

**THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT
IN THE THIRD SESSION OF THE NINTH PARLIAMENT OF THE REPUBLIC OF
TRINIDAD AND TOBAGO WHICH OPENED ON DECEMBER 17, 2007**

SESSION 2010—2011

VOLUME 13

SENATE

Tuesday, April 06, 2010

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Arnold Piggott, who is out of the country.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards, T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL
RICHARDS, T.C., C.M.T., Ph.D, President and
Commander-in-Chief of the Republic of
Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. FOSTER CUMMINGS

WHEREAS Senator Arnold Piggott is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, FOSTER CUMMINGS, to be temporarily a member of the Senate, with effect from 6th April, 2010 and continuing during the absence from Trinidad and Tobago of the said Senator Arnold Piggott.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 1st day of April, 2010.”

Oath of Allegiance

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OATH OF ALLEGIANCE

Senator Foster Cummings took and subscribed the Oath of Allegiance as required by law.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Agricultural Development Bank of Trinidad and Tobago for the year ended September 30, 2008. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
2. Annual audited financial statements of the National Gas Company of Trinidad and Tobago Limited for the year ended December 31, 2008. [*Sen. The Hon. M. Browne*]
3. Annual audited financial statement of the Point Lisas Industrial Port Development Corporation for the year ended December 31, 2008. [*Sen. The Hon. M. Browne*]
4. Twenty-First Annual Report of the Integrity Commission for the year 2008. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]
5. Twenty-Second Annual Report of the Integrity Commission for the year 2009. [*Sen. The Hon. C. Enill*]
6. Report of the Commission of Enquiry into the Construction Sector of Trinidad and Tobago. [*The Attorney General (Sen. The Hon. John Jeremie SC)*]

ORAL ANSWERS TO QUESTIONS

**Brian Lara Tarouba Sporting Complex
(Details of)**

33. Sen. Wade Mark asked the hon. Minister of Sport and Youth Affairs:

Could the Minister indicate to the Senate:

- (a) the total expenditure to date on the Brian Lara Tarouba Sporting Complex;
- (b) the projected date of completion of the complex; and
- (c) the estimated total expenditure anticipated for this project?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the answer to question No. 33 is not available and I do not have an indication as to when it will be. Let me undertake to have it in two weeks.

Question, by leave, deferred.

**Comprehensive National Transportation Study
(Cost and Status of)**

44. Sen. Corinne Baptiste-Mc Knight asked the hon. Minister of Works and Transport:

- A. Could the Minister inform the Senate what is the status of the Comprehensive National Transportation Study commissioned in 2004?
- B. Could the Minister also inform the Senate, what was the cost of that study?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the Minister of Works and Transport is in the Chamber. However, he has advised that the answer is not now ready and has asked for two weeks to provide the answer to this question.

Question, by leave, deferred.

**Comprehensive National Transportation Study
(Impact on Government Plans)**

45. Sen. Corinne Baptiste-Mc Knight asked the hon. Minister of Works and Transport:

- A. Could the Minister advise what impact have the results of the Comprehensive National Transportation Study had on current Government plans to solve the nation's transportation problems?
- B. Could the Minister also inform the Senate if there is now a National Transportation Plan in place?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, on behalf of the Minister of Works and Transport, I am advised that he requires another two weeks to provide an answer to this question.

Question, by leave, deferred.

**Assessment Centre for Street Dwellers
(Status and Cost)**

50. Sen. Wade Mark on behalf of Sen. Lyndira Oudit asked the hon. Minister of Social Development:

Could the Minister inform the Senate of the status and cost incurred thus far, of the Assessment Centre for street dwellers housed on Queen Street, Port of Spain?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, question No. 50 is not now ready and I again seek a deferral of two weeks.

Question, by leave, deferred.

**Displacement Centres at Piparo and Riverside Plaza
(Persons Treated 2008 to 2010)**

52. Sen. Lyndira Oudit asked the hon. Minister of Social Development:

Could the Minister indicate to the Senate, the number of persons housed or treated at the Displacement Centres at Piparo and Riverside Plaza from February 2008 to February 28, 2010?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I am in a position to say that the answer to that question is now not ready and should be available in two weeks.

Question, by leave, deferred.

**Suspended Students
(Support Provided)**

53. Sen. Corinne Baptiste-Mc Knight asked the hon. Minister of Education:

Would the Minister identify the policies and procedures currently in place to provide supervision, counselling and academic support to students during periods of suspension from school?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the Minister of Education is not here, but I am in a position to answer if you so desire.

According to the Education Act, Chap. 39:01, sections 43 and 44, there are two forms of suspension:

- (a) Principals are authorized to suspend students for up to seven days inclusive of Saturdays and Sundays; and
- (b) The Minister of Education can extend this suspension to allow for further investigation.

Students suspended by principals for one to seven days are assigned school work during the period of suspension. It is the duty of the principal to provide support for the student upon return from suspension. The student can be referred to the Guidance Officer where one is resident at the school; and where one is not resident, to the District Office for counselling services. In addition, the student is to be monitored by the dean with supportive measures put in place.

The following procedure exists for students placed on extended suspension by the Minister:

- (1) Upon receipt of the suspension notice, parents and students of the districts of Victoria and St. George East are advised to attend an out-of-school suspension centre where a programme of individual counselling for both parents and students, group guidance and career guidance is available.
- (2) Parents and students from other districts are given appointment dates and must have a minimum of four counselling sessions with guidance officers.
- (3) All students and their parents must then attend a case conference chaired by the School Supervisor III of the district and includes the principal of the school from which the student comes, the Guidance Officer II and a mutual principal.
- (4) The parent and student can bring along any supporting personnel to the conference.
- (5) The well-being of the student is discussed and recommendations forwarded to the Minister for approval. These recommendations may include:
 - (a) Reinstatement on a date set by the Minister;
 - (b) Transfer to another school; and
 - (c) Expulsion.

With reference to (a), reinstatement on a date set by the Minister, if it is the view that the child may benefit from a specific intervention, the child may be placed in an alternative programme such as Servol's Adolescent Development for a period of three months. Other interventions may include referrals to psychologists and psychiatrists for professional intervention.

In addition, Cabinet approved an after-school study centre and time-out centre policy where the Ministry of Education is partnering with non-governmental organizations and other associations to provide facilities, supervision and funding for facilitators and coordinators. One time-out centre has applied for registration thus far.

1.45 p.m.

It is the intention of the Ministry of Education that students on suspension would attend this time-out centre, where programmes of academic support and counselling will be provided. This should be operational by May 01, 2010.

Sen. Oudit: I have a question to the Minister. You indicated that you have increased your counselling services and guidance units; currently, from experience, I know that this is grossly inadequate. Is it the intention of the Ministry to increase those counsellors or guidance officers to those various districts and regions?

I have one more question. You indicated an after-school study centre, in collaboration with the Ministry of Education and NGOs, could you tell me where this occurs and where it exists, please? To my knowledge, it does not exist.

Sen. The Hon. C. Enill: With respect to the first question, which is in relation to expansion, I think the answer to that can be considered, yes.

With respect to the second part of the question, the information that I have is that they should be fully operational by May 01, 2010 and one time-out centre has applied for registration thus far, so you are correct on the second one. As it relates to the first one, I can only tell you what I believe, which is that it is.

Sen. Mark: Mr. President, through you, I would like to ask the hon. Leader of Government Business: when would the Government be in a position to answer the written questions that have been there and qualified since February 27? We are now at April 06. I would like the hon. Minister to indicate to us when those answers are going to be submitted. I am a bit worried. I am getting all kinds of rumours of imminence and dissolution of Parliament. I would like to know if my questions would be answered before—

Mr. President: Leader of Government Business.

Sen. The Hon. C. Enill: I thank you, Mr. President. This evening we have available approved answers to Nos. 27 and 28. I think Questions Nos. 47 and 49 are also being worked on. Questions Nos. 26, 35, 26 and 48, all of these are in fact at various stages of the answer being prepared. Some have been referred and some have been sent back for additional information. We have put some dates on them. Questions Nos. 47 and 49, I understand have also been circulated. We are working assiduously to bringing the numbers down. We have four approved today. We have a number outstanding and we are taking steps to bringing them down.

Mr. President: Senator, I would just like to caution you in your statements. In truth and in fact, most of the questions for written answers actually have an April date on them and not a February date. Just so that we do not mislead the Senate.

Sen. Mark: What I am looking at is what I have before me.

Mr. President: Senator, please do not argue with me from your chair. I said most of the questions for written answer—you did not say few. It was misleading. Most of the questions for written answers go back only one month; in fact less than one month.

Sen. Mark: I want to correct myself, Sir. Me, for me!

Mr. President: Sen. Michael Annisette, could you put Question No. 1 to the Minister of Health?

Landate Matter (Findings of)

1. **Sen. Michael Annisette** asked the hon. Minister of Health:

Could the Minister inform this Senate of the findings of the Ministry's enquiry into the Landate matter?

The Minister of Health (Sen. The Hon. Jerry Narace): Mr. President, we are still fine tuning that answer. We do not have all the information as yet. I would like to kindly request a two-week extension.

Question, by leave, deferred.

Landate (Commission of Enquiry)

2. **Sen. Michael Annisette** asked the hon. Attorney General:

Could the Attorney General indicate to this Senate what action the Government intends to take with respect to:

- (i) the findings of the Commission of Enquiry into the Scarborough Hospital; and
- (ii) its investigation into the matter which included Landate?

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. President, the answer to that question is not yet ready. I need at least another two weeks.

Question, by leave, deferred.

WRITTEN ANSWERS TO QUESTIONS

Corporation Sole (Details of)

27. Sen. Wade Mark asked the Minister of Finance:

- A. Could the Minister outline in detail the various assets being held in her capacity as Corporation Sole on behalf of the people of Trinidad and Tobago?
- B. Could the Minister also state the estimated value of these assets?
- C. Could the Minister give a further breakdown of any changes on the portfolio of assets on a year-to-year basis over the period January 1, 2007—March 31, 2009?

Vide end of sitting for written reply.

WASA's Contractors (Details of)

28. Sen. Wade Mark asked the Minister of Public Utilities:

- (a) Could the Minister provide the Senate with:
 - i. the names of all the contractors engaged by WASA for the period January 2007 to March 31, 2009;
 - ii. the exact nature of works these contractors have been engaged to perform; and
 - iii. the duration of these contracts and the financial value of each contract?
- (b) Could the Minister further state:
 - i. how many contractors have been paid to date? and
 - ii. how many contractors have not been paid and exactly when would they be paid?

Answer lodged in Parliament Library.

**Home Improvement Housing Grants
(Details of)**

47. Sen. Lyndira Oudit asked the Minister of Planning, Housing and the Environment:

With respect to the \$12 million Housing Grants given for home improvements in 2009:

- (a) the number of recipients/beneficiaries; and
- (b) the geographical location of the recipients/beneficiaries?

**IDB Assisted National Settlement Programme
(Details of)**

49. Sen. Lyndira Oudit asked the Minister of Planning, Housing and the Environment:

With respect to the \$40 million IDB Assisted National Settlement Second Stage Programme, could the Minister advise the Senate:

- (a) of the number of recipients; and
- (b) the geographical location to the recipients?

Vide end of sitting for written replies.

STATEMENT BY MINISTER

**College of Music/
National Youth Music Education Service
(Establishment of)**

The Minister of Science, Technology and Tertiary Education (Hon. Christine Kangaloo): Mr. President, I am authorized by the Cabinet to make the following statement on behalf of the Government of Trinidad and Tobago.

Mr. President, Vision 2020 manifests itself in a people who are happy, creative and fun-loving. Contained in the Vision 2020 Operational Plan is the goal of ensuring that the richness of our diverse culture will serve as a powerful engine to inspire innovation and creativity.

Innovation and creativity are the key characteristics that are driving, and will continue to drive the nation along the road in our march towards developed country status. The march has begun. Our task is to complete it. The world has seen and marvelled at our creativity and our capacity for innovation in our financial, commercial, social and cultural life:

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- We have built a buoyant and successful energy sector.
- We are being recognized as the financial centre of the Caribbean, taking the lead in manufacturing and international affairs.
- We have created the steel pan, the only musical instrument developed in the 20th Century, and we continue to broaden its capacity and scope. We are constantly changing the calypso. We have created variations: soca, chutney, soca parang and rapso and we encourage the mixing of the traditional and indigenous genres of music to create a new and ever-changing art form.
- We have expanded the richness and pageantry of our Carnival, and exported it far and wide as a signature event of West Indian cultural expression, so much so that more than 100 Trinidad-style carnivals have been spawned from the original.

The Government of Trinidad and Tobago continues to applaud the efforts of the practitioners in the schools and in the communities, the people who have kept our music and our art alive, vibrant and dynamic. We recognize that their efforts have provided the basis for taking the music of Trinidad and Tobago to the highest, internationally-accepted levels.

In spite of their heroic work and the recognition our cultural art forms have gained worldwide, there remains more to be done. Improvement and innovation are the constant twin companions of excellence.

The Government of Trinidad and Tobago has long recognized this fact and has been taking steps to address gaps where they exist. The first step in this direction was the establishment of the National Steel Symphony Orchestra, a group that comprises qualified musicians, some in possession of degrees in music. This orchestra is the first in the world to use the G-Pan, as it renders its wide repertoire of selections at state functions and in its community work.

Another step was the conceptualization of the National Philharmonic Orchestra. There was the establishment of Divine Echoes, a big dance band created to expose the nation's young to an alternative form of music and dance. Next was the formation of the National Theatre Arts Company. Then there was the construction and outfitting of the National Academy for the Performing Arts. This signature facility boasts a world-class auditorium that seats 1,200, and extensive, state-of-the-art facilities for teaching, from diploma to post-graduate level, in several areas:

- music (arranging, composing and conducting);
- theatre/drama;
- dance, theatre management and technology.

This, Mr. President, is the catalyst for achieving our goal of creating a society that not only understands and appreciates that which is aesthetically-pleasing, but possesses the drive and the capacity to create the same for others. Evidence of this was seen recently with the National Theatre Arts Company's performances of "Dance Me, Lover" which played to a packed house every night.

Mr. President, permit me to set out the mission and goals of the National Academy for the Performing Arts. The National Academy for the Performing Arts has, as its mission: the delivery of advanced knowledge and excellent professional training in the performing arts within the context of a Caribbean environment, with the aim of expanding and supporting career diversity, even as it strengthens national and regional cultural development.

To achieve this mission, the Academy has, as its primary goals:

- the provision of an educational environment that fosters the artistic, intellectual and personal growth of its students, allowing them to embark on successful careers and productive lives as professional artistes, responsible citizens and leaders in their fields;
- the pursuit of mutually-beneficial and collaborative relationships with organizations and individuals in the performing arts, so as to advance, integrate and reinforce the aims of the Academy within the local communities;
- the development of audiences who can appreciate and financially support the arts;
- the exploration of new boundaries and the conduct of research that will further develop the arts in Trinidad and Tobago and the wider Caribbean;
- the facilitation of a world-class venue for the best expressions of the performing arts.

Mr. President the National Academy for the Performing Arts has a unique admission policy. This policy, with very good reason, is not based solely on academic qualifications, but also takes into consideration the raw, untapped artistic talent, accomplishments, and commitment of the prospective applicant. We have many examples of such raw artistic talent. We remember, for example, Winston "Spree" Simon and Rudolph Charles, Mr. President, two very creative

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sons of the soil, who, without formal education and training, left us a legacy that has so far been unsurpassed. We think too of our calypsonians; our dancers; Best Village experts, many of whom have no formal training in the arts, but whose music, art, dance and drama, thrill and excite us every year.

It is to those possessed of such talent that the Academy's admissions policy is addressed. Government recognizes as a priority, the need to provide the infrastructure and opportunities necessary for our citizens, especially the young, to use their talents, skills and creativity for personal and national development. This need arises even, perhaps, especially in circumstances in which our talented citizens do not possess the formal or academic qualifications necessary to pursue the development of their talent at higher academic and technical levels. Young persons with the talent to go further in their fields, but not the academic or technical qualifications that would otherwise have been necessary to enable them to do so, now have a unique opportunity to do so. The proverbial sky is now their artistic limit. As in so many other areas, this Government continues to match our people's aspirations with opportunities.

Through the Academy and its forward-thinking admissions policies, the Government is providing a platform for our nation's citizens to further their artistic ambitions. These arrangements are no more and no less than the fulfilment of the Government's solemn undertaking to our citizenry that, in the field of artistic development, as in every other field of national endeavour, no one shall be left behind.

The Academy considers it necessary, therefore, to do all in its power to continuously evaluate its curricula and standards to ensure that they remain relevant and responsive to changing global conditions. Additionally, the Academy will ensure that the most renowned faculty members are attracted and retained to expand the artistic educational life of the people of Trinidad and Tobago.

2.00 p.m.

Through the academy, Mr. President, this Government intends to significantly raise the cultural bar. At the present time, there are rehearsals and auditions taking place at the academy for various musical, dance and dramatic performances respectively. Productions such as *Jab Molassie*, which is an adaptation of Stravinsky's *A Soldier's Tale*, *Blood Wedding* by Frederico Lorca and *Once Upon this Island* which is based on Trinidadian Rosa Guy's novel *My Love, My Love* are all being worked on.

We intend to attract top-class performances to the academy to showcase the best acts in Western classical, Indian classical and other music genres provided by local and international artistes. For sustainability, we intend to identify and train gifted children from the earliest possible age to ensure that they reach their highest potential by the time they become adults.

In pursuit of this goal, Cabinet recently agreed to a further step in this holistic development of the theatre and theatre arts in Trinidad and Tobago—the establishment of a College of Music, under the broad umbrella of the academy. The college will have as its main focus, the introduction to and training in music of the young members of our population and will embark on a National Youth Music Education Service (NYMES), whose primary objectives will be:

- to improve the musical skills of students in primary and secondary schools;
- to allow full re-evaluation of talented young people by providing a pathway to further study up to the tertiary level;
- to enhance the ability of teachers of music;
- to work with music ensembles across communities to help improve their performance; and
- to improve the musicianship of the players in our steel orchestras.

The NYMES, as part of the College of Music, is meant to:

- supplement the efforts of the Ministry of Education in the area of music and to help reduce an unfilled demand;
- expand the teaching of music to embrace the entire range of instruments used in Western and Indian classical performances;
- identify individuals who with intensive training can quickly become members of the National Philharmonic Orchestra; and
- offer training to talented youth outside of the school system through community-based interventions in panyards, following the model of the Birdsong Academy in Tunapuna, which has been successful in introducing its steelband members to other instruments.

The school-based programme will focus on the teaching of Western and Indian classical instruments. Further, it will impact on the steelband programme and run parallel with it.

Mr. President, I want to briefly detail how the NYMES will work:

- i. It is proposed that three-hour training sessions will be conducted each week during normal school hours.
- ii. On weekends, ensemble sessions will be conducted at a "host" school, and offer training in music theory, piano/electronic keyboard and voice.
- iii. A pilot scheme involving twelve schools located within three clusters—Woodbrook, Diego Martin and San Fernando—will provide tuition in a range of Western and Indian instruments. The average age group of students in the pilot will be six—twelve years.
- iv. The three schools proposed as "host" schools are Tranquility Government Primary School, Diego Martin Boys' RC and San Fernando Central Secondary School.
- v. In the community-based intervention, it is proposed that the programme will offer tuition three days a week, after school and on Saturday mornings. Mr. President, 30 to 36 children in the age group 6—8, 9—11 and 12—19 years will be accommodated in each session. The locations selected for the community-based programme are Tobago, North, East, South and South-West Trinidad.
- vi. Discussions are under way with three steel orchestras to host clusters at their facilities.
- vii. The NYMES will also extend its services by offering master classes to individuals who now teach music. The classes will allow such teachers to become certified professionals.
- viii. Students in the school and community-based programmes will gain internationally-accepted certificates once approved standards have been attained.

Mr. President, this initiative will supplement and complement the existing school programmes, and is not intended to detract from or replace ongoing efforts, including preparation for music festivals, schools' Panorama and other steelband competitions.

It must be emphasized that the programmes are to be offered free of charge to our young people and will be of the highest quality. Training will be conducted by the University of Trinidad and Tobago faculty—all highly-trained professionals of the academy. The pilot programme is intended to begin later this month.

Depending on the success of the pilot over the period April—September 2010, the College of Music, in consultation with the Ministry of Education and the Ministry of Community Development, Culture and Gender Affairs will expand it to other schools, clusters and steel orchestras.

Mr. President, this is an exciting development that is focused on our young people. It will create opportunities for the talented and the gifted and will create opportunities, not just for performing at specified times on the national calendar, but for the development of a range of new careers here at home. It will also develop our cultural appetite and show us the many possibilities that exist.

Ultimately, it will broaden our artistic and aesthetic horizons as a nation, allow citizens to experience the joy and fulfilment of patronizing and supporting the arts and allow our young musicians to make a comfortable living here in Trinidad and Tobago and the Caribbean.

Mr. President, thank you. [*Desk thumping*]

Mr. President: Hon. Senators, there are two other Statements by Ministers to be made later in the proceedings; one by the Minister of Finance and another by the Attorney General and we will take them later in the proceedings.

**MOTOR VEHICLES AND ROAD TRAFFIC
(MISCELLANEOUS PROVISIONS) BILL**

Order for second reading read.

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

That a Bill to amend various Acts, namely the Queen's Park Act, Chap. 41:04, the Highways, Act Chap. 48:01, the Motor Vehicles and Road Traffic Act, Chap. 48:50, the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52 and the Maxi-Taxi Act, Chap. 48:53 to increase the pecuniary penalties for motor vehicle offences; to provide for the issue of tickets for certain motor vehicle offences; to regularize and increase the period for the renewal of driving permits and to provide for related matters, be now read a second time.

Mr. President, this Bill was debated in the other place some time ago—if my memory serves me correctly, at least one month ago. The main objective of the Bill is to increase the fines and penalties for existing offences under the Motor

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Vehicles and Road Traffic Act and various other related Acts such as the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, the fixed penalty system and other Acts such as the Queen's Park Act.

The offences contained in the First Schedule of the Motor Vehicles and Road Traffic (Enforcement and Administration) Act were derived primarily from the Motor Vehicles and Road Traffic Act. I cannot call it the parent Act, but I would call it the primary Act, but there are other offences provided for under other pieces of legislation that are included in the First Schedule of that said Act, the Motor Vehicles and Road Traffic (Enforcement and Administration) Act. An example is unauthorized driving or parking within the Queen's Park Savannah which is governed by regulation 1(a) of the Queen's Park Act, Chap. 41:04. Another example is the operation of maxi-taxis outside of specified routes which is section 7(1) of the Maxi-Taxi Act, Chap. 48:53, and a third example would be unauthorized use of the Priority Bus Route which is dealt with under the Special Roads Traffic Regulations in the Highways Act, Chap. 48:01.

Now the fixed penalty system also known as the ticket system had as its purpose the deterrence or the establishment of a system of penalties to deter unsafe driving and also to motivate and reform bad drivers. All of us who drive would be aware that the behaviour of some of our citizens on the roads is a reflection of the level of discipline or indiscipline within our society.

The ticket system and the penalties that flow from the ticket system are outdated and do not appear to have any deterrent effect on road traffic violators, because of their small and almost insignificant quantum. In addition, due to a range of mitigating circumstances which are relevant to sentencing, magistrates enjoy a very wide discretion when imposing punishment in a particular case, and this has led to widespread inconsistency in sentencing. The response of many countries, including Trinidad and Tobago, was the introduction of the mandatory or fixed penalty ticket system. This was to get away from the discretion that was exercised by magistrates in sentencing.

So, in 1971, virtually 40 years ago, the fixed penalty system, as I said, popularly known as the ticketing system, was introduced to reduce the burden on the Magistrates' Courts by providing for the issuance of notices of tickets to presumed traffic offenders.

The Motor Vehicles and Road Traffic (Enforcement and Administration) Act provides for the alternative punishment of traffic offences under the Motor Vehicles and Road Traffic Act without the necessity for the court appearance.

That is the whole point of a ticket. If the person pays the ticket, there will be no requirement for them to go to court and argue the matter. As I said, the punishment takes the form of fixed penalties.

Now, there were a number of difficulties, many of them administrative in nature, with the ticket system, which resulted in amendments to the Motor Vehicles and Road Traffic (Enforcement and Administration) Act in 2000. That was in a former administration. Under the law which was amended in 2000, when a constable finds a person committing a traffic offence, notice by the constable of the offence, not only charges the person with the offence, but also deems the notice to be a summons issued under the Summary Courts Act from the expiration of the time specified for payment of the fixed penalty. An alleged offender who pays the fixed penalty still has an opportunity to appeal to a magistrate within the prescribed time. That was the effect of the 2000 amendment.

On the other hand, a person who fails to pay the fixed penalty may be found guilty, and where the law provides, pay a fine greater or less than the fixed penalty. Payments of fixed penalties are made to the Clerk of the Peace in the district in which the offence was committed.

Now, we have looked at these penalties for some time, and they are really outdated and they are many years old. Some of them are \$100, \$200 and so on. While that might have been relevant in 1971—a \$100 ticket—[*Interruption*]—well the information I have is 1971. I would bow to your superior knowledge, Sen. Seetahal SC. While it may have been relevant 30 or 40 years ago, a penalty of \$100 is no longer relevant.

2.15 p.m.

If the Senate will allow, I will now go through the amendments and I go straight to clause 2 of the Bill—clause 1 being the short title—clause 2 amends the Queen's Park Act, Chap. 41:04, with a view to increasing the fine for a breach of regulations made by the Minister under section 2(1) of that Act from a minimal and outdated sum of \$100 to \$2,000. It is to be noted that the Queen's Park Act—Sen. Seetahal SC, I think this was a little before 1970—was passed on December 05, 1882. So, a little time ago, and since then the fine for the breach was never revised or brought up-to-date to maintain its relevance in a society that has evolved. The fine of \$2,000, we believe, would be a deterrent to motorists who incline to breach the prohibition on driving in the Savannah without authority, because you can do it with authority.

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Clause 3 increases the fine for the unauthorized use of the Priority Bus Route from \$200, which certainly is not a deterrent to many people, to \$2,000. And the sum of \$200, I am told, has been in existence for 40 years, and despite the best efforts by law enforcement, especially the new transit police—[*Interruption*] That is what I am told, 40 years. Sen. Seetahal SC, these are my notes and if in fact it is 30 years, I would be corrected. I would not argue with you on that at all, but it is in existence for many, many years and despite the best efforts by law enforcement to crack down on unauthorized use of the PBR, the problem continues unabated, and motorists continue to defy the police and transport officers by their continued presence on the PBR, especially during non-peak hours. This proposed new fine of \$2,000 is expected to keep the PBR clear of unauthorized vehicles.

Now, any of us who drive on the PBR—I do not drive on the PBR very often since the interchange has been constructed. I drive on the highway; in fact it is faster, believe it or not. But, on the occasions that I drive on the PBR—and the reason why I say that—there are a lot of traffic lights on the PBR, those of you who drive on it, you would get stuck by Morvant Junction. You now get stuck by a new traffic light that has been put in by Fernandes and as you go along, there are several traffic lights in the Barataria area, then Mount Hope and so on. There are a large number of traffic lights on the PBR.

In fact, on a good day it is faster to go on the highway, because you are just meeting two or three traffic lights as opposed to, maybe, 15 or so, on the PBR to travel the same distance, but that is just an aside. The fact is, when you go on the bus route—I have been on the bus route at 10 o'clock, 11 o'clock in the morning, travelling between Port of Spain and Piarco, just counting the number of vehicles on the road that do not have bus route passes, and on any given day I easily reach 100 in terms of vehicles that do not have bus route passes and are simply taking a chance. In fact, I am told that some persons keep \$200 with them and just pay the fine. It suits them if they are caught. They take a chance because they would not get caught every time—

Sen. Oudit: You know of persons who keep \$200, what have you done about it?

Hon. C. Imbert: Sen. Oudit, I said I have been told. I do not personally know of anybody who keeps \$200, because my instructions to the police are to deal with them. [*Interruption*] Yes, but I have been told that there are persons who would keep \$200 because the fine is so small and take a chance because they may not get caught every time. Now that the fine is going to \$2,000; I do not think persons would be that adventurous.

Sen. Seetahal SC: The question is being asked on this side, since the police is not authorized to collect any \$200, what is the implication if you are walking with \$200? *[Interruption]* If a driver is driving wrongly on the PBR without a permit, has in his pocket \$200, which a police officer is not authorized to collect, what is the implication from the statement that the Minister is making? We want to get it clear.

Hon. C. Imbert: I thought that is what you said. Again, this is only hearsay because this is what I have been told, that they would go immediately and pay the fixed penalty at the nearest district—*[Interruption]*

But we are in the realm of hearsay here. *[Laughter]* This is not knowledge. *[Laughter]* I mean, come on. But anyway, the fact of the matter is there are persons who I have heard are quite prepared to pay the \$200 fine because they do not consider it to be a deterrent, and we certainly believe the \$2,000 fine will be a deterrent.

The next clause is not associated with penalties. The next clause is intended to deal with a long outstanding anomaly and this is intended to create a new definition of a private school bus. If you look at clause 4(1)(a):

“private school bus’ means public service vehicle having seating capacity for not less than nine and not more than twenty five passengers, used for transporting school children and is a type approved by the Licensing Authority;”

Now, some of you hon. Senators may be aware that there is an informal school bus system operating in Trinidad. Not everyone is aware of this, but it is so. This informal school transport system operates mainly in rural communities throughout Trinidad. It came into being approximately 15 years ago, around 1995/1996 as a result of a number of requests by parents of pupils who were seeking an alternative mode of transport that would guarantee the safety and security of their children.

It is a personalized transportation system that conveys pupils directly from home to school in the morning and return them home after school hours. The service is said to be safe, reliable and affordable and ensures that children, particularly those living in remote parts of Trinidad enjoy a hassle-free means of travelling. The services currently being offered by the public transport system and the private maxi-taxi and taxi system do not cater for this specific need, and you need to understand what it is. It is a group of private citizens who have made

arrangements with parents, whose students would go to a particular school, and the intention is that the bus would come to their homes—it is a maxi-taxi essentially, but not in official maxi-taxi colours—pick up the children, drop them to school, then pick them up when school is over and drop them back home. It is formalized in many developed countries, in America. Those of you who travel to North America would see the yellow school buses that go through neighbourhoods, pick up children, drop them to school, pick them back up from school and drop them back home.

There has been established informally, a similar system in Trinidad and Tobago. The operators I am told, of this informal school system, have been requesting regularization of the service for several years, for at least 10 years.

The previous government attempted to regularize the service by seeking to have the vehicles owned by the operators of this informal system as omnibuses, but unfortunately, because of the type of vehicles—as I said they are mainly panel vans or converted maxi-taxis—the majority of them did not satisfy the strict requirements of the law in terms of safety, seating accommodation and various features for passengers that are necessary for a vehicle to be classified as an omnibus. These light panel vans and other vehicles that are being used cannot be classified as omnibuses.

So the attempt of the former government to use the omnibus definition to regularize the system was not successful. Subsequently, in an attempt to deal with that setback and another attempt to regularize the system, the Public Transport Service Corporation and the Licensing Authority were advised by the then Minister of Public Utilities that temporary permits should be issued to operators in order for them to operate the system legally. There was an initial period of approximately seven months, during which time it was intended—this was around 1998/1999—that the law would have been amended to incorporate the new system into the public transport network and operators were asked to comply with a number of requirements; buses were to be adjusted to specific specifications; they were to be painted in a school bus colour, yellow; there was a registration fee of \$100 and there was a licence fee and an insurance fee as well as a requirement that the operators of these vehicles obtain a certificate of good character and various other things. That was a genuine attempt to regularize the system, but again that attempt was not completed and fell into a bit of disrepute.

I want to say at the outset that I am not casting any aspersions on the former administration. This was an excellent idea. Their idea of introducing an informal school bus system and it just happened in the way these things sometimes happen,

that with the best of intentions the necessary adjustments were not made to the law by the former administration. It now falls to us to do it and I am very happy to do it; in fact I met with a representative group from these informal school bus operators and they gave me the whole history of the thing, going all the way back to 1998 and so on, and I gave them an assurance that the Government would come to the Parliament as soon as possible—in this year 2010, I think I met them towards the end of 2009—and sort this out.

The way we have decided to resolve it is to create a category of private school bus, and as I said, a vehicle with a seating capacity of not less than nine and no more than 25. So it fits within the general framework of what is considered to be a maxi-taxi, specifically for transporting school children and of a type approved by the Licensing Authority, and clause 4(1)(a) of the Bill addresses that matter.

Clause 4(1)(b) deals with an issue that has engaged the attention of many senior counsels—

Sen. Prof. Deosaran: Thank you very much, Mr. Minister. Could you tell us whether the licence plates on those private school buses would be a P or H or what would be the licence number plate like?

Hon. C. Imbert: It would be an S for school. So we do intend to amend the regulations as well to introduce the S plate for school bus. Okay?

It would not be a P, H or T. It would be very clear, because that is another issue that would come to you in a little while where you have persons using P registered panel vans and T registered panel vans that are licensed only to carry three passengers and they carry 12 or 15 people in them. It is very dangerous because they have no insurance. Because if you are using a T registered vehicle that is only authorized for the carriage of three persons and you are carrying 12 people, especially school children, you are really playing with fire there, because you cannot get any insurance cover and children are at risk. If you get into an accident, both you and the person that you get into the accident with are at risk, so this is going to be clear that this is for school purposes only. That is why our intention is to make a new plate and call it an S.

While I am at that, the Government had a choice as to whether to do a complete reform of the Motor Vehicles and Road Traffic Act, and that would take some time. In fact, we have hired a consultant and we have virtually finished a complete new Motor Vehicles and Road Traffic Act to allow for the creation of the new motor vehicle authority, but there is a lot to be done about that. There are a number of consultations that would have to be held and so on, after the

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preliminary draft is done and we felt we did not want to hold this back for that because that would come much later in the year in 2010, towards the end of the year.

2.30 p.m.

But what I want to say is that when the new legislation comes—not this one—later down in 2010, there will be a completely new system for licence plates. Government vehicles will be characterised in a particular way and would have a particular colour. That is the plan. I think the Government plates will be green. You would have the opportunity to personalize plates, so that persons can get their own number. Diplomas would have diplomatic plates and so on. All of these things are not allowed under the law at this point in time. So the new system will clearly deal with all of this and of course, there will be something to deal with a school bus. So I am just making that point. But for the time being, the plate that we wish to put on these vehicles will be an S, and we will do that by amending the regulations.

So coming now to clause 4(1)(b), this section is intended to do away once and for all with the contentious debate about the use of certain identification marks on motor vehicles owned and used by the State. I am sure Sen. Seetahal SC knows what I am talking about. So the way it is written:

"(2A) Notwithstanding the requirements of subsection (1)"—of section 16 of the Motor Vehicles Act—"and any other written law"—we did it that way just to clear up any ambiguities in the regulations whatever—"the Minister may by Order prescribe the identification mark to be carried on any registered motor vehicle or trailer owned or used by the State."

Now, there is a bit of contention. There are certain plates being used by arms of the State at this point in time. You may have seen AG 1, but I can assure you—*[Interruption]*

Sen. Jeremie SC: Not me.

Sen. Seetahal SC: AG 1?

Sen. Jeremie SC: Air Guard.

Hon. C. Imbert: Sen. Jeremie SC, what is that? I was about to say that AG 1 is not the official vehicle of the Attorney General. It could be mistakenly believed to be so. It is Air Guard 1.

Sen. Jeremie SC: Say it again.

Hon. C. Imbert: Air Guard 1. It is an arm of the Defence Force. CG is Coast Guard, and TTR is Trinidad and Tobago Regiment.

Sen. Joseph: TTDF.

Hon. C. Imbert: TTDF, sorry. TTDF is Trinidad and Tobago Defence Force. CG is Coast Guard. Believe it or not, AG is Air Guard. It is not Attorney General. I am just telling you.

Sen. Seetahal SC: That is wrong.

Hon. C. Imbert: I just want to clear that up. So we are going to sort that out one time, so that vehicles that are owned by the defence force and other arms of the State, possibly police vehicles, would have a special identification mark that would clearly identify them as police vehicles or defence force vehicles as the case may be, and other vehicles that are owned and used by the State. We just want to get that out of the way because the way the Motor Vehicles and Road Traffic Act is written at this point in time, there were many anomalies back in the previous period under the former administration, and the Minister of Works and Transport, Sen. Baksh, at the time, made a number of amendments to the Motor Vehicles and Road Traffic Act in 1997 and in 2000.

It was his intention—because I have read the *Hansard*—to introduce a system of personal plates and special identification marks for various types of vehicles used by the State and others, and he went all the way in terms of amending the legislation, but there is some argument as to whether the regulations were amended. So we felt there is no point in continuing that argument. What we are doing here is saying that notwithstanding any other written law—which will take care of any other regulations—the Minister may by Order prescribe the identification mark to be carried on any registered motor vehicle or trailer owned or used by the State. So that would just deal with that once and for all with respect to State vehicles. With respect to personal vehicles, that will be accommodated when the motor vehicle authority legislation is brought to the Parliament, and that will allow the introduction of personalized plates and other special number plates, and so on.

Let me move on now to clause 4(c) and this deals with section 19A of the Motor Vehicles and Road Traffic Act. Section 19A of the Motor Vehicles and Road Traffic Act deals with the Minister of Finance having responsibility to change provisions of the Fifth Schedule of the Motor Vehicles and Road Traffic Act, and that Fifth Schedule deals with the levy and collection of transfer tax. So this is a budget measure. If you can remember in the budget of 2010 that was

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delivered in September 2009, I believe, the Minister of Finance did announce that there would be a change in the transfer tax—in fact, an increase in transfer tax—and this amendment is giving the Minister the power to amend the Fifth Schedule to allow for a change in transfer tax. The section in its present form does not designate any specific Minister for the purpose of amending that Schedule to revise the transfer tax. So we are now making it clear that it is the Minister with the responsibility for Finance that could amend the transfer tax because it is purely a fiscal matter and not really a matter for the Minister of Works and Transport.

Coming now to clause (d), this is a very controversial and a very important section. This is the clause that deals with using a vehicle contrary to registration, and there is another clause in the Bill which states that this section would only come into effect six months after the passage of this Act. The reason for that is that we want to give persons the opportunity to regularize their situation. We want to allow persons who are using these illegal vehicles, where as I have said, they are using P vehicles and T vehicles—I was just scanning through, but it is there. There is a section that says that this will take effect six months after; these various sections that deal with using a vehicle contrary to registration will take effect six months after the passage of this Act. That is to deal with this problem where you have these white panel vans which are almost overtaking maxi-taxis on some maxi-taxi stands at this point in time. They are either P or T registration and they are outfitted with 12 seats just like a maxi-taxi. They do not have a taxi badge, do not have insurance and they are transporting people all over the place. Now, it is controversial because in many communities this is the only form of transportation that they have, and this is not unique to Trinidad and Tobago. It is all over the world.

In fact, in a debate in the other place, the Member for Tabaquite had made the point that in England there is a mini cab system, and I was told by one of my Members that in New York, you have an informal taxi system as well which is outside of the mainstream of the usual New York taxis in Brooklyn and other parts of New York where the requirements for registration and so on are a little less stringent—[*Interruption*]

Hon. Senator: Cheaper.

Hon. C. Imbert: Yes, and it is cheaper. They are sometimes around train stations and so on, and they go from point to point. They do not travel on the regular routes, up and down Manhattan and so on like a regular New York taxi.

In England, I was told it is the same thing. It is a private vehicle that you can call and it will drop you from point A to point B, but they do not run as regular taxis on the route. It is designed to fill a need where the formal system cannot cater for the transport need. There are certain parts of the country persons may not wish to go at a certain time of the night; other people may find it uneconomical to run a route taxi in those particular areas. So the void has been filled by this informal system, but what is wrong with it, is that, as I said—the vehicles are designed to carry passengers safely—A lot of them are converted panel vans and they have no insurance whatsoever. They cannot get insurance cover because they are being used for purposes that are contrary to the registration. I will give you an example.

The Transport Commissioner told me that some months ago he was on the Eastern Main Road in the Barataria area, and he saw one of these vans—it was not painted white. It was some other colour, brown maybe—stopping and picking up passengers. He noticed it because he must have been at some establishment conducting some business, so he was looking for some time. He saw this panel van picking up, dropping off, picking up, and dropping off, so he then concluded that this is a taxi because when he looked at it there was a P registration. So he took note of the number, went back to his office, found the record of ownership, found the owner and told the owner to come into the Licensing Office and bring his vehicle because it appears that “you are operating outside of the law”. The guy came with the vehicle with three seats in it. What he did, he took out nine seats. He told the Transport Commissioner, "What are you talking about? I do not have 12 seats in this vehicle. I only have three. What are you talking about?" So he could not deal with it. So we are now going to clamp down on this, and we have a penalty for unauthorized alterations.

So in this instant case, at the point in time that the Transport Commissioner would see this person using the vehicle, a P registration or a T vehicle with 12 seats, the person can be subject to a fixed penalty immediately on spot and that would deal with that problem. But it is controversial, and that is why we are leaving it for six months so that we can hold discussions with these PH operators. This has gone beyond PH because it is a PV. These are vans, not cars. We can have discussions with them to see if we can find a way to regularize them and perhaps subject them to less stringent requirements, but confine them to particular routes, particular areas and particular times and so on.

So we are going to take six months to discuss that with them—that is why this does not come into effect right away—and if we feel the need to come back to

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Parliament to adjust the law, we will do so because we are recognizing people serve a very important transportation function. [*Interruption*] You wanted to ask me something?

Sen. Mark: Through you, Mr. President, I am happy that the Minister has made reference to that particular initiative because in your own constituency I have met persons who have had that particular challenge, where they are transporting people illegally as you have rightly said. I am happy to know that you are giving them a six-month grace period so you can meet not only with them, but all those persons who operate illegally using that form of transport. I hope that some kind of arrangement could be arrived at, so that they will fit within the law.

Hon. C. Imbert: What we intend to do, Sen. Mark, we do not want to re-invent the wheel. A lot of countries have this problem and they have solved it in different ways—North America, England, and so on. So we are going to look and see what has happened in the rest of the world and see if we could adopt a solution that will be as efficient as possible to deal with the safety considerations, allow these people to be legal while not going through the stringent requirements of the taxi system and so on.

But you see, when you talk to these young men, you talk about the police certificate of character, they talk about the fact that some of them cannot get a police certificate of character, they talk about the fact that they cannot afford insurance. This is a real life situation. It might sound crazy. I mean when you listen to them you would say these "fellas" are mad, why are you taking them on. But this is a real human situation and we are going to talk with them and make sure that we can come up with a solution that is safe, lawful and serves the interest of all concerned. But when we resolve that, the fine is going to be \$8,000 for the unlawful use of a vehicle for the purpose for which it was not registered.

Going to clause 4(e) now, this is the fine for tinting, treating or darkening the glass of a motor vehicle, and at this point in time, it is unlawful to darken the glass of a motor vehicle in such a manner so as to obscure the view of the inside of the vehicle from the outside. There are issues with respect to science, and that is a matter that we will deal with in due course. I am persuaded that we need to prescribe a measurement like 35 per cent obscuration or something like that, so that it will be definite and not subjective because right now it is absolutely subjective.

2.45 p.m.

The police officer would stop you and if he thinks that your window is too dark, he would tell you to take off the tint and we do intend to deal with that. There are a lot of law-abiding citizens who have dark glass on their vehicles, because of air-conditioning or whatever, but there are a lot of criminals as well who darken the glass of their vehicles so that you cannot see inside and you would not know who is driving the vehicle. It is a major weapon in the arsenal of criminals, that they completely obscure the interior of their vehicles. You just have no idea who is driving, they would use it to commit a crime and then you cannot describe the perpetrators, the persons in the vehicles.

The Government is of the view that this law would be better enforced by a maximum fine of \$5,000 and a ticket of \$2,000. [*Interruption*]

Sen. Mark: What is the role of those agencies that are responsible for outfitting one's vehicles that would probably place a tint on your window or glass that is very heavy that they may believe is not illegal to be done, because there are no specifications, standardization or regulations. So how can somebody be punished by the law if the person is doing something, as far as he is concerned, that is legal? You go by Toyota or some other car dealer, they outfit your vehicle, and then the police stop you and tell you to rip it off. These persons who are outfitting your vehicle ought to be aware that there is a certain degree or level of tinting that may not be permitted, but you have persons installing these tints on windows, in terms of the actual material, and then you could be stopped by a policeman and told, "Get rid of this thing immediately." Who is responsible? That is something we need to look at.

Hon. C. Imbert: That was the precise point I was making. At the present time, the law is totally subjective, so that the way it is written is that it is unlawful to treat or darken the glass of a motor vehicle in such a manner as to obscure the view of the inside of the vehicle from the outside. It is really who is looking, how well they could see or what the weather conditions are on the day. If you actually prescribe a specification, which is what we intend to do—but we are not going to jump into it just like that, we want to check it, because a lot of vehicles come into the country with predarkened glass. We do not want to specify something like, say 35 per cent, and then a vehicle is imported from the factory with 36 per cent. What are you going to do, send it back? We are doing some research on what the exact thing should be.

Mr. President, could I have some idea of how much time I have left?

Mr. President: You have 19 minutes left.

Sen. Seetahal SC: You may be aware that about a year ago police officers were stopping people on the road and demanding that they remove their tints. My appreciation of the law is that they have no such right. That is not just a question of may be, it is not there. The Licensing Authority has rights; a police officer may charge for a breach of sections, but that is a charge. I do not know if pending the decision to rationalize that section 23 of this Act, to make it more scientific that the Licensing Authority and the police could get their act together and not stop people willy-nilly.

Hon. C. Imbert: Thank you, Senator. I will most certainly consider that. I was not aware there was this dispute as to the authority of police officers with respect to tinting, because they are removing tints every day. I was not aware that there was a dispute at that level. I will most certainly look at it and I will consult you.

If Senators would allow me to move on—there are a lot of sections and I do not have enough time, unfortunately. The next section allows for the special permit for the private school bus; it introduces a new section to give the Licensing Authority the power to issue a special permit to the owner/operator of an informal or private school bus with specific conditions.

The next one, 4(g) seeks to amend the section of the Act that provides for the use of safety helmets by the drivers of motorcycles, from the present fine of \$500 to \$2,000. That fine was last revised in 1978. The increase from \$500 to \$2,000 is to make the fine more relevant in a modern environment. I can assure you that driving a motor cycle without a helmet is a very dangerous thing to do. A lot of people think it is glamorous to ride a motorcycle without a helmet; they think the helmet is cumbersome. I can assure you, having rode—I am trying to find what is the correct tense; it is not ridden—having used a motorcycle myself for years—I fell off many times, like most motorcyclists do, and I was very happy that I had my helmet. When you are riding a motorcycle, persons who drive larger vehicles do not pay any attention to you; I do not know if any of you know that. Sometimes they do not even see you, because you are much smaller than a car or bus, so it is very important that people be encouraged by law to wear helmets.

With respect to rented vehicles fitted with seat belts, this was a lacuna in the law. The section that requires the fitting of seat belts, strangely, for some reason, omitted rented vehicles from the list of vehicles that were required to be fitted with seat belts. It goes back more than 15 years; this amendment seeks to remedy that oversight.

With respect to the failure to have a vehicle fitted with seat belts, again, in the overall origin of the fines, the clause is seeking to increase the amount specified for a first conviction for a failure to have seat belts in your vehicle, to \$4,000 and, on subsequent conviction, to \$8,000. We believe there is a widespread non-observance of the law with respect to seat belts by thousands of motorists, every other car. People are not using their seat belts. I do not think I need to rehash the scientific research regarding the safety of seat belts; it is well established.

The next clause 4(j) deals with the wearing of seat belts by a front seat passenger. This seeks to put the onus on the person in the passenger seat to wear a seat belt and also the driver, to make sure that the front seat passenger is wearing a seat belt. It also streamlines the law to make the age of liability the same age at which a person might obtain a driver's permit. That is section 4(j) and we have added in a section that allows persons to get a waiver if they have a certificate saying it is not advisable on medical grounds to wear a seatbelt.

The next very important clause, again a budget measure, but not a fiscal measure, is tightening the law with respect to child seats and child restraints. Under the present law, the law is imperfect with respect to the prescription of child restraints and child seats. We took this regime from New Zealand, because we looked around the world, and that is a very progressive country in certain types of legislation. In New Zealand, any child five years and below is required to be in a child seat. It is a bit complex. Subsection (1)(a) mandates that:

"not, without reasonable excuse, drive his vehicle while there is in the front seat of the vehicle a child of five years of age and under;..."

So children have to go in the back seat. Of course, if you have a vehicle which only has front seats, like a two-door pick up van, you can put them in the front. Where else can you put them? As long as your vehicle has a back row of seats, the child who is five years and under must go to the back.

It also requires that a child that is six months and under, should be in rearward facing child restraint. There is a reason for this; if the child is facing backwards and the car gets into a head-on collision, then the head of the child is facing backwards rather than forwards. The head of a six-month-old is not fully formed at that age and, therefore, is very susceptible to injury from a blow. Once the child is under six months of age, the child seat has to be facing backwards.

For a child who is six months and under four years, he can be in either a forward or rearward facing child restraint or a child harness. A child, who is four

years and under five years, can be either in a forward or backward facing child restraint seat or a booster seat. That is a slightly larger child seat for slightly larger children, because some children would not fit into a normal child seat.

All this is designed to deal with this anomaly in the law right now where there is no proper prescription for dealing with the carriage of children in motor vehicles. However, as is the case with all other countries we have looked at, the drivers of public service vehicles, buses and so on, are not required to provide child seats, because you could imagine, how many seats would you provide? You might have 10 children coming in the bus today, five tomorrow and 15 the next day, so it is very, very difficult to prescribe that all taxis and maxis would have a suitable number of child seats. However, a parent must know how many children of five years and under they have and, therefore, would be required to acquire the child seats.

The next clause deals with the duration of drivers' permits. This is just a budgetary measure, where we are increasing the period of validity of a driver's permit from the current three years to five years. This is just to do away with inconvenience and allow persons to renew over a longer period than once every three years. There is a step down regime for persons who approach the age of 65, because you recognize that if you are 61, you would hit 65 years in four years, if you are 62, you would hit it in three years, and if you are 63, you would hit 65 in two years. So there is a step down regime for persons who are over the age of 60; they, obviously, would not get a five-year permit. If you are 61 years, you would get a four-year permit; if you are 63, you would get a three-year permit. *[Interruption]*

Sen. Seetahal SC: I have been looking at it; once you have achieved 65 years, you go up to two years again. It does not make sense.

Hon. C. Imbert: It does; when you hit 65 years, you have to take a medical test. Prior to that, you do not have to take a medical test. Everybody 65 and over must take a medical test. At the present time, persons 65 and over must do this test every year. We have had a lot of representation from older persons who say it is difficult for them, and it makes sense. They are physically frail and elderly and they have asked us actually to increase the renewal period to three years. We felt to compromise we would make it two years, so we have changed the renewal period, for persons 65 and over, from one year to two years. It is only a small proportion of persons who are 63, 64 and so on, who would get their one-year and two-year permits and then they go back to the standard two years after that with a medical exam every two years.

The rest of the clauses deal with that new regime of a five-year validity for a driver's permit.

As we go on now to 4(n), we are increasing the fine for speeding. We are proposing to increase the penalty for speeding from the present fine of \$500 to \$4,000, that is if you go to the court, and the ticket would be increased from \$200 to \$1,000.

3.00 p.m.

We think this is more than necessary because of the recklessness that occurs on the nation's roads in terms of persons speeding. In fact, many of the accidents that occur have nothing to do with anything but people driving way above the speed limit.

We are also increasing the fines for breach of parking restrictions and the fine for refusing to comply with the legitimate instructions of a police officer, that is in clause 4(p), and in clause 4(q), we are increasing the fine for a breach of a no parking order by the Commissioner of Police and we are doing this so when the Police Commissioner issues an order such as during the Carnival period and other periods when the roads are liable to be thronged with large numbers of persons that the fine would be a significant deterrent. We are increasing that fine from its current \$150 to \$1,500.

We are also legitimizing in law the restriction of parking on Abercromby Street for Members of Parliament, both Senators and Members of the House of Representatives. Currently it is being done by using the Minister's authority, but we are putting it in the law now so that Knox Street would be reserved for parliamentarians and Abercromby Street between Knox and Hart Streets, so you should be able to get a parking spot for sittings of the House of Representatives or Senate. In previous years, I must say that when I reached a little late, I was unable to get a parking spot because the whole road was filled with cars of people who had nothing to do with the Parliament, and I am sure you would have experienced that as well.

In clause 4(s) and clause 4(t), we are fine-tuning some of the amendments previously made to the breathalyzer law just to make it more difficult for persons to avoid being convicted for driving under the influence or over the limit of alcohol, and we are also now empowering licensing officers also known as transport officers with the authority to render breathalyzer tests. Clauses 4(u) and

4(v) are all routine things; offences committed by cyclists, the increasing of the fines for throwing advertisements and pictures from a moving vehicle and increasing fines for offences which the fine is not specified.

Mr. President: You have four more minutes.

Hon. C. Imbert: Thank you. All of these fines have been significantly increased from a couple hundred dollars to \$1,000, \$2,000 and so forth. And finally, we are asking for the Minister to have the authority to make regulations by negative resolution. This has been a bugbear of previous Ministers; in fact, Sen. Baksh was affected by that. He had asked for the power to make regulations by negative resolution, and at the time there was a little argument over it and he gave way, but the regulations are so comprehensive and cumbersome that just to change, for example the P to an S the Minister would have to come and debate that to introduce an S licence plate for the school bus. The way it is currently worded, the Minister would have to debate it in both Houses of Parliament and many Ministers have said it is not worth the trouble.

So we are now asking that it be done by negative resolution so it can be challenged in the usual way that negative resolution is.

Then there are various other fines; increased fines for parking, increased wrecking fees. One of the problems with congestion in Port of Spain is the fact that ironically, the streets in the central business districts are so congested by unlawfully parked vehicles that wreckers cannot even get into the centre of the city to wreck them. It is uneconomical for a wrecker operator who gets \$65 at this point in time out of the \$100, or \$60/\$40—there is a division of the \$100 that is charged.

It is uneconomical for a wrecker operator to receive \$60 to wreck a vehicle from the middle of Port of Spain because it takes so long to get there as vehicles are parked on both sides of the road. If you look at Port of Spain, all the roads are designed for three lanes: St. Vincent Street, Richmond Street, et cetera and there is supposed to be parking on one side only so there will be two full lanes of moving traffic on all these one-way streets.

The whole city was designed as a grid over 100 years ago for three types of vehicles; in those days they must have been horse and carriage and as you went along, vehicles. But now there are vehicles on both sides of the road and if there is a big truck on both sides, sometimes it is impossible to go down St. Vincent Street, so the wrecker operators cannot even get to the point to wreck the vehicles, so they do not bother because it is uneconomical.

So we are increasing the fine for improperly parked vehicles and for wrecking from \$100 to \$500 and we think this will give the wrecking operators an incentive and the vast majority of congestion in Port of Spain should disappear overnight once this new wrecking fee is introduced.

There are some other routine amendments to the Maxi-Taxi Act and I will refer to one of them; the penalty for using a vehicle painted in a manner as it is likely to be mistaken for a maxi-taxi and the fine is increased from \$500 to \$3,000.

Basically, that is it, Mr. President. This Bill enjoyed the unanimous support of everyone in the other place; all Members of the Opposition supported it and I was very pleasantly surprised to be told that it was considered to be progressive and good legislation and I ask the Senate to follow suit and join us in promoting this very progressive legislation.

Thank you, Mr. President.

Question proposed.

Sen. Dr. Surujrattan Rambachan: Thank you very much, Mr. President. Let me assure the hon. Minister that we do appreciate the value of this Bill and the fact that it is intended to put some kind of order on the roads of Trinidad and Tobago because we have all suffered one way or the other from accidents on the road. I lost a nephew in that accident on the Mosquito Creek where a Jusamco truck ran into that vehicle, so I am one who appreciates what you are trying to do in this legislation.

Mr. President, before I get into my substantial contribution, it is interesting to me that the Minister said that in one section of this Bill that transport officers or licensing officers will be inserted after the word "police service" in clause 5(t). The Breathalyzer Bill required a special majority, I wonder whether you will require a special majority here also because now you are including a new category of persons. I think it is an important point to ask because you are going to be affecting people's rights by a new category of officer.

Hon. Imbert: I do not think so. I believe what is being done is just including transport officers in the definition of constable, so it is the constable who is given the right to take the test and we are simply including within the definition of constable, a transport officer, but the legal minds will advise.

Sen. Dr. S. Rambachan: Is the transport officer entitled to conduct the test? If the name is being added, then it might be that he is being authorized also to take the test.

Hon. Imbert: The person who is authorized is the constable. It is the Minister of National Security who authorizes a constable to conduct the test and we are changing the definition of what a constable is, but the question of a challenge to a breathalyzer test comes to the competence of the person who is certified by the Minister as having being trained to take the test. But I hear what you say.

Sen. Dr. S. Rambachan: I think it should be looked at because section 70G(1) says: “in the definition of ‘constable’ by inserting the words ‘or a Transport Officer’.” So my understanding is that you are adding a new category of person.

Hon. Imbert: My understanding is that the breathalyzer law remains where it is the constable who takes the test and simply in expanding the definition of constable to include a transport officer as a constable.

Sen. Dr. S. Rambachan: Well then we should probably delete "transport officer".

Sen. Seetahal SC: Could I just intervene with my friend to say that in a recent case in the Court of Appeal, *Transport Commissioner Newton v Magistrate Joanne O'Connor*, the Court of Appeal made a big difference between ordinary constable and transport officers and their powers. So maybe there is need to look into that.

Hon. Imbert: Yes, Sen. Seetahal SC, I am aware of those cases and the legal luminaries involved in them. It is all right, I am not questioning anybody and I would look at it. I know there is a lacuna in the law—at least this is the decision of the court. The Attorney General did bring these matters to my attention and we will look at it. Sen. Dr. Rambachan, I am sorry to cut into your time, but we will look at that. I am advised it is okay, but we will look at it.

Sen. Dr. S. Rambachan: Thank you very much. Mr. President, the behaviour and conduct of drivers on our roads leaves a lot to be desired and over this Easter weekend it was really horrible. Too many lives are being lost by way of vehicular accidents. In fact, over the last 10 years in this country, a total of 1,797 persons lost their lives on the roads of Trinidad and Tobago and every year it has been climbing.

In the year 2000, the fatalities were 135; in the year 2008, 262; 2009, 213 fatalities and every year they have been climbing and I think therefore, that something really has to be done given this loss of life because if you add for the

last 10 years the number of persons who have been murdered in this country, which is 3,130 to 1,797 persons losing their lives on the roads, we have lost 4,927 citizens of this country and that is a big economic cost. Therefore, I think that we need to do something, as you propose in this Bill, about bad driving.

Speeding and drag racing are leading to highway murder despite the existence of a law on motor manslaughter. I sometimes wonder why more people are not being brought and charged under the motor manslaughter law and I wonder if it is because of a lack of proper police investigations.

Mr. President, one afternoon, two or three years ago, I took a police superintendent from the Chaguanas Police Station onto the Chaguanas Main Road and we stood for 30 minutes counting how many persons were wearing their seat belts. We counted about 175 cars and 80 per cent of the drivers were not wearing seat belts. Then he explained to me that it is difficult to enforce the seat belt law because you have to go to court and all kinds of things, so I am very happy if this becomes a ticketable offence and people are made to wear their seat belts. One of the things this country is not calculating is the economic cost of accidents in the country. I do not think we are calculating that and someone from the university should do a calculation as to the true economic cost of the loss of lives by accidents and the other costs associated with that.

3.15 p.m.

What is interesting to me is when people go from Trinidad and Tobago to Miami, Florida or England, they behave as they are supposed to. They obey the traffic laws because they know that the consequences are serious, and I will be the first one to argue that we need serious consequences in this country for infractions of the law. The lawlessness in this country is really too high and on the roads. A vehicle is a weapon in the hand of a person.

While I begin my contribution with this observation, let me say that with the best intention we can pass all of these laws; we can raise all of these fines, but without enforcement, our hard work in this Senate and other places will come to naught. What will it take to enforce the laws? In a well-developed society where people are self-responsible, you may not even have to think about the level and depth of policing that is envisaged in order to make this country a country where people observe the law. But it seems to me, something happens to people on the road and you are seeing a high level of indiscipline and one wonders whether the road rage that we see in the country today, is not also as a result of poor traffic management and poor traffic planning and congestion.

When you read the studies that have been done on road rage and what causes people to drive on the shoulder on the left-hand side and to cut in and out and do all the ridiculous things that threaten the lives of people and actually cause people to lose their lives, a lot of it in the studies suggest that it is due to congestion on the roads and the congestion is, therefore, a major problem in Trinidad and Tobago. Coming into Port of Spain, for example, if I do not leave Chaguanas at 5.25 in the morning, I cannot get into Port of Spain for 6.15 in the morning. Anytime you leave Chaguanas at 5.30, you are going to get into Port of Spain by 7.00/7.30. Congestion is therefore causing people to behave in a very erratic fashion on the roads and, therefore, we have to think about how we are doing traffic planning and traffic management as a whole.

I read in the newspaper where it was said that there are special things being done in several areas, including Chaguanas, Princes Town and so on, but I have not seen any evidence of that kind of planning. The reality is that we need sufficient police officers on the roads. The fact is that we are woefully short, as you know, of police officers in the country. In fact, it was in this Senate on July 08, in answer to a question by my fellow Senator, Wade Mark, that the Minister of National Security, Sen. Martin Joseph, indicated that there were only 6,357 police officers in the country but the required strength was 7,691 officers, giving a deficit of close to 1,334 officers.

But that is not the point. The point is that policemen work on shifts and if you take the 6,357 officers and divide by two, you get on any one shift a possible 3,180 officers. In consultation with policemen in Chaguanas and in San Fernando, they tell me that up to 40 per cent of available police manpower is tied up in administrative duties; tied up in the courts where they have over 475,000 cases that keep going on and on and being postponed and also there are people who are on holidays; people are on sick leave. There is a high rate of absenteeism also in the police service.

Therefore, enforcement is our problem and we do not have the number of police officers to do that kind of enforcement. If that is true—and I believe it is true, and that is why I am making the point—I would like to ask: What is the situation with the creation of traffic wardens? In the year 2000, right here in the Parliament, Act No. 21 of 2000 was passed on May 01, 2000 and in the Senate on December 14, 1999. This was an Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 and it said here:

"The Motor Vehicles and Road Traffic Act is amended—

- (a) by inserting after the definition of 'traffic sign', the following definition:
 - 'Traffic Warden' means a person appointed in accordance with the provisions of section 10A;"

And it is very simple:

"The Police Commissioner may—

- (a) with the approval of the Minister responsible for the Police; and
- (b) subject to—
 - (i) such conditions as the Minister directs; and
 - (ii) criteria as may be established by order by the Minister responsible for transport, after consultation with the (Licensing Authority),

appoint by instrument in writing, any member of an organisation or any person as a Traffic Warden for the purpose of assisting the Police in connection with the control and regulation of road traffic and with the enforcement of the law."

And it goes on. And I am wondering what is so difficult in getting traffic wardens going in the country? What is the difficulty in getting traffic wardens going in the country? I read in the newspaper that the Minister of Works and Transport, Minister Colm Imbert, announced plans—and this was on October 16, 2009 in the *Trinidad Express*—for the new traffic warden department. I would like to know how many traffic wardens are being trained at this point in time. I cannot remember seeing an advertisement anywhere for traffic wardens. So I wonder whether this was just an announcement or whether, in fact, traffic wardens are being trained in the country at this point in time, and how difficult it is to train traffic wardens.

I know that we trained litter wardens in the Borough of Chaguanas while I was there in a different capacity and we were able to get the environmental police to come and do three weeks of training and then we had training in the field and they were operating very, very well until somebody closed down the department for a while and then cut their salaries in half and have brought the litter warden division on its knees. What is so difficult in having the traffic wardens in the country?

So there is an Act and one wonders whether that should not be, in fact, dealt with and this brought on the front burner, because, you know, there are some 493,000 vehicles on the road now, from my research and 342,200 are private cars, by the way; 32,100 are hired cars and 4,900 motorcycles. So we want to know what the problem is with the traffic warden programme.

Hon. Imbert: Do you want me to answer?

Sen. Dr. S. Rambachan: If you are not going to take 10 minutes of my time again.

This brings me to a very important point that the Minister was making, one that I support wholeheartedly, the question of school buses and having special regulations for school buses as public service vehicles. As I understand it, in south Trinidad alone, there might be up to 1,000 such school buses and I think it is important. At another meeting I found out that there are about 220,000 children going to primary schools and secondary schools in the country, and if you have 1,000 of these buses—and let us say these are the small buses at this point in time, carrying an average of 12 children—you are looking at one of these buses, making two trips on a morning; you are looking at about 25,000 children being moved by these buses. That is a substantial number of children being moved by these buses.

But I am concerned about the insurance for these vehicles and some other things that I would like to talk about. Under the Motor Vehicles Insurance (Third Party Risk) Ordinance, as I understand it, the maximum liability now is \$1 million per person and the maximum liability for a series of claims of several persons who are injured in one event is only \$2 million. I think and I want to recommend that these amounts be increased. In the first instance, the maximum of \$1 million per person should go up to \$2 million per person minimum, and the maximum liability for a series of claims of several persons who are injured out of one event, should go to \$5 million.

Can you imagine 25 children in one of these buses and they get injured and you divide \$5 million by 25, you are looking at only \$200,000 possibly? Then you are not talking about the other vehicle which is involved, which might also have problems. So while I am very happy with what is being done here, I want to indicate that I feel that these limits should be increased and I would ask the relevant Minister in Government to look at this again.

In this regard, perhaps I did not hear the Minister clearly, but whether these vehicles are going to have one colour—whether you are going to have a colour for all of these vehicles so that they can be easily identified. What is going to be done? Are they going to be subject to the same maxi-taxi regulations and the same regulations, or are you going to have new regulations? Apart from that, I am concerned about the reputation of insurance companies that are going to be selling insurance to these vehicles, because right now, when I called around during last

week, trying to find out who are the ones carrying these insurances, it came to my attention that the companies that were being named are the companies that do not have a good reputation in the insurance industry and it would be very difficult for you or I to have a child in one of those vehicles; something happens and we cannot get redress from the insurance companies because we are starting off with insurance companies with a bad reputation. So that is something, I think, that we have to look at and we have to look at it very carefully.

This also brings into question the role of the Supervisor of Insurance in all of these matters. It will surprise you to know, or perhaps not, that right now there are hundreds, maybe thousands, of motor vehicle cases tied up. Do you know why? For a very simple reason. It is tied up because people cannot get their certified copies to go on with their accident claims and to go on with their matters, and the insurance companies are using that to delay people getting justice and getting redress in their matters. That is something that has, in fact, to be looked at.

I would also like to suggest that the people who are driving these private service vehicles, that the age limit should be not less than 25 years old. I do not think we should have people less than 25 years old driving these vehicles. I think you need people with experience where the lives of our children are concerned and, Mr. Minister, I think that is something you might want to give thought to. Also, I think that these drivers should be trained. They should be retrained in terms of what they are supposed to do. I see some of these drivers, the way they are dressed; the way they carry themselves. I, myself, had, on occasion to call in the police because some of these drivers were smelling of alcohol. Now that we have the breathalyzer test, I think maybe that is something that might help and I hope it helps.

In addition to that, children have a way of moving about in vehicles and I wonder whether the Minister might consider having seat belts for each one of these children in the vehicles; whether it might be feasible or whether it is something to be considered.

The other matter here is that these vehicles will have to be checked by the licensing officers. You have a clause in the Bill which suggests that the licensing officer will grant a special permit and so on, under certain conditions. But, you know, some things are going on in the licensing office that you ought to be aware of. A lot of people are not taking their vehicles even to the licensing office; taxis for example, to get them passed. They are not doing it. It is not being done.

Hon. Imbert: Do you want to give way? Thank you, Senator, for giving way. We are aware that there are issues with the licensing office. That is why we have been engaged for the last year or so in a transformation project with the Barrington Group. Sen. Mark elicited that information from me recently, and with the new Motor Vehicle Authority, it will be virtually impossible for someone to be driving a vehicle that has not been inspected, because there are a number of security features on the licence plate; radio frequency; identification tag on the windshield, and a number of other things to confirm that the vehicle is a valid vehicle and has been inspected. All of those things should be a thing of the past very soon.

3.30 p.m.

Sen. Dr. S. Rambachan: That will take some time to come into effect because we have been hearing about the reform of the Licensing Office for a long while. Take one example, one with which I am familiar. The Minister should pay a personal visit and see the conditions under which people work at the Licensing Office in Chaguanas. Why has the Minister not made moves to relocate that office, where people have to stand in the sun for their driving permits and where they are in cramped surroundings? How can you get efficiency and productivity? You have to do something about it.

Hon. Imbert: I thank the Senator for giving way. The transformation project is not just talk or Sen. Mark would not have asked me a question about it. The Barrington Group has been engaged for more than a year. We are currently outfitting the new model office. Many on-line services will come in and eventually people will be able to renew their permits on-line and the implementation date is November 2010. We are more than halfway through with this project.

Sen. Dr. S. Rambachan: Despite what you say, Mr. Minister, there are many people in the Licensing Office who are taking bribes and people are getting their vehicles passed.

Hon. Minister, you talked about defective tyres. Just yesterday, I drove behind a truck with defective tyres and the policemen would not even stop the truck. There are driving instructors in Chaguanas who are taking people to Point Fortin to get permits. Why do you have to move someone to Point Fortin, if you are not involved in some corruption? These are serious things. There is an amount of \$3,000 for dangerous driving that I also want to talk about.

I refer to the Maxi-Taxi Act and the regulations. Regulation 12(1) of that Act says that:

"Subject to subregulation (2) and regulation 13, no maxi-taxi shall have painted, written or otherwise displayed on its front or rear windscreen or its windows, any picture, painting, advertisement or caption of any sort."

However, subregulation 12(2) says that:

"The owner of a maxi-taxi may display his name or the name of the maxi-taxi on the front or rear windscreen of the vehicle, within an area not exceeding fifteen centimetres from the top of the windscreen."

Mr. President, there are maxi-taxis with the whole windscreen with all kinds of lewd figures and school children are being transported in those maxi-taxis. There are ridiculous names and immoral messages being sent by those pictures. They pass in front of the police all the time and there are regulations. That is why I talk about enforcement.

Mr. President, in Wikitravel on the Internet, you should see what they are saying about our country and enforcement. Here they say that:

"Speed limits are in effect (80km/h on highway), but rarely enforced. In fact, the police use timers, not radar, to catch speeders. It is a fun experience, if you can drive well, to enjoy the roads especially late at night or early morning. Avoid speeding on the main highways in rush hour or around the Queen's Park Savannah at any time."

Hear this travel advice:

"Other than that, chances that you will be pulled over are next to nil."

That is the kind of thing they are saying in Wikitravel. They are laughing at us and our enforcement. They say:

"Driving without insurance or with crooked insurers is fairly common. Sadly, it is not enforced as it is in the US or Europe. Use caution and try to avoid an accident as the other person may not have insurance, or their insurance may not be willing to settle with you."

Those are the kinds of things that are being said in the travel advisories in Wikitravel. That is why I am so strong on enforcement and what is happening in this country.

The Environmental Management Authority also has a responsibility with respect to matters that are also involved and referred to in these new fines. Regulation 38, for example, talks about the fumes from vehicles. I found that the

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EMA has a responsibility to provide for the regulation of those fumes as well as noise from motor vehicles. In fact, Regulations 38, 43 and 49 of the Motor Vehicles and Road Traffic Regulations provide for that and somehow they are not being enforced.

Where are the environmental police who are supposed to look at all this black smoke and measure it? They seem to have disappeared. Where are the environmental police at the EMA with respect to the noise pollution? We have hundreds of vehicles polluting people's villages at night with the loud music and they are allowed to get away. Why is the EMA not enforcing that law in terms of those vehicles?

You want to have a music blow-out? Have it! But you do not have the right to disrupt my sleep at night by driving your vehicle at a very slow pace and shaking up the house as you go by with the vibration. Something has to be done and the Environmental Management Authority seems to be falling short in terms of doing their bit about the moving discos or boom boxes on wheels as they are called.

The carnage on our roads is something I want to speak about. There is a fine of \$3,000 for dangerous driving. I think the fine is too low. That is number 77 on the First Schedule.

What is the Government doing beyond this? Why is there not a road safety authority? Why can we not establish a proper road safety authority with a mandate to prepare and implement a road safety plan for the next five to ten years, taking into consideration the projected behaviours of people? This can be done if there is the will to do it.

With respect to dangerous driving and the kinds of accidents we see and the behaviour, particularly of young drivers, I would like to suggest that fines alone will not deal with this matter; we have to do other things; we have not given sufficient thought to some of the other things that should be done.

For example, we should consider banning teenagers from transporting teenagers. Many accidents are being caused by teenagers with "suped up" cars. We need to give consideration to that. We need to help people protect themselves. We have to think about setting up speed cameras. I heard the Minister say there will be some experiment with speed cameras, but I have not seen any evidence.

The Minister has to pay attention to reviewing franchises given to garages to perform safety checks on vehicles, to see whether the checks are taking place and are being done in accordance with what the Ministry has envisaged.

I spoke a little while ago about driving instructors. It seems that anyone can become a driving instructor today. Are there laws? We ought to look at establishing a method for registering driving instructors and set up a proper programme, including a syllabus and situational training; vestibule training as it is called. Maybe the University of Trinidad and Tobago (UTT) can focus on that. I see very young people becoming driving instructors. What are the qualifications?

We ought to review the conditions also of work for hired drivers. I drive sometimes very early in the morning. You will see, at 3 o'clock in the morning, trucks leaving South Trinidad to reach the quarries. Sometimes they leave the evening before and they sleep in the trucks in order to get a load to come down in the morning. Those men are working, not eight hours a day; not 10 hours; they are working sometimes 12, 14, 16 hours a day. We need to review our laws, especially in terms of the conditions of work for drivers of trucks, not to exceed 10 hours.

Many times new drivers get a licence and their parents buy them a car or they buy a car. Why can we not consider, if we are really interested in cutting down the indiscipline on the roads, making sure that these new drivers, for a specific period of time, are accompanied by someone with three to five years' driving experience? Put a log in the vehicle so that we know that they have been supervised?

How do you get a licence? You pass a regulations test; do some turn points and you get a licence. I will tell this Parliament and you, Mr. President, something interesting that was told to me. People go for regulations test and I have often wondered how they pass. I am told there are officers who take a pin and make a hole in all the correct answers and they give that to the person who is taking the test so they only have to look at where the hole is and tick those answers. So they come on the road; they cannot even read properly; they pass the test and they are declared a driver. These are the corrupt things that are happening.

When I was a school child, there was a little statement we used to repeat.

Stop, look, listen before you cross the street;

Use your eyes; use your ears and then use your feet.

I have never ever forgotten that. In fact, whenever I cross the street, that statement comes to mind. I wonder what prevents us from introducing road safety as part of the school curriculum. What prevents us from conducting community sensitivity sessions to make people aware of the dangers of bad driving habits?

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I urge the Government to give more support to Kirk Waithe and Arrive Alive! That is a group that is doing extremely good work in this country. It is a group that should be supported in terms of what it is doing. I feel that they are not supported as much as they should be.

We have, within what we are doing here, to develop a strategy to reduce road carnage. I suggest that such a strategy be built around three pillars:

- enforcement, which is generally short term if it is not sustained;
- education; and
- engineering.

And all three must be taken into consideration.

The leading cause of death for teens is not suicide; maybe homicide, but also motor vehicle crashes and we have to do something to save the lives of our children.

STATEMENT BY MINISTER
Report of Commission of Enquiry
into the Construction Sector

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. President, it was my duty to lay before this Senate this afternoon the Report of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago. This report is a tangible representation of the commitment of this administration to transparency and integrity in public life and arises out of a decision by the hon. Prime Minister to pursue allegations made in the other place and in the public domain involving several controversial construction projects.

3.45 p.m.

Last October, the Prime Minister, hon. Patrick Manning, also gave a commitment to the House of Representatives during the debate on the Commissions of Enquiry (Validation and Immunity from Proceedings) Act, 2009, to have the commission's report laid in Parliament at the conclusion of its hearings.

It should be clear that not only was the appointment of a commission of enquiry a demonstration of this Government's determination to ensure integrity in public life, but the decision to lay this clean and unedited version of the report before this Senate today, at the very first opportunity, is yet another tangible demonstration of our commitment to transparency and accountability.

In making the decision to lay the report, the Government had to weigh the potential adverse legal consequences, which were encountered, for example, by the laying of the Scott Drug Report against the public's right to know. I have consulted briefly and in general terms, with the Director of Public Prosecutions on this matter and I have formed the view that no prejudice to future criminal prosecutions will arise from the laying of the report. The balance must, therefore, weigh in this case, heavily in favour of the immediate laying of the report.

I should like to thank all the commissioners who accepted what was always going to be a difficult task and who persevered under what, at times, became challenging circumstances to complete the task entrusted to them by His Excellency the President. The Government and the Commission are also grateful for the participation of several civic organizations and industry stakeholders in an exercise which was a credit to our democratic traditions.

If you would recall, this commission began its hearings in January 2009 and completed its work only in March of 2010. The commission was given a mandate to enquire into:

- the procurement practices in the public construction sector;
- the effect of the use of provisional sums, prime cost sums, nominated suppliers and nominated contractors in construction contracts in the public sector;
- the effect of incomplete designs, design changes, variations, poor supervision and poor management and the cost and delivery of construction projects in the public sector, the performance of local and foreign contractors and consultants and public sector projects;
- the effectiveness of the turnkey approach;
- the design/build approach for the delivery of public sector construction projects, as compared to the traditional design and tender approach;
- the reasons for and the effect of cost overruns, delays and effective workmanship in public sector construction projects;
- the existence of price gouging and profiteering in the public construction sector;
- the procurement practices and methods of the operation of UDeCott;

- to make recommendations on and observations arising out of its deliberations as may be deemed appropriate to ensure that:
 - with respect to the public sector construction projects and the procurement practices and methods of operation of UDeCott, taxpayers get value for money;
 - the delivery of projects and the highest standards of workmanship are achieved and maintained;
 - there is free and fair competition, full participation and access for all citizens in the public procurement process;
 - integrity and transparency in the public procurement practice are assured;
 - the procedures, practice and procurement processes employed by the Trinidad and Tobago Housing Development Corporation in the award of the contract to NH International (Caribbean) Limited to develop the land and infrastructure and to build 408 houses at Cleaver Heights Development Project;
 - whether the procedures, practices and procurement processes employed in the award of the Cleaver Heights Development Project were in compliance with the tender rules and/or other rules, regulations, procedures, practices and processes of the Trinidad and Tobago Housing Development Corporation and consistent with the procedures, practices and procurement processes employed in the award of similar types of contracts;
 - the nature and consequences of the contractual arrangements;
 - whether the Cleaver Heights Development Project was a fixed price contract and if so, what was the contract price;
 - whether there was variance between the negotiated price and the contract and if so the reasons for or the circumstances which caused and/or contributed to such variance; and
 - the circumstances which resulted in a variance in the costing incurred in the execution of the Cleaver Heights Development Project as evidenced in evaluation report No. 38, for the period ending August 2008.

Mr. President, the commission has reported after giving due consideration to its term of reference and weighing a substantial body of evidence heard over a period of some 15 months.

I took the opportunity to remind this honourable Senate of the terms of reference of the commission because, while much attention has been paid to UDeCott and its former Executive Chairman, Mr. Calder Hart, and understandably so, the commission was also called upon to investigate the operations of the local construction sector, especially in relation to several government projects and to advise on a way forward that would bring the best value to the taxpayer and the national community.

Permit me to delve briefly into some of the findings of the commission in these matters. With respect to terms of reference 1(i) to 1(vii) inclusive, on which the Government made written and oral submissions and gave evidence, the commissioners have essentially accepted the vast majority of the Government's arguments and proposals, with respect to the way forward for the public construction sector in Trinidad and Tobago. This should be viewed as a major accomplishment of the Government's team in the enquiry and a vindication of the Government's objection to the current inappropriate and counterproductive practices that prevail within the local construction industry.

The findings of the commissioners on these issues can be summarized as follows:

- Issue 1(ii): Use of provisional sums, prime cost sums, nominated suppliers, and nominated contractors in construction contracts in the public sector.

Consistent with the Government's view that the reliance by local consultants on the use of provisional and prime cost sums and nominated suppliers and subcontractors had caused the cost of projects to escalate substantially above budget. The commissioners found that this practice was outdated and on this issue, as well as other issues, Trinidad and Tobago has lagged behind developments in other countries.

Further, consistent with the Government's position, the commissioner stated that they were firmly of the view that the use of provisional sums and prime cost sums should be reduced and standardized; that the use of nominated subcontractors and suppliers pursuant to provisional or prime cost sums, should not be encouraged; and that as a matter of common practice, main contractors should be required or encourage themselves to quote for relevant items of work.

- Issue 1(ii): Incomplete designs, design changes, variations, poor supervision and poor management.

Again, consistent with the Government's view, the commissioners found "there is no good reason why designers should not produce a design which is complete in every respect". The commissioners also found that "sloppy practices have been allowed to develop and persist without any party taking action against those at fault". They stated further that "contract mechanisms should be enforced".

They also proposed there should be incentives applying both to designers and contractors, to promote the achievement of designs which are complete.

With respect to poor management of construction projects, the commissioners stated that this was one of the most fundamental problems of the Trinidad and Tobago construction industry and that "they encountered many instances of parties taking on management roles for projects which they were either incapable of fulfilling or which they had no intention of fulfilling".

- Issue 1(iii): Performance of local versus foreign contractors and consultants.

On this issue, among other things, while finding that some local contractors and local consultants have high skill levels, the commissioners stated that "foreign contractors and consultants have levels of expertise which are unmatched by the local industry".

They also stated that it is clear that "there are areas in which the local construction industry does not have the capacity or ability, without assistance from foreign firms to undertake certain types of projects" and that "the local industry, unlike foreign firms, appears unable or unwilling to undertake substantial design/build projects".

The commissioners also found that the International Waterfront Project, the Prime Minister's Residence and Diplomatic Centre and the National Academy for the Performing Arts, all of which were constructed by foreign contractors using the design/build method of procurement, were successful projects, in terms of time, cost and quality.

The commissioners also did not support the exclusion of foreign contractors and consultants from construction projects in Trinidad and Tobago, nor could they support in economic terms, the establishment of quotas or subsidies for the local construction industry, except in special cases where there were new or immature sectors of the local construction industry, since this would lead to a subsidy in favour of greater inefficiency.

They further stated that it seems clear that the construction market in Trinidad and Tobago should be open to both domestic and foreign operators.

- Issue 1(iv): Effectiveness of turnkey or design/build compared to design and tender.

On this issue the commissioners stated, among many other matters, that the design/build approach to construction has much to commend it in Trinidad and Tobago.

With respect to the issue of the White Paper and on the issue of the implementation of the White Paper on the reform of the public sector procurement regime and consistent with the views expressed by the Government, the commissioners noted that since its initial formulation in 2005, the Government had revisited the White Paper and concluded that the regime proposed by the White Paper was simply unworkable. They also noted the view of the Government that the White Paper would involve committees sitting in judgment on the Government's development programme and having the power, through an independently appointed regulator, to determine whether projects should proceed or not, or whether contracts were being awarded to the right person and that this would render the Government incapable of regulating a national development programme.

Having also listened to the arguments of the representatives of the JCC and other persons in support of the White Paper, the commissioners stated "they share the apprehension of those who foresaw difficulties", that is to say the Government, "in setting up the independent regulatory system and in operating it without subverting the power of the Government to make decisions and without causing serious delay to projects".

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The commissioners also endorsed the Government's alternative proposals for the reform of the public procurement system, including the Government's commitment to standardize procurement regimes and tender rules.

The Government has, therefore, prevailed in a very important aspect of the enquiry, that is to say, the issue of the most appropriate procurement system for Trinidad and Tobago and the relevance and/or reasonableness of the proposals contained in the White Paper.

Mr. President, on Cleaver Heights, the commissioners have made a number of findings and 16 specific recommendations with respect to the Cleaver Heights

project, all of which are clearly intended to address the perceived shortcomings in the approach of the NHA/HDC to the management of this project.

The following findings of the commissioners on Cleaver Heights are noteworthy:

1. In the letter of award in May 2005 there was a \$10 million overstatement by the NHA/HDC of the contract price for the Cleaver Heights project which was not acknowledged until the hon. Prime Minister raised the matter in Parliament in September 2008, that is to say, more than three years after the contract was awarded.
2. This \$10 million error could not be explained by any one at the NHA/HDC including Mr. Garcia and Ms. Chow, and the commissioners could not understand how this error could have gone unnoticed by so many for so long.
3. The prices of the houses were deliberately inflated by NHIC in order to equal the erroneous contract sum of \$143 million.
4. No formal action was taken by the HDC management or board to regularize the error in the contract price after public attention was drawn to the discrepancies by the hon. Prime Minister in September 2008.
5. NHIC was paid 95 per cent of the value of the land at Cleaver Heights without transfer of ownership or even a proper title search. The land at Cleaver Heights was, in fact, not owned by NHIC but by Cleaver Heights Development Company (CHDC), a private company owned by one Mr. Emile Elias, and CHDC had mortgaged the property and even increased the charge on the property during the period of the works while the HDC was already paying sums to NHIC in respect of the land.
6. The HDC had a lax approach to matters of potential importance, such as the true ownership of the land and public money had been paid to NHIC without proper security and a complete absence of any proper contractual provision governing the transfer of the land.
7. Work proceeded on the project without many of the necessary statutory and regulatory approvals being obtained. The completion of the project has been delayed by over two years, but there has been no indication that the developer is to be held responsible in damages for any part of that

delay. This is a now familiar, but unacceptable outcome to projects in Trinidad and Tobago and better and tighter procedures are needed to deal with this problem.

8. There was a conspicuous lack of clarity on the part of the NHA/HDC as to the procurement rules to be applied to the project.
9. The NHA gave no plausible reason why the land was acquired from NHIC for \$22 million undeveloped and \$40 million developed after it had commissioned two reports which valued the undeveloped land at \$11 million and the developed land at \$30 million, that is to say an unexplained difference in price for the land in favour of NHIC of the order of \$10 million.
10. No rules were identified by the NHA/HDC governing the question of land transfer although this should have been done. The failure of the NHA/HDC to make even the most rudimentary investigation of the title for the land, which allowed the land to be mortgaged and re-mortgaged, up-stamped during the period of the works was a gross and unexplained omission.
11. The failure/omission of the NHA/HDC to give any consideration to the question of security in respect of the sums being paid for the work and the land was a grave error which could have resulted in the loss of the whole investment had the developer NHIC or the legal owner of the land become insolvent. This grave error was perpetrated by the NHA, but continued by the HDC with no recognition of the consequences of this oversight.
12. The result of these errors is that the Government has paid out to NHIC 95 per cent of the value of the land without acquiring any title to the land and the Government has also paid out to NHIC a sum of over \$146 million plus VAT without any security. Given that all these difficulties have been in the public domain since January, 2009, it is a matter of continuing surprise that the situation has not been rectified by either NHIC or the HDC.
13. No formal written contract was ever executed between the NHA/HDC and NHIC for the project. The proposed form of contract incorporated in the letter of award of May 2005 was wholly inappropriate to the project since it omitted completely to deal with the vital matter of the land ownership and the transfer.

14. The errors in the contract sum were patent and should have been quickly detected by the most rudimentary system of checking, and the fact that the error in the contract sum went unnoticed up to and beyond the award of contract is difficult to comprehend and reflects poorly on the operations and management of the NHA/HDC.
15. It is possible that the deliberate manipulation of the contract sum by NHIC to increase the cost of the houses to equal the contract sums, that is to say, to benefit from the \$10 million error, was no more than an attempt to reconcile the figures, but the manipulation is equally consistent with a dishonest motive on the part of NHIC.
16. The overall quality of the dwellings at Cleaver Heights was generally lower than on other housing projects. There were many complaints by various agencies and the persons occupying the houses on the site about NHIC standards of workmanship and materials on the project.

The above findings, in the view of the Government, paint a picture of careless, over-indulgent and irresponsible management of this project on the part of the NHA/HDC and the fact that the HDC has paid NHIC over \$146 million for the land and work on the project without even the formality of a title search and without any security for the payment is inexcusable.

It is also apparent from the report of the commissioners that in 2006, NHIC deliberately adjusted the contract sum for the project in its favour in the amount of \$10 million. One may well conclude, quite reasonably, that if the hon. Prime Minister had not alerted the national community to the discrepancies in the prices on this project and caused an enquiry to be held into this project, NHIC could easily have walked away with an extra \$10 million upon completion of the project to which it would not have been entitled.

Despite the protest of NHIC and others, therefore, the enquiry into the Cleaver Heights project was fully justified and the hon. Prime Minister's actions in this regard have been fully vindicated.

Mr. President, based on their findings, the commissioners have made a number of recommendations in keeping with their terms of reference. They have recommended *inter alia* as follows:

There should be a full investigation by an appropriate law enforcement authority into:

- i. The award of the Ministry of Legal Affairs contract to CH Development including the role of Calder Hart and the conduct of the board in not

ensuring that an enforceable guarantee was given by the parent company of CH Development.

The award of Packages 3 and 5 through 8 for the Brian Lara project, particularly as to:

- (a) Why no formal terms were drawn up dealing with advance payments.
 - (b) The manner in which UDeCott interpreted the right to advance payments including advice sought and received.
 - (c) The accounting procedures employed by UDeCott for making advance payments and repayments and why no voucher accounts were drawn up.
- ii. There should be a full forensic audit of all sums advanced against the value of the work and materials provided by Hafeez Karamath Limited and of repayments made on the Brian Lara project.
 - iii. There should be an audit of the conduct of all UDeCott's senior staff and directors in period 2004—2009 as to their involvement in errors and omissions concerning the Brian Lara Stadium in respect of which no action was taken by senior staff or by the board.
 - iv. There should be an investigation into the circumstances in which nine hectares of land at Valsayn sold to the National Union of Government and Federated Workers by the Government at a reduced price was resold at a profit by the union to include reasons for the resale and the whereabouts of the profit from the resale.

Mr. President, many of the specific recommendations made in the report are being addressed as we speak. The Cabinet Construction Oversight Committee has already taken action which is consistent with many of the recommendations. The Office of the Attorney General has also taken action, the details of which are in the public domain in respect of the commencement of a criminal probe into the MLA Towers and the Tarouba Development.

Mr. President, the commissioners noted in the report and I quote:

“It is accepted that corruption is a problem of serious proportions in Trinidad and Tobago, and that the principle of transparency is an important means of combating corruption to which the construction industry is particularly prone.”

Mr. President, this Government is committed to the eradication of corruption. The establishment of this enquiry and the immediate laying of this report is the first step in ensuring the transparency necessary to deal with the issue of corruption.

Mr. President, as I conclude, it is useful to remind this honourable House of the role of a commission of enquiry. A commission of enquiry is set up to determine the facts as best as it can and to make recommendations in accordance with its terms of reference. If in determining what the facts are, the commission is of the view that a criminal act may have been perpetrated, as they are in this case, or a civil wrong has been committed, it may recommend that a criminal investigation should be conducted or civil action should be initiated. This they have done. The commission cannot express concluded views on criminal or civil liability. The commission is not a court of law. According to the laws of this country and, in particular, our Constitution, a determination of civil and/or criminal liability is the sole purview of a court of law of which the commission of enquiry is not. In this regard, not only does the Constitution guarantee protection of the law, but it also guarantees due process. Moreover, under our constitutional arrangement, it is the Director of Public Prosecutions in certain cases or the police in virtually every case, who are empowered to commence criminal proceedings. A commission of enquiry has no such power.

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Accordingly, insofar as a commission has produced a report setting out its findings of fact and its recommendations for consideration by the Government and the people of Trinidad and Tobago, and that report contains recommendations for further steps to be taken, that may be of a criminal nature, those recommendations must be very seriously considered by the appropriate law enforcement authorities. Where it is determined that there may have been criminal wrongdoing, a process must be followed. The police service must itself investigate the matter, and if satisfied, along with advice from the office of the Director of Public Prosecutions that there has in fact been criminal wrongdoing, charges will be laid.

This is the process to be followed and it is the proper process. I say these few general words to dispel any misconception that the next step after the report of the commission is automatically the laying of criminal charges. Such an assertion would mean that we would destroy in one fell swoop all of our criminal processes and the very Constitution which keeps us free. I wish to make it perfectly clear that there should also be no misconception, that if arising out of the findings of

the commission of enquiry and the conduct of a police investigation, it is determined that there was criminal wrongdoing, the Government of Trinidad and Tobago would expect that the responsible authorities would lay charges, pursue prosecutions in our courts of law and these matters would be dealt with in a robust fashion.

The commission has submitted 91 recommendations and it is my pleasure to report to this Senate that not only is the Cabinet considering the report and all 91 recommendations, but the hon. Prime Minister has today directed that steps be taken to begin implementation of certain of the recommendations immediately. As a result, Cabinet will now move to reconstitute the board of directors of UDeCott, save for the recently appointed chairman Miss Jearlean John, the existing members have been thanked for their service, a reconstituted board should be in place in short order.

For my own part, I should also like to inform this honourable Senate that I will refer this afternoon a copy of the report and its recommendations to the Director of Public Prosecutions and the Commissioner of Police. In addition to the specific recommendations and given the findings of the commission which I have detailed above, and the concerns expressed over the implementation of the Cleaver Heights project, I will ask for a full forensic audit into all aspects of the Cleaver Heights project in order to determine exactly who was liable for the myriad discrepancies, irregularities, grave errors of judgment, unexplained oversights, omissions, complete lack of security for payments already made to NHIC in excess of \$140 million, poor workmanship and lax management of this project.

The Government is satisfied with the report of the commission and believes that the recommendations will bring greater value to the management of construction projects. The Government intends to advise the national community over time as the recommendations are implemented in consultation with key stakeholders.

Mr. President, I thank you.

**MOTOR VEHICLES AND ROAD TRAFFIC
(MISCELLANEOUS PROVISIONS) BILL**

Mr. President: Sen. Dr. Rambachan, you had spent 36 minutes speaking, you have 9 minutes of normal speaking time left.

Sen. Dr. S. Rambachan: Thank you, Mr. President. I probably would have preferred to make a lot of comments about what Sen. The Hon. John Jeremie SC, Attorney General said. That debate is going to take place somewhere, somehow.

Motor Vehicles and Road Traffic Bill
[SEN. DR. RAMBACHAN]

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I want to talk about the matter of PH cars. The hon. Minister seems to be leaning towards finding a formula to deal with PH cars—if I might read his statements correctly—and I think it is good thing, because the Public Transport Service Corporation has not been able to provide the smaller buses to take people into rural communities as they should be taking people into rural communities. I thought that is something that the PTSC would have been doing and had that been done people would have a safer method of travel. The reality is that you have to be very careful with the PH cars. In the Chaguanas area, as you know a number of persons were kidnapped while they attempted to board PH cars and in addition to that some PH drivers were also maimed and some killed.

Hon. Imbert: Would you give way?

Sen. Dr. S. Rambachan: I have 9 minutes eh. [*Laughter*]

Hon. Imbert: Thanks, Sen. Dr. Rambachan. I just wanted to say that we have absolutely no intention of allowing PH cars to operate illegally. There will be within a framework, a regulatory system.

Sen. Dr. S. Rambachan: Mr. President, while the Minister says that, I would like to see some haste with respect to regularizing the PH cars.

In the meantime while he does that I think that some things can be done. If it is that we recognize that it is a social necessity for PH cars to operate as they are operating, because the reality is that you cannot find taxis to take you to Las Lomas from Chaguanas. You have to have PH cars going up to Caparo and Flanagin Town and so on. It is very difficult to get cars to take you to those places. So in the short run, why not have these cars registered? Why not ask the drivers to place their pictures and addresses on both the front dashboard as well as behind the front seat of the vehicle so people sitting in those cars can take up their phone and call home and say “Listen, I am travelling in such and such a vehicle at this point in time”. Or why can you not color code these vehicles? Put a sticker on the windshield so they can be recognized and a number on the windshield also so we would know that there are 15 PH cars on the route—come up with something formal.

Hon. Imbert: They are illegal.

Sen. Dr. S. Rambachan: We know they are illegal, but in the meantime what are you going to do? How are these people going to get home? [*Interruption*] There is a need, and therefore you have to do something; you cannot not have

compassion for people who have to come to work; the people who are coming to work are also providing a service. They are also contributing to the economy and they have a right to find safe transport to go, and the role of a government is to ensure that somehow you provide an environment of safety for these people while you try to correct the problem. [*Desk thumping*] That is your responsibility, through you, Mr. President, and that has to be done. Therefore, I ask the Minister to do something about that.

I also want you to give consideration to people texting while they are driving. Texting should be banned and something should be done very quickly with regard to texting and the whole question of cellphone use while you are driving. It is distracting drivers and it is causing unnecessary terror for people on the roadways.

I want to tell the Minister that people are breaking traffic laws for all kinds of reasons: Frustration on the roads, concentration of government activities in Port of Spain, so everyone is rushing into Port of Spain and out of Port of Spain. I want to tell you about the bureaucracy. Mr. President, the thing is, the Government has to think outside of the box. [*Interruption*] You have to deepen and widen the whole process of decentralization; you have to build rural towns so that people do not have to come in here to work and they can do things outside. You have to look at flexitime as a method of dealing with all the congestion and road rage that is a result of congestion. You may even want to consider longer business hours for government offices.

Sometimes I look at the television and I look at policemen standing at the side of road on the highway or police vehicles parked up and I look at Inshan Ishmael from IBN channel television and there he is taking pictures of hundreds of vehicles breaking the law and the police are looking on at it. Candid camera TV at its best. Why is it that the police do not want to enforce the laws? That is my point this afternoon also. Poor enforcement of the laws and yet we are seeing that on the cameras by Inshan Ishmael. [*Desk thumping*]

The Minister raised the question of motorcyclists and I want to raise it. On the Uriah Butler Highway in particular, every Sunday—weekends—there are a group of motorcyclists that are threatening the lives of people with all kinds of tricks they are doing on the roads with these bikes; raising the front wheel and driving down the highway. This question of motorcyclists and helmets is one thing, but the behaviour of those motorcyclists has to be dealt with, and somebody has to get to the root of who are those motorcyclists causing this kind of anxiety on the part of drivers.

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In fact, you made a good point with respect to helmets. In fact, the state of Texas in 1997 repealed its mandatory helmet law, making helmet use optional for motorcycle riders age 21 and older, but what happened was there was a sharp increase in fatal motorcycle crashes according to a study I found in the January 2004 *Southern Medical Journal*; the official journal of the Southern Medical Association.

So, we have to do something about forcing people to protect themselves with respect to the helmets, but at the same time I believe that just as motor cars drive 80 kilometres per hour, so too motorcyclists should not be driving at 100 to 150 kilometres per hour on the highways, and therefore something has to be done about that.

I want to refer also to the question of parking and driving on the pavements. That is something that is not being dealt with by the police. I want to give you an example: I live in Chaguanas and every weekend, Thursday, Friday, Saturday even Sunday, there is a club just 200 feet from the police station and all the pavements were taken up with parking and yet the police sitting in the station would not come and do something about that. People had to leave the pavement and walk on the road. I saw people with their children going to church who had to walk on the roadway rather than walking on the pavement. Why is it that the police are so lax? It leaves you to wonder whether there is not some kind of relationship between the police and the owners of those clubs. It leaves you to wonder.

Hon. Imbert: That is the Motor Vehicles Act not the Road Traffic Act.

Sen. Dr. S. Rambachan: I know that! [*Interruption*] I know that, but the police have to enforce the Motor Vehicles Act. The police have to enforce it! You cannot tell me about all of these things you are going to do unless you have effective enforcement. Effective enforcement is the key, and therefore both are tied up. That is why I also referred to the Environmental Management Authority that has certain things to do but they are not doing it, and therefore you can come up with all these things here about vehicles and so on, and the fact that vehicles are spewing black smoke and liquids and what have you, but the EMA has a role to play. They have a role to play in all of this and they are not playing that role.

There are lots of things that are good about this Bill. There is no doubt about that, and which I applaud and which I support, but there are matters that I think are important.

Mr. President, in closing I want to say that there is a relationship between enforcement and changed behaviour. In a document that was produced by Arrive Alive!, Arrive Alive! showed that with the coming of the breathalyser, February 2010 recorded five road fatalities compared to 19 for the corresponding one-month period in 2009, a 74 per cent decrease and in fact an 80 per cent decrease over 2008. So that you can bring the laws but you have to enforce the laws.

I want to congratulate the magistrates in this country who have really been enforcing the Breathalyser Act, and I hope that when these laws are passed, as they should be passed, that the magistrates in the courts would really uphold these laws and apply them. I hope that the Minister of National Security who is here, will ensure that he tells the policemen that they too should do what they are supposed to do.

Finally, the question of roadside garages and pavements; too many roadside garages are in this country and they are parking their vehicles on the pavements, and again affecting people—

Hon. Imbert: I agree with you.

Sen. Dr. S. Rambachan: But nothing is being done.

Hon. Imbert: That is a different law.

Sen. Dr. S. Rambachan: Well, if it is a different law, I hope that you deal with it.

Mr. President, with these few words, I thank you for the opportunity to contribute to this debate in this Parliament.

Mr. President: Hon. Senators, we would take the tea break and resume at 5 o'clock.

4.29 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

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

Sen. Prof. Ramesh Deosaran: Mr. Vice-President, given what the hon. Minister has said, and then the UNC Leader in the Senate, this Bill is of great public interest, and anybody who drives on the road would have no alternative, but to pay very close attention to what the Minister seeks to do.

I would like to make some opening remarks. I would refer to some of the things that the Minister has said, and also what Sen. Dr. Rambachan has said

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in the spirit of a parliamentary debate. Some aspects of this Bill are quite necessary, given the circumstances facing traffic and the whole vehicle industry as it were. Other pieces of the legislation I would suggest seem a bit oppressive, and it is not to criticize the Minister, but to sensitize him as to some alternative route through which these problems could be handled, or to explain the genesis of these pressing problems upon which some draconian measures, especially the fines are inflicted.

I emphasize the words "to sensitize the Minister and not criticize", because as I listened to the debate and what he had said, I had to change the nature of my contribution because I recognized several things. That is why if I might say so with respect, it is not always good to come with a prepared speech in Parliament because you might hear things which could cause you to enrich your own contribution by responding in a more contemporaneous manner and giving due credit to what precedes what you are saying.

As I listened to the debate, Mr. Vice-President, I do not think all fingers should be pointed to the Minister of Works and Transport. In fact, as I watched his body language when Sen. Dr. Rambachan was speaking, he of course, with his typical sense of humour, pointed fingers to the Minister of National Security because a lot of the complaints raised, not all, have to be directed at the concept, the infrastructure, and the practice of law enforcement. So, it is not that he should be crucified in this season of Easter for things that he had not really done, but more than that, on the realm of public policy, I am quite certain that this Bill had been discussed in Cabinet, and legislative committee or something of that sort would have discussed it, debated it, and the Minister of National Security and other related Ministries speaking about programmes in schools. The Minister of Education and other such Ministries should assist the Minister in what he is trying to do at the Cabinet level. Now, that is the way I see it. I do not pretend to know what goes on in Cabinet.

Hon. Imbert: You are right.

Sen. Prof. R. Deosaran: But I think when we are coming with such important, as I said, public interest legislation, with implications across several Ministries, we have to note what the particular Minister has to do and what others must do to support what this particular Minister is seeking to do. I make that point because I have seen examples of this in several other pieces of legislation coming

to the Senate. But I want to underline the point and I hope somebody would take back my respectful concern to the Cabinet, that a Bill such as this should receive the full support in terms of infrastructure and enforcement of the other relevant Ministries.

I would make some recommendations as they are. In fact, they are very good recommendations in my view, if I might say so myself. You could put it in an election manifesto. *[Laughter]* You might need it sooner than you think. In fact, Mr. Vice-President, if you would allow me, there was a recent occasion when we were wondering who would be returning here. Some would come and some would not come. My concern now is that maybe none of us would be returning here in a short while. *[Laughter]* So you better with respect, take my suggestions on board quickly and see how quickly you could put it either in legislation or in a manifesto.

I want to give a slightly different perspective to this debate because of two reasons. I would not like to repeat what has been said, especially some of the points already raised by Sen. Dr. Rambachan, but you see, crime does not appear as if by magic. Lawlessness does not appear overnight or by magic. In many cases and to a large degree—notice my words—crime is facilitated, and even to use a stronger word, crimes are created. In fact, to be very technical about it, if you did not have a law, then there will be no law to break. So on that principle, the more laws you make, is the more crimes you would possibly put on the books. That is one aspect of it. But in a discipline which I know a little about, it tells you that there is an optimal level of conditions that help drive people to commit certain offences.

In other words, these conditions facilitate lawlessness. Now, what are the conditions in the instant case? I am saying so to put some rationality in the legislative process because I notice, with amusement, the Minister never once spoke about road congestion.

Hon. Imbert: I can talk about that.

Sen. Prof. R. Deosaran: Well, that is what I am saying. It may not be your role, but if you tell me to do a certain thing like driving from Tunapuna to Port of Spain and I getting all the difficulty in the world to reach to town to do my daily duty for my employer who is a very strict disciplinarian and my job is at stake; if every day I have to do this, what you call severe traffic congestion, I would be tempted to break the rules, meaning, driving on the shoulder. I have seen chairmen of regional corporations driving on the shoulder. I have seen senior policemen in plain clothes drive on the shoulder too, on the extreme left, meaning the shoulder. *[Interruption]*

Sen. Browne: Shoulders.

Sen. Prof. R. Deosaran: Or, the shoulders of the road to put it more precisely. So what you end up with really, the relationship between supply and demand in transportation and road traffic does not match. It does not match in a small degree to say people could be disciplined, patient. It has overgrown itself to such a scale, that is almost excusable to try and reach to town in a hurry by driving on the shoulder. It has reached that stage where it is almost excusable. You will understand why a "fella" or why a driver is struggling to go to Port of Spain, especially if he comes from Arima. It is an important policy point because the tears will be shed over the head of this particular Minister, whereas he does not deserve all of this at the same time.

Bad conditions facilitate lawlessness. So you could punish, you could arrest, you could jail, you could ban, but you must recognize that there are conditions to be looked after, apart from legislation, to ease up the pressure. Have some mercy on the taxpaying citizens; have some compassion on those lawful people who stand in line, who drive in line; only to see Mr. X, Y and even Lady Z, passing whiz, whiz, whiz on the shoulder; having people break the law and gain much more than you who are obeying the law, facilitates you to do the same thing. You have to look at increasing fines and inflicting severe punishment, which is due, but there is, as I am trying to implore, another side to the equation.

I am also careful to say that all blame should not be poured upon the head of this particular Minister. It is a Cabinet matter. It is public policy that we are dealing with here because there is an optimal level between bad conditions and the facilitation of lawlessness. I do not want to be put in a position to sound too pedantic, but we have to understand that the laws have to be based on experience, and not any abstraction or philosophical considerations, especially when you are seeking the major way out as punishment. It would be nice for us to tell the public you are increasing the fines and the punishment. I have heard the Minister announce these things at the National Academy for the Performing Arts and other places, a national transportation policy. What I would have done, is to show some mercy on the suffering driving public.

Hon. Imbert: I thank Sen. Prof. Deosaran for giving way. I know that the Senator is a distinguished Professor with wide interests, including sociology. I just want to share a little anecdote. I was driving in a shopping mall in the United States at 20 miles an hour, and it turned out that the speed limit on the internal road was 15 miles an hour. A police officer stopped me and said, "That will be US \$250." So I said, "I was not speeding, what is that? I was going at 20 miles." He said, "No, no, no! The speed limit in here is 15 miles an hour." If you think I

would ever drive over 15 miles an hour in one of those shopping malls again, think again. I will not do it. So it certainly was a deterrent. I just wanted to share that with you.

Sen. Prof. R. Deosaran: I agree with you because I am carving out my position to seek a balance between—*[Interruption]* Sorry?

Hon. Imbert: There were no signs that told me 15 miles an hour.

Sen. Prof. R. Deosaran:—punishment and the required policy of expanding our transportation system.

5.15 p.m.

Let me say, off the back foot as it were, and I have said so before—and in the present circumstances, especially if an election is going to be called very soon, I will not be campaigning, so if by chance on Friday the date is announced—I want to state my position on the train. *[Laughter]* You can call me a “train man”, because in my early boyhood days, the train was more than a transportation facility; it was a way of life that built the character of punctuality, friendship and the sense of collectivity that we lack so much in this country. Rather than hustling for the maxi and breaking your neck when the rain falls and lining up and taxis passing you straight, the train was a remarkable facility for all those reasons.

If you do not want the train with the expansion you are talking about— I am not talking about corruption, I am talking about the facility itself—you can cut down the size to suit. The public, by and large, would be enamoured to see even one track from Arima to Port of Spain, because they recognize the problem they are facing. I hate to say do not make politics out of it, because everything has some politics in it, especially when you see an advantage to be derived, but you must not cut your nose to spoil your face in public policy. Even those who are opposing the train, they will lose votes, because the vast majority of people in this country who understand the role of a transportation system, a rail system, in terms of moving huge amounts of goods and services in one instance, without having to face traffic lights and blockages as we have been facing, they would recognize the value of the train.

If some of you return here on the next occasion, pursue the train with alacrity. They must remember the importance of the debate on traffic again. This debate has very severe implications for the economic prosperity of the country. In a short while I will show you some figures from a preliminary study we did, with man-hours lost in traffic congestion, and I will monetize the hours lost.

Motor Vehicles and Road Traffic Bill
[SEN. PROF. DEOSARAN]

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I want to draw to the attention of the honourable Senate that economic prosperity in the United States was not so much due to its finance centres or service industries. It started with a significant monumental expansion in its transportation system, both the roadway and the rail. Goods and services began to move quickly to create more employment, and the country's economic progress changed dramatically; up till now, there is a billion dollar project now starting, not only to repair, but to extend the transportation system in the United States. That is the macro policy I am talking about, whilst you pinpoint your fines of \$300 and \$1,000.

The larger purpose is what I am keenly interested in. What you have here in this legislation, especially the First and Sixth Schedules, I will say is "fines like peas", quite due, quite right, but it looks like a money tree you have here. It is a real money tree you have planted here; you are going to make a lot of money as a government. I think you are right, because I am not excusing the offenders and the lawlessness. I am trying to encourage the Government to put these instances, this situation, into a macro policy orientation. This is a money machine, which brings me back to my original point. What are you going to do with the increased money you are getting? Should you not, if not you the Minister of Finance, provide some improved transportation facilities?

You spoke about an experience and I agree with you. When I go to the malls abroad, we know how to park and wait in line for somebody to come out. It is very interesting what structure can do to behaviour. Not only is there a sign, but there is somebody always breathing down your neck to see what you are doing and if you are doing it right, which is the point Sen. Dr. Rambachan made. The point is trite, but not trivial; we have said it so many times, law enforcement and its relationship to lawlessness. [*Interruption*]

I do not know; I do not want to speak about the Minister of National Security. I think I have said enough about the Minister of National Security. This issue of law enforcement cannot be taken lightly, because it has severe repercussions and major consequences for other ministries, such as the one we are talking about here.

I went to Miami and rented a car. The rental car is properly marked; people know it is a rental car by certain descriptions. Down here you have rental agencies renting cars with P; that is another racket in addition to what my senatorial colleague mentioned. So there is a lot of racket in this industry which you are trying to correct—and I will support you—the licensing office, and I have a few others which are more systemic and which I will mention to you in a short while.

This money machine we have here, this money tree that is being planted here, this is a billion dollar industry overnight. *[Interruption]* More than a billion. Say you would take the money, when you are winding up, and make a bypass at the Valencia junction; if you had seen that place with traffic congestion, not only over the Easter, but on a daily basis, morning, noon and especially evening. *[Interruption]*

Sen. Assam: Start with the double bridge going to Valencia.

Sen. Prof. R. Deosaran: Let us make a start with Valencia, and in the next rounds when he increases the fines more, he will go on to the double bridge.

Mr. Vice-President, I think you have something to do with Arima, but when you are comfortably driving in Wallerfield, you pass Arima, "braps", you have to stop and you want to know if there is an accident in front. You cannot see Valencia yet, but hundreds of cars lined up one after the other. Do you know what that means? It is not that I am impatient; but wear and tear on your car, gas, carbon dioxide. As an engineer of some repute, you would know what I am speaking about.

Sen. Assam: "Who you talking to?" *[Laughter]*

Sen. Prof. R. Deosaran: Do not ask about the stress, because the slightest thing somebody in front of you does, if that person just touches your car, the rage that erupts and the emotional high you get, have led many a time to violence and even murders. There was a case in Diego Martin, Four Roads, a few months ago, where through road rage and traffic congestion a "fella" got out and shot the other one.

To follow the example of the Minister of Works and Transport, he went to the mall, I rented this car. This brilliant innovation that would suit Vision 2020, so you can see where you are going better, GPS, geographic positioning system, we cannot do that here, not because we do not have bright engineers or we cannot import it in bulk, it is selling all over the place. In the shopping mall you get a GPS to put in your car, but if you bring it here we cannot use it, because there are no street signs. I have raised this point, and Sen. Dr. Rambachan remembers raising this point, years ago. Why do you not have a programme and what is the difficulty of just putting up a sign post on this street? Let me pause and give way to you.

Hon. Imbert: Thank you, Sen. Prof. Deosaran, for giving way. I just want to let you know that there is GPS capability in Trinidad and Tobago, believe it or not; you simply have to buy the maps and install them in one of those GPS system you

could buy abroad. You can actually navigate in Trinidad and Tobago with the GPS. The signs are a different matter, but they will locate you and tell you where you are and tell you where to go. That does exist in Trinidad and Tobago; it is just that it is not commonly available.

Sen. Prof. R. Deosaran: I am happy for that, but I still come back to my point, because what you are implying is that the GPS is brighter than me. They will know where they are going, but not seeing any sign, I do not know where I will be; far worse for a tourist, if you want to boost up your tourist industry. You have a tourist come here and seeing the GPS telling him something in Toco or Carenage; he will not know where he is, because he will not see any sign to confirm what the technology is telling him. Am I wrong or am I making a mistake here? No, I am not making a mistake.

Let me reaffirm that this is merely to sensitize the Minister and the Government, not to criticize, because I am sure, at some time or the other, the thought would have crossed his mind about the GPS system. You see how prompt he got up and answered me? But he is missing the point that we need these road signs marked, regional corporation by regional corporation, which tells you again the need for multi-ministry collaboration. I am quite sure the Minister of Local Government will be taking some little heed of what I am saying about having all regional corporations put up their signs. Do you know how long we are asking for that?

The Telecommunications Authority of Trinidad and Tobago invited me to speak at a seminar they had recently on whether the violence on television affects young people. I was happy to do it, it is part of my professional obligation; I was happy. I did not want to reach late, so I rushed through Barataria. They gave me directions, just as the GPS: Go in 8th Street, swing on 12th Street, but I was looking for Eight Street. I was seeing all the corners, but there were no signs on any corners. I reached late and I had to apologize. I did not want to embarrass the Government and say that it was a lack of road signs, so I said, "I am sorry to be late." I made an apology, but I should have told them that there were no road signs in the place.

Sen. Oudit: Why did you not?

Sen. Prof. R. Deosaran: I did not want to embarrass the Government, they might have felt I was going up for elections just now. [*Laughter*]

This Valencia situation is very serious; you are coming from Sangre Grande, you are coming from Toco or you are coming from Arima. Do you know why it is serious? Because something should be done about it?

Let me make two points; we cannot stifle industry and entrepreneurship by saying that you would remove the cafeterias and all the fast food shops and the oyster vendors and so on at Valencia. Let the ground level industries flourish, but mark it off by creating a diversion road, and you could, because there are roads from the back, coming from Sangre Grande close to Valencia where all you have to do is to add about 200 feet of extra road from Wallerfield. Use the money from this money tree, take some of the money from this money machine. *[Interruption]*

Hon. Imbert: Dr. Saith has pointed out to me that if we put a bypass road, all the oyster vendors might move to the bypass road. How would you deal with that?

Sen. Prof. R. Deosaran: You are behaving a bit unexpectedly irresponsible. A very serious Minister like you would recognize that once you carve out the space for the ground level industry, which we call "the informal sector", you make your rules now. You start with rules now, because you are dealing with lawlessness. You put up your signs and you tell them, "No vending here"; make it into a freeway and put two or three policemen there.

Let me give the irony of this situation. I do not know what secret Sen. Dr. Saith is telling you, but I expect him, as a senior Member of Cabinet, to instruct you in some of these matters, *[Laughter]* rather than encouraging you in any kind of delinquency. The irony is this: When people complained about the Valencia traffic congestion, the Deputy Police Commissioner proudly and robustly promised the people, "We will put a police station in Valencia to cure that problem." Do you remember that? You already have a police post at the exact junction where all these problems are happening. *[Interruption]*

Hon. Imbert: There is a police post there.

5.30 p.m.

Sen. Prof. R. Deosaran: So what is the incremental value between a police station and a police post? Which brings me back to my original issue about other ministries and having poor you answering all these questions whereas somebody else should be answering. We already have a police post there.

It moves from irony to magic now, we are talking about traffic because I am sure there will be people who are parked illegally, but I want to return to how conditions facilitate lawlessness as well while you are punishing the lawless. You want a long-term, permanent, what you call in current jargon, sustainable solution.

I am sure you do not want to punish people till they die—metaphorically speaking—you want to punish temporarily so that changed behaviour will emanate and we have a more civilized society. I do not think these fines should go on in perpetuity but look at the magic. It is not just a \$300 or \$1,000 because you want a long-term solution, but the magic to which I refer is this: Some days you pass in that congested junction in Valencia which is not a unique example; I am using it to dramatize a general problem in Princes Town, San Fernando and even Arima by the Dial. If cars could have crawled by that Arima Dial, they would have crawled over one another, it has gotten so bad. In Chaguanas, that place by the market is a nightmare; the magic to which I refer—I see Sen. Lezama smiling, maybe you may be the next Minister of Works and Transport, you never know.

One evening when the traffic jam hits the place in Valencia, you see 10 police officers in the spot, and everybody is happy; but you pass the next day and that is the magic. It is like Houdini, disappeared, no police officers and the police station is closed.

Hon. Imbert: Thank you, Senator, for giving way. What I found with the breathalyzer, the police have made the device their own. There is obviously a sense of empowerment and a feeling of achievement in terms of the deployment of the breathalyzer coupled with the very vigorous actions of the magistrates. And I would think when the police see they bring people before the courts and there is this swift decision making that I am seeing with the breathalyzer—someone goes to court today and is sentenced immediately and that kind of thing—once all the partners in the system work together, I think the police will be incentivized to enforce these penalties and there will be continuous enforcement. I am seeing it with the breathalyzer; they are out there every day enforcing the breathalyzer.

Sen. Prof. R. Deosaran: That is a good point and I commend you for it. In fact, I must commend you on your approach to the PH taxi issue as well. I have another commendation somewhere, but I cannot find it now.

Hon. Imbert: Keep looking.

Sen. Prof. R. Deosaran: It is a small one, so I cannot really see it. I want to be fair in this debate. Let us take one example of fairness and I may lose one or two friends, but when you bring in all these foreign-used cars by the thousands you should have other accompanying or supportive public policy to go with it.

You recognize the restrictions and limitations on your roadways, but the numbers climb phenomenally and they have caught up with us, so I just cannot criticize you exclusively; the public policy that went with that importation was

shortchanged, misguided, maybe too politically driven, I would say. [*Crosstalk*] I do not want to go too far into that, look, I lose one friend already.

Sen. Assam: It was one per person, and then it changed to an omnibus situation.

Sen. Prof. R. Deosaran: Who changed it?

Sen. Assam: The PNM, Mr. Ken Valley.

Sen. Prof. R. Deosaran: All right. Let me say that the Government did not handle the public policy issue properly. There is a limit to everything, and in public policy I have said a number of times when you are observing public policy, you cannot please everybody at the same time especially in a plural democracy as we have. Plural meaning there are different interest groups; customers, sellers, you have unions, labour, you have Ministry of Education and parents. It is a balancing act but there is a way out; consensus building, and a whole set of processes.

But in this case people wanted cars because they say it is the poor man's way to get to work, but even the poor man is suffering in the traffic line-up now. So if you explain to the national community what is both the short-term as well as the long-term consequences of a particular policy, it might make your policy more palatable. That is an issue if I should say so with respect, the image of the Government seems quite deficient, if not with all Ministers, but some more than most.

So let us refer to these fines once again. When I counted the amount of money that would be made through this money machine, I would have liked to hear a slight reduction in the income tax because this is a phenomenal amount of money. That would have suggested to the national community that they will be getting some kind of thing out of this, which leaves me again as an example—not as a subject for debate—the property tax.

Much of the resentment against the property tax was not that people did not want to pay extra; largely, they were not convinced of how the money would be used and that was not explained or even demonstrated to them properly. Because in this country people do not mind paying for services you know. Thousands of people have left the ordinary cinemas and are going to Movie Towne even though the cost is 10 times as much; they like comfort, safety and another has been opened in Chaguanas too. Did you open it?

Sen. Dr. Rambachan: No, I turned the sod.

Sen. Prof. R. Deosaran: You turned the sod. So people in this country are willing to pay for services, comfort and safety and that has tremendous political mileage. If you can explain to them what you are doing; it is for their comfort and their safety, in the next election which I think would be very soon, you will gain advantage. I understand Friday is the announcement, I am not too sure. [*Crosstalk*] I am dealing with the profit to be made from these fines; that is as far as my “propheting” will go.

I am making these points gingerly because I do not want to create any offence. I want people to understand what I am saying and be acceptable to the ideas which are quite practical and of long-term substance. So one of the root causes of offences; bad driving, bad parking, wrecking, all these things that concern the Minister, his ministry and his technical advisers so seriously, stem significantly from a certain element of development.

Why does this Government and previous governments keep putting all its business offices in the city of Port of Spain? Every new office that is opened is in Port of Spain or near to Port of Spain. If that is so, well have a helicopter company to drop people from where they are into Port of Spain, create a new mode of transportation to help, but you cannot expect them to come for licensing to Port of Spain and come to Arima Licensing Office and Chaguanas Licensing Office just now. Most of your official centres for business keep being located in the city.

At a public hearing with the property manager under government agencies, they asked why that was being done especially since the rent is so high, relative to rent in other places like Chaguanas, Cunupia and Wallerfield. Open up new offices. My view is that Parliament should be put in Central; Chaguanas or Cunupia, somewhere there, open up the spaces, do like what was done in Florida. The Legislature is in Tallahassee, not Miami. Several other places like Brazil expand the country to illustrate and practise equity and bring greater comfort to people, but you cannot have this congestion of fines; \$1,000 for this, \$500 for that, you are punishing without relief. [*Interruption*]

Mr. Vice-President: Senators, please stop the crosstalk, this is an honourable place and I would like to hear what the hon. Senator has to say. So please do not disturb the Senate.

Sen. Prof. R. Deosaran: Thank you, Sir. What I am trying to get over to my distinguished colleague is that people are already suffering on the roads, especially the lawful; punish the lawless. But if you do not do other corollary interventions we will be stuck with this problem forever and ever.

I have heard you announce a new dispensation of highways, tell the people how the trains will help even in a minimal kick-start way. As you know, we have an interest in this transportation situation and lawlessness, that is part of the things that we study at university, researched and developed some policies for implementation.

So we are doing this baseline study and selected eight city centres: Sangre Grande, San Fernando, Princes Town, Arima, Diego Martin, Port of Spain, Carenage and the East-West Corridor from Arima and on a daily basis about 120,000 persons use the roadway to come to their place of employment in the city centre, banks, groceries and so forth.

Do you know how many man-hours they lose per day compared to the ordinary time they would have taken to reach to their place of work? On the average, two extra hours per day for the traffic congestion. That means that you have wasted—as the term could be used because of the congestion—240,000 man-hours per day just because of the traffic congestion. And if you give them \$25 per hour, on the average, some people would work for much more than that. Some would work for a smaller proportional amount of that for less than \$25 per day. Calculate that by the week, then by the month, then by the year, you use a 10-month period calculation for the year because you want to give two months for holidays, sick leave and so forth. It costs \$1.2 billion per year which is a conservative estimate.

[MR. PRESIDENT *in the Chair*]

So it is costly. It is not just lawlessness; it is upon the heads of the lawful a severe economic cost apart from the wear and tear of a motor car, gas and so forth. So if that would help persuade us that we need some other interventions other than fines and so forth, then I would have served a modest purpose in this Senate.

5.45 p.m.

Even now you come to Port of Spain, you cannot park here; you cannot park there. That is all right. We all want to obey the law. But how many public car parks do you have? How many have you opened in trying to bring this kind of legislation before us? So it brings us back again to the point, have some mercy on the lawful. We are willing to pay for services, because just as you went to the mall and you saw the regulation there, if you go to Miami, New York, Los Angeles, London, you will see public parks. You pay your fee; they give you a little ticket which you use to come back out and you pay your \$10, and so on.

So here again, punish, but have some mercy so that when you punish, it would be fully justified and the people will not feel resentment because, "Where you want me to park?" That is what people say. They park on the pavement; they block driveways because, "Where you want me to park?"

Motor Vehicles and Road Traffic Bill
[SEN. PROF. DEOSARAN]

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So one of the early principles in what we call, criminology, is that the punishment must fit the crime; the very first principle. Because long ago the king used to lock up whoever he or she wanted; extend the sentence; jail the jury when the jury did not bring back a verdict that pleased the king. We have passed that stage. Punishment must be transparent and fair.

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

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

Question put and agreed to.

Sen. Prof. R. Deosaran: Thank you, Mr. President and thank you, colleagues. There is a point in Act No. 42 of 1934, as amended by No. 21 of 2000, the issue of wardens. Sen. Dr. Rambachan is right. Where are your wardens? The Commissioner of Police has a facility. He has a legal provision to do something. The Ministry of Works and Transport cannot hire wardens. It is a job for a senior public official who should be held accountable, rather than bragging about how he is a great man and he is doing this and that. If you examine the fine print of what the duties of a police commissioner are, you will see where the lapses are.

So we have to remove public relations and look at credibility and performance levels, and this question of wardens—and in my view the wardens should not be operated by a central agency; it should be, in my view, under the jurisdiction of the regional corporations, for reasons of familiarity and a number of other reasons.

I hope when the Minister responds, he will tell us something about the points system. I see next to be fined, some points: five points; three points and I do not think it is "All Fours" we are playing here. But I want to know what use are you going to put these points to and what are the ranges for what penalties, and so on? If you have 20 to 30 points, what will happen to you?

Again, Mr. Minister, with great respect, through you, Mr. President, some of us have grown "hoarse" with this. You have a long-term plan, but this is a matter of emergency for criminal investigation, intelligence surveillance and in matters like kidnapping and so on. The number plates issue: several parts along the East-West Corridor and along the highways and byways, there are all these private companies advertising number plates, in five minutes. They tell you in five

minutes you get a new number plate. Is that not a facility for criminal behaviour and escaping? *[Interruption]* Now, I know you have it in your books, but I am saying, try and do it as early as possible.

Hon. Imbert: This year.

Sen. Prof. R. Deosaran: This year?

Hon. Imbert: We are doing it this year.

Sen. Prof. R. Deosaran: I want you to put it on the record.

Hon. Imbert: I thank Sen. Prof. Deosaran for giving me the opportunity to put something on the record. As part of this transformation of the Licensing Office into the new Motor Vehicle Authority, we are also changing the system for the manufacture and issuance of licence plates. The licence plates will only come from a state agency. No longer would private individuals be allowed to manufacture licence plates and licence plates would have security features, a bar code and other security features on the licence plates so that they would be tamper proof and there would be some means of detecting whether the licence plate is a forgery or not. But you would not be able to go on the Eastern Main Road and go into a little shop and change your number plate in five minutes. That would be a thing of the past and that is scheduled for implementation for this year, 2010.

Sen. Prof. R. Deosaran: Well, that is the other thing I wanted to commend you about. Very good. It is very good for the public to know this, because the police have difficulties, when they find the vehicle and they check, it is a wrong number. So all the police's time has been wasted and so on. A very commendable initiative.

I have something here with the pedestrians. We are blaming the drivers, yes, but what I have seen pedestrians do; running across the roads; scurrying across the roads with their cellphone in their ears. You installed a pedestrian crossing properly at South Quay; they leave it and they are running in front the cars wild, wild and they want to curse you when you are seeking your proper thoroughfare as a driver. But these pedestrians come from nowhere and they are not looking left or right, with their cellphone in their ears. Magistrates and judges should take note of these circumstances. Blame drivers; if you are drunk, you are at fault; careless, you are at fault; reckless driving, you are at fault, but take the circumstances more fully into account. And these truck drivers, well, I have a few minutes; I will not want to go into that. I will leave that for the Minister to understand the truck drivers; that sort of dangerous elements in the road now in terms of speed, overload, and so on.

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On the PBR, well, I will leave that, except to say, if the police stop you and give you a ticket and as a driver you are seeing all other police officers using the PBR, that questions the legitimacy of their charge. If you want to have prisons officers and police officers using the PBR, well amend the legislation or the regulations, or do something. But you cannot have police officers breaking the law and expecting people to be charged for breaking the same law.

[*Sen. Prof. R. Deosaran sits*]

I thought you were going to rise.

Hon. Imbert: I was. What we intend to do—and I thank the Senator for giving way again—right now we have a pilot scheme to install security cameras and tracking devices along the Churchill-Roosevelt Highway from the Lighthouse to the interchange by the Grand Bazaar. These devices will be able to pick up something called an RFID tag that is going to be placed into vehicles. It will determine the location and whether the vehicle has been tampered with.

Similarly, on the Priority Bus Route, when you are authorized to travel on the Priority Bus Route, in the future, your pass would not just be an ordinary piece of paper or cardboard or a laminated piece of plastic, it would have in it an RFID tag and other devices which can be detected by instruments along the route. So that when these unauthorized drivers—and you are quite right; a lot of the unauthorized drivers are members of the protective services; no two ways about it; off-duty, I am told. When these unauthorized drivers are travelling along the route, they will not have this RFID tag in their vehicle and as they pass one of the security cameras or tracking devices, it will pick them up immediately and it will send a signal to an appropriate authority.

Sen. Prof. R. Deosaran: Thank you. Mr. President, an issue was raised with sentencing and the question of discrepancy in sentencing because of the wide discretion that magistrates have, and I agree with that point. With the limits now more properly fixed, I think it will decrease some of the discrepancy.

Now, these maxi-taxis, they have an issue; too many vehicles on the PBR and so on, but I must tell you, a lot of them are really nuisance on the roads; the way they stop; the way they cut in and the way they take off. They do not understand there are signals to be given when you are moving off. They do not understand that there are directions to give when you are swinging in. And as soon as they park, they put on their right indicator and you never know if they are going to take off or not. And worse than that, for the consumer, they take up in Port of Spain and drop you in Curepe and say they are not going any further, they come back to

make more money. Whereas the regulations state quite clearly in the Maxi-Taxi Act, they ought to put a sign and to take each passenger to that particular destination if he or she is going.

I heard you threaten the maxi-taxi driver community once, that you will take action. You need to take action. They are taking advantage of consumers by dropping them in short trips and not taking them where they are supposed to take them eventually.

So unleash the law against such people.

Hon. Imbert: We will take away their permit.

Sen. Prof. R. Deosaran: Take it away. Set some examples now; set some examples. I have to ask you, under the Maxi-Taxi Act again, Mr. Minister, through you, Sir, where is the advisory board—you are not listening to me.

Hon. Imbert: I am.

Sen. Prof. R. Deosaran: I am making an important point here. Where is the advisory board you are supposed to set up for the maxi-taxi industry, and where is the tribunal? It is in the law; it is in the Act. Check on it. It sounds like news to you but check on it. We need the advisory board and we need the tribunal, because people must have some formal way to complain against maxi-taxi number 8644 or whatever it is. You cannot leave the commuters so distressed, and I am glad to see that the regulations in that Act could and would be changed by affirmative resolution.

So my final point is on page 11(1) of the Bill, I think it is 4(1): Renewal of permits according to age. I feel so moved by this because you have five years for those not yet 61, then you have four years for those not yet 62; three years for those not yet 63; two years for those not yet 64; one year for those not yet 65; two years for those over 62. Even reading it, it looks so jigsaw; it looks so uneven. It is not good—what should I say? It is not coherent.

I have made an amendment and if you will not accept the amendment you could take the point for later on. These bands are too numerous and it looks as if you have something against old people. That is how it comes up in the legislation. It looks as if you have something against old people who can read and hear and they have the physical ability to drive. And I am sure you do not have anything against old people. But I do not think we should treat this legislation in this way.

I have made three bands, where one is for three years, five years and seven years and it is supposed to be circulated to colleagues and I hope it is circulated enough so you will have. It would make better sense. I do not have it here; I gave

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it to be printed, but it will be passed around and during committee stage I could explain it. But rather than this six bands you have here, I brought it down to three and it makes more sense in terms, both of the age and the number of years given to renew your permit, and I hope it convinces you, if not now, later on.

I have some other issues to raise but out of deference to time, I think I will stop and thank you very much. I hope the Minister takes on board some of these issues. [*Desk thumping*]

Sen. Wade Mark: Thank you very much, Mr. President. I am very happy to join this debate on the matter before us involving a number of pieces of legislation all aimed at bringing about greater road safety, better traffic management and, as my colleague, Sen. Dr. Surujrattan Rambachan indicated, hopefully there would be greater enforcement of the laws to ensure a level of road safety and traffic management that is so desperately needed in our country. I want to let you know that what we are debating here today can be traced back to September 07, 2009, some seven months ago when the Minister of Finance, in her Appropriation Bill, indicated the imposition of several motor vehicles penalties and fees.

6.00 p.m.

This took place at a time when the Government had recorded a deficit of \$7 billion to \$8 billion for the 2010 fiscal year. It was literally scraping the barrel. Of course we support any measure to save lives on the roads of our country, but we have to be truthful. The measures announced by the Minister of Finance were supposed to realize some \$85 million and that came under the broad heading of motor vehicles penalties and fees.

As I proceed to the substance of my contribution, I make reference to this motor vehicle transfer tax and what the Minister is attempting to do in this legislation. There was a revolution in Britain over the whole question of no taxation without representation and they had to sever the king's head to ensure that before the people were taxed their representatives would have a big say in what was being done.

I find it strange that the Government could bring a measure here in which, for fiscal 2010, they intend to raise \$10 million, telling the Senate that they must amend, suspend or revoke the Fifth Schedule and give that power to the Minister of Finance to raise transfer taxes whenever she feels it necessary. We would get an order so that we could then use a negative resolution within a 40-day period to debate. That is totally indefensible.

We cannot support any measure which is going to give a Minister that power to increase fees without reference to the Parliament. You must come in a budget statement, as the Minister came on September 07, 2009 and tell the Parliament that it is the intention of the Government to increase motor vehicles penalties and fees and, at the end of the process, it would realize \$85 million. The Parliament would debate that and say whether or not they support it.

I take strong objection to taking away the power from the Parliament and putting it into the hands of a Minister of Finance. The Minister should rethink that policy position. It has not been thought through. I therefore call on the Minister of Works and Transport to withdraw that provision and let us keep the status quo. You want to increase transfer fees, bring it in the fiscal package and let us debate it; rather than make an order.

Whatever the Government is imposing on the population that will cause us to go in our pockets to pay more money must come here for approval. Do not tell us that we must do that. That is the first area I want to bring to your attention.

I went on the Internet recently and pulled down a piece. It was a *Guardian* blog to do with an anonymous writer. He said:

"Well, to be honest, I like the new fines. It can make the roads safer, but it is another way to put money in the Government's pockets, like increasing water rates; increasing electricity rates; increased property tax; increase the price of food; increased price of goods; increased price of patriotic pride"—that is the flag—"and increased fines."

The question people were asking was: Where is all the money going? I looked and saw a solution by one Imbert on February 25, 2010 at 7.57 a.m. I would not detain the Parliament by indicating what he had said in response. It is there for you to examine.

That is an area about which people are concerned. You want to impose fines; you want to increase the fees; you want to increase the penalties; okay, but, as my colleague said, is that all? Are we going to have a situation where we will increase the fees and you still have the road hogs? We still have unworthy vehicles on our roads? How are you going to ensure that the integrity of the roadways is maintained if you do not have the kind of enforcement my colleague identified earlier?

As we go to the Bill, I want to indicate to the Government that there are some provisions—and I go to clause 4(1)(b) of the Bill. You see this thing "the Minister may by Order prescribe"; we just got a statement from the hon. Attorney General

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on the Uff Report and he alluded to the need for transparency in governmental activities. I do not understand why the hon. Minister would tell us that bringing simple matters to this Parliament that could be extremely complex at times would waste time and detain him from doing certain things and therefore he would like the opportunity to do his thing and report whenever he feels it is necessary.

This is why the Parliament is here. It is here to act as a check on the excesses of a government that, we have already seen in the Uff Report allowed a state enterprise to do whatever it wanted to do involving hundreds of millions of dollars. And the Government comes here today and tells this Parliament that we must do away with an affirmative resolution that is already enshrined in the law. Why do you want to move from an affirmative to a negative resolution? We are insisting that the framers of this legislation understood the significance of having the Parliament and the lawmakers involved in any measure that the Government intends to proceed with as outlined in section 100 of the Motor Vehicles and Road Traffic Act.

Mr. President, let me draw your attention to this section of the legislation. It reads:

"Subject to affirmative resolution of Parliament, the Minister may make Regulations in respect of all or any of the following matters."

And there are several matters involved here and they are very important matters infringing on the rights of motorists in our country. We do not believe that the Minister should have that unilateral right to make regulations and just table them in the Parliament and we must move with a negative resolution to have him debate them and to rescind them. We would like the status quo to be retained just as it is in section 100 of the Motor Vehicles and Road Traffic Act. We are not in support of removing "affirmative" and replacing it by "negative". The Government must be accountable.

Hon. Imbert: I thank Sen. Mark for giving way. I had used an example where we would introduce an S-plate for the school bus. If we keep the present formulation, the change of plate to an S, it would have to be debated in the House of Representatives and then you have a 15-day period to come to the Senate and debate. I do not see that will serve any useful purpose. Are you saying we should have a full debate spread over a month or two to change a plate from a P to an S?

Sen. W Mark: I do not know if you need a spiritual advisor or a prophetess. All I am saying is that you can say, as you have indicated, that you want to move the school bus system and have a plate S; bring that here and it may be passed in no time.

Churchill said that of all the social political systems in the world, democracy is a painful one. You either live with it or get rid of it. The system we have in the Republic of Trinidad and Tobago is a democratic one. You cannot short-circuit the democratic process by saying you do not want to debate because it will take too long. If it will take too long, why not call elections; let us get over there and you come over here. We will go through the process for everything. Let us go through the process. That is what democracy is about. [*Interruption*]

You have proposed in the legislation to remove the word "affirmative" in section 100 of the Act and replace it with the word "negative" and I am saying no.

Hon. Imbert: What is a point of a negative resolution?

Sen. W Mark: You have to debate it with an affirmative. With a negative, you want me to bring it under a Private Member's Motion within a 40-day period. There is a trend that is developing in this Parliament involving that regime where they are seeking to undermine the democracy of this country.

They have come week after week to torpedo all the positive developments that former parliamentarians and we have laboured hard to enshrine in law by saying it is too difficult. Bring the matter here; allow us to debate it and if in two days you call elections, the masses will decide.

Sen. Narace: What seat you running for?

Sen. W Mark: I see you are very sad these days since the man shift you. This is an area I would like the hon. Minister to take on board. The Minister has brought several important measures, but there are others we would like him to reconsider.

I would like to go to clause 4(1)(b). It says:

"Notwithstanding the requirements of subsection (1) and any other written law the Minister may by Order prescribe the identification mark to be carried on any registered motor vehicle or trailer owned or used by the State."

6.15 p.m.

We have a situation where a Prime Minister used the Coat of Arms and is still using it. We want to know if this measure that we are now debating is an attempt to legalize an illegality that has taken place. Is that the purpose of this particular section of the legislation? To avoid any doubt, we would like to have an amendment to this section which says:

"The Minister may, by Order, but subject to affirmative resolution of the Parliament..."

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We do not want this Minister to be just making changes to identification marks for government vehicles. He must come and account to this Parliament. Therefore, we are making an amendment to that Order, in order for it to be affirmative. We are proposing that. We would just amend it.

I want to bring to your attention clause 4. We are going to subsection (3). The hon. Minister has a way. He is a smooth person. He simply—go to the Fifth Schedule of the Motor Vehicles and Road Traffic (Enforcement and Administration) Act. I am telling the hon. Minister, do not come to this honourable Senate—it may have missed your colleagues downstairs but we are very sharp upstairs and we have caught it. If he looks at the Fifth Schedule—we have seen where the Government in its budget statement of 2009 delivered on September 07, 2009 stated:

“Motor Vehicles and Road Traffic Act...Mr. Speaker, it is proposed that the Motor Vehicles Transfer Tax be increased by 50 per cent as follows: used motor vehicles other than motorcycles over 10 years from the existing \$100 to proposed \$150; used motor vehicles over seven years but not more than 10 years from \$900 to \$1,350; used motor vehicles over five years old, but not more than seven years old from \$2,000 to \$3,000; used motor vehicles over two years old, but not more than five years old from \$3,000 to \$4,500;...”

This measure is expected to contribute an additional \$10 million to Government's revenue...”

Do you know what the Government is asking us to do? They are asking us to give the Government the power to amend, revoke or suspend this Schedule. This is why I am simply saying to the hon. Minister, that is going too far.

You have not given us a justifiable reason for that. In a period of transparency and given the wave of corruption that is about to sweep your Government out of office, we are saying to you: maintain transparency and advance accountability. We are committed to accountability and transparency. If you are committed to that and we are committed to that, we ask you to back-back. [*Interruption*] Do not worry; we are coming in two days' time. You are going to call election just now.

Mr. President, we go on to a very important section of the legislation again.

Hon. Imbert: Make them all affirmative.

Sen. W. Mark: I am dealing with the specific law, hon. Minister. I know that you are worked-up right now, because you are worried about your future.

May I continue? We go to section 4 of the law before us.

PROCEDURAL MOTION

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the completion of the matter before us.

Question put and agreed to.

**MOTOR VEHICLES AND ROAD TRAFFIC
(MISCELLANEOUS PROVISIONS) BILL**

Sen. W. Mark: I believe what the Government is trying to do, in terms of introducing restraints for babies, whether under four months, over four months or under four years, to a maximum of five, is laudable. But I want to bring to your attention, hon. Minister, that my information and research tells me that close to 16,000 babies are born every year in our country. We know a large percentage—in fact, it has been roughly estimated that 30 per cent of the households in this country are female-headed, single mothers. In this very difficult economic climate that we are experiencing today, many of our citizens, particularly women who have children and babies, when you bring this into effect, are going to be challenged.

This Government, hon. Minister of Works and Transport, although it promised to increase the minimum wage from \$9.00 to \$10.00 in a budget statement, never effected that increase from \$9.00 to \$10.00. If you look at the inflationary trends over the last few years, the minimum wage should be between \$18.00 and \$20.00 per hour in this country. You have ordinary people, women in particular, being mercilessly exploited by some unscrupulous employers. Not all employers are bad; many of them are good; they have a corporate conscience and they exercise responsibility, but there are many employers who exploit their employees, particularly the women. You have to take into account, when you put this additional burden to go and buy what are called baby restraints, we do not know how much it would cost. Where is that mother who is unemployed or working for \$9.00 an hour and cannot even find food for her baby? Some of them have to go “an tief” or go into a grocery and take up milk to feed their children. How can we expect a responsible Opposition—whilst we support the restraints, should this Government not consider subsidizing these restraints for working mothers and single mothers who may not be able to afford these new devices which are necessary to safeguard their children when they are travelling in cars?

I am calling on this Government, when you are bringing measures, to look at the social consequences and implications. Look at the people who are going to be affected by these measures. Most of our people, some of them, use the PTSC

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buses. There are many luxury buses. To travel from north to south it costs \$10 a head. Many of our people travel on the maxi-taxis, ordinary taxis, PH taxis, or cars as the case may be. I would like to ask the hon. Minister of Works and Transport to consider the Government subsidizing these particular restraints that he indicated would be necessary and which we support.

Go to page 11 of the legislation.

“The Minister may by Order prescribe the type of child restraint and booster seat referred...”

We are saying no problem. The Minister has a right to do that. What is the role of the Parliament in this whole exercise? Are we just to give the Minister carte blanche power to do whatever he wants to do and we will see by luck or chance, the Order? No, no, no. The Parliament must take responsibility for keeping the Executive in check. This is our role: to scrutinize, expose and keep them in check. The Legislature is an arm of the State and is not in the back pocket of the Executive. Therefore, we are suggesting:

“The Minister may by Order subject to an affirmative resolution of the Parliament...”

He can then proceed to make these child restraints. Bring them here. We want those things here, so we can look at them to make sure the Minister is on the right track. We are helping him. We are all in this boat together. We want to help the Minister, but I do not know why the Minister does not want our help. We want to help him. Therefore, you will agree with me that these matters require an affirmative resolution, so we can debate them here. We are helping you, hon. Minister. As I have said, we compliment and welcome this measure advanced by the hon. Minister, to ensure that children are, in fact, safeguarded.

I also want to indicate to the hon. Minister, when you go to page 17 of the Bill, you made reference to it earlier, but you should get the Law Reform Commission to help you consolidate all these traffic laws. It is very convoluted, confusing and it is a nightmare, if you really have to do justice to the legislation that you have before us. *[Interruption]* Yes, consolidate them properly.

I want to also advise the hon. Minister that on page 17, there is a provision that says:

“The Minister may, by Order subject to negative resolution of Parliament, vary from time to time the sums specified in the Sixth Schedule.”

I do not know. I did not find the—I saw the Fifth Schedule. I tried my best to locate the Sixth Schedule. I do not know if the hon. Minister could refer me to the Sixth Schedule. I looked under the motor vehicles and road traffic laws and I saw up to the Fifth Schedule. Where is the Sixth Schedule?

Sen. Seetahal SC: Is not in the red book, but it might be in the—

Sen. W. Mark: It is not in the red book. It might be in the latest. I do not know. I could not locate it. This is why I have indicated that we need to consolidate the legislation. I should not be going left, right and centre to get a matter that is before this honourable Senate. I have the red books. I would like to suggest to the hon. Minister, this is a new section. He is inserting a new section and he is calling it (1A). He says:

“The Minister may, by Order, subject to negative resolution,”

We are asking the hon. Minister to make this affirmative.

Hon. Imbert: Affirmative for everything.

Sen. W. Mark: Yes. We want to be in charge of our job. We do not want to be just playthings or dolls of the Government. We are the lawmakers of this country and if we make laws, we must oversee those laws and we must bring you to account and to book, until we change the Constitution and have you as full-time parliamentarians and you do not have to be beholden to the Prime Minister who wants to set the date because he wants to commit suicide and many of you all will die with him.

6.30 p.m.

Mr. President, I want to go to the matter of the maxi-taxis. I know that we have many concerns about maxi-taxis, and they need to put their house in order. I want to ask the hon. Minister of Works and Transport whether he is aware that some years ago his Government gave an undertaking in a budget statement to introduce a rebate system for maxi-taxi operators and owners of maxi-taxis. This incentive was supposed to be effected some years ago and the Government has reneged. They made a promise, as they have been making promises over and over. Recently, I saw where they made promises to your community, Sen. Hadeed. I think there were some promises made to you. [*Interruption*] I hope they keep them. I would like the hon. Minister to tell us whether he is aware that a rebate was promised to maxi-taxi owners. If he is aware, could he indicate to us why the Government is yet to introduce that rebate for maxi-taxi owners in this country? Why? We would like to know that.

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I want to also remind my colleagues that the last MORI polls that they are hiding from us revealed that 88 per cent of the people believed that this Government is on an abusive course of governance and on the road to dictatorship. Imagine, 88 per cent of the people! Sen. George Hadeed, is part of your best efforts to bring this Prime Minister back on course when you had the big meeting up the road! Mr. President, 88 per cent of the people said that the hon. Prime Minister and his Government are on a dictatorial course. *[Interruption]* Do you know what percentage of the people believe that this PNM Government is corrupt? It is 92 per cent. Mr. President, 92 per cent in the latest MORI poll say that the PNM Government is the most corrupt Government they have ever seen in the history of an independent Trinidad and Tobago. Mrs. Manning, have you seen that report? *[Interruption]* I am coming back, do not worry. So, I am asking the hon. Minister of Works and Transport to pay attention to this maxi-taxi issue.

My information—the hon. Minister can correct me when he is winding up—is that there are close to 6,000—8,000 maxi-taxis on the roads of Trinidad and Tobago. When you talk about conductors and drivers, we are talking between 12,000—14,000 persons who are employed directly in that industry. *[Interruption]*

Hon. Imbert: Is it 68,000?

Sen. W. Mark: I said 6,000—8,000 maxi-taxis are on the roads of Trinidad and Tobago. You can correct me if I am wrong. I understand the population, in terms of employment, could be between 12,000—14,000.

I would also like to remind the hon. Minister that maxi-taxi drivers have been complaining to us that they encounter a great difficulty when they are attempting to transfer their vehicles. Like if someone wishes to sell a maxi-taxi, they would go through the normal process and it would take them sometimes three months, four months, five months or six months and the question is, why? Why is it taking so long to have a maxi-taxi transferred from one person to another person? I would like the hon. Minister to take that on board and to tell us why that is so.

In addition, in a market driven economy where you are seeking to promote public/private/sector partnership, we must try at all points in time to establish an enabling environment in an effort to promote a level playing field. The information that is reaching us is that the playing field is not sufficiently levelled between the public and the private.

We know that those luxury buses—I have not travelled on them as yet, but I understand the quality is good. They have music, videos and DVDs in them. I understand they have the whole works and so on and it is really top of the line. That is what I understand.

Sen. Hadeed: Vision 2020!

Sen. W. Mark: No, that is not Vision 2020, that is a summit that you have wasted almost \$1 billion on, and we have seen no benefits from that summit. People cannot even get water in this country, and you have spent \$1 billion on two summits that were a total waste of time. The money is finished and you come to the Parliament to get \$85 million from poor people through penalties and fees. *[Interruption]*

So, I would like the hon. Minister to tell us—he must be frank as he normally is in terms of responding—is there an objection to a maxi-taxi owner installing a cassette player in his maxi? I am just asking. Is there an objection to a maxi-taxi driver or owner installing a CD player? I am just asking. Is there an objection to him having like a DVD screen in his vehicle? I am just asking. You can correct me if I am wrong, but my information is that they are being debarred or denied the right of installing CD players, cassette players and DVD screens. They have made a complaint to persons like us to appeal to you and to ask you what is the objective or objection to that.

Hon. Imbert: I thank Sen. Mark for giving way. Mr. President, through you, I have always heard that Sen. Mark has been here for a long time, but I am not sure how accurate that is. In 1993 or thereabouts when I was the Minister of Works and Transport previously—I went to the then Leader of the Opposition, hon. Basdeo Panday, and I sought the support of the United National Congress to get a constitutional majority to ban the use of such devices in maxi-taxis, because it was proving to be a problem in schools, in particular, where maxi-taxis were pulling up outside schools with huge boom boxes making loud noises and disturbing the entire school.

Sen. Mark, I am happy to report to you that your party and your erstwhile political leader, the hon. Basdeo Panday, wholeheartedly supported my proposal and gave us the constitutional majority to ban these devices in maxi-taxis. I do not know if you are suffering from amnesia. Were you there? All that Mr. Panday had asked for—he had consulted with the maxi-taxi owners and they asked for permission to put in a radio, so that they could listen to the news, but he wholeheartedly endorsed the prohibition on these devices in maxi-taxis; your party, your leader. I do not know if you are suffering from amnesia.

Sen. W. Mark: I am not. I am just asking you—

Hon. Senator: You are losing your stripes.

Sen. W. Mark: No, I did not lose any stripes. I asked a question and the Minister responded. The people are listening and they are viewing him.

Mr. President, I want to indicate to the hon. Minister that we have many challenges facing us in the area of road safety, traffic management and the whole question of traffic congestion. One of the things that my colleague indicated, Sen. Dr. Rambachan, is that we need to introduce some kind of defensive driving programme for drivers in our country. I know that this is something that the Government has been thinking about, but I do not think that they have effected it. To enhance driving skills, we need to have a programme of defensive driving. I want to ask the hon. Minister to deal with that matter. We also need mass education in this country.

Many of the measures that we are debating here today, when I looked at the current legislation, 79 offences are captured under the First Schedule. What I also noticed is that in the new legislation before us, the Government has increased it by eight, so it is now 87 offences.

In the current legislation, the penalties range between \$60 to a maximum of \$300. In the current Bill, it ranges from \$300 to \$3,000. Now, how many citizens in this country know about these punitive and draconian measures that they will have to pay for if they are caught violating them? I would like to appeal to the hon. Minister to embark upon a mass education campaign.

My colleague indicated to you that there are almost half a million cars on the roads of Trinidad and Tobago. We have a huge population in terms of drivers and owners of vehicles, but we have to educate them. Whilst we are doing what we are doing here this evening and it is laudable, I want to appeal to the hon. Minister that we have a responsibility to educate the people so that they would not end up violating the law because of ignorance. That is a responsibility of the Minister of Works and Transport. The Minister spoke to us earlier about traffic wardens—

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

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. Dr. S. Rambachan*]

Question put and agreed to.

Sen. W. Mark: Mr. President, thank you very much. I just wanted to ask the hon. Minister of Works and Transport to tell us when he is winding up, why the Government has failed to effect the 2000 legislation on traffic wardens? Mr. President, you and I know that we have been told by the hon. Minister of Works and Transport last year in October or November, that traffic wardens were to come on board shortly. That was since last year and my colleague made reference to this. We are now in the month of April and, where are the traffic wardens? They play a very critical role in relieving our police officers of that burden so that they can go and deal with other matters. I believe that it is a dereliction of duty, as Prof. Uff reminded us in his report about the role of the board of UDeCott.

6.45 p.m.

It is dereliction of duty on the part of the Minister of Works and Transport not to effect with his colleague, the Minister of National Security, that provision and effect the law that was properly passed in both Houses of Parliament in the year 2000. That is legislation! It is law, so you do not have to invent it. We did it, the UNC, but we were not there after 2001 to effect it, otherwise we would have done it. You are there for almost nine years and all we get from you are excuses as a Minister. [*Interruption*] You are not dealing with the reality.

Mr. President, whilst we get excuses from the Minister, our sons and daughters are dying on the roads of this country; carnage on our roads in this country.

I want to quote the hon. Minister in the *Express*:

“It has been some eight years since the Manning administration returned to office in 2001 and Imbert said it is now satisfied that the proposed traffic warden department is the best solution to several of the traffic problems this country is facing.”

This was October 16, 2009. What has he done? You must account to this Parliament why you have failed to put into effect traffic wardens to deal with that?

Hon. Imbert: Just three months ago.

Sen. W. Mark: No, it was six months ago. You are not doing your job!

Hon. Imbert: You will kill me for six months, but I never see more.

Sen. W. Mark: I want the hon. Minister to know, because you know why this is important? The hon. Minister indicated to us that they are going to establish a

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point system, where after you reach a certain number of points they could strip you of your licence and ban you from driving. He spoke of the ticket system.

I have said that the former Acting Chief Justice Hamel-Smith, the former Chief Justice Satnarine Sharma—report after report, in terms of addresses to the nation on the opening of the law term has appealed to this Government, take away the ticket system from the Magistrates' Court, it is overburdening our magistrates, they have other things to do. Why do you not allow the licensing department to deal with this ticket arrangement rather than to put this problem in the hands of the court. [*Interruption*] The same thing with the traffic wardens.

You could relieve a number of police officers to go on the crime beat, but they have to be there directing traffic when you could have traffic wardens doing that. I would hope that the hon. Minister who has a Masters in Law, but who is not yet a judge, would appeal to the Attorney General to do the proper thing; get rid of the ticket system at the level of the Magistrates' Court and send it to the licensing department.

I heard him say earlier that the Government, like what they are doing with the TTRA, the BIR and the Customs and Excise Division, they are about to establish a motor vehicle authority. It seems that this Government is committed to engaging in what I call "Machiavellian privatization" and to destroy in the process the Public Service Commission, as we know it, but we would come to that when we have another debate next week.

I just want to remind the hon. Minister that there are certain things that I would like him to deal with. You know in South Africa it is estimated that 90 per cent of the accidents in South Africa occur because of a violation of the traffic laws. I do not know what the facts are in Trinidad and Tobago. I do not know if the Minister could share with us what percentage of the accidents that take place in our country result from a violation of our traffic rules and traffic laws, what percentage is as a result of speeding—well speeding is part of the rules—what percentage is brought about as a result of alcohol consumption? We do not have a statistical breakdown. I do not know where I could find those statistics.

Hon. Imbert: One hundred per cent.

Sen. W. Mark: So, I want to appeal to the hon. Minister as we go forward, just to add to my colleague's recommendation; I want to indicate to the hon. Minister, we would like to advance that there is need for closed-circuit television cameras relaying images to a traffic control centre. [*Interruption*]

I think that for instance, intelligent transport solution is what is required to deal with several of the challenges that we are faced with today in our country where you would deal, not only with traffic engineering and information technology, but also telecommunication, and I want to advise the hon. Minister, one of the ways of dealing with this challenge of road safety which is a major problem in the world—do you know more that 30 million people die every year in the world because of accidents? In Trinidad and Tobago, it was about 220 last year and the year before was 264 of a population of 1.3 million. I think we may have the highest in terms of per capita population of road accidents maybe in the world. You could tell me if I am wrong; correct me. [*Interruption*] Well, tell me where we stand.

Mr. President, I am advancing a recommendation, closed-circuit television camera relaying images to a traffic control centre. We want to also advance to the hon. Minister, he should look at the introduction of electronic vehicle registration to combat vehicle related crime. Too many cars are being stolen and they are being scrapped in well-known scrapyards and there are no laws to govern scrapyards in this country. They are stealing your car, killing your family, scrapping your car and you know where the scrapyards are and the Government has done nothing in the last eight to nine years to bring legislation to deal with scrapyards where it will become compulsory for the owners to have a register and that register could be inspected at anytime by the police or the licensing authority.

These are measures that the Government should think about dealing with if they are serious about bringing an end or reducing carnage on the road and improving road safety, traffic management and traffic congestion and administration. So, we, in principle, as my hon. colleague and Leader of Opposition Business has indicated, we support the measure. What we are saying is strengthen the measure. We are advancing certain recommendations for the Government's consideration. We would like the Government to amend certain areas of the legislation so that the Parliament could have an oversight response role in its execution.

It is what Prof. Uff has been calling for, the need for an oversight; you need to “oversight” the operations of state enterprises. In the Parliament we need to have an oversight responsibility in watching at this Government, every move that it makes. Therefore, we call on the Government to take on board and give consideration to our several amendments and recommendations; not to stymie the legislation but to improve it, because at the end of the day we could never be opposed to measures that can save lives in our country. We could never be

Motor Vehicles and Road Traffic Bill
[SEN. MARK]

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opposed as it relates to measures that would improve road safety and standards in our country, and we could never be opposed to measures that would serve to deter the road hogs from damaging your child and our children on the roads of our country.

So we are in support of what the Government has proposed this evening, but we are asking the Government to consider some of the amendments that we have put forward and the recommendations as well.

I thank you very much, Mr. President.

Sen. Dana Seetahal SC: Thank you very much, Mr. President. I would directly ask the Minister, through you, whether or not the measures which are proposed to increase the penalties in the Bill before us are designed, as he said, or are indicated to deter unsafe drivers and reform bad drivers?

If that is so, then I would question the statement made in budget statement 2010 by the hon. Minister that this is a fiscal measure. Under the fiscal measures in that budget there was reference to three sets of taxes to be increased. A fiscal measure as we all know is a tax measure. I do not understand how the proposal to increase these penalties could be seen as a tax measure unless increased penalties amounts to tax in the eyes of some members of the Government, and if that is so, then that should be clearly corrected as of now.

Mr. President, the statement by the hon. Minister of Finance at that time was that in “an effort to maintain order and safety on our nation's roads and to deter road traffic offenders, the Government will significantly increase the penalties”. Yet, in relation to the three sets of measures, the first dealing with the increase of mere penalties, it was stated that the measure is expected to contribute an additional \$40 million. Now that means that in addition to what penalties were already imposed by the courts and paid, it was expected that the increase would contribute an increased \$40 million.

So it would seem to me that it was an appreciation, therefore, by the Government a few months ago, that these measures would fail; in other words, the Minister, when she made her statement, was saying that you would have an increased revenue of \$40 million in respect of parking without park lights, overtaking on the left side and so on, apart from what they were already collecting. So the budget is therefore based on an expectation that all of these measures would significantly fail. For the Government to be able to collect an additional \$40 million in penalties it means that persons would not be obeying the

law still. Despite the increased penalties the Minister was hoping, anticipating and planning for increased revenue of \$40 million, and that was not just what was already paid.

So I think this recognition of failure by the Government is such that they should not be coming before us to pass this legislation, because they were also expecting that there would be an additional revenue of \$35 million in relation to other fees and duties, according to the Government, and in relation to the transfer fees, an additional \$10 million that my colleague, Sen. Mark, mentioned, but I am more concerned with the increase in penalties.

All of these penalties that the Minister has been telling us, and he may very well be well-intentioned and may think or believe it, that when we increase these penalties, those persons out there will now obey the law, because you have these larger penalties, instead of \$500, \$4,000 and whatnot, and therefore because of these harsh penalties persons will obey. More than likely one would think logically that far from an increase in penalties, so many persons would obey that we would have a drop in offences, but that is not expected.

Hon. Imbert: I thank Sen. Seetahal SC for giving way. In fact, in anticipating some of the things you are about to say, I got the Draft Estimates of Revenue for the financial year 2010. And if you look at Head 7, Other Non-tax Revenue, under the Head, Fines and Forfeitures, the estimate of revenue for 2009—that is the year just gone—was \$34 million, and the estimate of revenue for 2010 is \$84 million. So the Budgets Division has estimated that there would be an increase in collection of fines and forfeitures of approximately \$50 million.

7.00 p.m.

Now, the most significant change in fines and forfeitures was these fines that are before us. There would have been some other changes, and this also includes forfeitures as opposed to fines. The argument that you have presented is a bit illogical to assume or to project that the increased fines to that is a deterrent, and then yet project increased revenue from it. I cannot fault that argument. I am not in a position to say what the underlying assumptions were in the Budgets Division. The fines have gone up significantly. It has gone up ten-fold. It has gone up from \$200 to \$2,000, for example. So if you use a ten-fold increase, then the fine should go up to \$400 million. So there appears to be some sense in the figures because the increase in collections has not gone up by 10 times or five times. It has just gone up just about 150 per cent. So it may very well be that they are anticipating a reduction in the frequency of offences.

Sen. D. Seetahal SC: Thank you very much. I hope you are giving me back my time. Now, the point I am making here is, regardless of what is stated in “Revenue” in the yellow book, in the budget statement that I have before me, there is estimated a total increase of 40 plus 35 plus 10, which is \$85 million in additional revenue, and that was in the budget presentation of the hon. Minister. Now, even if the fines in some cases have gone up, it is not so in relation to all because in relation to driving permits for instance, those fees have been reduced. So it is all lumped together, hon. Minister, in terms of the increase. So that is why I mentioned it. But it is not 1,000 times in all cases. In any event, that would be the maximum fine. My point is, however, that the dependence on that increase is self-defeating and recognition of failure. That is surely what I am saying, and I also take strong objection, personally, to it being considered a fiscal measure because it is as if one is relying on the weakness of the citizens of this country to tax them by a penalty. So inherent in the whole thing is that distasteful sense of taxing the citizens through penalties.

The best deterrent as the Minister would know, through you, Mr. President, is enforcement. What we have seen, hon. Minister, is such a lack of enforcement of the traffic laws, that when a magistrate gets someone before her or him, you find that there is a need to hit the person with the maximum penalty. So, the police have been bringing people before the courts for breaches of the breathalyzer law and the magistrates have been imposing the penalties. But what you will find is, in relation to that law, there is a strong evidential procedure, so it is very difficult for somebody to refuse to give the sample, and therefore, once you have a sample which proves that you are above the limit, the next obvious step is to plead guilty, but not so in relation to the other road traffic offences. What you need to have is like in other countries, a strong enforcement by the police and we will not get that overnight, unless something is done to revolutionize the system in the police service or in the traffic branch. I do not know what, but if it is that we eventually get the computerization of the licensing system, of the fingerprint system, then maybe, Mr. President, something can happen akin to this.

In some States in the United States, once a ticket is issued you appear in court or you fail to appear; if you appear in court and you do not follow up your matter or you fail to appear, it goes on your driving permit automatically and you are not granted a new driving permit, and that is why the system is effective. We do not have that system. What we have and I come to this now, straight away, is a system which is stated to be a point system. The penalty point system is specified in section 86A(2) of the Act, and what it says is:

"...the President may prescribe...a system of awarding penalty points against a person..."

who commits an offence against the Motor Vehicles and Road Traffic Act. That is what it says, and that was a law that was passed in 2000.

In addition, the Fixed Penalty Act, Chap. 48:52 says:

"In relation to the system of awarding penalty points...in section 86A...the President may alter the number of penalty points..."—in the fixed penalty.

What you have done, hon. Minister, through you, Mr. President, you have attached a new First Schedule where there is listed a number of penalty points to be awarded. However, to what end? Have any penalty points been awarded in the last 10 years? Has the President ever prescribed a system of awarding penalty points? If nothing has been done in 10 years vis-à-vis this point system, if it has had no effect, no impact, we wasted time in 2000 passing the law, we are now going through the farce of passing a First Schedule with a host of points, penalty points listed to the right of each one of those offences and we already have or had 87 offences and we had the same number in the original law. What is the point of this?

We have heard nothing from the Minister to tell us of any plan to establish a penalty point system. One would think that the purpose of having a ticket system—but not the purpose so much, in terms of making it work—is that you would have balanced against that, a penalty point system, so if persons committed several ticket offences eventually it would impact upon their insurance or their driving permit would be taken away. But nothing is happening because the ticket system is failing, one, and because the penalty point system is not in effect. Two, the ticket system is failing because there are too many tickets coming before the courts. Persons do not pay their tickets on time and the matter automatically becomes a case. It is a complaint; it comes before the court.

When I was in the Traffic Court more than 20 years ago as a magistrate, you had hundreds of traffic cases coming up every day in Port of Spain. So I cannot imagine what it is like today. But if it was intended that this system would work instead of merely increasing the fine, one would have expected something that would go along with it, which would be the penalty point system, and tell us how it works.

What it seems to me, Mr. President, is instead we are increasing the fine, we are making it 10 times, eight times, in the expectation that 80 per cent of those

persons will not pay the fines, and therefore, the other persons who are law abiding, who will pay them, will make up in terms of revenue for all of the others. But if we were to actually enforce the system, enforce the law here and set up the system, then we would collect real revenue, not the \$85 million, \$100 million that we are talking about now. It cannot be a cash cow if it is not enforced, and even if we do not want it to be a cash cow, at least when it is enforced people will start presumably obeying the law because they will not be so much afraid of the fine, but the fear of getting caught and it impacting on their insurance or on their driving permit. So I want to hear something about that because it seems to me we are just spinning top in mud. Every so many years—[*Interruption*] If you would take no more than two minutes—we are going to increase the fines. You want to say something?

Hon. Imbert: I thank the Senator for giving way and I will try to keep it under a minute. I would give a much more comprehensive reply when I am winding up. The fact is, what our experience has told us is that the penalty when you go to court is just a pittance, \$300, \$400, and police officers do not find it useful or productive to pursue somebody through the courts, and eventually the magistrate will charge that person \$200 or \$300. What we are doing now, we are increasing both the ticket penalty to \$1,000, \$2,000 and the fine in the courts to \$4,000 and \$5,000.

With the breathalyzer, the people are being charged \$4,000 and \$5,000—and you have already heard the empirical evidence from Sen. Prof. Deosaran that we have a drastic reduction in road fatalities with the introduction of the breathalyzer. I do expect when these new penalties come into play and somebody finds themselves before the court and he starts to pay \$5,000/\$8,000, that you would see a significant reduction in these offences.

Sen. D. Seetahal SC: Naturally, I had hoped, through you, Mr. President, that the Minister would have said something about the penalty point system because that is really the crucial thing here. In fact, we are also going to computerize the whole thing so that it would make an impact.

Now to say when somebody is before the courts and has a penalty of \$4,000, failing to recognize that is the maximum penalty, if it is that we had a proper system when the person comes before the court for the first time with a ticket,

then you could give them—and you never gave somebody for a first offence the maximum by the way. You ought not to, and especially if they plead guilty. So that is like half the fine already. So if you have the first, then if they repeated it and we had a penalty point system, then it could be increased, but it is really not working like that. We are coming before the courts every day and talking about fines even up to \$500—not in this case, of course—and really, enforcement is the issue. So the people are just there laughing. Yes, we have the law, but what is actually happening.

What could really happen if you wanted to reform bad drivers is to actually use the Probation Act, as has been utilized in the Court of Appeal in relation to persons who commit driving offences—like drunken driving—they are made through the old, old Probation Act; they have to join AA and do all sorts of things, so that they would avoid having a suspension of a driving permit for a time. That has been utilized successfully. At least in one matter that I was in, it was utilized and the person came back after a year and he had been cleaned for two matters actually. So the law is there to really implement it in a sense, but persons do not seem to realize that we have laws that can be used.

Now, my second point was going to be the transfer tax, but I believed that was adequately dealt with by Sen. Mark. I would just like to know why there was a change or a shift in focus from what was stated in the budget, where it was specifically outlined by the Minister at that time, what the increase in the transfer taxes is going to be. But instead now, what we have is a proposal to give the Minister of Finance powers to amend, suspend or revoke the Fifth Schedule, and the Fifth Schedule you would know lists the transfer tax. But this gives the Minister the power to suspend transfer tax from persons. How is that going to be exercised? So in other words, if any Member of Parliament wanted to transfer their vehicle by selling it, the Minister could suspend that tax. Currently, that cannot be done because it is entrenched in the law. So that is a power that you are giving to the Minister to say, you do not have to pay the tax. Why should that be allowed?

My third point deals with the regularization of the PH driver system. I did not know it was called that, but that is what in effect it is, and this was something bandied about by the last administration; regularization of squatters, regularization of PH drivers, as if you could regularize an illegality. You cannot. If it is illegal, it is illegal. You can either change the law to make it legal, or you do something about it. But do not talk about regularizing anything.

7.15 p.m.

Under Part 14 of the regulations there is a provision that anyone who wants to operate a taxi could apply to the Licensing Authority and show that he is a fit and proper person and the authority could grant him a taxi badge. If the authority refuses, he could appeal. To my mind, anyone who chooses to transport persons in this country, whether it is school children or adults, operating like a taxi, whether he has a P or an H should be a fit and proper person. We have had too many reports of persons luring young women to rape. There was a case in the Court of Appeal about a year ago where the court dubbed such a PH driver as a person who preyed on women; that was what he did. I am not saying that a person who has an H right would not do that, but the fact is, you have that thing to step over. He must be a fit and proper person.

There is a reason for that; not each and everybody could just line up outside St. Augustine Senior Comprehensive and call themselves a PH driver. Then the newspapers report, "He was a PH driver," as if that is an occupation; just like you say, "He was a drug trafficker." I saw that somewhere in the newspaper, "He is a drug baron," official legal occupation; so it is an official legal occupation to be a PH driver. It is illegal and we have to stop dubbing it as if it is something recognized. If in certain places, as Sen. Dr. Rambachan said, you cannot get regular taxis out there and you have to depend on these drivers, if some system was put in place to have them register under the system, maybe even if they have some measure of a criminal conviction they could be fit and proper, depending on what the conviction is for, of course. I certainly would not want persons who have had convictions for robbery, carrying students or persons anywhere; you never know what could happen. I think there must be a control in place. We have to ensure that it is. We have the legislation, we have the regulations, and we need to enforce them.

The plan or the proposal by the Minister to amend section 21(5) to repeal the provision which says: "No motor vehicle is to be used as a taxi which is not so registered..."—to my mind, sends a twofold message. Although it is now going to be amended to say that no one can operate a vehicle contrary to the registration, which would include taxi, is taking away from the message. Somehow, the message has to be clear. You can register, and you should register as a taxi, all it would cost you is an application.

Mr. President, 25 years ago, people had to pay for an H right, that is not so now. You just get it, if you show that you are fit and proper, and nothing is wrong with that. Right now in this country there is no prosecution for these persons who operate illegally as taxis. Why? The Minister's mention about the police taking so long and you get a minor fine is rubbish. A lot of police officers are too lazy to do that; they do not want to take the time of doing the prosecution. You start off with those little offences and that is how you become an investigator. Persons wait to become an investigator or give evidence in big matters and then they fall flat on their faces.

If you are patrolling or doing whatever it is they do on Chacon Street, maintaining order and so forth, and you see those persons break the line, come out with their PH and they are obviously tooting their horns, having persons get into their vehicles, that is enough circumstantial evidence to prove that the person is running a taxi illegally, but they do not want to do that. They want to make up something and say, "I saw somebody hand him money and I did this," they improve the evidence as a result of which it fails in court, and they do not want to go back in court. They need to properly enforce the law and they need proper training in doing so. I do not think we have enough of that. No prosecutions currently and that is why it is failing.

Mr. President, I live in St. Augustine and for all the years I taught in law school, I was deeply offended that every day I would see, at least, six PH cars parked on the corner of Warner Street waiting for children, girls mostly, with loud music. They would wait there, fill up the taxis and take \$1 to go round the corner and drop them off at the comprehensive school. Nobody did anything about it. Once in a while, I took it upon myself to call the St. Joseph Police Station. They would send a vehicle with a motor cyclist and go around the other side. These girls, day in, day out, I do not know what the principal of that school was doing, whether they did anything or they got tired, but it was always so.

I am no longer working there, but I dare say, I see no reason why it would have changed. I raised it here before and I raised it elsewhere. Some girls were reported to have gotten raped too, if not the other thing, which is pregnant. I do not know enough about that, but a lot of these young men then, a specific number of them too, also went up to St. Johns Road, but every day at lunchtime and in the evening—imagine a school child could not walk 600 metres to school? If we took a taxi when we were in Bishops, that was long time, it was reported to the principal, you were called to the principal's office, you would have to account and your parents would come in. That is why I am totally against that regularization of PH drivers; that is my point.

My final point has to do with the registration and licensing provision. The proposal is to amend section 16. The Minister has mentioned that there was some confusion in the law. To my mind really, that is my mind, of course, and I might not be correct, the Minister may be right, but there appears to be no confusion. The law says clearly that there are only certain classes of vehicles exempt from registration; that is under section 16. Section 12 specifies that:

"No person shall keep, use or...permit any other person to use a vehicle unless it is registered."

That means only registered vehicles on the road except for D vehicles, vehicles owned by the President or driven on his behalf or those visitors. You have at Part IV, Regulation 7, which talks about the Licensing Authority assigning numbers and are marked to be assigned. The mark specified are only P, H, T, R and X; no coast guard, no AG, no TTR. So the law is there and I checked all the amendments up to 2009. The law as it stands is that nobody, except for D vehicles, the President and visitors can drive a vehicle that is not registered. Everyone has to have a vehicle that is registered. The only marks that these vehicles can bear would be P, H, T, R and X, so any other vehicle in this country that is being driven on the roads of Trinidad and Tobago without those numbers that is not the President owned or used or demonstration vehicle or visitors, is illegally driven; there is that in the law.

The intention is now to give the Minister the power to approve, more or less, new marks, presumably S for schools and whatnot. There can be no retroactivity in this, so if persons have been breaching the law, and continue to breach it at this time, then there can be no retroactivity. Obviously you have not asked for it to be retroactive. I think it is not, in my respectful view, a good example for anybody, other than the President, to be wearing a Coat of Arms on their vehicles. It is bad example; it is illegal; it is wrong and should stop. Those are my views in relation to the amendments before us.

Thank you, Mr. President.

Sen. Lyndira Oudit: Mr. President, it seems as if there are some good things in this, but I believe the PNM Government has no clue. You have no clue about a comprehensive traffic management plan; no clue.

From the *Hansard* taken today, the hon. Minister stated, and I am quoting:

"The vast majority of congestion in Port of Spain should disappear overnight once this new wrecking fee is introduced."

Why is it that somehow the people do not have an ability right now to believe? There are too many things that are said and too many promises made and simply they are never delivered. I would like to refer to a 2006/2007 excerpt from your budget speech. It dealt with infrastructure.

In 2006 it was stated, and I am quoting:

"...Government is committed to providing an efficient and modern infrastructure and public transport network."

I am not speaking about last year; I am not speaking about 2009 and I am not speaking of 2010. I am speaking about 2006.

"...the Government recognizes that transportation bottlenecks are causing enormous frustration...leading to..."—immediate measures on the part of the Government to reduce vehicular congestion.

Even in that particular Bill, it talked about the Public Transport Service Corporation which would be provided with resources to facilitate effective transportation in Trinidad and Tobago. It talked about a national transportation sectoral policy; that was 2006.

We have a serious, serious issue with the belief in what is being said now and here you have the Minister coming to talk about overnight. Well, there is no overnight; there is no over year, there is no over nothing. The part about vision—vision includes a line of sight and it seems as if there is nothing in sight and that we have had years and years of broken promises.

Off camera today, the Minister scoffed when Sen. Mark talked about a six-month delay in the implementation of the traffic warden system. He said, "Boy, you would kill me for six months?"

Hon. Imbert: [*Inaudible*]

Sen. L. Oudit: You were not on your legs.

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

Basically you believe that six months is no time to really come down hard on you.

Hon. Imbert: You took six years.

Sen. L. Oudit: This is 2006, this is four years; you have a sectoral policy. Where is your National Transportation Sectoral Policy that you promised in 2006? You are bringing here a piecemeal piece of legislation. Where is your

comprehensive traffic management plan? If I could preempt the Minister, I could almost imagine hearing him say, "It is coming." Well, there are so many things that are coming and for years nothing reached. Nothing gets here; we have an ongoing honeymoon. In fact, in the year 2000 after the election we heard of a honeymoon period. I believe they are still on honeymoon, because we have not had deliveries.

A Senator, in contribution previously, raised the question about this Coat of Arms and the ability now in section 4(b)(2A) where it says:

"...the Minister may by order prescribe the identification mark to be carried..."

On February 25, 2010, there was quite an interesting picture of a vehicle. [*Sen. Oudit displays picture*] It talks about the silver Coat of Arms being used by one of the Prime Minister's official vehicles. This article which was written by Ria Taitt says:

"The Motor Vehicle and Road Traffic (Amendment) Bill, which was piloted in House of Representatives yesterday, would give the minister with responsibility for transport the power to authorise, by order, the identification marks..."

It went on to say in the article that "Manning", but I am respectful, so I would say the hon. Prime Minister:

"Manning has used the silver coat of arms for a number of years, and the insignia was used on Wednesday night..."—previous to the 25—"on the official vehicle transporting Manning and the President of Chile, Michelle Bachelet, who came for a short State visit. But the law only allows the president's fleet of vehicles to bear a gold-coloured coat of arms instead of a registration number."

7.30 p.m.

Mr. Vice-President, we seem to have one rule for us and one for them. Rules simply do not apply in the normal sense of the word and it is clear that the silver Coat of Arms has been used for a number of years. Again, my question is: How much time do you need to start implementing the law? Whether it be for the Prime Minister in the unauthorized use of a Coat of Arms, whether it be for Priority Bus Route unauthorized vehicles for years driving. How many years would you go into PH drivers? You talked about a bus service for 10 years that is unregulated. How much time do you need before you start implementing the law? That is a simple question.

You come to clause 4(d) part (ii) and I find it almost insulting. It says where a motor vehicle is used for the purpose for which it is not duly registered under this Act, it is:

"... a defence on the part of the owner to prove that the contravention was without his knowledge and that he had taken all reasonable steps to avoid such contravention."

Mr. Vice-President, how do you prove that you had no knowledge?

Hon. Imbert: That is so obvious, Sen. Oudit. If somebody steals your vehicle, then it is being done without your knowledge. That is so apparent.

Sen. L. Oudit: Mr. Vice-President, this does not indicate when a vehicle is stolen.

Hon. Imbert: Go get a degree in law.

Sen. L. Oudit: I do not have to get a degree in law.

Hon. Imbert: Yes, you do.

Sen. L. Oudit: Mr. Vice-President, those people who implement the law are not all lawyers. Some of the police officers, maybe all the persons who have to implement every traffic law require a law degree. Is that what the Minister is inferring? Because clearly it is down to the interpretation of the law and I cannot see the need to have a legal background in order to interpret law. This is simple English.

So it is clear. There are too many places of loopholes in legislation and on every single Bill on which I have spoken, I have referred to loopholes in the legislation and we keep bringing back legislation with loopholes. Whether it is a simple grammatical loophole, or a major one that is pointed out from time to time in so many contributions made in this House, we leave things open.

Mr. Vice-President, in an article by Rohandra John on Monday August 17, 2009, there is a nice picture and it says: "MINISTRY OF WORKS AND TRANSPORT NEW TRAFFIC FLOW"

"...Nileung Hypolite, parliamentary secretary in the Ministry of Works and Transport, has said.

Hypolite said the Ministry of Works and Transport will, within the next three months,"—and this was in August 2009—"unveil similar traffic initiatives aimed at freeing up the traffic flow in other areas."

This is in reference to this diagram where there is a traffic plan from Bagatelle and Saddle Road onto the Eastern Main Road, San Juan. So he is referring to the freeing up.

It continues:

"He said San Juan/Saddle Road is one of the ten areas identified for 'decongestion' in the first phase of the ministry's Traffic Decongestion Programme."

I would like to know which are the other 10 areas, I do not know if the Minister can tell me right now, but which are the other 10 areas since August 2009 when your Parliamentary Secretary indicated that the San Juan area was the first and he identified the other 10 areas under this traffic decongestion programme. Which are the other nine? Do we have any implementation of them?

Hon. Imbert: I will put it in the Bill.

Sen. L. Oudit: Sure. If you need to put it in the Bill, but then you are making your Parliamentary Secretary claim untruths. Is there no decongestion plan? You do not need to put that in this Bill, Mr. Minister. I think you just have to answer the question. Your Parliamentary Secretary has spoken about a traffic decongestion programme. Is he accurate, or was he telling an untruth?

Hon. Imbert: [*Inaudible*]

Sen. L. Oudit: This is your Parliamentary Secretary in the Ministry of Works and Transport. So that is your San Juan plan.

We have to look, not only at the fines and penalties when there are congestions, we have to deal with the causes and the Traffic Management Plan really has to deal with the causes of congestion and we simply cannot afford to deal piecemeal and say we are increasing fines and penalties if we do not understand what is the comprehensive approach to fixing.

It was almost stunning to hear the Minister say that there are people who walk with \$200 in their pocket just to pay the officer.

Hon. Imbert: I never said that. Mr. Vice-President, on a point of order, the hon. Senator is imputing improper motives. I said nothing about having \$200 to pay a police officer. What I said was that persons have this money so they would go to the appropriate district and pay the fixed penalty fee on the same day to the Justice of the Peace.

Sen. L. Oudit: Mr. Vice-President, I have the *Hansard* if I am wrong, I will apologize. It says here—and I am reading from Minister Imbert's presentation.

“In fact, on a good day it is faster to go on the highway, because you are just meeting two or three traffic lights...”

It goes on:

“I have been on the bus route at 10 o'clock, 11 o'clock in the morning, travelling between Port of Spain and Piarco, just counting the number of vehicles on the road that do not have bus route passes, and on any given day I easily reach 100 in terms of vehicles that do not have bus route passes and are simply taking a chance. In fact, I am told that some persons keep \$200 with them and just pay the fine. It suits them if they are caught.”

Hon. Imbert: Precisely, Mr. Vice-President, pay the fine to the Justice of the Peace. That is what I said afterwards. Apologize and withdraw it!

Mr. Vice-President: Senator, I think you read exactly what it is, so I think you should withdraw it and apologize.

Sen. L. Oudit: If the Minister wants us to believe that this statement is not—because I really do not see a JP present when you are driving at 10 o'clock or 11 o'clock and you happen to see somebody. But if he indicated—

Mr. Vice-President: Sen. Oudit, please—

Sen. L. Oudit: Yes, my apologies, because you did in fact come back with a question from Sen. Seetahal SC when you were questioned about what you were trying to imply in your statement. So maybe, it was simply the way in which it was stated that would lead to that. So my apologies. [*Interruption*]

Mr. Vice-President: Senator, two things; when the President of the Senate is on his feet you should sit.

Sen. L. Oudit: I did.

Mr. Vice-President: You should.

Sen. L. Oudit: Well, I did.

Mr. Vice-President: No, you did after I insisted and secondly, I have asked you to withdraw the statement and apologize.

Sen. L. Oudit: I did.

Mr. Vice-President: So please withdraw the statement, apologize and continue.

Sen. L. Oudit: Mr. Vice-President, I will acknowledge again that I do apologize.

Hon. Imbert: Withdraw the statement!

Sen. L. Oudit: So that statement that you have—it is deliberately done, I withdraw that certainly.

Mr. Vice-President, when we come to the Priority Bus Route—

Hon. Imbert: Mr. Vice-President, the statement she alleged that I made: The hon. Senator said that people keep the money to pay the police officer. That is the statement I would like withdrawn, not any statement that you are making up. Withdraw the statement that you made!

Mr. Vice-President: Yes, Senator, you did say it, I heard it, so could you please withdraw that statement?

Sen. L. Oudit: I withdraw the statement, I apologize.

Mr. Vice-President, when we come to the Priority Bus Route (PBR), we have a situation trying to ease congestion. How long will it take the hon. Minister, and the Government to identify that it took you so many years to do an Interchange, but clearly a North/South parallel or similar Priority Bus Route is absolutely essential.

Sen. Dr. Rambachan spoke about leaving home at 5.45 a.m. or 5.30 a.m. to get in at certain hours, but I would tell you that there are thousands of commuters on a daily basis who have to leave—not Chaguanas, but deep south; Princes Town, Mayaro, Rio Claro, Point Fortin, all these areas to get into Port of Spain daily, and if they do not leave by 4.00 a.m. or 4.30 a.m., they do not get to work on time.

In a country of this size with just over 1.3 million people, I think it is horrendous that you would say after all these years you do not have a similar programme for a Priority Bus Route. You do not see the need, and here we have in the 2006 Budget Speech a proposal which says:

"...one element of the Government's plan is the Rapid Rail Project which is expected to provide fast and frequent service along the East-West and North-South Corridors...Together, the two corridors would traverse over 120 kilometres...The rapid rail system would give our citizens and visitors unparalleled mobility and access to work, school, shopping and more, and would truly be the backbone of Trinidad's transportation system."

Mr. Vice-President, this is why we have a real problem believing whether it is 2006, 2008, 2009, 2010; it does not matter. Your rate of delivery is so poor that people have stopped believing in your promises. This was 2006. So you see we

have a real situation where comprehensive traffic management plans will never come our way under this Government; we will get piecemeal. So you need to free up the freeway, Mr. Vice-President. [*Crosstalk*]

Mr. Vice-President, I am referring again to the Minister's presentation in today's Senate. He says:

“Now, there were a number of difficulties, many of them administrative in nature...”

I am referring to the ticket system and the need for amendments in the Motor Vehicles and Road Traffic Act. If you have administrative problems, Mr. Minister, and you have identified that the majority of them are administrative in nature—these are your words not mine—then why are you not bringing administrative solutions to the problems you have identified? Why are you increasing penalties, taxes and fines in a piecemeal approach when you have clearly identified that the problem is not your rate of taxes, it is your administration?

Whether you take the word implementation, enforcement, or administrative problems, they amount to the same thing. It is the administration of the motor vehicles industry, the involvement of stakeholders, the level of efficiency administrative-wise. You have come here hoping to give us a solution and identified that this can never, in no way, deal with the administrative problems that you have identified as the core of your problems in this ministry.

7.45 p.m.

So I really have an issue in the way in which you are bringing this piece of legislation to deal with what you have clearly identified is administrative.

The Minister went on and said:

"Despite the best efforts..."

And I am quoting:

"by law enforcement to crack down on the unauthorized use of the PBR, motorists continue to defy the police and transport officers, by their continued presence on the PBR. This proposed new fine of \$2,000 is expected to keep the PBR clear of unauthorized vehicles."

Clearly, you must be stopped—clearly you must be stopped by a police officer on duty who is willing to stop you and is able and capable of stopping you and giving you a ticket. If you are not stopped, you are not given this ticket. Somebody talked about how it is we are going to transfer this legislation into actually—the term used was a "cash cow". But if you do not implement the law, it does not matter what your fine is. You could raise it to \$10,000, but if the problem is implementation of the law by an inadequate supply of police officers, then how is this going to bring any effective relief, whether on the PBR or any other road system in the country? It matters not the amount of the fine; it comes down to the implementation of the law. I think this is very critical. This is what everyone here has made a contribution to say. It does not matter the level of the fine. So you have to deal with this. Clearly, this is something that you need to look at, the implementation.

I would like to address the issue of the private school transport. And what is really sad—and I must give credit to the Minister for saying this. He says, and I am quoting here:

"This informal school transport system operates mainly in the rural communities throughout Trinidad. It came into being approximately 15 years ago around 1995/1996 as a result of a number of requests by parents of pupils who were seeking an alternative mode of transport that would guarantee the safety and security of their children."

That speaks volumes. You have a system that is 15 years in operation—15 years—simply because parents, everyday parents—I am a parent; we have a number of parents here and the Minister is referring to parents in the rural communities who simply were seeking a means of transport that would guarantee, in the words of the Minister, "the safety and security of their children". He went on to say again and this speaks volumes to the quality of those operators. The Minister went on to say:

"The service is said to be safe, reliable and affordable and ensures that children, particularly those living in remote parts of Trinidad enjoy a hassle-free means of travelling...It is a group of private citizens who have made arrangements with parents, whose students would go to a particular school..."

The operators I am told... have been requesting regularization of the service for several years, for at least 10 years."

And my question is: For 10 years these operators have been asking for assistance. You recognize that they are providing a required and necessary service; you recognize that they are safe and reliable and they are providing something that is

critically needed because there is a gap in where your competencies are. You have left a wide space. Your capacity to provide transport for the rural communities was filled. It was filled by a group of concerned parents who got together, in your own words, "and have been providing safe and reliable transport for children."

Sen. Manning: On a point of order, Mr. Vice-President. I would like to say that what is being said there, I think the hon. Senator needs to do some more research. Over the last seven years and more, this Government has spent quite a lot of money on transportation for students and especially in the maxi-taxi system. So what is being said there is really not correct and I think the Senator needs to do much, much more research, rather than say what she is saying.

Sen. L. Oudit: Mr. Vice-President, with all due respect, I do not know if the Minister was here or if you were not here before. I probably would have to give way that you were not here, but I am actually quoting from Minister Imbert's contribution. So these are words from—[*Interruption*] So I do not know if *Hansard* has changed your records. It is there. I have highlighted it and I am simply reading. These are actual words taken from—and I think if the Minister has his own *Hansard* record—I am simply, for the record, reading from *Hansard* notes, so I am not quoting my own statistics, hon. Minister—Mrs. Manning.

Hon. Imbert: You are misquoting.

Sen. L. Oudit: Are you saying I am misquoting, Sir?

Hon. Imbert: Yes.

Sen. L. Oudit: Mr. Vice-President, I would like for you to give me a ruling on that, because here you have—I am saying that I am quoting from the *Hansard* of the Minister and he is telling me that I am not and that I am misquoting. So could you please—I would ask, please, that you give a ruling on this.

Mr. Vice-President: Senator, I do not have a copy of the *Hansard* so I do not know what you are reading, if it is from the *Hansard*. So, please, I think you should just continue with your contribution.

Sen. L. Oudit: Mr. Vice-President, I will continue, but for the record, I think it is unfortunate that rulings—well, it is unfortunate that statements of who is talking untruths or misquoting, I think those are allowed to go away free and I take umbrage to it; I really do, because as I said, and I have said repeatedly, I am quoting from the *Hansard* record and if it is that somebody is claiming I am misquoting, then it means you are saying that I am lying or I am not speaking the truth, and that means your records or *Hansard* is probably quoting you wrongly.

The solution offered by this current Government to this informal bus transport for school children is to change the licence plate to S. Yet you have here—again I am going to quote what the Minister says. You are changing the licence plate to S. But how does that address the issues that have been identified with some of the irregularities and inconsistencies with the same transport system? The Minister identified many of them are:

“...panel vans or converted maxi-taxis, the majority of them did not satisfy the strict requirements of the law in terms of safety, seating accommodation and various features for passengers that are necessary for a vehicle to be classified as an omnibus.”

And you are stating here that you are simply changing the number plate. So by changing the number plate, how have you addressed the standardization of these vehicles? You have not identified in any way—

Hon. Imbert: Read the Bill.

Sen. L. Oudit: You have identified that there is a problem with insurance. Is this changing of a number plate going to give insurance companies—

Sen. Manning: Yes. Yes.

Sen. L. Oudit: Yes? That you are going to simply say “Come, I have an S number plate now so you can increase the insurance?” No, no. It cannot work like that; it cannot simply work. In fact, the Minister went on to talk about the dangerous lack—it is dangerous because they have no insurance.

Mr. Minister, through you, Mr. Vice-President—you see, it is dangerous because they have no insurance. These are the Minister's words. It says here—

Hon. Imbert: You are misquoting again.

Sen. L. Oudit: I am not misquoting again. In fact, do you know what I am going to read:

"It would be an S for school..."

It would not be a P, H or T. It would be very clear, because that is another issue that would come to you in a little while where you have persons using P registered panel vans and T registered panel vans that are licensed only to carry three passengers and they carry 12 or 15...It is very dangerous because they have no insurance. Because if you are using a T registered vehicle that is only authorized for the carriage of three persons and you are carrying 12...especially school children, you are...playing with fire...because you cannot get insurance cover and children are at risk"

These are the words of the hon. Minister. So his answer at the end of it all is:

“This is why our intention is to make a new plate and call it an S”.

So we are like Sesame Street. You are just changing the number plate and all the problems go away. The Minister says, “Well, we are going to introduce fines and overnight the congestion in Port of Spain will disappear.” I think somebody has to wake up; somebody has to wake up and smell the roses, that these things here, this sort of language that overnight this will happen and this will happen because we are going to suddenly do this; change the number plate from P to S and suddenly all the problems disappear; I am really very concerned.

While I recognize that there is a need to have this, I also recognize, and I think the country has really come to the conclusion that this administration, really, really, cannot solve simple problems far less for large scale problems and that is why, possibly, the approach has always been piecemeal rather than a comprehensive plan. My suggestion to the Minister, in light of this piece of legislation, is that you really sit down and work out a comprehensive traffic management plan. That is my suggestion.

Thank you very much.

Sen. Corinne Baptiste-Mc Knight: I thank you, Mr. Vice-President. I had promised some of my colleagues an hour, but given the contribution, particularly of Sen. Seetahal SC, I just might be able to reduce that.

I have a few additional concerns. I want to emphasize a fact that was made by Sen. Mark, that whereas these penalties may produce some results, that could only happen if these measures are given the widest possible dissemination. Now, Trinidadians are not the best and most law-abiding people in the world, but we have got to understand that although it is often said that ignorance of the law is no excuse, the fact is that most people outside there are ignorant of the law, and one of the best ways of promoting law-abiding behaviour is promoting knowledge and understanding of the law.

Now, I am not saying that merely knowing that driving on the bus route without a pass would incur a fine of \$2,000 may be enough of a deterrent. Maybe I would agree more with Sen. Seetahal SC, to the extent that if this were coupled with an effective penalty system which told people that you not only pay the fine but you stand a chance of losing your ability to drive any vehicle anywhere in this country after you have broken this law X times, given our attachment to our vehicles, that just might be a greater disincentive than a mere fine.

But let me move on to two areas that really concern me. One is this problem of this private school bus.

8.00 p.m.

Now, Mr. President, I have a slightly different take on this problem than what has been discussed here so far. It is this: by giving the Licensing Authority the mandate to license buses that do not meet all the specifications, are we in fact protecting our children?

Hon. Imbert: Thanks for giving way. It is not that the vehicles that the Transport Commissioner will approve, under clause 4(1)(a) of the Bill, for the purpose of transporting school children, will be of an inferior type, it is just that they will not meet the requirements of an omnibus. The best example I can give of an omnibus is a typical PTSC bus; a large vehicle that will transport 40 or 50 persons.

Because they are so big, there are certain safety features associated with them. What was attempted under the previous administration is that they tried to classify these vehicles, which are essentially deregistered maxi-taxis, panel vans, et cetera, that have been converted for use, as omnibuses. When you look at the requirements for classification, since an omnibus is a very large vehicle, there are certain safety requirements that are applicable to these small vehicles. There is no question that these smaller vehicles would have to meet certain minimum safety standards. They will, at least, be as safe as maxi-taxis, which transport the vast majority of school children through the Ministry of Education. I do not foresee any safety issues. It is just to avoid classifying the smaller vehicles as omnibuses because there are airbrakes and various other things that are associated with these omnibuses.

Sen. C. Baptiste-Mc Knight: I thank the hon. Minister for the clarification, but I think he has walked into the problem I was going to raise.

I gather that the majority of these vehicles would rather meet the registration qualifications for maxi-taxis. I happen to be aware that there is a very good school bus system, run by the PTSC, approved by the Ministry of Education and paid for by Government. Therefore, I want to know why this system cannot be expanded to the rural areas. I know of children who come from Fishing Pond to school in Port of Spain and get transported, at least as far as Sangre Grande, by these school buses.

Now, having the PTSC system expanded to these schools gives the protection that parents need. It saves the parents money and, under the PTSC system, the drivers have to meet certain characteristics and the vehicles have to meet certain

characteristics. They have to be properly licensed, inspected at regular times and can be inspected at irregular times as well.

Why do we need a special category of S bus for rural children instead of mandating the PTSC to provide the service to them under their existing system? Why do I say that?

This amendment says that these private school buses will be public service vehicles. That is the wording at 4(1)(a)(i) on page 6 of the amendment. I seem to have found, in the Public Transport Service Act, Chap. 48:02, section 8(4), that the PTSC has the authority to authorize any person to operate public service vehicles. Is there a conflict here? Are we giving two sets of people the authority to provide public transport services to one sector of the population?

Bear with me. I do not want to incur your wrath. *[Laughter]* I just want to understand why in one piece of legislation the PTSC is given certain powers and now we are coming to give the Licensing Authority these same powers with respect to a small sector of public service vehicles.

Hon. Imbert: I thank the Senator for giving way. This is not a top-down solution. This is a bottom-up solution. This evolved primarily in South Trinidad and it is an initiative of parents who know the drivers. Many of the drivers are parents of the children and it is their preference to have this system where the children are picked up at their individual homes.

When I met with the operators of this informal bus service—it sprung up under the last administration—and I understood it, I only saw positive things. All these people do is pick up the children from their homes on mornings, take them to school and then pick them up from school and drop them back home. It is a personalized service that has been set up, managed and operated by the parents primarily of these children. They are not route taxis; they do not perform any other function of a public service vehicle.

A public service vehicle is essentially one that operates for hire. They charge, so it is not non-profit. These are particular parents in a community who, with the agreement of an association of parents and a parent/teachers association would be considered safe and trusted and would transport the children in the village to the school. It is not that they want to use these vehicles for any other purpose. The only purpose they would use them for is to collect the children from home and drop them to school. It is a very special class of public service vehicle. They have to be classified as public service vehicle because they are not doing it for free. There is a charge, a reasonable charge agreed to by all parents of all children going to a particular school.

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I would not call it a niche situation, but it is a unique situation which appears to be concentrated in South Trinidad. It is a bottom-up solution where parents have come together and prefer it rather than a conventional PTSC bus that will not come off route into a local road to pick up children. In talking to them, I saw only good things. I saw nothing wrong with it and understood the need to create this special category of public service vehicle to serve that particular niche. I do not know if that clears up the issues for you.

Sen. C. Baptiste-Mc Knight: I still have reservations, but I hear you and I would like, perhaps in your winding up, to have the certainty that these vehicles would not be licensed unless they have proper insurance; that the parents know there is an alternative for PTSC-provided concessions and that they can opt for this at this time. *[Interruption]*

Mr. Vice-President, the hon. Minister will force me to talk for an hour at this rate.

Hon. Imbert: Sen. Baptiste-Mc Knight, it is only in recent times coming in to this Senate, when I seek to clarify issues, that I am told no. It is a unique experience. In previous Parliaments, when I got up, people were glad that I got up to clarify. I will try to be as short as possible.

The Ministry of Education's maxi-taxis are free. Despite that, these parents in this particular part of Trinidad prefer to pay to have this personal service. If this is a community-based thing, a bottom-up thing coming from the ground, that is what they want. They prefer to pool their resources to pay these people to provide these services. Who am I to tell them they should not do it, especially when they know the alternative is the maxi-taxis provided by the Ministry of Education for free?

Sen. C. Baptiste-Mc Knight: Mr. Vice-President, I am heartened at the explanation, largely because I have a suspicion that someone will tell those parents that they can get this service for free and you may have a problem.

There is one other area. This very personalized service cannot operate for the benefit of these same school children outside of school time. During the school holidays, these vehicles cannot pick the children up to take them to a school camp because it is not school time and at 41A it says "during a school term". This is something you may want to have another look at.

I would like to move on to the area of seat belts. I cannot understand why children between the ages of six and 16 do not need to be harnessed into the car. Why is it that a 17-year-old—you have changed the age for it being illegal not to wear a seat belt in the front from 16 to 17.

Hon. Imbert: No.

Sen. C. Baptiste-Mc Knight: Then what is section 43C(i)? [*Interruption*] Yes, please. I love the dialogue.

Hon. Imbert: It is not that. It is the age of liability; of culpability. If the person is 17, they have to stand the consequences of not wearing the seat belt. If they are below 17, the driver is charged. Age 17 and above, both they and the driver are charged.

You are assuming that 17 is the age of maturity, so that you make a decision that you wilfully sit in the front seat. You get charged at age 17 and above and the driver gets charged. If you are below 17, it is assumed the driver has put you to sit in that passenger front seat. It is the age of liability or culpability. Either way it is illegal.

Sen. C. Baptiste-Mc Knight: So the culpability is included in 43C already; not 43C(ii)(1A).

8.15 p.m.

Section 43C(ii)(1A) is the amendment, which does not mention the culpability of the passenger at all. Page 8, (j), section 43C(ii)(1A). It is page 8 of your amendments.

Hon. Imbert: It will be subsection (1), where we have changed the age?

Sen. C. Baptiste-Mc Knight: Subclause (ii)(1A). The next clause.

Hon. Imbert: The driver of a motor vehicle—

Sen. C. Baptiste-Mc Knight: You are saying that you are now making the 17-year-old culpable, that is not what is happening here. Here it is just the driver who is culpable.

Hon. Imbert: This is in addition.

Sen. C. Baptiste-Mc Knight: It means subsection 43A(1) would have made only the passenger culpable and that is not how I read it.

Hon. Imbert: It makes the driver guilty of an offence.

Sen. C. Baptiste-Mc Knight: So does this.

Hon. Imbert: The passenger.

Sen. C. Baptiste-Mc Knight: No, this does not include the passenger. You moved it to 17.

Hon. Imbert: I would clarify that.

Sen. C. Baptiste-Mc Knight: Okay, I hope you can.

Hon. Imbert: I most certainly would clarify it.

Sen. C. Baptiste-Mc Knight: I hope you can. Very well, I thank you, Mr. Vice-President. I would give the hon. Minister a chance to clarify.

Hon. Imbert: I would most certainly clarify.

Sen. Linus Rogers: Mr. Vice-President, I thank you for the opportunity to join this debate on what I consider to be a very progressive piece of legislation.

Mr. Vice-President, the first area I would like to make some comments on has to do with the issue of the private bus. I would speak of this because I am from South. Being a father of five children, I had to utilize some of these vehicles, in terms of getting to school. The area in which I live, we did not have public transportation coming in there to take the children. I also had children who were going to different schools and were taking lessons. It was inconvenient to get them to move in public transport. What we had then was, if I may call them, panel vans that were retrofitted to carry children to school. At the time, as a parent having children to go to school, your priority was to get those children to and from school and to the lessons.

When I looked through this Bill, I looked at the provisions. What I saw was a style from back in 1998, when the informal bus system came into place. What we had was a system driven by the parents in the South, those who needed to get their children to school, asking for a system to be set up, which would allow them to have a pick-up and drop-off from home to school. This was with the consultation of the PTSC and the ministry and it was adopted. However, it was recognized even back then, that there was a gap from the point of view of the safety specification for these vehicles, as well as the insurance.

When I go through the Bill, what I am seeing is that these are to be regularized under the provisions that these safety measures are put in place, so that parents can feel assured that their children are in vehicles that meet certain minimum standards and give them specific insurance coverage, as these vehicles take them to and from school.

In the South, starting from Pointe-a-Pierre and going all the way down into some of the areas, while it is nice to have public transportation, we have it in a number of areas and these fill a very nice niche for us parents. In doing that, we must not lose sight of the fact that we are not aiming at anyway to compromise

the safety of our children. It is required that these vehicles meet certain minimum specifications for transportation of school children.

I think Sen. Dr. Rambachan made the point that in a lot of these cases, certainly in my case, the vehicles that took our children, made two trips in the morning and did nothing else during the day and two trips back in the afternoon and did nothing else in the day. They brought the children from home to school and back. What is being done here is basically to ensure that those vehicles—an attempt was made in the past to have those vehicles conform to satisfy certain criteria. We want to put this in place now, such that anyone carrying children would satisfy that criteria. I would like to applaud the Ministry and the Government for doing this, because it fits a niche for us parents, in terms of getting children to and from school.

Another area I would like to touch on has to do with the Priority Bus Route. Much has been said about the Priority Bus Route. If I may share some examples of situations I observed first-hand. When leaving Port of Spain, some of my friends who live in the East would make a conscious decision to go on the bus route or not to go on the bus route, based upon whether or not they are aware that policemen are on the bus route or not. I am aware of one case where a person went in advance and made a call to the other one to let the other one know whether the coast is clear. Once that word came back that the coast was clear, “every man jack jumped” on the bus route and headed East. What is happening here is that the guise they were operating under is if you got caught, it is not a big fine. Secondly, once you had somebody in front with a cellphone so you could know where the policemen are so you could duck in and duck back out on the bus route.

What is happening in this Bill is the increase of the fine. Apart from looking at the fine, what are we really trying to do in doing that? What we are trying to do is keep the channels of transportation that we have established, for that which it is intended. When persons who are not authorized to go onto these traffic ways do so, what they in fact do is basically clog these ways unintentionally. Yes, I am aware that they might be saying that the highways might be crowded at the time, as the case might be. In some cases, people do not look on the highway to see whether it is.

Certainly by making these, if I am not mistaken, offences, if I call them that, not being a legal person, it means that it is a summary offence and you have to go to court and a decision made. If you are caught and the officer issues a ticket, you are then fined and you have to pay at some point. We must keep in mind that Sen.

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Dr. Rambachan indicated that 40 per cent or more of our policemen are tied up because they are going back and forth in the courts. What this does is allow for a much swifter implementation of, for lack of a better word, justice, such that if you are caught, you get a ticket, you have to pay that ticket and that ticket is at a level that will cause the offenders to really feel an impact of it.

Mr. Vice-President, I would also like to commend the Minister and the Government on the issue of the seat belts. I can say that from the point of view of having lived aboard and coming back to Trinidad where—

Sen. Seetahal SC: Things got hard.

Sen. L. Rogers:—it was out of the question to drive in a motor vehicle with a child under the age of five or six in the front seat. Secondly, even if you are driving with a child in the front seat, that child had to be in a car seat facing backwards. The fines were very stiff. The concern there was not the fine; the concern there was the health and safety of those children. That was the predominant factor; the health and safety of those children.

I have observed that we have had accidents with parents with babies in their arms and babies and parents dying or things like that, because they have chosen to transport these children, while sitting in the front with their children. By putting the legislation and making it mandatory that children under certain ages must be transported in an appropriate car seat or booster seat, based upon the ages of these children, really speaks about the caring that we have for our little ones; those who depend on the adults to take care of them. We are not leaving it for the adults, but making it mandatory on them that they secure their children in an appropriate car seat or booster seat as we move across the land and on our roadways.

It is very easy for us to focus upon the fines. For this one in particular, I would like all Members of the Senate and the population at large to focus upon those little children whom we are speaking of. We have all heard the stories of them.
[*Interruption*]

Sen. Seetahal SC: We are not opposing it.

Sen. L. Rogers: I am not saying anyone is opposing it, what I am doing is focusing us on what I consider as a parent and what is really the important thing, which is this one with the seat belt, because many people get into vehicles and consider it an inconvenience to put their little children into these car seats or the

booster seats. Sometimes this is so because they find it takes up too much space in the vehicle. I think it is important for us to remind parents that they have a major responsibility for their little ones to ensure that they transport them safe and sound.

The last point I would like to make some comment on, has to do with something that Sen. Seetahal SC treated very well. I believe it was Sen. Mark, if I am not mistaken, who asked the question of regularizing, I believe it was the PH cars, as the case might be. Sen. Seetahal SC made the point that it is illegal and there is no way that one should look to regularize an illegal— *[Interruption]* correction, Sen. Dr. Rambachan.

[MR. PRESIDENT *in the Chair*]

My apologies, Sen. Mark. My apologies, Sen. Dr. Rambachan. It is just a change in position, sorry. We have to look at—really and truly we speak of it lightly.

8.30 p.m.

Let us think a little about these PH drivers. Who are these drivers? What are their backgrounds? Are they properly licensed? Do they carry the right insurance? Do they have offences and records and things like that? Should they be transporting our sons, daughters, wives and husbands? Some of the safeguards by utilizing H cars and so on allow us to have some sense of security that, at least, those persons driving those vehicles have met the minimum criteria and they could transport our loved ones.

Is it that we are not willing to carry our folks and let them travel in vehicles with these persons driving them? I am not saying all PH drivers, but there is no way to know if they are not properly registered with the certification. There is no way for us to know.

While we tend to look at the fact that they might be filling a niche, I want to suggest that we really look at it from the point of view of what are the risks involved for persons who might be in such vehicles and are being transported by such persons. What we should be doing is taking steps to ensure that they come into compliance with the law rather than moving the law to accommodate them.

Mr. President, with these few words, I would like to thank you and ask all Senators to support this worthy Bill that will help us in terms of treating with our citizenry. Thank you. *[Desk thumping]*

Sen. Subhas Ramkhelawan: Mr. President, thank you. I would like to start my contribution at the end and work backwards. I support this Bill and there are a number of areas that I would like the goodly hon. Minister to consider as he moves forward into the next phase of legislation.

Our society, unfortunately and regrettably, is one of the more indisciplined societies on the roads. Very frequently, I have seen drivers driving up the shoulder on a morning, and just as frequently I have not seen police there to stop those incidents. So, it is very important, even though the hon. Minister has couched this particular Bill in the context of deterrence. It is important that the deterrence is sufficiently high to make it a penalty and a sanction that one feels it in one's pocket. While there might be arguments about the quantum of the penalties that have been raised, the fact is that the Minister is moving in the right direction in terms of the creation of deterrence.

I must also say that I found the hon. Minister rather senatorial in his presentation today; it is not, unlike him, in his usual adversarial style.

Hon. Imbert: Are you sure you are talking about me?

Sen. S. Ramkhelawan: I was not sure for a moment, but then he brought my faith back when he addressed Opposition Senators.

The question of the enforcement of this particular Bill when it becomes law is one of deep concern to me. If under the current circumstances, we have not been able to fully grapple with what is happening on our roads, we will need to step up a few notches higher in order to get enforcement for some of the measures in this Bill that will be passed here. This is a matter of concern that has been shared by many Senators who have spoken before. How are we going to get enforcement?

It has been the case many times before when we argued and came up with what we collectively in the Senate know to be very good legislation, and a year or two years later, we see that the problem is not in passing good legislation, but the problem is enforcing good legislation. We have to put our collective minds to that, not necessarily here in the Legislature but, more importantly, at the level of the Executive, because once we do not get that enforcement, we would not get the proper implementation of the legislation that has been passed.

I wanted to speak to my hon. colleague, Sen. Mark about the matter of affirmative resolution versus negative resolution. This issue will continue to challenge us here in this honourable Senate and in the other place. What are the areas that we should apply negative resolution to and what are the areas we should

apply affirmative resolution? I hold the view that in this particular piece of legislation negative resolution is a more appropriate way to go because of the minutiae in terms of the adjustments that would have to be made quickly, but also the volume is such that we want to put in what we consider to be competent hands—whether it be a Minister from a PNM administration or a Minister from a UNC administration. We do have the right of recall of veto or whatever you call it in the negative resolution. Therefore, to crowd the agenda of this honourable Senate with matters of this nature with affirmative resolution could lead to ineffectiveness and inefficiency of the honourable Senate and the Legislature on a wider scale.

So, it is not in every case that I will support negative resolution. Let me make that very clear. I think you have to weigh the matters very carefully and decide in which cases negative resolution ought to be applied as opposed to the question of affirmative resolution. I think an efficient Opposition and an efficient Independent Bench ought to be able to say those areas for which a negative resolution should be applied, and deal with that matter very effectively. So, it speaks to the efficiency of those on the Independent and Opposition Benches to deal with that matter in this particular case, not in every case. Let me say that very clearly.

The other matter raised by Senators was the clutter that would be created in the Magistracy and in the courts with respect to traffic offences. I think the time has come now for us to consider very carefully the matter of a night traffic court. Why would you take a man's day if he is so inclined to contest a ticket or to contest any matter for which he feels that he is not guilty and tie up the court's time and the individual's time in a way that is less than efficient?

Sen. Prof. Deosaran spoke about \$1 billion of unproductive or lost time on the road, but then there is the question of unproductive or lost time in the courts, not on behalf only of the policemen; not on behalf only of the magistrates but, more particularly, on behalf of those individuals who for whatever reason have to get to the court in the daytime and face the traffic—pull out the policeman and face the courts as well as lose time by taking a day off or two days off as the case may be to face the courts. I think it is time—given the fact what was mentioned here that we have half a million cars on the road—that we should consider changing the time for these matters to be heard and have a separate night traffic court.

I would like to hear on another note how the Minister plans to apply the penalty point system. I have not seen it before and I have not heard of it being applied. It is something that has international acceptance—a point system or a penalty point system that is graduated in its effectiveness as a deterrent. I think

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more than anything else this graduated system of penalty points would probably be the most effective deterrent when a man starts to feel he could lose his licence, the thing that makes him feel so good driving on the congested roads of Trinidad and Tobago—driving around in a car that can do 100 or 200 miles per hour and having to creak along at five or six miles per hour and, more frequently, three miles per hour.

It is a symbol and it is a symbol for all classes of citizens and all demographics and ages. The young person, in particular, wanting to drive this truck with all the fancy gadgetry which, it is my understanding, does not change the purpose of the vehicle, but only changes the look of the vehicle. I would hope that is what the hon. Minister meant.

I support the idea of the S bus, because I can say that it worked very well as it did with Sen. Rogers. It worked very well with my children when I did not have the time to take them to school or to pick them up from school. There was the comfort of somebody whom you knew very well coming to your house and picking up that child and ensuring that at the end of the school day he would wait to ensure that child is brought back home, because he knows that if he did not, you would be at his doorsteps late on that evening to ask some very strong questions as to why that child was not picked up and under what circumstances it happened.

I want to address one point that Sen. Mark made which is about baby restraint. I think in this case the benefits outweigh the cost of baby restraint. We cannot afford to have young children being damaged on the road because it costs so much to avoid the damage. The cost to the health institutions and the parents of those children would be much more, I assure you, than the cost of what Sen. Mark calls a baby restraint. So, if it is going to cost that much, let it be so. Let us not have a situation where even one child is damaged and damaged severely and irretrievably because of a lack of baby restraint.

Finally, I strongly endorse the view just articulated by Sen. Rogers that we really do not want to have persons who cannot get a police certificate of good character driving on the roads. We have enough scary stories; we have enough stories of criminal incidents which have taken place more so with those persons than with others who are licensed. I would not support the Minister in any such initiative that would allow for these persons to be regularized and legalized in such a manner.

So, with those few thoughts and comments, I want to say that I think the benefits of this particular Bill far outweigh some of the minor costs and some of the minor irritations that are embedded as you would expect in any piece of legislation of this nature. Therefore, I extend my support to this particular Bill and congratulate the Minister for pulling in his fangs as he has not been able to do on many previous occasions.

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

8.45 p.m.

The Minister of Works and Transport (Hon. Colm Imbert): Thank you, Mr. President, and I thank all hon. Senators who have decided that it is a good time to wrap up.

Let me see if I can deal with all of the issues that have been raised. I am not sure if I can comply with Sen. Ramkhelawan's request to be soft [*Laughter*] or whatever that request was, I was not sure; defang myself or whatever it is he wants me to do. [*Laughter*]

The first point, and funny enough, as I said, the only good point made by Sen. Mark, was the need for public education, and that was expanded upon by Sen. Baptiste-Mc Knight, and it is true. There are 80-plus penalties—I think 87—and there are many penalties here that people are not aware of. I am certain of that. The Ministry of Works and Transport would most certainly be commencing a marketing campaign explaining to people what the new fines are and explaining to them what the offences are. For example, I would give you one, which I did not know was an offence, instinctively, but No. 39—length of tow rope exceeding five metres, and the penalty for that is \$450.

Now, instinctively, if you make—a tow rope is a rope you use to tow an abandoned vehicle. This was always in the legislation—the tow rope too long then the tension between the lead car and the car that is being towed can get to the point where one car may overtake another one or there might be a jerk and the rope might break and so on. So, I am assuming there is some scientific basis for the selection of five metres for the tow rope, but it is one of those fines that I do not think people would be very much aware of. I just pulled that out as an example to illustrate that I completely support and endorse that point made about the need for public education and the need for explanation and marketing of the new fines and so on.

With respect to statements made by Sen. Seetahal SC—sorry she is not here—the fact of the matter is, although many ticket cases do go to the courts, the reason

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is because of the minuscule level of the fine. If someone knows that if they do not pay the ticket they can fight it out in court and two or three years later pay \$200, and sometimes the police would just not bother, because in my discussions with the police, they are really frustrated in having to pursue a prosecution of someone and then at the end of the day the magistrate charges \$150 or \$200. There are no two ways about it, and a lot of policemen just decide it is not worth it. Why bother?

So when you increase the ticket to \$1,000—if you look at what has been done, the ticket would be \$1,000 and the fine would be \$4,000, so if the person decides they are not going to pay the ticket of \$1,000, then they would go and face the magistrate, and although I agree with Sen. Seetahal SC, a first time offender, the magistrate will quite likely impose about half of what the maximum penalty is, that is still \$2,000 under this new regime, and \$2,000 is a serious fine for a lot of people.

The fines that have been imposed for the breathalyser, I have been looking at them, the actual fine is \$8,000 and when you look at what the magistrates are imposing, it is \$4,000, \$5,000, so it is just above half. I am certain that is going to be a deterrent, not just in terms of the figures. There has been a dramatic reduction, as Sen. Prof. Deosaran has pointed out, in the number of road fatalities since the introduction of the breathalyser, but when you talk to people, you go on the block and talk to someone, they tell you that they are now much more cautious about drinking and driving because they do not want to face that Magistrates' Court and pay that \$5,000.

So I can say without any fear of contradiction that the fine for driving under the influence is proving to be a major deterrent. It is proving to be so because of the way the magistrates are dealing with it. Apparently it is a particular group of magistrates in South Trinidad—[*Interruption*] No, I saw it; I read. I do not know if they are assigned to traffic cases. I get the impression that they are. [*Interruption*] Rambacan is one of them; there is another one and there is a particular group of magistrates in San Fernando who are really pushing through these cases very quickly—three, four convictions in one day and making comments. I am looking at what they are saying, and essentially what they are saying, they are not eating nice at all and it is proving to be a major deterrent.

I can tell you I was in my constituency recently in the Bagatelle area, which is a depressed area and talking to some young men and they asked me about the fine for using a vehicle for a purpose for which it is not registered, and these young men who are not highly educated, knew that the fine was \$8,000, and the young man asked me,

“How can I convert my PH car into an H car?” I went through the whole step with him; he has to get a certificate of good character and so on. We are giving a six month cooling off period for you to regularize your status. I told him that we are also considering putting in a regime as occurs in England with the mini-cabs and the informal taxi system, and his comment to me was “That is all right”. He is now 35 years old and he told me, “It is all right, I would go and get my taxi badge and I will convert my vehicle from a P to an H, because I want to be strictly legal and I want to drive on the road and I do not want to pay that \$8,000 fine”. So they know it is coming.

I am convinced that these fines will prove to be a serious deterrent once we get the cooperation of everybody concerned, the police and the magistrates, and the magistrates have already demonstrated that they are prepared to make a difference. I want to congratulate that particular group of magistrates for the manner in which they have been approaching the breathalyser law. It is really, really commendable.

With respect to the points system: The points system did not work in the past and really could not work, because the computer system was antiquated and virtually obsolete, and there was no connection in terms of telecommunications between the enforcement arm, the computerized records and the offender. It is very difficult even if you impose a points system on someone. It is very difficult to determine whether this person is accumulating points, so the system fell into disrepute and the system that we are putting in, it is well on the way. As I said, we plan to roll out the first phase in July or August of this year and the plan is to have full implementation in November of this year of the new computerized system.

It is the Nova Scotia model. We went to various countries to select an appropriate model and we looked at demographics, size of population, size of land mass, vehicle population, et cetera, and the Province of Nova Scotia has a very similar vehicle population, size and so on, as Trinidad and Tobago. We also discovered that the Province of Nova Scotia—it was hon. Kennedy Swaratsingh, Minister of Public Administration who went—is at the cutting edge of motor vehicle registration and driver’s permit system and so on. So we decided to adopt the Nova Scotia method of vehicle registration and driver’s permit, and we have in fact entered into a heads of agreement with the Province of Nova Scotia and a commercial agreement for the purchase of their software. They have designed and constructed software particular to their situation in Nova Scotia for driver’s permit and vehicle registration. We have purchased that. It has already been modified to suit the Trinidad and Tobago environment; we have already digitized all of the records at the Licensing Office. We have done that over the last three months, taking the 500,000 records that exist for vehicle registration—these are

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now being digitized and put into computer form so they can now be put into the new computer system that is coming in.

But when the new system comes, and with the programme that we are doing on the highway in terms of the security cameras and the devices and so on, and the linkages with the Ministry of National Security, because we have now brought in the Ministry of National Security into our project team for the computerization of the Licensing Office, and the Ministry of National Security will be acquiring these hand-held computer devices that you see when you look at a television show or a movie, you see a police officer stop someone and they can go into their police car and they would have an on-board computer and they can pull up all of the information with respect to a suspected offender; that is well entrained in Trinidad and Tobago.

So all of those systems are going to dovetail in this year 2010, and in that way the point system can be meaningfully implemented. Because if you do not have that communication between the police authorities, the computer system at the Licensing Office and the policeman who is actually out there on the street, so the points will automatically go onto the person's licence as they are caught on the street with an offence and they agree to pay the fixed penalty rather than face the court, the points automatically go on their licence. All the computers are networked and eventually as occurs in the United States, persons will accumulate points and their licence will be suspended.

So if they are stopped again, as you see in North America, a police officer would stop someone for driving suspiciously or whatever, check their licence, check the computer and he/she would be able to pull up immediately that this person has accumulated so many points, his licence has been suspended and he would be subjected to a further offence. It is truly First World solution. And we are hoping that by the end of this year all of these new systems will come together and we can put in the point system, because I completely agree with the position advanced by hon. Senators opposite on the Upper Bench, that the point system would be a better approach or a better method in terms of deterring people. Because if they know that for various infractions they are just accumulating points, then eventually you would lose your licence automatically—A computer would be more or less monitoring your behaviour and your licence would be suspended and then if you got stopped in a road block you stand the chance of being caught and charged for the offence of driving with a suspended permit, I am certain that is going to have a deterrent effect on people, so that is why the point system did not work before. All of the building blocks were not there. An efficient

computer system was not there and a communication system did not exist, so the system could not be efficiently implemented, but we are well on the way to dealing with that this year.

In terms of the other points that—oh yes, there was a question here about traffic wardens. The ministry did take a note to Cabinet several months ago and we got Cabinet's approval for implementation of a system of traffic wardens. What has taken the time is that we have been working with the Ministry of Public Administration, because we have agreed, and Cabinet has agreed that the traffic wardens would not simply be reporting directly to the Commissioner of Police; they will in effect be a separate unit.

So it is not just a group of men and women working outside there who just report directly to the Commissioner of Police. This unit will have a whole hierarchal structure with a superintendent and various numbers of people within it who would manage and run the traffic warden system. It is taking us a few months working with the Ministry of Public Administration—in fact, the exercise is completed—working out what the organizational structure should be, working out what the post and positions would be, the reporting relationships within this new traffic warden system and within a couple of weeks we can start the process of recruitment. What these traffic wardens would be empowered to do is a lot of the police work that currently takes place in terms of dealing with traffic offenders. It will relieve the police of a significant burden and free up police resources to deal with more serious crimes like homicides, robberies, assaults and things like that.

So it is not a simple case of having a Cabinet decision to establish a programme and then the next day you wave a magic wand and all of a sudden traffic wardens just appear like magic. That is not real life. The decision was taken a couple of months ago and we have spent the last three or four months working out the structure and working out all of the details so that we would hit the ground running. And I dare say that I do not consider three or four months after taking such a significant decision to be any sort of inordinate delay in terms of readiness to implement the system. I think that is just a bit of hyperbole on the part of the Senators on the Lower Bench opposite.

9.00 p.m.

But it is going to happen and I should warn Sen. Oudit. Sen. Mark, all that noise you made about traffic wardens, you better watch it because these traffic wardens will be precepted. They will be just as powerful as police officers. So

you better watch out that one of these traffic wardens you made so much noise about does not hold onto you and charge you for some traffic offence. But it is coming. These things are not done overnight, and we have been working on them very assiduously over the last months.

In terms of the points made by Sen. Prof. Deosaran, we are certainly going to try and build the train, but the point you have made is well made. What we have been looking at over the last year as we do the feasibilities and we look at the cost and so on, is whether we should phase it. We have already decided that. Whether we should put in the East-West Corridor line first, see how it works and then do the North-South line, we are certainly considering those options. It would reduce the cost, of course, and it will give us some time to work out the kinks in the system, but it will certainly put the train in, and therefore, people will be able to see the benefits.

When someone can jump on a train in Arima and travel in air-conditioned comfort to Port of Spain in 20 or 25 minutes, sitting at a table where they could relax and have a meal and all that sort of thing, just like in any First World country, you are quite right, Sen. Prof. Deosaran, when that happens, all of the "ol' talk" about the train and the rapid rail will just disappear into the ether. It will just evaporate, and you will see all of them on the Lower Bench travelling on the train. [*Laughter*] All of them. Sen. Mark will be the first person, I am certain to travel on the train.

Sen. Narace: His train will be to leave town. [*Laughter*]

Hon. C. Imbert: In terms of the signs, Sen. Prof. Deosaran, I must say there were the usual wild scandalous allegations made by Members of the Lower Bench opposite. But disregarding all of that, there were some very valuable suggestions made by persons opposite. I would not want to comment on all of them because I am going to get a copy of the *Hansard* of everyone and get my staff to go through it and pull out the recommendations and suggestions from hon. Senators, so that we can continue to revamp, modernize and upgrade the motor vehicle legislation. [*Interruption*] You wanted to say something, Sen. Prof. Deosaran?

Sen. Prof. Deosaran: Thank you, Minister, for giving way. This serious problem, congestion, frustration at the Valencia Junction, could you say something positive, helpful, ameliorative, encouraging about that situation?

Hon. C. Imbert: I gave the wrong impression, Sen. Prof. Deosaran. When I said I was not going to respond to all comments, I was not talking about your comments. I was talking about comments from Sen. Oudit and Sen. Dr.

Rambachan. I am certainly not responding to them. Although I must say, Sen. Dr. Rambachan, your contribution was quite good. Very good! Very productive and very helpful, unlike the—[*Interruption*]

Sen. Dr. Rambachan: That is a rare generosity.

Hon. C. Imbert: I am telling you it was helpful. You made meaningful points. You did not get into any kind of "wajang" behaviour, you did not go off on a tangent, you did not get into a hyperbole, you did not electioneer—if that is a word—unlike "them" two there. [*Laughter*]

Sen. Dr. Rambachan: You cannot—[*Inaudible*]

Hon. C. Imbert: But it is a fact. It is a fact his days are numbered. [*Laughter*] Time to retire him. No, but in all seriousness, Sen. Dr. Rambachan really made some good points and I want to congratulate him for his contribution.

Now, in terms of Valencia, this problem with that bar and those various drinking establishments—because that is the problem. The bars and the various drinking establishments that have sprung up in the Valencia Junction which encourage liming, double parking, and people in the middle of the road, and then with the alcohol, all of the support services, the vendors and the pigtail, the doubles man and so on, there are two solutions to this. Sen. Prof. Deosaran, one of the solutions that you have recommended which is to build a bypass road, I would most certainly look at that, and the other of course, is to acquire the property in the area and make it a freeway. I would look at which one is the most cost effective and which one has the least adverse social impact, because Sen. Dr. Saith's comments to me were not that frivolous. You know, the vendors would go where the traffic is. So if you move the road away, you may very well find a migration of the bars, the vendors and so on, moving to the bypass because that is how they make their money. They make their money from the drivers and the passengers, but it is not a cut and dry thing.

Sen. Prof. Deosaran: There is a place called the Bayview Market in Miami. It is like a tourist village. So my point was to make what exists now the business place, the fast food, the souse, the pig foot and so on, as a niche that people may go there regularly and not disrupt the freeway that we are talking about.

Sen. Dr. Saith: You are talking about vending on the road.

Hon. C. Imbert: I take your points, Sen. Prof. Deosaran. As I said, we would certainly do something. I will look at both solutions, create an entertainment area—if that is what you are really saying—a relaxation area, and a bypass and see if that will work.

In terms of signs, I am pleased to tell you that we are close to construction of the first gantry sign in Trinidad and Tobago. There are two we are putting up. One by the Macoya area and another one in the Piarco area, and these will be the type of signs that you would see if you are driving on a highway in Miami. It is a large steel frame structure above the road, with a whole array of different signs saying "Hospital", "Airport", "Turn left here to get to Trincity", "Arima 10 miles ahead", a whole range of signs at the overhead level. The first one is going up very close to the Macoya Bridge—the bridge that is nearly finished in Macoya—That should be up very soon, and we are putting up another one close to the airport. That is one of the things that are missing in Trinidad and Tobago. That kind of signage. Rather than this little sign at the side of the road, you have these modern large signs above you. So as you are driving now and you can easily see where you are going and whether there is a place of learning, like the university and that sort of thing. So you are going to see those signs up within the next couple weeks, hopefully.

In terms of used cars, I would not get into an argument with Sen. Assam as to who is responsible for the used cars. Certainly, I would think it was a policy position of the UNC to allow what they called foreign used assembly, and then full assembly importation of used cars. It is one of those things. You open the door, you cannot close it back. It is difficult. But it is a problem in Trinidad and Tobago, and it is something that needs to be dealt with. But it is also a way of life in Trinidad and Tobago because in talking to people about the concept of car pooling, you get such violent resistance. You talk to someone about why would you not car pool. Three or four people can share a car going down the road. You are all going to work in Port of Spain and you are all public servants. They say, "Absolutely not." I asked why? One person said, "I do not want anybody else in my car." Somebody actually told me that. The person says, "I paid my money to buy this car, how you could tell me whether I should have people in it."

In Trinidad and Tobago, the automobile is a possession. It is more than a means of transportation. It is a material thing. It is status for some, and for others, it is their own little private space and they do not want anybody coming in it. It is our culture and the proliferation of used cars has allowed this kind of culture to propagate, and really, it would need a lot of work to change people's lifestyles and to change their whole approach to transportation, so that they see transportation as simply a means to an end, rather than a status symbol.

In many countries, in New York and in London, a lot of people do not have cars at all. They do not see cars as important. Of course, the public transportation system there is much better, but even so, they do not bother to own cars. They do not bother to drive

cars. They use the public transport system. So for them, a car is not such a status symbol or a material thing. They see a car as a means of transportation. So it is something that we all have to work on in Trinidad and Tobago, and in fact, it might be a good research project, Sen. Prof. Deosaran, to look at the culture of the automobile in Trinidad and Tobago and what could be done to change it.

Having said all of that, I do not think there are any other major issues that were raised by hon. Senators opposite. I would like to thank everybody for their contributions. I wish, truly wish to thank, Sen. Ramkhelawan. I do not know what came over him. In the same way the hon. Senator says he did not know what came over me, I do not know what came over him. But I want to thank you for your very positive reinforcement. I want to thank you for your positive reinforcement, for your positive support and your patient explanation to Sen. Mark. His theory about negative resolution does not always apply. It does not always apply in every situation. I want to thank you for your patient explanation to him, that it is not always relevant.

The question of a night traffic court, certainly, it is not an easy thing to create a new court in Trinidad and Tobago. Look at the Family Court. Look how long that has taken. It is now doing very well. It must be at least 10 years this thing had been in formation, but I am told that the Family Court is now doing very, very well, and is now being expanded throughout Trinidad and Tobago. The idea of a traffic court and a night court has been around for a long time. It is not an easy thing to do, but I do think it is something that we should address our minds to very seriously and get it started.

So what I also want to say—Oh, let me deal with this proposed amendment by Sen. Prof. Deosaran. I promised to do so.

Sen. Prof. Deosaran: I withdraw.

Hon. C. Imbert: Sorry?

Sen. Prof. Deosaran: I withdraw it.

Hon. C. Imbert: Oh, well then I do not need to deal with it. I would crave the indulgence of hon. Senators. I know there are some things in this legislation that need to be tweaked. There are typographical errors such as what Sen. Merhair showed me, that can be corrected by the Parliament and by the Law Revision Commission. We do not need to worry about that. You just need to point out the typos and they will fix it. We do not need any legislative attention to deal with that.

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There are some other things that we need to massage and tweak, but I would prefer that we do not interfere with the legislation that was passed in the Lower House because the parliamentary agenda is going to be quite full this week. I am not sure when we would go back to the Lower House with amendments. So I would crave the good graces of hon. Senators, that let us just stick with what we have, and I give an assurance that when I go through the *Hansard* and when we are next here, Sen. Mark—and we will be over here.

Sen. Prof. Deosaran: Sorry, but thank you. I really want to explain for the record why I withdrew the amendment. There are implications for consequential legislation and I realized afterward the age 65 is a critical benchmark, and it should not be interfered with in the way I have done. So I would like to withdraw my amendment. Thank you very much for that.

Hon. C. Imbert: So I would crave the indulgence of hon. Senators if you could just leave the legislation as is, where is, and—[*Interruption*] I have many faces and many roles, you know. I just do not show them, and therefore, Mr. President, with these words, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

9.15 p.m.

Senate in committee.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Sen. Mark: Mr. Chairman, I listened carefully to what the hon. Minister had to say, but I would like, just for the record, to indicate that in clause 4(1)(b) we should, in fact, consider, even if the Minister does not want to go with an affirmative, that he should consider coming back or amending with a negative in section (b)(2A) to read:

“Notwithstanding the requirements of subsection (1) and any other written law, the Minister may by Order subject to a negative resolution of the Parliament prescribe the identification mark to be carried on any registered motor vehicle or trailer owned or used by the State.”

Mr. Imbert: Sen. Mark, as I said, I did not want to make any amendments, that would cause amendments to go back to the other place. I take your point on this. I am giving you an undertaking that when we come back to amend this Act, we could put the negative resolution in at that time. I really would not do it now. It is just identification plates; it is not a big deal.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Sen. Oudit: On page 8 at 41A, it says:

“The Licensing Authority may issue a special permit to the owner of a private school bus...”

Mr. Chairman: That is clause 4.

Sen. Oudit: Could I ask that we look at the word "bus" and just change it to “vehicle”, because many of the vehicles that are used are not buses, per se, but vans. It is just a word.

Mr. Imbert: I would prefer not to change anything, but do not worry about the use of the word “bus”. It does not have any special significance in this clause. It is just a term and there is no problem in using it, because these things are buses, whether they are panel vans being used as buses or other types, they are really minibuses. In many other countries, what we call a maxi-taxi is called a minibus. These are, in fact, buses.

Sen. Oudit: What we call vans are called trucks in other parts of the world, so it is just a vehicle. Would the word “vehicle” cover you?

Mr. Imbert: I prefer to leave it so, because I want to connote the fact that it is a bus. It is not a truck, it is not a private car; it is a bus for transporting passengers, because that is what a bus does; it transports passengers. It is not a goods vehicle or anything like that.

Sen. Mark: On page 7, section 3, I wanted to just, again, indicate to the hon. Minister that this is a novel development. I would like the hon. Minister to consider at the appropriate moment that when we revisit this particular clause, we

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[SEN. MARK]

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should really seek to have an affirmative resolution rather than a negative, having regard to the fact that fees and other penalties are going to be imposed on the motorist, re: transfer fees, and I do not believe that should be left up to a Minister and then you just table the order in Parliament for a negative resolution. I know he indicated that it would be a bit difficult, given the time constraint, but I would like him to give us an undertaking as well that this is a matter he would want to revisit, so there could be greater accountability in this regard.

Mr. Imbert: Regrettably, I am unable to give you a similar undertaking on that. The negative resolution is already there; I do not see any need for it to go to affirmative.

Sen. Mark: I would just put it on the record.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that this Senate do now adjourn to Wednesday, April 07, at 10.30 a.m., when we will debate the Trinidad and Tobago Revenue Authority Bill.

Sen. Mark: May I, through you, Sir, to the hon. Leader, I know he is a very worthy person in terms of trying to arrive at consensus on matters, but I want to let you know that we were caught completely by surprise. I do not want to accuse my hon. colleague of ambushing us, but when we last met, as you recall, we were advised by the hon. Leader of Government Business that we would be dealing with the Bill that we have just completed and then we would go on to the Finance Bill; so we were all prepared to deal with the Finance Bill.

Adjournment

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He also gave an undertaking, as you would recall, that the Government was locked in consultations with the PSA and other relevant stakeholders, because the Government was bent on trying to arrive at some consensus before we debate this matter. We have been informed that there has been a complete breakdown in negotiations between the Government and the PSA on this particular matter. Therefore, we were of the view that the Government would have wanted to give us a little more time to look at this matter, because we were not prepared for it. We were not prepared in terms of this debate. We were told by the hon. Minister, the Leader of Government Business, that we would deal with this thing at a subsequent time and it was only today we were told.

Mr. President: You do not need to repeat it. Do you want to respond, hon. Minister?

Sen. The Hon. C. Enill: Mr. President, you would recall that on the last occasion we met, I had signaled that we would be debating the TTRA. In fact, it was only in this place that I changed that determination on the basis that we were attempting to arrive at a place, so that when we got here there would be agreement. I also said that we would debate the Bill as soon as we have reached there. Our position, at this point in time, is that on the matters which are before us, there is broad agreement. There are some issues that are not to be agreed on and, therefore, at this point in time the Government is seeking to move forward with this particular Bill, in recognition of the fact that on the last occasion we met we had indicated our intention to debate the Bill and everybody was prepared, at that point in time, so the question of ambush and the question of not being prepared is a total surprise to me.

I would agree that were it possible, I would have given Senators more time on this matter. Therefore, I do not agree with Sen. Mark's first set of comments and on the second half I would admit that had I more time, I would have certainly made that available.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 9.29 p.m.

WRITTEN ANSWERS TO QUESTIONS

The following question was asked by Sen. Wade Mark:

**Corporation Sole
(Details of)**

27. A. Could the hon. Minister of Finance outline in detail the various assets being held in her capacity as Corporation Sole on behalf of the people of Trinidad and Tobago?
- B. Could the Minister also state the estimated value of these assets?
- C. Could the Minister give a further breakdown of any changes on the portfolio of assets on a year-to-year basis over the period January 1, 2007—March 31, 2009?

The following reply was circulated to Members of the Senate:

The Minister of Finance (Hon. Karen Nunez- Tesheira):

- A. Assets held by the Corporation Sole are as follows:
- (i) Land and other property (not being shares) transferred to and vested in the State by virtue of section 3 of the Colonial Secretary (Dissolution and Transfer of Functions) Act.
 - (ii) Shareholdings in forty six (46) wholly owned companies and their twenty seven (27) subsidiaries; in five (5) majority owned companies; and in three (3) companies with minority interest. See Appendix I for a listing of the companies.
 - (iii) Additionally, within the year ended September 30, 2009 eight (8) additional State Enterprises were incorporated. These companies are listed in Appendix I.
 - (iv) Corporation Sole also has a total of seventeen (17) non-operational companies at varying stages of liquidation (where assets have been allocated to liquidate outstanding liabilities of these companies). A list of the non-operational companies is provided at *Appendix I*.
- B. (i) The estimated value of the land and other property (not being shares) has not been included. The book value of the shares held by the Minister of Finance (Corporation Sole) in the operating companies is reflected in Shareholders' Equity (i.e. issued share capital and accumulated reserves or losses) of the companies as shown at *Appendix II* and may be summarised as follows:

Shareholders' Equity Value as at September 30, 2007 and 2008 (Note 1)

Name of Company	2007	2008
<u>WHOLLY OWNED:</u>		
Energy and Energy Based	21,744,949,000	26,085,252,733
Financial Services	718,299,167	1,303,485,831
Manufacturing and Agro-Based	207,709,767	172,572,404
Services	1,405,888,805	1,438,914,763
Transportation and communication	609,589,633	643,811,279
<u>MAJORITY OWNED: (Note 2)</u>		
Financial Services	350,538,946	581,481,234
Other	2,674,216,000	2,853,090,000
Services	1,272,461,000	1,405,292,000
Transportation and Communication	85,349,000	88,247,000

LESS THAN 50% OWNED: (Note 2)

Name of Company	2007	2008
Financial Services	560,085,340	593,994,767
Manufacturing and Agro-Based	6,790,000	8,991,000
Total Shareholder value for State Sector	29,635,876,567	35,175,133,011

Note 1: All companies have year-end dates of either September 30th or December 31st. Shareholders equity includes, the book value of issued shares and accumulated profits or losses to date.

Note 2: For companies where government owns less than 100% only the proportionate share of the equity capital is included in the computation.

(ii) Start up capital amounting to \$31.9 million was injected into the newly formed state enterprises as at September 30, 2009.

(iii) No values have been given for these items as the companies were not operational/functional as at the date of the question, May 30, 2009.

C. The change of shareholders equity on a year-to-year basis reflects an increase of \$5,539,256,444 in Net Assets (from \$29,635,876,567 in 2007 to \$35,175,133,011 in 2008). A further injection of \$31.9 million was made in fiscal year 2009 to the newly established companies referred in paragraph 3B (iii) above.

APPENDIX I
LIST OF STATE ENTERPRISES
WHOLLY OWNED

COMPANY NAME	Ownership
Energy and Energy Based	
1 Lake Asphalt of Trinidad and Tobago (1978) Limited	100% GORTT
2 National Quarries Company Limited	100% GORTT

COMPANY NAME	Ownership
3 Petroleum Company of Trinidad and Tobago Limited	100% GORTT
4 The National Gas Company of Trinidad and Tobago Limited	100% GORTT
5 Trinidad and Tobago National Petroleum Marketing Company Limited	100% GORTT
6 Union Estate Electric Generation Company Limited	100% GORTT
Financial Services	
1 Export-Import Bank of Trinidad and Tobago Limited	100% GORTT
2 First Citizens Holdings Limited	100% GORTT
3 Taurus Services Limited	100% GORTT
4 National Entrepreneurship Development Company Limited	100% GORTT
Manufacturing and Agro-Based	
1 National Agricultural Marketing and Development Corporation	100% GORTT
2 Palo Seco Agricultural Enterprises Limited	100% GORTT
3 Rum Distillers of Trinidad and Tobago Limited	100% GORTT
4 Seafood Industry Development Company Limited	100% GORTT
5 Sugar Manufacturing Company Limited	100% GORTT
6 Tucker Valley Agricultural Enterprises Limited	100% GORTT
Services	
1 Community Improvement Services Limited	100% GORTT

COMPANY NAME	Ownership
2 East Port of Spain Development Company Limited	100% GORTT
3 Education Facilities Company Limited	100% GORTT
4 Estate Management and Business Development Company Limited	100% GORTT
5 Evolving TecKnologies and Enterprise Development Company Limited	100% GORTT
6 Export Centres Company Limited	100% GORTT
7 Government Human Resource Services Company Limited	100% GORTT
8 Government Information Services Limited	100% GORTT
9 National Commission for Self-Help Limited	100% GORTT
10 National Infrastructure Development Company Limited	100% GORTT
11 National Maintenance Training and Security Company Limited	100% GORTT
12 National Schools Dietary Services Limited	100% GORTT
13 Rural Development Company of Trinidad and Tobago Limited	100% GORTT
14 The CEPEP Company Limited	100% GORTT
15 The Sports Company of Trinidad and Tobago Limited	100% GORTT
16 The Trinidad and Tobago Solid Waste Management Company Limited	100% GORTT
17 The Vehicle Maintenance Corporation of Trinidad and Tobago Limited	100% GORTT
18 Tobago Special Projects Company Limited	100% GORTT

COMPANY NAME	Ownership
19 Tourism Development Company Limited	100% GORTT
20 Trinidad and Tobago Entertainment Company Limited	100% GORTT
21 Trinidad and Tobago Film Company Limited	100% GORTT
22 Trinidad and Tobago Free Zones Company Limited	100% GORTT
23 Urban Development Corporation of Trinidad and Tobago Limited	100% GORTT
24 Youth Training and Employment Partnership Programme Limited	100% GORTT
25 Trinidad and Tobago Health Sciences Initiative Company Limited	100% GORTT
26 Trinidad and Tobago International Financial Centre Management Company	100% GORTT
27 Trinidad and Tobago Revenue Authority Management Company Limited	100% GORTT
28 The National Information & Communication Technology Company Limited	100% GORTT
Transport and Communication	
1 Caribbean Airlines Limited	100% GORTT
2 Caribbean New Media Group Limited	100% GORTT
Total: 46	

MAJORITY OWNED

COMPANY NAME	Ownership
Financial Services	
1 Agricultural Development Bank of Trinidad and Tobago	96.9% GORTT, 3.1% Farmers

COMPANY NAME	Ownership
2 Business Development Company Limited	64.4% GORTT, 34.3% Financial Institutions, 1.3% Other
3 National Enterprises Limited	66% GORTT, 17% NGC, 17% Individuals
Services	
1 Point Lisas Industrial Port Development Corporation Limited	51% GORTT, 49% Individuals
Transport and Communication	
1 National Helicopter Services Limited	82.3% GORTT, 17.7% NGC
Total: 5	

LESS THAN 50% OWNED

COMPANY NAME	Ownership
1 Trinidad and Tobago Mortgage Finance Company Limited	49% GORTT, 51% NIB
2 Development Finance Limited	28.9% GORTT
Manufacturing and Agro-Based	
1 Metal Industries Company Limited	46.7% GORTT, 14.9% DFL, 38.4% Other
Total: 3	

INDIRECT

COMPANY NAME	Ownership
Energy and Energy Based	
1 La Brea Industrial Development Company Limited	83% NGC & 17% PETROTRIN

COMPANY NAME	Ownership
2 National Energy Corporation of Trinidad and Tobago Limited	100% NGC
3 NATPET Investments Company Limited	100% NPMC
4 NGC E&P Investments Limited	100% NGC
5 NGC Iron Company Limited	100% NGC
6 NGC NGL Company Limited	80% NGC 20% NEL
7 NGC Pipeline Company Limited	100% NGC
8 NGC Trinidad and Tobago LNG Limited	100% NGC
9 Petrotrin EAP Services Limited	100% PETROTRIN
10 Phoenix Park Gas Processors Limited	20% NEL, 31% NGC, 39% Conoco 10%PW
11 Trinidad and Tobago Limited (formerly Train 4) Limited	62.16% NGC, 37.84% NEL
12 Trinidad and Tobago Marine Petroleum Company Limited	80% PETROTRIN, 20% NGC
13 Trinidad Nitrogen Company Limited	51% NEL & 49% Norsk Hydro

COMPANY NAME	Ownership
14 Trinidad Northern Areas Limited	100% PETROTRIN
15 Trintoc Services Limited	100% PETROTRIN
Financial Services	
1 Caribbean Leasing Company Limited	100% BDC
2 First Citizens (St. Lucia) Limited	100% FCB
3 First Citizens Asset Management Limited	100% FCB
4 First Citizens Bank Limited	100% FCH
5 Trinidad and Tobago Mortgage Agency Company Limited	100% TTMF
Manufacturing and Agro-Based	
1 National Flour Mills Limited	51% NEL & 49% Individuals
Services	
1 Oropune Development Limited	100% UDECOTT
2 PLIPWIJS Limited	50% PLIPDECO & 50% WIJSMULLER
3 Point Lisas Terminals Limited	100% PLIPDECO
4 Port of Spain Waterfront Development Limited	100% UDECOTT
5 Rincon Development Limited	100% UDECOTT

COMPANY NAME		Ownership
Transport and Communication		
1	Telecommunications Services of Trinidad and Tobago Limited	51% NEL & 49% C&W
Total: 27		

START UP COMPANIES

COMPANY NAME		Ownership (100%)
1.	National Information and Communication Technology Company Limited	
2.	The CEPEP Company Limited	
3.	Trinidad and Tobago International Financial Centre Management Company Limited	
4.	Trinidad and Tobago Revenue Authority Management Company Limited	
5.	Trinidad and Tobago Health Sciences Initiatives Company Limited	
6.	Tobago Special Projects Company Limited	
7.	Tucker Valley Agricultural Enterprises Limited	
8.	Union Estate Electricity Generation Company Limited	
Total: 8		

COMPANIES IN LIQUIDATION

COMPANY NAME		Ownership (100%)
1.	BWIA West Indies Airways Limited	
2.	Caribbean Hotel Development Company Limited (CHDCL)	

COMPANY NAME	Ownership (100%)
3.	Caroni (1975) Limited
4.	CWC World Cup (2007) T&T Limited
5.	Investment Recoveries Company Limited (IRCL)
6.	Iron and Steel Company of Trinidad and Tobago Limited (Arcelor Mittal)
7.	National Broadcasting Network Limited (NBN)
8.	National East West Company Limited (Special Purpose)
9.	National Fisheries Company Limited
10.	Non Pareil Estates Limited
11.	Orange Grove National Company Limited
12.	Tourism and Industrial Development Company of T&T Limited (TIDCO)
13.	Trinidad and Tobago (BWIA International) Airways Corporation
14.	Trinidad and Tobago Export Trading Company Limited
15.	Trinidad and Tobago Forest Products Company Limited
16.	Trinidad and Tobago Oil Company Limited
17.	Trinidad and Tobago Petroleum Company Limited
Total:	17

**Home Improvement Housing Grants
(Details of)**

The following questions were asked by Sen. Lyndira Oudit:

47. With respect to the \$12 million Housing Grants given for home improvements in 2009 could the hon. Minister of Planning, Housing and the Environment inform the Senate of:

- (a) the number of recipients/beneficiaries; and
- (b) the geographical location of the recipients/beneficiaries?

The following reply was circulated to Members of the Senate:

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde):

- (a) The Housing Grant is one of the initiatives of this Government to address the housing needs of citizens of Trinidad and Tobago. The Grant targets persons whose homes are in need of repair or improvement. The Government provides funding to a maximum of \$15,000 to successful applicants. The category of work to be funded include roof works, walls, electrical, plumbing, cupboards, painting, windows, doors, burglar proofing, and simple extensions to ease overcrowding. The Grant is administered by the Housing Policy Facilitation and Implementation Unit (HPFIU) of the Ministry of Planning, Housing and the Environment.

To apply for the Grant, a person must:

- Be a citizen of Trinidad and Tobago. Evidence of citizenship must be provided, e.g. by submission of a Birth Certificate, ID card or passport.
- Have legal tenure for the property to be repaired/improved. Proof of legal tenure must be provided e.g. through submission of a Deed or Certificate of Title in the applicant's name, and
- Be from a home where the total household income does not exceed \$5,000 per month. Documentary evidence of household income must be provided, e.g. recent payslip/letter from the National Insurance Board.

The process for applying for the Housing Grant is as follows:

- All applications are entered into an electronic database, and through a random selection process, prospective beneficiaries are selected.
- Successful applicants are interviewed, and they must produce a detailed estimate of the cost of the repairs/improvements to be done.
- Funds will be disbursed in two (2) tranches, 50% on the commencement of the work, and the remaining 50% when half of the repairs/improvements have been satisfactorily completed.
- A technical officer from the Ministry of Planning, Housing and the Environment will visit the beneficiary's premises during construction to ensure that work is being done in accordance with the estimate.

A total of 736 beneficiaries received the 1st tranche of the Housing Grant in fiscal 2008/2009. Of that figure, 663 beneficiaries who had utilised their 1st tranche in accordance with the Housing Grant agreement became eligible to drawdown the 2nd tranche, and those 663 beneficiaries did receive their 2nd tranche in fiscal 2008/2009.

- (b) The geographic locations of those beneficiaries are indicated in the table below:

Locations	No. of Persons who Received Grants for 2008/2009
Arima	12
Chaguanas	38
Couva/Tabaquite/Talparo	95
Diego Martin	19
Penal/Debe	110
Point Fortin	7
Port of Spain	21
Princes Town	88
Rio Claro/Mayaro	49
San Fernando	43
San Juan/Laventille	38
Sangre Grande	57
Siparia	94
Tunapuna/Piarco	65
Total	736

**IDB Assisted National Settlement Programme
(Details of)**

49. With respect to the \$40 million IDB Assisted National Settlement Second Stage Programme, could the hon. Minister of Planning, Housing and the Environment advise the Senate:

- (a) of the number of recipients; and
 (b) the geographical location to the recipients?

The following reply was circulated to Members of the Senate:

- (a) The number of recipients under the three (3) components of the \$40Mn. IDB Assisted National Settlements Programme were as follows:

Components	Number of Recipients
New homes subsidy	61
Home improvement subsidy	3,358
Squatter regularization (upgraded lots)	3,117

The relatively low number of recipients (61) for the new homes subsidy component of the IDB Assisted National Settlements Programme, when compared to the other two components, was attributed to the following factors:

- The difficulty experienced by prospective beneficiaries in sourcing new homes at the original approved ceiling price of \$110,000 and \$140,000. The ceiling prices have subsequently been increased to \$195,000 in Trinidad and \$215,000 in Tobago.
 - Despite the increases in the ceiling prices, there was an 80% increase in construction cost over the period 2005 to 2008, which limited the ability of persons in the low-income group to access the New Home Subsidy.
 - Prospective beneficiaries not having a sustainable monthly income to meet payments over the life of a mortgage.
 - Lack of legal title to property which prevented mortgage engagements, and
 - Delays in statutory approvals which negatively affected the processing of mortgages.
- (b) Information on the geographic locations of the recipients is provided in the tables below:

New Homes Subsidy:

Location	No of Recipients
Alltyre Drive, San Fernando	30
Allamby Street, San Fernando	19
Mootoo Lands, Marabella	12
Total	61

Home Improvement Subsidy:

Locations	No. of Recipients
Arima	207
Chaguanas	305
Couva/Tabaquite/Talparo	452
Diego Martin	59
Penal/Debe	431
Point Fortin	32
Port of Spain	80
Princes Town	326
Rio Claro/Mayaro	106
San Fernando	312
San Juan/Laventille	163
Sangre Grande	199
Siparia	265
Tobago	175
Tunapuna/Piarco	246
Total	3,358

Squatter Regularization (Upgraded lots):

Locations	No. of Upgraded Lots
Southern Gardens, Point Fortin	65
Rice Mill, Arouca	20
Harmony Hall, Gasparillo	210
La Paille, Caroni	110
La Platta, Valencia	450
Picton Road Extension, Sangre Grande	105
Jacob Hill, Wallerfield	72
Samaroo Village, Arima,	30
Ackbarali Trace, Arima,	87
John Boodhoo Trace, Brazil Village	42
Pine Settlement, Sangre Grande	369
Squatterville, Macaulay	50
Milton Village, Couva	350
Race Course, Arima	700
Bon Air North, Arouca	457
Total	3,117