assessment of the value of this industry—we are saying that based on these regulations here which we are looking at today, this system is very really wide open to all kinds of abuses and corruption. I would like to know who is going to be monitoring these provisions. When I look at the actual provisions, it seems as though this Bill is designed more with the proprietors of private garages in mind and not the people of Trinidad and Tobago whose vehicles have to be inspected.

When I was attempting to read through the first half of this Bill, as I said, there are more administrative measures that are designed to deal with the relationship between the proprietors and the licensing office. In looking through these regulations, I had great difficulty in ascertaining what are the regulations

that would be governing me as the owner of a motor vehicle who would have to take a vehicle for inspection.

Mr. Vice-President, if we turn to page 4 of this bundle, let us look at the new regulation 27. Just at the end of page 3 in (k) it says:

“by deleting regulation 27 and substituting the following new regulation:”

I looked at regulation 27 that presently exists under the Motor Vehicles and Road Traffic Act. That particular regulation deals with the inspection of public service vehicles and I think, vehicles for hire and what have you. When we look at the new regulation 27 on page 4—it starts at page 4—I was very confused and it is no wonder that my colleague, Sen. Yuille-Williams, expressed concerns as well.

In 27(1) it says:

“A registered owner of a motor vehicle or trailer shall produce it for inspection by a transport officer, annually...”

Mr. Vice-President, with all due respect, I am wondering if, perhaps, it is intended that it should be “owner of a private motor vehicle”, because it is very vague as it is. If you delete the present regulation 27 which specifies public service vehicles and vehicles for hire and what have you, and you are replacing it with what just states here, “the owner of a motor vehicle”, it suggests that any owner of a motor vehicle must produce it for inspection by a transport officer, annually. I wish that the hon. Minister would seek to clarify this in his contribution.

I was a bit confused in terms of the vehicles that have to go for inspection because it goes on:

“so, however, that a registered owner of a private motor vehicle or motor cycle where such motor vehicle or motor cycle is five years old or more, shall produce it for inspection by a transport officer, biannually, at such premises designated for that purpose...”

Mr. Vice-President, we have already expressed the concern that we are very confused; that if a motor vehicle is more than five years it has to be sent twice a year for inspection. That really does not make sense. If I have a new motor

vehicle, I have to send it every year for inspection and pay this particular fee, but I am very uncertain about the procedures for this new inspection.

Looking at page 5, in subclauses 27(8) and 27(9)—I suppose in the main Act and the regulations this is how it is referred to but I see references to certain dates here. For example in subclause (8) it says:

“If by 31st December...”

And then in (9) it refers to 1st January. I suppose it is an annual reference that is being made; I do not know. We need to know.

Mr. Vice-President, as we move on with this bundle of confusion and try to make sense out of nonsense, we see 27(c) dealing with conditions to be complied with by proprietors. It says:

“Subject to these Regulations, every proprietor shall comply with such conditions, if any, as may be specified in the authorisation of that proprietor...”

What is the criteria for these conditions? What are these conditions? How are they going to determine what conditions are going to be imposed?

When I read the following provisions dealing with the requirement in (b), it says:

“the proprietor shall arrange for examinations to be carried out or to be personally supervised, and for test certificates to be signed, by persons who—

(i) are competent to act for such a purpose...”

In dealing with persons authorized to sign a test certificate, it goes on to say:

“...unless he has successfully completed a course of instruction approved for the purpose by the Licensing Authority.”

We heard the hon. Minister make mention of the requirement to do an auto and diesel course with the National Training Board—I cannot remember what agency he mentioned. That is all well and good. I am very happy. I would urge any young man who wants to get into this field to go and get his certificate.

The problem is that when you look at all these so-called stipulations and conditions, I have to ask the question, who will be there to monitor? The Minister talked about people having to wear a badge. I want to know if in 44 garages all over this country, there will be people who will be monitoring that the person who is actually inspecting a vehicle is qualified and trained to inspect that vehicle.

Who is going to be monitoring this? I want to know if all the officers from all over the Transport Division of the ministry will be deployed all over the country to monitor this. Are the citizens of Trinidad and Tobago who own vehicles and take them for inspection the ones to monitor this?

Mr. Vice-President, a lot of these measures, as I said, relate more to the administrative matters concerning the proprietors and very little concern for people who have to get their vehicles inspected. It would just open up the system to all kinds of conduct and activities and we have to express our concerns.

4.30 p.m.

Mr. Vice-President, as I continued with this Bill and when I reached the appeal procedure, again, as my colleague pointed out, another set of confusion. It is most confusing. I do not know what is the procedure they are setting up. I really cannot say. Before I could reach three-quarter way through these regulations I virtually gave up. With all due respect, I would like to say that we on this side have great difficulty in supporting these regulations in the condition in which they are and, moreso, because of the fact that the hon. Minister stood here and spoke but in all the 20 or 30 minutes of his speech he really did not take us through these regulations because, quite frankly, I believe he never read them. I honestly believe so with all due respect. He spoke in general terms and the same kind of utterances and promises; promises and promises. I suppose it is only when the election day comes then we will know what will happen.

When he talks about improving road safety, I want to agree with the concerns expressed by my friend, Sen. Joan Yuille-Williams. When you are talking about road safety, I am pleading with the hon. Minister of Works and Transport who is in charge not just of the transport system in this country but the road system that instead of doing these quick short-term kind of works to just throw some pitch on the road to give the impression that you are paving roads all over in Maracas, Arima, Moruga, Laventille and so forth, that you try to concentrate on a few areas and do the work properly so it will last until 2015 when the PNM will still be in government.

Three years in Government. I am sure everybody who passes on that highway coming into Port of Spain by the lighthouse would see there is a little hole which often develops into a water hole and they will just do a quick fix. I am pleading with the hon. Minister to find a long-term solution to the problem. Also, with all the other projects under your portfolio, please look for long solutions not these short-term kinds of measures.

Mr. Vice-President, this is our first sitting for the new year and this is a time when so many Muslims all over the world are fasting and we are supposed to exercise great patience during this period and on this note I would like to wish everyone in Trinidad and Tobago Eid Mubarak. Particularly to the hon. Minister of Works and Transport I wish him all the best for Eid 1999. [*Desk thumping*]

ADJOURNMENT

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. Vice-President, in moving to adjourn this Senate to Wednesday January 20, 1999 may I take this opportunity to indicate the order of business. I did, in fact, indicate privately—because it is not recorded in the *Hansard*—that we would have done Private Members' business today and it was purely an oversight on my part. I want to humbly apologize to my colleagues here because it was not my intention to go with Government Business today but because of an oversight it happened so I want to apologize.

I also want to indicate that in trying to address this question we did, in fact, indicate to Sen. Prof. Spence that next Wednesday we would be dealing with the Finance Bill. It is the Variation of Appropriation Bill, 1998. It is a very simple and straightforward matter and we are hoping that we would be able to conclude that early and then continue with Private Members' business next Wednesday. So as soon as we are through with the Variation of Appropriation Bill we will then resume : Private Members' business and we have Minister Assam coming to deal with some matters next week. We will go into Private Members' business on January 26, 1999 so we make up for that and in February we will see if we can make a day available in the first half for Private Members' business. That is the first area I wanted to clarify. I just wanted to inform my colleagues here that next Wednesday that is what we are dealing with.

Mr. Vice-President, as you know and as Sen. Mohammed indicated next Tuesday is Eid-ul-Fitr in the country and we on our side and on the Government's behalf would like to convey greetings to the Muslim community and wish them a happy and joyous event. Ramadan, as you know, is a month of patience—and I saw my friend impatient today—and mercy and, of course, forgiveness. It also allows for the acquisition of good habits. Observance of the month of Ramadan leads to the inculcation of good morals and values and endows the human being with all those things that are essential for growth and development. Therefore, we pray that all the lessons of fasting during the month of Ramadan will spread throughout the entire country and the spirit of sharing become part of our national

Adjournment

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culture. This can only redound to the benefit of the peoples of our beloved country of Trinidad and Tobago. I wish everyone Eid Mubarak.

Mr. Vice-President, I beg to move that this Senate do now adjourn to Wednesday January 20, 1999 at 1.30 p.m. at which time we are going to deal with the Variation of Appropriation Bill, 1998 after which we will deal with Private Members' business and we will continue with Sen. Prof. St. Cyr's Motion.

Mr. Vice-President: Hon. Members before I put the question on the adjournment I would also like, on behalf of the President and on my own behalf, to extend Eid greetings to the Muslim community on the celebration of Eid-ul-Fitr next Tuesday.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.37 p.m.