

Leave of Absence

Tuesday, April 09, 2013

SENATE

Tuesday, April 09, 2013

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. Vasant Bharath, Sen. The Hon. Fazal Karim and Sen. Lyndira Oudit who are all out of the country.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Mr. Anthony Thomas Aquinas Carmona SC.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, S.C., President and Commander-
in-Chief of the Republic of Trinidad and
Tobago.

/s/ Anthony Thomas Aquinas Carmona SC
President.

TO: MR. DON SYLVESTER

WHEREAS Senator the Honourable Vasant Vivekanand Bharath is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, 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, DON SYLVESTER, to be temporarily a member of the Senate, with effect from 9th April, 2013 and continuing during the absence from Trinidad and Tobago of the said Senator Bharath.

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 4th day of April, 2013.”

Senators' Appointment

Tuesday, April 09, 2013

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, S.C., President and Commander-
in-Chief of the Republic of Trinidad and
Tobago.

/s/ Anthony Thomas Aquinas Carmona SC
President.

TO: SHANE MOHAMMED

WHEREAS Senator the Honourable Fazal Karim is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, SHANE MOHAMMED, to be temporarily a member of the Senate, with effect from 9th April, 2013 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Fazal Karim.

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 8th day of April, 2013.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS
CARMONA, S.C., President and Commander-
in-Chief of the Republic of Trinidad and
Tobago.

/s/ Anthony Thomas Aquinas Carmona SC
President.

TO: ARCHBISHOP BARBARA BURKE

WHEREAS Senator the Honourable Lyndira Oudit, Vice President of the Senate, is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby

appoint you, BARBARA BURKE, to be temporarily a member of the Senate, with effect from 9th April, 2013 and continuing during the absence from Trinidad and Tobago of the said Senator Lyndira Oudit.

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 8th day of April, 2013."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Don Sylvester, Shane Mohammed, Abp. Barbara Burke.

STATEMENT BY MINISTER

Project Development Agreement (Union Industrial Estate)

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you very much, Mr. President. Mr. President, the Ministry of Energy and Energy Affairs and its state enterprises, the National Gas Company and the National Energy Corporation yesterday signed a project development agreement with Mitsubishi Corporation, Mitsubishi Gas Chemical, Neal & Massy and Caribbean Gas Chemical Limited, a joint venture company formed for phase 1 of that project.

The project, Mr. President, presents several unique opportunities for Trinidad and Tobago with respect to the further diversification of the energy sector, growth of the economy, development of the south-western peninsula, regional energy security and local content. Mr. President, from the perspective of local content, the Government welcomes the involvement of our locally grown conglomerate Neal & Massy in this venture. [*Desk thumping*]

Among the direct benefits to the economy of Trinidad and Tobago, the initial project proposes to expend foreign direct investment of US \$850 million or TT \$5.4 billion. During the construction phase, the project will create approximately 3,000 construction jobs and eventually lead to the creation of 180 permanent jobs when phase 1 is completed.

The project will also serve as a catalyst for a resurgence of industrial development in the south-western peninsula and will be the anchor for the development of the Union Industrial Estate into the country's next heavy industrial estate. [*Desk thumping*] Union estate, Mr. President, will be the country's next Point Lisas. [*Desk thumping*]

The first stage of the Mitsubishi led methanol to dimethyl ether project will produce one million metric tonnes per year of methanol and 100,000 tonnes per year of dimethyl ether.

During phase 2, the Mitsubishi consortium will consider the production of mono ethylene glycol from syngas and/or ethane MEG as it is called, mono ethylene glycol could be used to develop additional downstream manufacturing operations such as automotive coolants, polyester fiber and PET resins. Other projects under consideration for the second phase include the production of acetic acid and acrylonitrile which could lead to further downstream industries in plastics manufacturing.

Discussions, Mr. President, are already progressing between Mitsubishi, the National Energy Corporation and Phoenix Park Gas Processors Limited with regard to a supply of ethane and propane that are respectively required for the production of mono ethylene glycol and acrylonitrile respectively.

DME, Mr. President, or dimethyl ether is a green molecule. Basic chemistry tells us that two molecules of methanol give one molecule of DME, dimethyl ether, and a molecule of water. This, of course, requires a catalyst. Students of chemistry can easily write out and balance that chemical equation. DME is described or has been described by one international company, Total, as having knockout commercial potential. It has applications in transport as a replacement for diesel and it also has applications as a fuel in power generation. It is also significantly more environmentally friendly than diesel as it produces no particulates, little or no oxides of sulphur and low CO₂ emissions. As such, vehicles running on DME have already been introduced in China, Japan and Sweden.

Interestingly, Mr. President, DME, dimethyl ether, was mentioned in the 2002 Natural Gas Master Plan that was written by consultants Gaffney Cline. The gas master plan of 2002 described it as being physically similar to liquefied petroleum gas, and as having applications as an aerosol.

Mr. President, the location of this project is also very important. The south-west peninsula, we all know, is the cradle of industrial Trinidad and Tobago. It is the birthplace of the oil industry, of the refining industry, and of the LNG industry. The Government has advanced that the south-west peninsula is one of its growth poles. When we examine that against our energy policy, a compelling vision of the south-west peninsula begins to emerge.

In the south-west peninsula, Mr. President, we already have the new TGU 720 megawatt power plant, the Labidco Industrial Estate, the Union Industrial Estate and associated port infrastructure. It is expected, Mr. President, that the National

Energy Corporation would now have to upgrade the port capacity and infrastructure to cater to the needs of this new industrial estate. When you add all this, Mr. President, to the fact that there is a highway being constructed from San Fernando to Point Fortin, a picture begins to emerge of the south-west peninsula—[*Interruption*]

Sen. George: “Yes, man!” [*Desk thumping*]

Sen. The Hon. K. Ramnarine:—and that picture is one of growth, development and economic expansion. In addition to this project, Mr. President, the NEC and the NGC are in different stages of negotiations for two other projects that are candidates for the Union Industrial Estate.

1.45 p.m.

Mr. President, in the last 10 years there have been nine projects around which discussions have started, and these projects have not materialized. The last new petrochemical plant to be completed in this country was the AUM1 plant which was completed in 2010. The agreement for that project was signed in 2003, some 10 years ago.

In terms of natural gas supply, the project requires 100 million standard cubic feet of natural gas per day which by our standards is a relatively small volume. The Ministry of Energy and Energy Affairs, I am pleased to announce, has already commenced discussion with one established natural gas supplier in this country who has indicated that they could supply this natural gas by 2016, in time for when it is needed by Mitsubishi.

I have repeatedly said in this Parliament, and I would say it again: our best days in the energy sector are ahead of us and not behind us. [*Desk thumping*] There remains tremendous potential for new discoveries of oil and natural gas in shallow depth water, in deep water and in deeper horizons on land. Our changes to the fiscal regime in the last three years in successive budgets have begun to show results, and I am advised that rig activity on land is the highest it has been since the mid-1980s. [*Desk thumping*] The same thing is happening in the offshore environment.

The fact that we have progressed to the signing of the project development agreement, signals that this project is now at an advanced stage of development. The project development agreement is a legally binding agreement that commits all parties to meet certain obligations and clears the way for the execution of the project and the eventual project agreement. Mitsubishi has already established an

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office in this country and will be seeking in the next year to obtain the various regulatory approvals that are needed to commence construction. It is expected that construction will commence by the middle of 2014.

In closing, I wish to place on record my gratitude for the very hard work and diligence of the staff of the Ministry of Energy and Energy Affairs, the National Gas Company and the NEC. [*Desk thumping*] These three institutions are the custodians of our natural gas endowment. It is a responsibility that we take very seriously, as we chart this country's industrial legacy into the future.

Thank you very much, Mr. President.

Sen. Ramlogan SC: Well said, Minister, well said.

MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2013

Order for second reading read.

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, I beg to move:

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

This Bill seeks to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, to provide for the issuance of special identification marks to be carried on the registration plates of motor vehicles owned by diplomats and diplomatic organizations.

This Bill has been some 48 years in gestation. Under the present legislative framework governing motor vehicles in Trinidad and Tobago, no provision is made for the special identification of vehicles used by members of the diplomatic corps.

The issuance of these special identification marks on registration plates for diplomats or diplomatic organizations is the norm in other countries. In the United Kingdom and the United States, the motor vehicles transporting diplomats and others enjoying diplomatic immunities are assigned special identification plates to notify law enforcement officials and all concerned that the occupant in question enjoys certain inviolable diplomatic immunities.

This system also exists in the Caribbean. In Barbados there is a special registration framework for consuls, heads of mission or any other diplomat and heads of regional or international organizations or its members of staff.

At this point, Mr. President, I wish to recognize in the public gallery, His Excellency, the Dean of the Consular Corps, Mr. Amer Haidar. [*Desk thumping*]

The Vienna Convention on Diplomatic Relations 1961 is the international Treaty that defines a framework for diplomatic relations between independent countries, and this forms the legal basis for diplomatic immunity, and specifies the privileges accorded to diplomats and diplomatic organizations. Currently, this convention has been ratified by 188 countries. Trinidad and Tobago acceded to this convention on October 19, 1965. I am certain hon. Sen. Corinne Baptiste-Mc Knight, a retired career diplomat, would be very familiar with this convention. [*Laughter*]

This convention was crystallized into local legislation in the form of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01, enacted in 1965. So you had the international treaty, and this found crystallization in the local law in 1965.

This Act conferred certain privileges and immunities on members of the diplomatic services, the consular services and on the specialized agencies of the United Nations. However, this Act did not cater for the registration of special identification plates for vehicles registered to diplomats and the diplomatic organizations. Therefore, this amendment to the Motor Vehicles and Road Traffic Act seeks to fill the gap in the current legal framework, to ensure that the policy of the Vienna Convention, crystallized into our local law in the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap.17:01, is further embodied into the laws of Trinidad and Tobago in this amendment to the Motor Vehicles and Road Traffic Act.

Mr. President, this amendment is necessary because it is trite law that while a convention is binding upon the Government of Trinidad and Tobago as a signatory thereto, its terms cannot be enforced unless they are brought into effect by local enactment. In the recent Talisman case, the Environmental Management Authority sought to rely on an international convention to inform the certificate of environmental clearance process, and that therefore demonstrated that you could not enforce an international treaty until it was fructified into local law.

The proposed amendment to the Motor Vehicles and Road Traffic Act will aid in the identification of these motor vehicles owned by persons who enjoy immunities and privileges under the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act. It does not seek to add or confer any further advantage or privilege to the class of persons that would be issued with

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special identification marks on their registration plates, but seeks only to identify them as enjoying the same. So it is an ID plate, so to speak, on the vehicle of the diplomats and those who enjoy those immunities and privileges.

I shall now briefly outline the provisions of the Motor Vehicles and Road Traffic (Amdt.) Bill in light of what had transpired.

In the current legislation, section 12 of the Motor Vehicles and Road Traffic Act provides for the registration of motor vehicles. Once the application process is successfully completed, the transport officer has the jurisdiction to register and assign to vehicles a registered letter or letters and number which shall become the identification mark of such vehicles. I know one of our colleagues here loves the number 84, so his vehicle carries the letters before it and the number 84.

Clause 3 of the Bill seeks to amend section 12 of the Motor Vehicles and Road Traffic Act to enable the Licensing Authority, upon an application via diplomat or diplomatic organization, to register a motor vehicle as a diplomatic motor vehicle by entering the vehicle's particulars into the register and assigning the special identification marks to be carried on the vehicle's registration plates. This application process is optional. It is open to the diplomat or diplomatic organization.

The Bill seeks to insert a new subsection to section 12, a subsection (3A) following subsection (3). The new subsection (3A) will read as follows:

“(3A) The Licensing Authority shall-

- (a) on the application by a diplomat or diplomatic organization for the registration of a motor vehicle in his or its name; and
- (b) upon being satisfied that the provisions of this Act and the Motor Vehicles Insurance (Third-party Risk) Act and Regulations made thereunder, have been complied with, register the motor vehicle as a diplomatic motor vehicle and forthwith enter particulars of the vehicle in the register and shall assign to the vehicle special identification marks to be carried on the registration plates of the vehicle.”

Clause 3 seeks to further amend section 12 of the Act by inserting a subsection (10) following subsection (9). This subsection identifies the class of persons that will be eligible for the issuance of these special identification marks on the registration plates, that is, diplomat and diplomatic organization. This subsection will now read:

“(10) In this section –

‘diplomat’ means a diplomatic agent, consular officer or an official of an international organization or agency who is certified in writing by the Minister with responsibility for foreign affairs as being entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act;

‘diplomatic organization’ means a diplomatic mission, consular post or a regional or international organization or agency that is certified in writing by the Minister with responsibility for foreign affairs as being entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act.”

Clause 4 of the Bill amends section 15 of the Motor Vehicles and Road Traffic Act and speaks to the cancellation of registration of a vehicle. Currently, section 15 of the Act provides for the cancellation of registration of a motor vehicle. Clause 4 of the Bill proposes to amend section 15 by inserting two new paragraphs, (f) and (g). Paragraph (f) would seek to provide for the cancellation of a diplomatic registration done under the new section 12(3A), that is, when the owner is no longer entitled to enjoy the privileges and immunities afforded to him under the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, and will read as follows:

“the owner of a motor vehicle registered under section 12(3A) is no longer entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act;”

Paragraph (g) would seek to provide for the cancellation diplomatic of a diplomatic registration done under section 12(3A) where the registered owner is not entitled to enjoy privileges and immunities afforded under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act. The proposed subsection would read as follows:

“an application is made to transfer a motor vehicle registered under section 12(3A) to a person who is not entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act.”

Clause 4 of the Bill seeks to further amend section 15 of the Act by inserting after subsection (1) a new subsection (1A) which will seek to provide for the registration of a motor vehicle under section 12(3) after its registration has been cancelled under paragraph (f) or (g).

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The amendment to section 15 will ensure that these diplomatic plates will be cancelled upon the transfer of the motor vehicle to a person who is not entitled to enjoy the privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act.

We provide for the provision of the identification plates so those who enjoy those immunities and privileges under the local legislation are identified, and it also provides for cancellation if there is any sale or the entitlement comes to an end. The proposed amendment, although 48 years late, will only serve as a medium of identification of particular individuals as having certain immunities and privileges which are already granted to them under the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act. It will also serve to assist the relevant authorities in identifying the vehicles used by members of the diplomatic corps, as well as assist in the functioning of these diplomatic organizations.

Furthermore, the issuance of these special identification marks on registration plates for diplomats or diplomatic organizations is not a novel concept, and is an established international practice, albeit we are coming some 48 years after.

In those circumstances, Mr. President, not seeking to delay further, I beg to move.

Question proposed.

2.00 p.m.

Sen. Faris Al-Rawi: [*Desk thumping*] Thank you, Mr. President, and for my drumbeats on the left and right if not opposite. Mr. President, it gives me pleasure [*Desk thumping and laughter*] to rise to join this debate on a Bill entitled, “An Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50.” I know it is not our custom to recognize members present in the audience, suffice it to say that I will, also through you, join the hon. Leader of Government Business in recommending a greeting to His Excellency, the Dean of the Consular Corps, Mr. Haidar, who is the honorary Consul for Lebanon who is in our midst, and if I may at that juncture also declare my interest in that he is my brother-in-law, so that there is a direct familial—[*Interruption*]

Sen. Ramlogan SC: Ahhh. I see.

Sen. F. Al-Rawi:—relationship between us. So I must put that onto the record, Mr. President. That is notwithstanding the fact that, as the hon. Leader of Government Business has put it, there is no direct benefit or privilege to be gained out of the passage of this particular Bill before us.

Mr. President, if I can start by way of an orientation. This particular Bill is one which seeks to deal with a mischief being, in essence, an acknowledgement of the fact that as a State we are required to engage in reciprocity with other States. It is a tenet of international law, both at public international law and private international law. That tenet of international law is borne out in both international conventions to which we are signatories, and in particular I refer to the Vienna Conventions on Diplomatic Relations in 1961, and the Vienna Conventions on Consular Relations in 1963. There are, of course, other relations that we have by way of treaty and those include, Mr. President, the Convention on the Privileges and Immunities of Specialized Agencies which was one of November 21, 1947, and that of the Convention on the Privileges and Immunities of the United Nations, an instrument of February 13, 1946.

It is a fact, as the hon. Leader of Government Business told us that Trinidad and Tobago engages in support of the dualistic theory of law, which is that for law of an international type to be deemed effective in the land of Trinidad and Tobago, we must enact it in local provisions. That is the contrary to monistic theory of law which says that the moment you promulgate and sign on to international law, it applies to your State.

Now, I have raised that, Mr. President, because Trinidad and Tobago in embodying the terms of the four particular international treaties which we are signatories to, which I have identified previously, does so by leaving out several terms and conditions of both the Vienna Convention on Consular Relations and the Vienna Convention on Diplomatic Relations. In fact, of the Vienna Convention on Diplomatic Relations we, in fact, have only embodied into our laws 18 out of the 53 conventions there, and on the convention on Consular Relations we have, in fact, only embodied 34 of the 79 conventions set out there.

Now, Mr. President, that is of material note for us because the level of reciprocity which we give is, in fact, contained in the very instruments which we have given partial life to since 1965 in the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01.

Now that particular Act, Mr. President, which is referred to in this Bill is the backbone of our foreign relations if you were to put it into structure. It is that Act in its five schedules, Mr. President—if I am not mistaken there are five schedules, yes—which brings on the specific terms and conditions of each Act. It is that Act, by way of orders issued under the terms of that Act, which give life to every instrument which the President is directed to give life to. By that I mean, Mr. President, diplomatic immunities or certain privileges offered, for instance, to the

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Lomé Convention, to the United Nations and to bodies as recently as the Caribbean Court of Justice, the IMF, et cetera. There are several instruments and legal notices which have been issued to that effect. So that is what the legislation that supports this is about.

But this Bill, Mr. President, intersects into three very important pieces of legislation as well. We seek specifically to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, but we must also be satisfied that in making the amendment that we have given care and consideration to the Motor Vehicles Insurance (Third Party Risks) Act, Chap. 48:51, and also the regulations which come under those particular laws.

Now the mischief stated, is it that this Parliament is meeting solely to give comity or reciprocity for license plates? If so, then one would think that it is a very innocuous debate ahead of us. But every bit of analysis on the law requires us to look at the context of law that we seek to amend, and also the parameters which we wish to consider which affect the constitutionality and the psyche of the population in dealing with these laws. So let us put that into application in this particular circumstance.

The motor vehicles amendment that we are seeking to do to this legislation is essentially to amend two particular sections of the Act, section 12 and section 15. It provides an introduction to a definition of a diplomat and an international organization. The first thing that I will do is to point out that that definition is not as broad as the definition provided in the privileges and immunities legislation being the definition which borrows the Vienna Convention on Diplomatic Relations, and secondly, the Vienna Convention on Consular Relations.

Next, Mr. President, the piece of law that we are looking at in section 15 tells us about registration requirements. But the fact is that Trinidad and Tobago has been considering the repeal and amendment specifically of the laws in relation to registration of motor vehicles for a very clear purpose. And for that, it is incumbent upon me to rewind to a period prior to May 24, 2010.

Mr. President, it is a matter of record that the last Government engaged in a complete and total analysis for overhaul, repeal and replacement of the laws which constitute the regulations by which motor vehicles and traffic is dealt with. Specifically, the concept of registration as applied for in this Bill, of license plates as provided for in this Bill, was recommended to be completely replaced, and Trinidad and Tobago was to be gifted with an entire motor vehicle amendment solution.

We were meant to build upon the bases that the Government then, prior to 2010, was engaged on, very much as the statement provided by my learned colleague, the Minister of Energy and Energy Affairs pointed to a little while ago, we were in essence providing a line of sight and regularity which the citizens of Trinidad and Tobago could look to in dealing with the Licensing Authority as that term is defined under the Motor Vehicles and Road Traffic Act, Chap. 48:50.

In looking at that, it was recognized that all registration requirements for all vehicles, and all license plates, had to be dealt with and replaced. Very specifically, Mr. President, conditions precedent were identified for implementation. The conditions precedent included, No. 1, a complete and total review of the Laws of Trinidad and Tobago, and a repeal and replacement of the Motor Vehicles and Road Traffic Act. No. 2, a physical placement of a new entity called and motor vehicles authority was to be created, not only as a creature of law under that new repealing legislation, but also as a matter of fact in where it was going to be situated.

It is important for us to understand in considering this debate that the two key items that this new piece of legislation was meant to deal with included registration of motor vehicles and license plates. And why did it do that, Mr. President? It did so because it is accepted that not only would we have engaged in a strengthening of the revenue of Trinidad and Tobago by shoring up leakages in the system, but we would also have been increasing employment by hiring more people into a new motor vehicles authority, and very importantly, that we could have provided a clear line of sight to the citizens of this country in how we dealt with ease of doing business, and very importantly, crime.

The ease of doing business was that the last Government spent a lot of time in developing the laws behind the single electronic window, and in developing the electronic transactions developments, which would lead to an electronic transactions Act given birth to by this Government when it first came into office using legislation drafted prior; secondly, by the Data Protection Act, given birth to by this Government, again on existing legislation laid ready for them to put into effect. But, thirdly, in dealing with the second point and that is crime, it is important to know every single crime in this country—I should not say every single, almost, the vast majority of them—is facilitated by the use of a car, and in most instances by the use of a stolen vehicle.

So the stolen vehicles division of the police would have received a very able tool to assist in crime fighting because the registration of vehicles, as we now seek to delve into in this Bill, and the identification plates or number plates for vehicles as we now seek to do in this Bill, would both have been completely reformed by requiring RF

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identification, tagging of vehicles, radio frequency identification of every single vehicle in this country, and also specialist number plates or registration plates which would have allowed every single vehicle in this country to essentially be tracked.

Now people who have travelled may or may not be aware of a system called SunPass if you are in the United States of America or an electronic means by which you pay tolls onto roads which carry tolls. You just drive under the road traffic signal and the toll is automatically deducted because of an RFID tag on the vehicle and one located in the number plate.

It was the specific contemplation of the last Government that every vehicle in this country would have been RFID tagged, and that number plates would have been assigned to every vehicle and that would have become personal property, that number plate having been prepared and issued by the licensing authority, or the motor vehicles authority, as it was proposed to become itself.

Now, Mr. President, in the context of this debate, having painted that picture therefore, the first question that I must ask this Government is, through you: what on earth has the Government been doing for the last three years in relation to the birthing and operationalization of the motor vehicles authority? I say so because when they came into power, much like the hon. Minister of Energy and Energy Affairs just pointed us to, in the case of energy he pointed to the birthing of the south-west peninsula. He pointed in fact to the existence of TGU, to port facilities, to LABIDCO, to very important physical assets, Union Industrial Estate. He pointed to a highway and he said a picture emerges, and the hon. Attorney General burst out before he left the Chamber; what a vision! Well yes, what a vision. What a vision instituted by the People's National Movement. [*Desk thumping*] Because all that has been missing so far of that industrial estate by way of comparison to what I am about to say, is the cornerstone plants to operate on the industrial estate.

I commend the hon. Minister of Energy and Energy Affairs for bringing us good news in relation to Mitsubishi's sign on of a deal with local partners. It is about time, hallelujah, praise God that it has happened, and I also compliment him for saying that the best of our energy years are ahead of us because that is a very different story to what the UNC sang when it was in Opposition. He, is relying upon institutions built by a previous Government. He in his usual measured, diplomatic, well-intended manner, the hon. Minister of Energy and Energy Affairs spoke to the issue without personalization, but I am drawing it out now in comparison to this Bill, and I am saying, Mr. President, the motor vehicles authority was capable of being birthed within six months of May 24, 2010.

2.15 p.m.

And how was that so, Mr. President? It was so, specifically, because a draft Bill existed, the Motor Vehicles and Road Traffic Bill, a Bill comprising some 276 clauses, if I am not mistaken, 270 clauses, which specifically provides for registration of vehicles as we seek to now amend, all of them, and RFID tagging for all vehicles, allowing people to access the renewal of their licences, the manner in which they pay fines, the management of traffic offences by electronic means, allowing for a facility by which a point system would be done for infringements on the law, where the court would automatically inform the Licensing Authority, now called the motor vehicles authority, of offences; one in which your tickets would have been sent by way of the mail; one in which you could pay using the Electronic Transactions Act for all moneys to be paid to the motor vehicles authority, whatever they may be, whether licences or registration fees, et cetera.

But, Mr. President, what was also there, apart from a draft Bill, was the fact that the Government of Trinidad and Tobago had engaged in a Government-to-Government contract with the Government of Canada, using a Saskatchewan model, using the Nova Scotia model and using the Barrington group to come up with software appropriate to our needs which was paid for prior to May 24, 2010, to the tune of \$108 million. Now, we heard the hon. Minister of Transport, sometime ago—Works and Transport, past Minister, Minister Warner, speak to boxes of papers which the Leader of Government Business in the House described as *peerhas* for propping up your feet unto or stools to propping up your feet unto.

And I note, Mr. President, with concern that it has been three years that we paid for a one year licence for \$108 million on a Government-to-Government relationship basis and this Government has not yet delivered the motor vehicles authority. Now, Mr. President, what is further, of great concern in relation to the birthing of the motor vehicles authority is the physical location of that authority. The specific earmarked site for it, under the past Government, was just near to Mount Hope where the Ministry of Works had its particular services division, that site being central to all areas in Trinidad and Tobago; north, west, east, south and serviced by public transportation was identified for renovation at an estimated cost of \$40 million so that it could be immediately rolled out. What happened under this Government which is relevant to why we are plucking out one type of registration for vehicles and not all—*[Interruption]*

Sen. Maharaj: Mr. President, 35(1), what is the relevance of this to diplomatic plates?

Sen. F. Al-Rawi: I would invite him to wake up, Mr. President.

Mr. President: I would allow the Minister—I would allow Sen. Al-Rawi to continue, I should say.

Sen. F. Al-Rawi: Thank you, Mr. President. Perhaps the blinding yellow of my learned colleague's shirt is causing him some gaze, Mr. President.

Sen. Hinds: You are looking like a corn bird.

Sen. F. Al-Rawi: It is imperative that hon. Senators pay attention, Mr. President—*[Interruption]*—particularly when hon. Senators occupy the seat and portfolio as Minister of Transport. So I cannot for the life of me understand how the hon. Sen. Devant Maharaj, past Minister of Transport could not understand the relevance of the motor vehicles authority and the improvement of registration for all cars in Trinidad and Tobago as opposed to one.

Because, Mr. President, this Government has a habit of plucking out one aspect for implementation when there is a larger aspect for implementation—*[Desk thumping]*—and that being the habit of this Government, it is incumbent upon me as an Opposition Senator and as a Member of this honourable House, to broaden the debate so that our minds are reflective with anxious scrutiny of all issues before the Parliament. So I invite you to wake up, through you, Mr. President, hon. Senator. *[Crosstalk]*

Now, Mr. President, in dealing with the issue of the physical location of the motor vehicles authority which would have allowed for the registration of all motor vehicles and not just diplomats, and which would have allowed for RFID tags for all vehicles in Trinidad and Tobago, so that the police could track them, could issue tickets, so that they would not be required to find resources in an ad hoc way that did not make sense and which was unconstitutional, to avoid that kind of dilemma, the motor vehicles authority was supposed to be situated in an area where public transport was easily had, and the Mount Hope location was that perfect location. Not only because the cost by way of renovation could have been confined to \$40 million, but importantly so, all citizens could access it easily. *[Interruption]*

Now, Mr. President, I did note in my research for the status of the motor vehicles authority, that in 2010—*[Interruption]*

Sen. Hinds: They want it in Philippine.

Sen. F. Al-Rawi:—the hon. Minister of Transport—Works and Transport then, before he was relieved of responsibility, Minister Warner, did say that the Motor Vehicles Authority as birthed in idea by the last regime would be rolled out.

I did notice, Mr. President, that there were articles appearing in the newspapers, for instance, “Licensing goes hi-tech”, Monday, July 12, 2010. Another article in the *Newsday* also appearing by Clint Chan Tack this time, “Made-to-order licence plates”, July 09, 2010. I noticed there were articles in 2010 saying great, motor vehicles authority coming, hi-tech licence plates were coming, crime can be managed by the use of licence plates by using the RFID tags, et cetera, but what next happened, Mr. President, is a mystery to me because the Government of Trinidad and Tobago engaged Nipdec as its procuring agency to put this motor vehicles authority in Frederick Settlement. And I ask myself, why Frederick Settlement? *[Interruption]*

Now, Frederick Settlement for those who are not familiar with the area is an industrial estate, entities like Tang Yuk, et cetera, have their warehousing there. But the road access to Frederick Settlement is a very poor one and the public transportation access to Frederick Settlement is a very poor one, and you have to go through traffic to get to the road to get there in the first place. What surprised me further, Mr. President, is that the bill moved from \$40 million to upwards of \$100 million. So an entirely new structure is to be put up at a greater cost, when the need for licensing and registration and RFID tags as a crime-fighting tool in this country became imperative. *[Interruption]*

Now add that into the fact that the Motor Vehicles and Road Traffic Act allows for transport officers the powers of the police to search and stop—all powers, privileges and immunities of the police in circumstances where it is utilized for the purposes of the Act. And lest people grab this and run and say, well, how does this relate to a recently debated matter, which I participated in, let me say:

1. It is for the purposes of dealing with crime under the Motor Vehicles and Road Traffic Act;
2. The police powers enjoyed by transport officers are balanced and therefore constitutional by the provisions of the Constitution of Trinidad and Tobago as they relate to the Public Service Commission, in particular.

And that therefore there is a much different scenario to a debate which has recently gone on and is ongoing.

I would not go further lest I run afoul of rules in this Parliament. But, Mr. President, the point is when we are on an instance of a burning need to use registration and license plates and RFID tags for all vehicles in this country to assist in crime, thereby—Mr. President, if you look at the hundreds of thousands

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of cars on the road, the use of technology with every car being tagged everywhere you are, under every traffic light in this country automatically expands the police force in this country, and therefore reduces the need for certain aspects of foot-pounding-pavement manpower.

So, Mr. President, it is critical for us to understand that the registration of vehicles, as this Bill contemplates, the use of specialist identification tags as this Bill contemplates for diplomats, is a much broader discussion which we must have as a Parliament. Now, what concerned me further, as the hon. Minister of Justice joins us in the Parliament, looking mostly resplendent I may add, is the issue of procurement.

Sen. Hinds: Sample survey Minister.

Sen. F. Al-Rawi: We are dealing with the procurement of license plates, registration plates, procurement of a motor vehicles authority building to be constructed—[*Interruption*]

Mr. President: Senator.

Sen. F. Al-Rawi: Yes.

Mr. President: At this point, you are starting to drift quite a distance from the debate that is on hand. I had no problem with where you have reached at this point, but when you go into the question of procurement, I think that you have—[*Interruption*]

Sen. F. Al-Rawi: Fear not, Mr. President, I will demonstrate the relevance as I am capable of doing. [*Interruption*]

Mr. President, in dealing with this Bill, if I connect the dots for Members who may not be paying attention opposite me, you are dealing with license plates to be provided, therefore you are procuring them.

Sen. Hinds: They “must be” have a contract.

Sen. F. Al-Rawi: You are dealing with the issue of the Licensing Authority engaging in a procurement of a particular type—[*Interruption*]

Sen. Hinds: Good!

Sen. F. Al-Rawi:—and therefore there is a broader discussion of procurement, which I will confine myself to very carefully—[*Interruption*]

Sen. Singh: Nah, nah, nah, this is not a procurement Bill.

Sen. George: “All yuh procured Nova Scotia.”

Sen. Singh: This is not a procurement Bill! [*Crosstalk*]

Sen. F. Al-Rawi: My friends rest uneasy yet again, I do not know why I cause such difficulty.

Mr. President: Sen. Al-Rawi, I do have to agree.

Sen. Hinds: I crave your protection. [*Crosstalk*]

Mr. President: Sen. Al-Rawi, I do think that you are crossing the borders of what constitutes relevance to the debate before this House, and therefore I need to rein you in.

Sen. F. Al-Rawi: Sure.

Mr. President: I think that you are—I understand the passing remarks as it were. That is acceptable. To go into further depth, I think you would go beyond the pale of what is permitted.

Sen. F. Al-Rawi: I will be guided, Mr. President, as I will always be guided. [*Interruption*] I am sort of worried, Mr. President—[*Interruption*]

Sen. Singh: You are a straw man.

Sen. F. Al-Rawi:—because if I pull it one step back, but not far enough back yet—[*Interruption*]—it causes me very great concern in dealing with procurement of license plates, for instance, as this Bill contemplates—[*Interruption*]

Sen. Singh: Procurement for landlords.

Sen. F. Al-Rawi:—that we can have raised issues of procurement in this Parliament openly. [*Interruption*]

In fact, Mr. President, I am sure you would recall that I asked the hon. Minister of Justice to stand up and tell me that I was wrong—[*Interruption*]—in relation to an admittedly bad procurement for judicial complexes by way of an example—[*Interruption*]—and that no response came. [*Desk thumping*] So, Mr. President, the issue of procurement of whether it is one license plate for a diplomat or a broader cross section of all license plates as we ought to be dealing with—[*Crosstalk*]

Mr. President: You “gonna” have to force me to rule. I will have to rule that you are out of order and that you cannot go along that path, and I think that we have—[*Interruption*]

Sen. George: He has ruled, move on.

Sen. F. Al-Rawi: Mr. President, I am grateful that I will not have to force you to rule and I will move slightly along.

Sen. George: Yes, please move along.

Sen. F. Al-Rawi: But, Mr. President, the hon. Minister of—*[Interruption]* the hon. Leader of Government Business just said across the floor, for instance, “procurement of buildings”.

Sen. George: “Yuh gone back to procurement again.”

Sen. F. Al-Rawi: And in answer to it, Mr. President, I am glad that he is focusing his mind on procurement of buildings—*[Interruption]*—because the motor vehicles authority which is to be built in Frederick Settlement—*[Interruption]*—that building is the subject of great public concern—*[Interruption]*

Mr. President: I know, Senator, but that is not a concern of this Bill before us, and I think you are delving outside of what is permitted—the parameters permitted in this debate. *[Interruption]*

Sen. F. Al-Rawi: Thank you, Mr. President, suffice it to say that I will end at the point—*[Interruption]*

Sen. George: Please!

Sen. F. Al-Rawi:—that the procurement—and I would not end to please Sen. George, Mr. President.

Sen. George: “Yuh cyar please me. I doh want yuh to please me.”

Sen. F. Al-Rawi: I certainly would not end to please anybody opposite me, but for you I will. But the fact is, Mr. President, that procurement of the aspects of this Bill have a big question mark.

Sen. Hinds: Anything with procurement this Government has a problem. *[Desk thumping]* Anything with procurement, you have a problem.

Sen. F. Al-Rawi: Mr. President, I do not know my learned colleague Sen. George is dealing with Barrington opposite and drawing some inference into, in his crosstalk, the issue of the Government of Canada, because it is Government-to-Government relationship that we are dealing with there. And I am sure that my learned colleague will not wish to impugn the foreign affairs between Trinidad and Tobago as it relates to Canada and Trinidad and Tobago. *[Interruption]*

2.30 p.m.

Sen. Hinds: Or the United States.

Sen. F. Al-Rawi: Because it may begin to resemble our state of affairs as it relates to the United States.

Sen. Deyalsingh: “Yeah” man. [*Desk thumping*]

Sen. F. Al-Rawi: And I would be quite unhappy there.

Mr. President: There is no reference in this Bill before this Senate, relating to road traffic authority, relating to any relationship with Canada or any other country that I can find here. I permitted it when you raised it because I had no problem with it at that point, but carrying the discussion further, I think you are passing the bounds of what is permitted.

Sen. F. Al-Rawi: Thank you, Mr. President. If I may assist you, Mr. President, the Motor Vehicles Insurance (Third-Party Risks) Act, the Motor Vehicles and Road Traffic Act, sections 12, 13, 14 and 15 in particular, deal with registration of vehicles. My case before this honourable Senate is that the anomaly of plucking out diplomatic plates out of the broader context of all plates for registration is a very real issue in this Senate. And so, taking that argument further, it is incumbent upon us to understand what the Government has not done in meeting the broader mischief in society—[*Interruption*]

Hon. Senator: Correct. [*Desk thumping*]

Sen. F. Al-Rawi: And by that I am referring to the broader mischief of having done nothing for three years in relation to the birthing of the motor vehicles authority.

Sen. Singh: The vehicles are not registered.

Sen. F. Al-Rawi: Now, Mr. President, I am also pointing out in relation to that, that there are heavy, large, bold question marks in relation to the issues around the motor vehicles authority which will deal with registration as this Bill contemplates.

Sen. Singh: That is not yet in place. [*Inaudible*]

Sen. F. Al-Rawi: And in dealing with that, Mr. President, it is incumbent upon the Government to speak with clarity, to provide a line of sight as the hon. Minister of Energy and Energy Affairs did earlier in his statement, where the hon. Attorney General said, “Great vision”. Yes, great vision, we need a line of sight.

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Now, Mr. President, when I asked myself why we are dealing with this debate, it also occurred to me that in dealing with registration of plates and in dealing with the payment for registration, we have in Trinidad and Tobago been speaking about a single electronic window. We have passed the Electronic Transactions Act partially. [*Interruption*]

Sen. Singh: Tedious repetition.

Sen. F. Al-Rawi: We have also dealt with the Data Protection Act, and I wish to point out now, insofar as we hope to immediately get a line of sight from the Government, that the Electronic Transactions Act is not yet operational in its most important terms. [*Desk thumping*]

Sen. Hinds: That is right, that is right.

Sen. F. Al-Rawi: And the important terms deal with the electronic service providers. It deals also with the issue of fraud, and who is going to deal with this and how we manage the fraudulent issues arising, and the court powers that relate there, and it is important if we want to make the business of registration of plates, the business of accessing the motor vehicles authority, if it ever comes, easier, that we facilitate the payment by way of electronic transfers together with the protections that that Act envisages.

It is also important that we bear in mind, that there are some troublesome issues in the Data Protection Act which deal with some of the aspects of control which the Executive may have over, for instance, the media. So there are points that we need to come to, albeit in a different debate.

Now, Mr. President, in looking further at registration of plates, and diplomatic plates in this instance, I had to ask myself well, whatever happened—because it was surely an interest of priority for the Government—to the registration of PH drivers? Because that is something that the Ministers of Transport have dealt with, registration of a particular class, out of the broader class. This Bill is one class being diplomatic agents or diplomats or international organizations. The other class includes all other users, but the Government had proposed that PH drivers would have a certain kind of protection which I can say openly, the Opposition resisted, and resisted on sound basis because of another issue raised in this Bill and that is the third-party risks, the Motor Vehicles Insurance (Third-Party Risks) Act, Chap. 48:51. That is specifically referred to in this Bill because you cannot have registration of a plate or of an owner of a vehicle as defined in the Act, unless you meet with the minimum requirements of the insurance as provided for under the Motor Vehicles Insurance (Third-Party Risks) Act.

Mr. President, in looking at the priority of the Government in dealing with now, plucking out this particular aspect only, diplomatic plates out of a vacuum, out of a procedure of the motor vehicles authority: why?

Sen. George: You register a chassis number—identified in the insurance by a chassis number.

Sen. F. Al-Rawi: Mr. President, the other position on the insurance as it related to the Government's priority in PH drivers, was that no insurance company would provide insurance there, so that idea was stillborn at first pass.

Now, Mr. President, it seems to me that the much broader question of reciprocity, perhaps should have been addressed by the Government. And the broader issue of reciprocity here, Mr. President, is, what about the waivers if any, of motor vehicle taxes as contemplated by section 14 of the Motor Vehicles and Road Traffic Act? Now, section 14 provides a specific authority for the President to repay or waive the payment of any motor vehicle taxes, and I am aware, having declared my interest as I have earlier, that the Members of the Diplomatic Corps did ask the Government to consider motor vehicle exemptions. All that I would ask—that is an issue which I was not too sure about, that is an issue which concerned me, because I thought with the Government's revenue being in as poor a state of identification as it is, other than oil and gas, I was not quite sure if we wanted to open a floodgate like that.

But, the Vienna Convention on Consular Relations and the Vienna Convention on Diplomatic Relations do allow us by the method of reciprocity considered under section 74 of the Vienna Convention on Consular Relations, to engage in reciprocity of the type that other countries give our missions. I am aware that in the instance of Honorary Consuls of Trinidad and Tobago in other jurisdictions that they enjoy certain exemptions of a pecuniary kind once every five years, for instance. I will, of course, be guided by the Government relative to how it considers the Consolidated Fund ought to be drawn upon. I am sure the Minister of Finance and the Economy can assist us with that. But that is not an issue that I am too sure, presents itself, save to point out that both the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, both contemplate a reciprocity in respect of taxation.

Sen. Hinds: Yes.

Sen. F. Al-Rawi: Section 14 of our Motor Vehicles and Road Traffic Act allows the President to give that kind of reciprocity. We do know that the President gives that reciprocity by the direction of Cabinet. I will leave that point there perhaps for explanation by the hon. Leader of Government Business when he winds up.

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The other issue which I wish to look at is the issue of a legislative agenda. This perhaps will be my last point. I note with great alarm that this is the last Bill on our Order Paper in the Senate—[*Desk thumping*]*—*which we are dealing with. We have, Mr. President—[*Interruption*]

Sen. Singh: The Defence (Amdt.) Bill.

Sen. F. Al-Rawi:—two Bills which we have started and which are paused.

Sen. Singh: Beverage Bill.

Sen. F. Al-Rawi: The Beverage Containers Bill and the Defence (Amdt.) Bill, but this is the last Bill to start—[*Interruption*]

Sen. Hinds: “Yeah” and to stop.

Sen. F. Al-Rawi:—and there is no other work on the Order Paper. Now, I am sure, let me be fair, that the LRC is hard at work. They must be. They must be hard at work because we have seen very poor Bills come to the Parliament of late which probably express the fact that they are under pressure to look at things two and three times as they must.

Mr. President, the inertia of starting law is a very critical one. We heard the hon. Minister of Energy and Energy Affairs speak a little while ago about the Mitsubishi project probably starting in mid-2014. That is an example of inertia. He pointed to another example, the AUM, something signed in 2003 and which happened in 2010. There is an inertia.

Sen. Singh: No, it is a process.

Sen. F. Al-Rawi: Mr. President, it is important—there is a process to gain inertia. The hon. Leader is correct. [*Interruption*] But the point is, it really is imperative as we run towards July when this Parliament will prorogue, that we understand what the business of the Government is intended to be.

Sen. Hinds: Precious little.

Sen. F. Al-Rawi: We have no idea as to what they do. What they are contemplating, what the line of sight is to Trinidad and Tobago—line of sight in this Bill being very clear. What is the line of sight in giving a registration plate and vehicle identification? How does it tie into crime, ease of doing business, increasing the police force, revenue generation, more employment of personnel? That is an example of line of sight. Line of sight, the hon. Minister of Energy and Energy Affairs also gave us earlier in using the Union Estate as we should with certain facilities. But it is imperative that Government provide a stated legislative agenda lest we move from tragedy to tragedy as we find ourselves engaged in, at the hands the Government. [*Desk thumping*]

If I may say, Mr. President, as much as it does not make much sense to pluck out diplomatic plates only, and not deal with the broader issue of all plates, registration of all vehicles; as much as that does not make sense; as much as the intention of the Parliament on a dualistic application of the law, the theory of dualistic law, that is, you must embody legislation locally to make the international law alive. As much as that is the case, Mr. President, it really is incumbent upon us as a Parliament to ask for answers from the Government as to the preparedness and the state of implementation of the entire motor vehicles authority, for all registration plates and identification numbers and that we have answers with urgency.

I thank you for the opportunity to contribute, Mr. President. [*Desk thumping*]

Sen. Dr. James Armstrong: Thank you, Mr. President. [*Desk thumping*] Mr. President, I will be quite brief in commenting on this Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50. I am quite surprised that we have been able to get away with not having special plates for diplomatic motor vehicles for 48 years in this country without the diplomatic community complaining repeatedly. I think that this is very timely and something that I hope would be passed. There are just a few things that I want to make some observations on, and to request the Minister to perhaps address in his winding up and perhaps consider including an amendment if he thinks it appropriate.

In the Bill, Mr. President, reference is made in clause 3(a) and (b) to diplomat or diplomatic organizations. What I am not very clear on is whether that would also apply to the spouse of a diplomat, and that is not very clear in here. Now, I know that in the headquarters agreement with some countries, that they will in fact negotiate that the entitlement is either to the diplomat or diplomat and spouse, and that is not very clear. I actually went to the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act and I could not determine from there as well. So, if that is something that could be considered and be specified, how many official vehicles that would be entitled to such plates and how many personal vehicles and whether one for the diplomat and spouse?

2.45 p.m.

I do know that in some cases some international agencies also argued for and without success, that adult dependents, or adult children of the family, should also be entitled and that was not agreed to, and I am not suggesting that here, but I certainly think that we may need to specify how many such plates.

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The other thing that I am not very clear on, Mr. President, is what exactly does this plate now entitle you to? I saw in the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act that it would entitle you to, for instance, immunity from search. Now, is there anything else that we might need to consider that should be either in the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act or specified in here; passage, for instance, to certain areas? I appreciate the bit about roadblocks and so on. In fact, I am not very clear that it allows that. It allows you not to be searched. So I am not very clear on that.

Evacuation: how does this apply? Because that is another thing that we had to take into consideration in some of the headquarters agreements: evacuation of staff of agencies and missions, consulates and so on. So that is the other thing I would like us to take into consideration.

Another concern that I have, Mr. President, is how would we control the production of these plates? Now, I do know that, for instance, in some countries if you really wanted to, as a bandit, as we say, “Put dong ah wok”, we have had a number of cases where bandits have actually made plates, encountered a roadblock and you are waved on, and in this country there seems to be very little control of who—you can go to any corner shop anywhere and have a plate produced.

So I am a little concerned, not only with respect to the diplomatic plates, but, in general, whether we are taking into consideration the persons who should really be producing license plates and, in particular, in this case now that we are introducing it in this country, diplomatic plates, which would allow you access or passage, especially in an environment where we are trying to control crime. Because I can see that, for instance, you might have some unscrupulous persons actually producing these plates and actually using it to avoid law enforcement officers.

One other quick thing that I wanted to mention has to do also with the business about taxes in respect of these officers and whether the—and I am not sure whether that should be addressed in here, but for instance, the taxes and so on, with respect to petrol, how that would be dealt with for such vehicles; whether the official vehicle, or the vehicle of the officer who might have that entitlement.

So those are the suggestions that I have, Mr. President, and, as I said, if the Minister would take into consideration the possibility of amendment in clause 3 to specify how many vehicles would be entitled to these types of plates.

Thanks a lot, Mr. President. [*Desk thumping*]

The Minister of Works and Infrastructure (Sen. The Hon. Emmanuel George): Thank you very much, Mr. President, for granting me leave to participate in this debate on the Motor Vehicles and Road Traffic (Amdt.) Bill, 2013, a Bill which seeks to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, to provide for the issuance of special identification marks to be carried on the registration plates of motor vehicles owned by diplomats, as well as to regulate size and colour of the plates and so on.

Now, I, too, want to first welcome the head of the Diplomatic Corps, Mr. Amer Haidar, whom I am sure is enjoying the debate in particular because he is hearing a lot of matters that are extraneous to this issue. And while I assure him that the matters are interesting, they are not germane, but I would try to be, in my contribution, germane to the issues that we are to address today.

Before I get into the meat of my contribution, which will address the purpose of the amendment and, in particular, the history of how we have come to this place, I first would want to respond, very briefly to, first, Sen. Armstrong, who spoke about the control of the production of number plates in Trinidad and Tobago. Yes, the number plates that we have been producing in Trinidad and Tobago over the years have never been produced by the Licensing Authority itself, but by a plethora of people all around the country.

Sen. Hinds: “Pleth.” “Plethora.”

Sen. The Hon. E. George: So I do not know that that is a matter that has produced any considerable disadvantage to the country, and in that regard I do not know that it is absolutely necessary that any particular level of control be established in that regard. I say that because there was another issue that he raised having to do with, apparently, a suggestion that there is a foolproof number plate that one can produce. In my experience, I do not know that anywhere in the world you can produce a foolproof number plate, even with all the RFID issues and so on, being implanted in that. So I do not know that a number plate that people who are inclined otherwise, will not be able to manufacture illegally or produce illegally and so on.

I want to address a couple of issues raised by Senator Al-“Wari”—
[*Interruption*]

Hon. Senators: “Al-Rawi”, with an “R”.

Sen. The Hon. E. George:—who, in his usual manner and in accordance with a template that he has,— [*Interruption*]

Sen. Al-Rawi: I have a usual manner, “boy”?

Sen. The Hon. E. George:—every time he speaks to any Bill, upon the Bill being presented by the mover of the Motion, he behaves as if the mover of the Motion has no intellect and he, Al-Rawi, is the only person with intellect, so that the person is not as bright as he is—*[Interruption]*

Sen. Al-Rawi: Mr. President, 35(5).

Sen. Hinds: No, let me argue that for you. Give me the Standing Orders.

Mr. President: I really thought it was a backhand compliment, Senator. I will ask Sen. George not to go along that line.

Hon. Senators: To withdraw! Withdraw! Withdraw!

Mr. President: But I do not think you need to take much umbrage.

Sen. The Hon. E. George: He behaves—*[Interruption]*—he behaves in an uncomplimentary manner in respect of the presentation.

Sen. Hinds: Mr. President, 35(5). It cannot be said about a Member.

Mr. President: Sen. George, I would not allow you to continue to make remarks *[Desk thumping]* relative to—

Sen. The Hon. E. George: Thank you, Mr. President.

Sen. Hinds: Be germane! You promised “germane-ity”!

Sen. The Hon. E. George: Mr. President, the Bills that come here for debate are produced very often, or most times, by hard-working public servants who draft and advise—*[Interruption]*

Sen. Beckles: Follow your leader of Government Business. You take “dem ting” too personally.

Sen. The Hon. E. George:—the LRC and the LRC—*[Interruption]*

Sen. Hinds: I beg to move!

Sen. The Hon. E. George:—subsequently bring the Bills to the Parliament. So when Sen. Al-“Wari” tends to dismiss the work—*[Interruption]*

Sen. Al-Rawi: “Al-Rawi”. “Doh butcher meh name, nuh.”

Sen. The Hon. E. George:—in the Bills, he is, in a roundabout way, *[Interruption]* being less than courteous and appreciative of the hard work that is being done by a lot of the public servants who work in the background and some of them are here. *[Desk thumping]*

Sen. Al-Rawi: Since when the public servants are in the LRC? “Yuh confusing de debate.”

Sen. The Hon. E. George: No. I know what I am saying, you know, because I am in the LRC. [*Interruption*]

Sen. Al-Rawi: You know what I am talking about.

Sen. The Hon. E. George: Sorry, Mr. President. So I would like, again, to take issue with that kind of approach and to say that the public servants work extremely hard—[*Interruption*]

Sen. Al-Rawi: Nobody said—you are misrepresenting me!

Sen. The Hon. E. George:—to do this work and the dismissive manner in which they are dealt with, is something that I want to take issue with—[*Interruption*]

Hon. Senator: Senator, allow “de man tuh talk”.

Sen. The Hon. E. George:—as I comment on what Sen. Al-“Wari” has been saying.

Sen. Al-Rawi: “Al-Rawi”! [*Crosstalk*] It is R-a-w-i. Three years in Parliament!

Sen. The Hon. E. George: Mr. President, I seek your protection, Sir. [*Crosstalk*]

Mr. President: Senators, Senators, Sen. Hinds, please let Sen. George—I know a lot of people who have difficulty with a certain pronunciation. I do not think we need to take much umbrage at it. Sen. George.

Sen. The Hon. E. George: Thank you very much, Mr. President. Sen. Al-Rawi makes mention that the Government is plucking out the diplomatic plates out of an environment in which the Government is supposed to be dealing with all license plates, but I am saying that here is how his arguments are roundabout and—[*Interruption*]

Hon. Senator: Mischievous.

Sen. The Hon. E. George: You are right, mischievous. What has happened here, as the Leader of Government Business pointed out when he addressed the House, this thing has taken 48 years to get here and, in large measure, the PNM has been responsible for a lot of those 48 years in government. [*Desk thumping*] And what he is attempting to do is to dismiss all of the years when this whole

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issue has been an issue that the PNM government had to address and never did address it, and I will go into the details of that a little later on. He is trying to put the blame on this Government for taking out this issue and legislating for it and not legislating for all number plates, but over 48 years ago this issue came up—
[*Interruption*]

Sen. Hinds: You were Transport Commissioner. “What you did?”

Sen. The Hon. E. George:—and they had to deal with it, and they did not deal with it, and that is what he is trying—he is trying a smokescreen to take away focus from that particular issue. [*Desk thumping*]

Let me go back to the issue of this amendment to the Motor Vehicles and Road Traffic Act, Mr. President. What is the purpose of the amendment? The purpose of the amendment, to some extent, is explained in the Explanatory Note where it says in the first paragraph that the amendment seeks:

“...to provide for the issuance of special identification marks to be carried on the registration plates of motor vehicles owned by diplomats...”

Sen. Al-Rawi did argue that it could not have been done under the existing legislation and, therefore, we had to put legislation in place. Now, I am saying that this matter has been hanging fire for quite a long time, and I want to draw the attention of this honourable House to the background information that I have been able to come upon when doing the research to address this particular matter here today.

Mr. President, I have in my hand here a Cabinet Minute of July 1960.

Sen. Singh: Nineteen sixty? Before independence?

Sen. The Hon. E. George: Sorry, 1968. But the Cabinet Note that gave rise to that Cabinet Minute refers to the fact that on November 10, 1960—I wonder who was in power then—Cabinet agreed at item (b) of that Minute that:

“special identity plates bearing the letters CC be used on vehicles owned by members of the Consular Corps (including Honorary Consuls).”

That is as far back as 1960, the then government took a decision that these identity plates be used on vehicles owned by members of the Consular Corps—1960. So when Sen. Al-Rawi speaks to taking out one item, meaning diplomatic plates out of the—
[*Interruption*]

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Sen. Hinds: He meant clause 34.

Sen. The Hon. E. George:—slew of items.

Sen. Al-Rawi: He means what is in the courts.

Hon. Senator: Aahh.

Sen. Abp. Burke: “That getting stale. That getting stale now.” [*Crosstalk*]

Sen. The Hon. E. George: You see how this underscores my contention that he is simply trying to put a smokescreen up, so that we do not see the fault of the PNM. [*Desk thumping*] [*Crosstalk*]

So the Cabinet Note of that year—[*Interruption*—the Cabinet Note in arguing for the grant of these identity plates to the Consular Corps and members of the Consular Corps says:

“From time to time incidents have occurred in which the police have detained and even impounded the vehicles of those said Missions and organisations for alleged breaches of traffic regulations with consequent embarrassment to this Ministry”—meaning the Ministry of Foreign Affairs because the Ministry of Foreign Affairs is who sent the Note—“and to the Missions concerned when the identity of the vehicle or of the official has been ascertained.”

So the reason and rationale that the Ministry of Foreign Affairs was putting out at that time for the issuance of these plates was that incidents were occurring in which the police were detaining vehicles of these consular—people from the Missions. So they were putting that rationale forward.

That Note led to a decision in a Minute of July 23, 1968 in which the Cabinet approved that these identification plates and I would quote the Cabinet Note:

“Cabinet agreed that

(a) special identity plates for motor-vehicles which were the property of the overseas establishment in Trinidad and Tobago as well as for motor-vehicles which were the property of the privileged members of the staff of such establishments, should be provided by the Government of Trinidad and Tobago;”

So it said that the Government of Trinidad and Tobago should provide those identity plates to those vehicles. And it goes on to identify categories of those identification plates.

“CD—For Diplomatic Missions...

CC—For Consular Missions

UN—For the United Nations...”—and

IO—For...International Organizations...”

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Now, I am saying that is as far back as 1968, but this, 1968 is referring to a decision in 1960. Who was in power then in 1960 to 1968?

Sen. Singh: Where is—[*Inaudible*]

Sen. The Hon. E. George: I “doh” even want an answer to that question.

Hon. Senator: [*Inaudible*]

Sen. The Hon. E. George: I want to, again, deal with the documentation that we have on file that speaks to all of these notes that were brought to Cabinet and decisions of Cabinet that were not implemented from since 1960 as far as the data shows when the PNM was in power.

I proceed to another Note, and I am saying this Note now, November 18, 1974 is when this Note was done. Again, the PNM was in power at that time.

Sen. Singh: Good research. Good research. [*Desk thumping*]

Sen. The Hon. E. George: And I am quoting PCL—and it says in the Note EA—Ministry of External Affairs, of course, “74” meaning the year and the Note for Cabinet is No.124 and here is what it says at paragraph 2 of the Note:

“2. Cabinet, by Decision No. 1421 of 18 July, 1968”—which we just referred to—“agreed to the issue of special Identity plates...”

Then in paragraph 3 it said:

“This Cabinet Decision has not yet been implemented...”

Now we are where?—1974. So the 1974 Note is referring to something in 1968, saying it has not yet been implemented.

“and the Minister of External Affairs now wishes to submit additional proposals for the consideration of Cabinet. This matter has now, however,”—if you permit me, Mr. President, to quote—“become urgent in view of recent unfortunate traffic incidents”—and then bracket—“(not accidents)”—close bracket—“involving in particular...”—and they named two foreign countries. “These incidents could have been obviated if the diplomatic vehicles were properly identified. In addition, the Dean of the Diplomatic Corps—”

We are talking here in 1974 and there is one here in our presence in 2013.

“in Trinidad and Tobago has made representations recently on behalf of the diplomatic community for the issue of special identification plates.”

Mr. President, 1968 then 1974, but remember we are referring to 1960. In all those years, the PNM was in power.

I want to go to paragraph 5 of this Cabinet Note because it says at paragraph 5 that what the Minister of External Affairs, he is:

of the opinion that it "...will be preferable to issue special license plates."

Remember they were referring, the Cabinet decision referred to special identity plates but what the Minister of External Affairs was referring to was special license plates rather than identity plates. He went on to argue why he was proposing the license plates as against the identity plates.

So we are seeing here, that this is a matter that has been hanging fire for quite some time, and that the PNM Government of those days and up until recently, because remember they went out of power in 2010, and so they had from 2002 to 2010, either to do this or to pass the very motor vehicles authority law that Sen. Al-Rawi referred to.

If my memory serves me right, that motor vehicles authority issue was begun by the then Minister of Works sometime in 2007. So if by 2010 it had not been done, we have had three years ourselves, so what is the big issue? They had three years, did not bring it, if we have had three years give us a chance, we will deal with it. I think he is being very disingenuous—[*Desk thumping*—]—to come to argue here about the implementation of this law and its separation from the issue of all number plates, because, even at that time they were going to deal with it as a separate issue. [*Desk thumping*] They did not deal with it but they were going to deal with it as a separate issue.

I turn now to other documentation that I have been able to put my hands on, having to do with approaches by the Consular Corps and members of Missions addressed to the Government over a period, seeking to have this particular facility granted. I could start here with May 05, 1969 in a communication from the Embassy of the Federal Republic of Germany from the Ambassador and it is dated as I said May 05, 1969. I want to quote from the second paragraph of that. Let me quote the first two paragraphs. It says, it is addressed to Miss Dorothy Blackman, the Chief of Protocol, Ministry of External Affairs, Port of Spain.

"Dear Miss Blackman,

As Dean of the Diplomatic Corps I would like to bring two things to your attention which should be taken up with the Ministry of External Affairs.

The first item concerns C.D. plates on the vehicles belonging to the Missions and the diplomatic officers. The usual practice followed in Asia, Africa and Europe is that at the time of registration of the vehicles the number and C.D. plates are allocated by the department concerned."

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And he concluded that paragraph—

“Lack of C.D. plates very often leads to embarrassing situations.”

So here is the Ambassador of the Federal Republic of Germany way back in 1969 addressing a communication to the Ministry of External Affairs seeking and urging that diplomatic plates be granted to—*[Interruption]*

Sen. Singh: Right after the Vienna Convention. Right after the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act.

Sen. The Hon. E. George: There is another that is 1972. So we are moving on, 1969 and 1972, there is another here from—which was sent by the Ministry of Foreign Affairs, to Mr. JFP Hutchinson, Dean of the Consular Corps, Consulate of Sweden. At that time the Consulate of Sweden was 72074, South Quay, Port of Spain at the Colonial Building. Then we had one from the Ambassador to France: “A La Trinite et Tobago en Guyana et a la Barbade.” So, I suppose he is the representative of France to Trinidad and Tobago, to Guyana and Barbados, if I am correct.

Sen. Cudjoe: “Gwaiiana”?

Sen. The Hon. E. George: And he too—Guyana, yes.

Sen. Hinds: Thank you for—*[Inaudible]*

Sen. The Hon. E. George:—is writing on July 10, 1974, to the Permanent Secretary of the Ministry of Foreign Affairs, Mr. Clive Abdullah, the then Permanent Secretary, again 1974, asking for this facility.

This one dated July 30, 1985 and at this time—*[Interruption]*

Sen. Singh: Read some into the record.

Sen. The Hon. E. George:—1985, yes, I was in the Ministry of Public Utilities and National Transportation.

Sen. Singh: Uninterrupted PNM rule.

Sen. The Hon. E. George: And I am aware of this particular issue coming up when I was in that Ministry of Public Utilities and National Transportation, under the then Minister Eckstein, a very fine and honourable gentleman and a hard worker. One of the best Ministers one could ever see. *[Desk thumping]*

This one is from the Permanent Secretary, Ministry of External Affairs, addressed to the Permanent Secretary, Ministry of Public Utilities and National Transportation. In this, it sets out the rationale for the issue of these plates.

Sen. Singh: Let us hear it. Let us hear it. Let us go back in some history.

Sen. The Hon. E. George: It refers to a letter that was received by the Ministry of Foreign Affairs on March 22, 1985—[*Interruption*]

Sen. Deyalsingh: When you finish you will read it.

Sen. Singh: I love history.

Sen. The Hon. E. George:—and it says:

“The Dean of the Diplomatic Corps in a letter of the 22nd March, 1985 to the Minister of External Affairs raised certain matters of standardization and privileges. One of the matters raised dealt with the issue of diplomatic licence plates for the diplomatic corps.”

Listen to the arguments that are presented. One:

“Trinidad and Tobago diplomats are issued free diplomatic licence plates in the countries in which they serve.”

So the issue of reciprocity is urged here.

“However, since foreign diplomats in Trinidad and Tobago are not issued free diplomatic plates, one country, the United States of America, is now charging Trinidad and Tobago diplomats for this service.”

Hon. Senator: Aahh

Sen. The Hon. E. George: So it is saying that because we do not have the reciprocity in place in respect of our arrangements with the USA, that they are now charging us for am—Now remember we are talking about something that started in 1960 and I am referred to something here in 1985, a period uninterrupted virtually, uninterrupted PNM Government. [*Desk thumping*]

Sen. Al-Rawi: Sen. Lambert, you were with the PNM then? [*Laughter*]

Sen. Deyalsingh: You were with the PNM then?

Sen. Lambert: Yes.

Sen. The Hon. E. George: The Ministry of External Affairs is of the view, therefore, that foreign diplomats in Trinidad and Tobago should be issued diplomatic license plates free of cost.

Sen. Hinds: That is why Roshni and dem off loading yuh.”

Sen. Lambert: What?

Sen. The Hon. E. George: The second rationale. The second reason—[*Interruption*]

Sen. Lambert: Manning lost his way.

Sen. The Hon. E. George:—that these license plates should be granted:

“The Ministry is of the opinion that the use of diplomatic licence plates will assist the Police in the discharge of their functions enabling them to quickly identify diplomats and so be able to assist them when the need arises.”

[*Desk thumping*] Then it goes on to identify a third reason that the Minister of External Affairs felt that these license plates should be given, all very cogent arguments.

“There is, in addition, a problem with the disposal of tax exempt motor cars owned by diplomats.”

It went on to point out in the paragraph that because of the difficulty of identifying the vehicles of these diplomats, vehicles that were perhaps bought with vehicle tax off could be sold inside of the time that they ought to be sold, and therefore, the Government by issuing these diplomatic plates could have a better hold on the issue of the sale of those vehicles inside or outside the period for which would normally have been given for the sale of those vehicles.

So that was the third reason that the Ministry of Foreign Affairs gave—very, very cogent reasons. The issue of reciprocity and the fact that we were being charged by the US Government. Our diplomats are being charged by US Government because we do not have a reciprocal arrangement, the issue of the police and the security matter and the aid that the police could provide to diplomats if they find themselves in difficult situations because the police can very easily identify their vehicles, and then the issue of how these vehicles are sold by diplomats who may have gotten VAT off or motor vehicle tax off, and you had no way of being able to monitor them whether they were sold within or outside of the validity period. So that is 1985.

3.15 p.m.

I am taking us on this walk through time because it is important in the context of what Sen. Al-Rawi has been—the smokescreen, as I said, that he has been trying to create. [*Crosstalk*]

Sen. Singh: “Yuh smoking hot!”

Sen. The Hon. E. George: Mr. President, January 19, 1990. This now goes from the Acting Permanent Secretary to the Assistant Commissioner of Transport, and it says that—it suggests in the final paragraph:

“I would like to suggest that you collaborate with the Chief of Protocol on the question of the Note for Cabinet and whatever other steps need to be taken.”

And that is said in the context that the Chief of Protocol wished to pursue the question of the grant of these special license plates and there was a—the division had indicated that the transport division did:

“not foresee any difficulty in putting the system in place and would be prepared to take the necessary steps towards amending the Motor Vehicle and Road Traffic Act...”—at that time, in 1990.

This would have gone from my Assistant Commissioner of Transport; I was the then Transport Commissioner.

Now, we fast-forward significantly from then, 1990 to 2009. In 2009, there is another letter from the office of the Dean of the Diplomatic Corps accredited to the Republic of Trinidad and Tobago, to the then Minister of Foreign Affairs. This letter says and I just want to quote again from it—a very brief letter, Mr. President:

“I have the honour to address myself to Your Honourable in my capacity as Dean of the Diplomatic Corps accredited to the Republic of Trinidad and Tobago pursuing our conversations on the matter of the advantages and usefulness of diplomatic plates for Embassy and Diplomatic Agents’ vehicles.

I would simply add that this requirement, which I formally put to Your Honourable’s consideration on behalf of the entire Diplomatic Corps, not only is common practice around the world, but also based on Articles 22nd, 25th and 26th of the Vienna Convention for Diplomatic Relations.

Looking forward to hearing from you soon, I avail myself of this opportunity to renew Your Honourable the assurances of my highest consideration.”

So I want to say that the current Dean of the Diplomatic Corps—*[Interruption]*

Sen. Singh: He is here.

Sen. The Hon. E. George:—I know, yes—who is here with us, will understand that he is not alone in the difficulties that he has been experiencing in attempting to get this particular—*[Desk thumping]* His colleagues over the years have experienced similar disappointments.

Anyway, what was good about this particular approach by the then Dean of Diplomatic Corps, José L. Vignolo—v-i-g-n-o-l-o—was that the then Minister of Foreign Affairs sent the correspondence to the senior legal officer in the Ministry who advised in a letter, it was sent to him, on 2/11/2009, and he replied on January 11, 2010 indicating, after doing some research—and again, I want to pay

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tribute to the hard-working public servants [*Desk thumping*] because this Note, prepared by the senior legal officer in the Ministry, gave to his Minister good background and recommendation.

He spoke to the application; he spoke to legislation in Barbados, the framework in the USA, the framework in the UK and so on. I want to take a little time just to indicate that his having gone through to point out that many other countries around the world have catered for diplomatic license plates. Even in the Caribbean, we have countries that have catered for this: Aruba, Antigua & Barbuda, the Bahamas, Barbados, Cuba, the Cayman Islands, Dominican Republic, Grenada, Haiti, Martinique, St. Kitts/Nevis, St. Lucia and Turks and Caicos.

Sen. Singh: Everybody except we!

Sen. The Hon. E. George: So I am saying that, you know, the senior legal officer then had gone through a series of legislation in various countries to indicate what those countries had done. He did make the recommendation that we change the domestic legislation to accommodate the general interest and request of the international community, and that the motor vehicle registration system will remain in force, and no short-term measures could be established to accommodate the diplomatic license plates. So, what he is suggesting is that the law has to be changed to accommodate this request of the Diplomatic Corps.

Again, so we have all of these requests coming from the Diplomatic Corps. So I tried, Mr. President, to give a chronology of what had been happening over these many, many decades, all right, and to have Sen. Al-Rawi come here to very offhandedly lay this blame on the shoulders of the People's Partnership Government for bringing this legislation to deal only with this particular issue, I think, as I said—[*Interruption*]

Sen. Abp. Burke: Shame! Shame! [*Desk thumping*]

Sen. The Hon. E. George:—it is very, very disingenuous. [*Desk thumping*]

Sen. Lambert: Well put together! Good research!

Sen. Abp. Burke: “Dey wan taking care ah nobody. People just voted for so.”

Sen. The Hon. E. George: Mr. President, just to underscore the rationale for this legislation, there are essentially five [sic] reasons that one can identify. One, the unfortunate incidents that sometimes face people in the missions and the Consular Corps. Two, the issue of reciprocity, the fact that our diplomats are

accorded this particular facility in countries where they work and live and for that reason we, too, should make that accommodation. The third one is the issue of the police being better able because they can identify very easily these diplomats. They can much more quickly and easily help them when they are in difficulties. Number four, the issue of the disposal of your tax-exempt vehicle. So, there are four specific advantages that arise as a result of the grant of this diplomatic plate to these diplomats.

So, essentially, therefore, the amendments to the sections of the Act—or, sorry, Mr. President, I just forgot to mention one other matter in the chronology, that this Government did not take as much time, having come into power—*[Interruption]*

Sen. Hinds: Only three years!

Sen. The Hon. E. George:—to address this particular matter. In fact, a note went to Cabinet on December 07, 2010. Remember, the last diplomatic approach that was received was 2009 which was addressed to the then Minister of Foreign Affairs. Remember I referred to the document prepared by the then senior legal officer, dated January 11, 2010. This note went to Cabinet on December 07, 2010 and the Cabinet decision—let me read the recommendation in the Cabinet Note. The recommendation was:

“the amendment of Regulation 7 of the Motor Vehicles and Road Traffic Regulations...to provide for the issuance of special identification plates to”—vehicles used—“by members of the Diplomatic Corp...”

That is in Cabinet Note No. WT76 of (10) dated December 07, 2010. That is the note and that is the recommendation in the last paragraph of the note and the Cabinet took a decision on December 16, 2010 to agree and here is what Cabinet said in approving the note, Cabinet agreed that:

“Regulation 7 of the Motor Vehicles and Road Traffic Regulations, made under section 100 of the Act, to provide for the issuance of special identification plates to...vehicles utilized by members of the Diplomatic Corps...”

And so today, that is why we are here to debate this Bill and the amendments.
[Desk thumping]

So to say that this Government is not moving with alacrity or that the Government is picking “out ah piece” and so on is really, Mr. President, not—*[Crosstalk]*—I do not want to say shameless, but it is simply not true. Let me use very mild parliamentary language.

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So, Mr. President, the Bill that is before us here speaks to amending sections 13 and 15, and my colleague, Sen. Ganga Singh, did speak to that earlier on, so I do not think I need to be repetitive. But, I hope that I have said enough here to dispel the—I almost used unparliamentary language and said diatribe, you know, but I do not want to use that word—the less than complimentary contribution by my colleague, Sen. Al-Rawi, on the other side, in respect of how we have come to this point, today, in this Senate, to make the amendments to this Act. I thank you, Mr. President. [*Desk thumping*]

Sen. Fitzgerald Hinds: Thank you very warmly, Mr. President, for an opportunity to make a hopefully short intervention in this debate. Mr. President, the last speaker, Sen. George, was at pains to, with the support of Cabinet records, attempt to, according to him, dispel suggestions made by Sen.—“Al-Warie”, according to him, according to me—Al-Rawi—three syllables, al-ra-wi; very easy—criticized Sen. Al-Rawi for suggesting that persons on the other side were devoid of intellect. Of course, I thought that was quite bad on his part, Sen. George that is.

Sen. Cudjoe: It is his usual!

Sen. F. Hinds: But, of course, if he has difficulty dealing with three short syllables like that, there are others who might think that Sen. Al-Rawi, if he had said so, was right.

But, at any rate, Mr. President, Sen. George was at pains with the support of these Cabinet records to virtually direct blame at previous administrations and I can understand. We are all politicians, at least—well, all of us, even the Independents are politicians, but not, of course, partisan politicians.

Hon. Senator: Legislators!

Sen. F. Hinds: They are legislators here. But, as I have said otherwise, the President, and the President’s many, are politicians but not partisan as we are from the Opposition Bench and on the other side, and they have to be independent. They are politicians for the State, for the public interest, while we have some partisan sympathies.

But, Mr. President, not to be distracted, Sen. George spent time doing just that, blaming the PNM, and starting with a Cabinet Note in 1968 and took us all the way up to 2009. Well, only for the reason and purpose of settling the record and to contend, if you like, and satisfy the requirement for full disclosure of the facts, as us lawyers are obliged to do in another place or places, I want to say he skipped over the period when the NAR was in Government—[*Interruption*]

Sen. Al-Rawi: Clean! Clean!

3.30 p.m.

Sen. F. Hinds:—and, of course, in so doing disregarded the fact that his colleagues, the Minister of Planning and Sustainable Development, Sen. Bhoewarrie, was a government minister—[*Laughter*] was a Minister, sorry. “Yeah”, well he is still a—he is a government minister in that Government you know, yeah. Disregarding the fact that Sen. Bhoewarrie was indeed a Minister in that Government, he skipped over that.

Hon. Senator: Five years clean.

Sen. F. Hinds: He skipped over the years, Mr. President, between 1995 and 2001 when—[*Interruption*]

Sen. Abp. Burke: Give way, give way, give a way. Sit down.

Hon. Senators: No. No.

Sen. George: Just to correct something he is saying.

Sen. F. Hinds: I need your protection.

Mr. President: Unless Sen. Hinds is willing to give way, I cannot intervene.

Sen. George: But I spoke to 1990. I did quote from 1990.

Sen. F. Hinds: He skipped over the years when the UNC—[*Interruption*]—yes ‘86 to ‘91—when the UNC was in government between 1995 and 2001.

Sen. George: I did not! I did not.

Sen. Cudjoe: Disingenuous.

Sen. F. Hinds: When his former boss and colleague, Sen. Ganga Singh, was indeed a Minister of Government, skipped over that.

Hon. Senator: Um-hmm.

Sen. F. Hinds: He skipped over the fact that the UNC has been in Government for the last three years, he skipped over that. [*Crosstalk*] And I might add, he did not tell us in the spirit of full disclosure that during that period he was the Transport Commissioner. [*Desk thumping*] He was in charge of the Licensing Authority.

Sen. Cudjoe: Disingenuous.

Sen. F. Hinds: And he may very well have been a closet UNC that time. [*Desk thumping*]

Sen. Cudjoe: “Oooh. Talk de thing man.”

Sen. F. Hinds: He did not tell us that.

Sen. Al-Rawi: What about the notes he took when he was Minister?

Sen. F. Hinds: I simply want to conclude that small facet of my contribution by saying—*[Interruption]*

Sen. George: As transport commissioner, that was not my responsibility.

Sen. F. Hinds:—he was also a Minister of Works, you know, before he held—*[Interruption]*

Sen. George: A what?

Sen. F. Hinds: A Minister of—well he is now the Minister of Works, he was a Minister of Transport. He was a Minister of Transport!

Hon. Senator: No.

Sen. F. Hinds: Yes, he was. Mr. President, I want him to tell us when he was transport commissioner, which Minister told him do not proceed to put those arrangements in place. That is all I would like him to tell us, as I move on. *[Continuous interruption and crosstalk]* Well, heads of departments recommend things to the Government, and under this Act they do.

Sen. Al-Rawi: Under section 4 of the Act.

Sen. F. Hinds: Yes, there is good reason for the legislation that is before us. There is no doubt about that. There is good reason for the legislation that is now before us, delayed as it might have been.

As it now stands on diplomatic and consular vehicles, they are identified with a flag. You see them around from time to time. You see them around, some of them. You see flags on some of those vehicles. And that, of course, I am reminded, is for the heads of the various delegations. Well, of course, Mr. President, that in the language of diplomacy, if I might say so and let me quote from a text written by—it is called *International Law Cases and Materials*, this is the third edition and it is written by one Bishop, let me see if I can find his first name, William W. Bishop Junior and I quote from page 709.

Sen. Lambert: “Ah thought was Maurice Bishop.”

Sen. F. Hinds: Diplomatic immunities are enjoyed not only by the Chief of the Diplomatic Mission whether Ambassador, Minister or Chargé D’affaires but also by members of his family residing with him. Other diplomat officer

members of the Mission such as consuls, secretaries of legation, attaches and so forth and sometimes to a lesser extent by the clerical and administrative staff of the Mission and the service personnel, cooks, chauffeurs, maids, guards and the like.

So, whilst the vehicles for the heads would carry the flag, many of these other persons operating in the missions and who enjoy diplomatic immunities and privileges as a consequence, their vehicles are not so identified. So, as I said, there is good reason for what is in front of us here today.

And by the definition I quoted a while ago, Sen. Al-Rawi pointed out, quite properly, that the definition of “diplomat” as stipulated in the measures before us, is narrower in its scope than the broader meaning within the context of the Vienna Convention of 1961 and, indeed, the Vienna Convention on consuls for 1963. So, I would like to suggest that the Minister who piloted this take note of that and take a quick look at it and see whether we might improve it in that regard.

I have examined the amendment before us rather carefully and I have listened to the comments made by the two speakers from the Government Benches and I heard the rationale, as they put it, but we still have to ask ourselves whether there is some other, because I have to admit, the Minister who piloted this was not very effusive. He did not say as much as the last speaker, on the matter.

Mr. President, I have noticed as well, that on this occasion, we have draft regulations before us, which is a substantial improvement on the way this Government has conducted affairs in the past. [*Desk thumping*]

Sen. Al-Rawi: Well done.

Sen. F. Hinds: I rather suspect that that has to do with the urgings of Members on this side including, of course, our colleagues on the Independent Bench and I recall—[*Interruption*]

Sen. George: Do not be patronizing the Senators.

Sen. F. Hinds:—Sen. Ramkhelawan in particular and Sen. Deyalsingh and my friend, Sen. Al-Rawi, who would have spent a lot of time urging this Government to do the thing right. Even in the last debate on the defence amendments that we had here, I recall Sen. Ramkhelawan taking the position. I want to say that this is a rather interesting development and we were, in these regulations, able to see a little more about what is intended. For example—

Sen. Al-Rawi: It is draft legislation.

Sen. F. Hinds: Yeah, it is draft legislation but we have been able to see a little more about what is intended in these draft regulations.

Hon. Senator: It is very good.

Sen. F. Hinds: Mr. President, I want to refer very briefly to the convention itself and in Article 3 it says:

“1. The functions of...”

and this is Article 3 of the Vienna Convention on Diplomatic Relations, 1961. In Article 3 it says:

“1. The functions of a diplomatic mission consist, inter alia, in:

Representing the sending State in the receiving State;

Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;

Negotiating with the Government of the receiving State;

Ascertaining by all lawful means, conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;

Promoting friendly relations between the sending State, and the receiving State, and developing their economic, cultural and scientific relations.

2. Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission.”

Mr. President, Article 20 says, and I alluded to this a while ago:

“The mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, including the residence of the head of the mission, and on his means of transport.”

And, of course, there are similar provisions in the Vienna Convention on Consular Relations.

As we debate this Bill, we are aware, it was introduced here in this House, this the so-called Upper House, the Senate. It will make its way, once it is properly passed and so on, to the other House and then it will, of course, require the assent of the President. And upon his application, if you like, of the assent, it is not usual, from my understanding, that he will look into the policy positions behind the Bill, the debates from Hansard and all of that. Since 1962, Presidents would sign as almost in axiomatic fashion, automatic fashion, once there is a certificate that it was passed by the requisite majority where applicable, in both Houses. So

that I just wanted, in passing, without elucidating on it, to say, any suggestion that the President has to look into the policy and to get involved is rather disingenuous and to suggest that in public, as has happened recently in this country within the last 24 hours, is to bring the Office of the President into grave disrepute. [*Desk thumping*] Scandalous, perhaps.

Let me move quickly to the Bill. At clause 3, it says:

“Section 12 of the Act”—that is to say, the Motor Vehicles and Road Traffic Act, Chap. 48:50—“is amended—

(a) by inserting after subsection (3), the following subsection:

‘(3A) The Licensing Authority shall—

(a) on the application by a diplomat or diplomatic organization for the registration of a motor vehicle in his or its name;”

Let me pause to say that the registration and its achievement of a special identification mark, as we are purporting to do with these amendments, is not automatic. In other words, a diplomat can bring his car or acquire a vehicle and he does not have to make this special application. It is when he does so, if he does so, the Licensing Authority will proceed to register the vehicle in terms. That is important to note, because some heads of missions or some missions may, for any reason, decide that they are not going to make such an application and if that be so, we have to ask ourselves whether we are going to achieve the purposes for which this was intended. So it is something I would want the Government to take note of and to decide whether we would leave that lacunae, as it might turn out to be, or whether we should rephrase this and make it, if you like, mandatory; since identification is an issue.

Might I proceed?

“(b) upon being satisfied that the provisions of this Act and the Motor Vehicles Insurance (Third-party Risk) Act and Regulations made thereunder, have been complied with,”—the Licensing Authority shall:

“register the motor vehicle as a diplomatic motor vehicle and forthwith enter particulars of the vehicle in the register and shall assign the vehicle special identification marks to be carried on the registration plates of the vehicle.”

Two questions arise, Mr. President. Those vehicles that are now in the atmosphere, if I might put it that way, without these special marks, but they are already with the regular registration marks or numbers in the series as we know them in the generality, what would become of them once they continue to be in the use of those missions?

Sen. Al-Rawi: Good question.

Sen. F. Hinds: Should we contemplate some arrangement in these measures, to facilitate a transition from the regular to the classification we are talking about? Again, I urge the Minister to contemplate that.

3.45 p.m.

There is another matter that comes to mind as I read that amendment. It is the question of insurance because we know the Motor Vehicles Insurance (Third-Party Risks) Act requires persons who use motor vehicles, to hold and to secure the vehicles at least with third-party risk insurance, and every driver, most citizens, understand what that is, because there is a substantial difference in the cost of third-party insurance as opposed to fully comprehensive insurance. A substantial difference particularly when you are dealing with the types of vehicles that heads of missions are likely to be using. For that reason, along with the fact that part of the immunities and privileges diplomats enjoy in the receiving State, is that they are immune from prosecution in most if not in all cases. So knowing—*[Interruption]*

Sen. Al-Rawi: In the course of their duties.

Sen. F. Hinds:—that, well, let me before I continue, using the same text, indicate from Bishop what the situation in respect of this is. So I will come back to that amendment. I quote from page 710:

Diplomatic immunities include immunity from civil or criminal proceedings of any type and from many taxes including customs duties. In the United States, immunity from suit or criminal process is provided by the US Code, 22 US Criminal Code, 252 to 255 which also provide for punishment of anyone attempting to serve process on a diplomatic officer or offering violence to the person of an Ambassador or Minister.

So, in the United States, you will be subject to criminal liability and punishment, if you attempt to serve a summons or any process in any criminal or civil matter on a diplomat, someone who enjoys these protections or more so, violence on his person. I continue. I quote:

Incidents have occurred from time to time in many countries where officials often of subordinate or local character have failed to grant these diplomatic immunities. In these cases, protests by the offended State have usually resulted in redress and in acknowledgment of the immunity required by international law. For example, on November 27, 1935 two policemen jumped on the running board of a car of the Iranian Minister near Elkton Maryland—*[Interruption]*

Sen. Singh: He may be related to Faris.

Sen. Al-Rawi: Iraqi! Iraqi!

Sen. Singh: Iranian.

Sen. Al-Rawi: Iraqi.

Sen. Singh: “You are ah Iraqi?”

Sen. Al-Rawi: No.

Sen. Singh: Saddam!

Sen. Al-Rawi: Trinidadian.

Sen. F. Hinds:—and arrested the Minister and his chauffeur who was driving for speeding. [*Crosstalk*] The Minister protested and resisted and in consequence was handcuffed. The car and its occupants were taken to the police station.

Sen. Lambert: What is the relevance of all that?

Sen. F. Hinds:—and upon proof of the Minister’s identity, charges were dismissed by the Justice of the Peace who [*Crosstalk and interruption*] suspended the arresting officers—who suspended the chauffeur’s fine—yes, suspended the fine, right—

As a result of the protest, the arresting officers were prosecuted in Maryland, fined and removed from duty. The Governor of Maryland apologized to Iran and the Secretary of State expressed his regrets.

Mr. President, I quoted that as I was approaching the point I was making. I was making the point that upon being satisfied that there was compliance with the Motor Vehicles Insurance (Third-Party Risks) Act, in which someone can hold third-party insurance and be induced to do so or encouraged to do so, on the basis of the difference or the variation in the cost of that insurance as opposed to full comprehensive, those two situations, immunity from prosecution [*Crosstalk*] and, of course, the urging from saving money, would lead to a situation where very high-end vehicles and damage caused by them, that would normally be taken up in full comprehensive insurance would not suffice.

Mr. President, and it is a fact, I have been advised by those who know, that for those reasons, there are diplomats in various countries, including Trinidad and Tobago, who simply decided to take the course of least resistance and least cost in this regard. The amendment goes on to say that the licensing officer shall:

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“register the motor vehicle as a diplomatic motor vehicle and forthwith enter particulars of the vehicle in the register and shall assign to the vehicle special identification marks to be carried on the registration plates of the vehicle.”

So what we are doing here is creating, if you like, a new category of registered vehicles with special identification marks. That is what we are really doing here today. We are relying and, of course, they are exempt as well as we have already demonstrated under the Convention and otherwise, and it is a fact that diplomats are also in Trinidad and Tobago exempt from taxes and that includes VAT and import duties and those things.

Sen. Singh: They are not.

Sen. F. Hinds: They are not?

Sen. Singh: Thank the hon. Senator for giving way. In the purchase of good and services, they pay these taxes like VAT, but in situations like the importation of motor vehicles that is a different issue.

Hon. Senator: Correct.

Sen. Singh: But in the normal course of day-to-day operations, they are not exempt from that.

Sen. F. Hinds: I was talking specifically about vehicles, but even in respect of VAT, I have read in this text where these duties including VAT on regular things are refundable. In practice it may not be done. In practice it may be difficult to do, but they are refundable, and they should be, based on the terms of the Vienna Convention, but that is really not my point today. [*Crosstalk*] Under the Motor Vehicles and Road Traffic Act:

“‘Licensing Authority’ means the authority appointed in accordance with the provisions of section 4 for the registration and control of motor vehicles;”

Mr. President, we are here today dealing with creating a special category of registered vehicles with special identification marks. We are to rely on the Licensing Authority of Trinidad and Tobago to achieve the measure that we are here deliberating on today. I cannot stand here as a Senator and ignore some of the realities that affect us, and to pretend like my both colleagues on the other side did, that everything was perfect at the licensing office, because if you listened to the presenter of this measure, and if you listened to Minister George, who spoke just before me, who was himself a transport commissioner—[*Interruption*]

Sen. George: And proudly so.

Sen. F. Hinds:—you would think, if the citizens listen to you, that everything was perfect and we could rely on our Licensing Authority to do this without flaw or without trouble. [*Crosstalk*] That indeed is not the case and you must know, Minister George, that that is not the case because you sat there as transport commissioner, and the Licensing Authority fell under, I think your portfolio, when you held one before the one you now hold. Okay.

Sen. Dr. Armstrong asked as well in his contribution how many vehicles we are talking about, because you would have thought that the Minister would at least in the spirit of disclosure and for our edification—[*Interruption*]

Hon. Senator: He does not know.

Sen. F. Hinds:—told us roughly how many vehicles we are talking about.

Sen. George: It is optional.

Sen. F. Hinds: No such thing, and you hear the Minister who supported this Bill, Sen. George, it is optional. In other words, suggesting if they want to register them specially they do; if they do not, they do not; a point that I made earlier for their consideration, to take up to avoid a hole. That could create problems, the same problems that we are here trying to fix, and then he complains because Sen. Al-Rawi might have implied that there is a lack of intellect—[*Laughter*] though Sen. Al-Rawi did not say that.

Sen. Al-Rawi: Never. The Government?

Sen. F. Hinds: Nor did he imply it, although in a strange way you might have been correct. [*Laughter*]

Hon. Senators: Same thing.

Sen. F. Hinds: The Licensing Authority of Trinidad and Tobago is perhaps one of the most troubling authorities in Trinidad and Tobago. I could have put it a little more starkly, but I chose those words, that phraseology. I chose it deliberately, because as I thought about authority, and I looked over and I thought about Airports Authority and all the other authorities under this Government, it is hard to choose which is more troubling, whether it is Agricultural Development Bank, Chaguaramas Development Authority, Airports Authority, it is hard to work out which is the most troubling under this UNC Government.

But I will content myself with saying, Mr. President, that the Licensing Authority is definitely one of the more troubling authorities in Trinidad and Tobago. I will tell you why. We are relying on them, you and I, Mr. President, as

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Senators of this honourable Senate. We are relying on them to do what we are here talking about, pontificating on, today. There is a tremendous amount of corruption thereat. Everybody knows that. Everybody knows that! Riddled with corruption—[*Interruption*]

Sen. George: Not true!

Sen. F. Hinds:—whether it has to do—and hear Minister George saying not true. Well, let me tell you then. Let me tell you.

Hon. Senators: Bring the evidence.

Sen. F. Hinds: Yeah, bring the evidence. I will bring it in a little while. I will bring some in a little while. Just bear with me. [*Crosstalk*] I do not want to be distracted, you know. [*Crosstalk and interruption*]

Mr. President, when it comes to the issue of driver's permit that has a world of corruption behind it, because there are many citizens of this country, visitors and residents who are not citizens who hold driving permits in Trinidad and Tobago without—[*Interruption*]

Mr. President: You know, Senator, of course, driving permits do not form part of this Bill. I suspect you are straying.

Sen. F. Hinds: But the Licensing Authority does.

Mr. President: But this Bill does not deal with driving permits.

Sen. F. Hinds: One of their functions is to issue those, Mr. President, I was just dealing with it.

Hon. Senator: “Ahhhh!” [*Crosstalk*]

Sen. Singh: Strong arm!

Hon. Senator: “Correcting de President.”

Sen. F. Hinds: No, I am not doing that. I am very respectful to the President, always.

Hon. Senator: Always want to correct the President.

Sen. F. Hinds: “Yeah”, always.

Hon. Senator: Always want to correct the President.

Sen. George: “De President Rule.”

Hon. Senator: Redirect.

Sen. F. Hinds: So, there is some difficulty in that. You see, because I was hearing a Minister of Government on whom we rely to fix these problems saying no, I am wrong. Right. I am wrong. The issue of taxi badges—[*Interruption*]

Mr. President: Sorry. Senator, I am not going to allow you to stray into all avenues. You need to sit down.

Sen. F. Hinds: Okay. [*Takes his seat*]

Mr. President: I will not allow you to stray into a number of avenues that have no relevance to this Bill that is before us. This Bill is dealing with diplomatic registration and we need to confine ourselves to that. Thank you.

Sen. F. Hinds: Mr. President, I am just saying—I was just about to come to the point about—if a diplomat purchases a motor vehicle in Trinidad and Tobago, and he goes to the Licensing Authority to register same, he will be issued with a certified copy for the vehicle, and I am making the point that there is a whole lot of trouble in relation to certified copies. There are vehicles—I came across a certified copy, duly stamped and signed by the Transport Commissioner, for a vehicle that does not exist in Trinidad and Tobago. You could imagine if a diplomat ended up with one like that? [*Crosstalk*]

Sen. Singh: Did you bring this to establish that it was signed by the Transport Commissioner?

Sen. F. Hinds: Yes, in a court matter, in a matter in court, Minister Ganga Singh.

Sen. George: A forgery.

Sen. F. Hinds: A forgery? I am passing now since the Minister is shouting to tell me it is a forgery. There are some driver's permits, bogus driver's permits that are manufactured in back rooms and—[*Crosstalk*]

Mr. President: Senator, driving permits are not in the purview—you may have a seat.

Sen. F. Hinds: There are some certified copies as I have just said, there are some certified copies that are manufactured, [*Crosstalk*] they are forged documents printed in “ah back room, [*Crosstalk and laughter*] with ah false stamp false and ah false signature”.

Sen. George: Certified copies?

Sen. F. Hinds: Right, and they are in the atmosphere, transactions for sale and purchase of vehicles and then there are also certified copies coming out of the Licensing Authority for say, a vehicle and the number is for a truck or a motor cycle or something. That happens in this country. It is a fact. [*Crosstalk*]

4.00 p.m.

All these endorsements generate serious problems. Number plates is an issue. The Minister himself alluded to it and, I submit, it might be close to the situation where the Licensing Authority might have lost control of the registration and management of vehicles in this country.

Sen. George: That is not true.

Sen. F. Hinds: It is a serious situation. It is a serious situation. So I want to urge the Government, before some diplomat ends up with the same registration as somebody else and embarrasses us at home and abroad, we need to pay attention to that. It may very well be the case that we have to revamp the whole system down there, but we have a problem.

In the United Kingdom—and we have UK diplomats here in Trinidad and Tobago as the receiving State, and the UK being the sending State—I understand there is no Licensing Authority or office as such; I understand, no government Licensing Authority like ours. I understand that they are all privately run, privately operated. The Government, however, would set the examination that is required to achieve a driver's permit—to acquire one—both the theoretical and the practical exam.

I am told that the Government, as we heard earlier, I think from Minister George, deals with the question of handling the number plates, whereas in Trinidad and Tobago that is done by private persons, and the Government gets involved in those out there, mostly for security reasons.

So, Mr. President, as we contemplate these measures here today, [*Interruption*] [*Laughter*] I want to ask the Government, very seriously, to look at the points that I have raised; to look at those matters and to understand the role that the Licensing Authority must play in giving life to the legislation we debate here today.

There are officers in the licensing office who have come up short in terms of integrity and we have to be careful that some diplomat—[*Interruption*]

Sen. George: That is not true!

Sen. F. Hinds: That is absolutely—[*Interruption*]

Sen. George: That is not true!

Sen. F. Hinds: Mr. President, you heard the Minister. I was a police officer when we took—when there was a state of emergency in the Licensing Office of Trinidad and Tobago, a limited state of emergency.

Sen. George: A state of emergency by you?

Sen. F. Hinds: Yes.

Sen. George: Not true!

Sen. F. Hinds: Yes.

Sen. George: That is not true!

Sen. F. Hinds: “You doh know anything nuh.”

Hon. Senator: He does not read.

Sen. F. Hinds: Where they had to go and seize all the records to try to bring some order to affairs down there, and it has not succeeded.

Sen. Al-Rawi told us that the Government, in an attempt to improve all of this, promised us faithfully that we will get a new motor vehicles authority and, of course, he told us—and I am just passing on it—that the Minister who promised us that a long time ago, since, I think, 2010—he is quoted—[*Interruption*] Yes, a long time ago; three years ago and three years under your Government is a burdensome experience. [*Desk thumping*] [*Interruption*]

We were promised 16 different classifications of plates. I do not know if the special identification plates for the diplomats, which we debate here today, was one of them; but we were promised 16 plates and they would include private, commercial, personalized, hired, oh yes, diplomatic and government plates. We were promised that it would help us to deal with issues and that traffic tickets for parking and speeding would now be issued by mail. All of those wonderful things we were promised. Of course, we are still waiting. [*Crosstalk*]

Mr. President, I would like to ask—as I promised you a short contribution on this one—I have indicated two areas of serious concern for me and I would like to ask the Government to pay particular attention to this.

Before I conclude, I want to say that we are really extending—you heard Minister George tell us that we are extending, by way of reciprocity, courtesies, immunities, privileges to those who come from sending States to ours as a receiving State and we are extending those facilities to them as our obligations are under the convention.

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The old people used to say, however, charity begins at home. We have to extend efficiency to the people of Trinidad and Tobago who use the service down at the Licensing Authority because they will be looking on and they have a way of thinking and saying that we pay attention to the big shots and we do not have any time for them. We want to pay some attention to that. So, I am urging the Government to bear this in mind so that it will not be accused of discrimination against the people of Trinidad and Tobago as it has been many times in the past.

Mr. President, I want to conclude by urging the Government to do what it did the last time we were here and take seriously the concerns that would come from this side of the House, not from that side; and to perhaps rethink the provisions, so that we can, at the end of the day—we have already indicated our support—and, at the end of the day we can leave here feeling a lot prouder than we did on the last occasion we were here when the Government was forced into retreat on something they were trying to ram down the throats of the people of Trinidad and Tobago and have been rejected.

Sen. George: With these few words.

Sen. F. Hinds: No, not yet; not yet.

Mr. President, with those words. [*Laughter*] [*Desk thumping*]

Hon. Senator: I thank you. [*Laughter*]

Sen. Corinne Baptiste-Mc Knight: I thank you, Mr. President, for the privilege of intervening in this debate. To be very honest, I must admit that what I thought would have been a fairly simple matter of doing what we know we ought to and should have done, has turned out to dramatize a rather arduous and torturous journey to getting to the point of agreeing to have distinctive license plates for the diplomatic personnel.

Now, there is just one area of this that I would like to bring attention to, and that is on the basis of my years of experience. It is the matter of the insurance that is required of these diplomatic officers and I want to warn you that you will have absolutely no control over it. They will all have insurance—comprehensive, third party, whatever—but mark my word, the first time that any of them has a real problem and the insurance is required to pay up, the problem you are going to have is with the insurance company, which is going to claim the immunity on behalf of. This has been happening throughout the world. They take the premium and when it is time for them to pay up, they look to the Vienna Convention and say, no, my client is immune. A word of advice from my experience.

Hon. Senator: First good point.

Sen. C. Baptiste-Mc Knight: Other than that, all I wish to say at this point is in view of the arduous labour that this Bill has had to reach here, I am just very happy to be able to add my vote to the successful completion of this particular initiative. I thank you, Mr. President. [*Desk thumping*]

The Minister of Food Production (Sen. The Hon. Devant Maharaj): Mr. President, I thank you for the opportunity to contribute on this Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50. I had not intended to contribute to this debate, but having attended attentively to the issues raised by Sen. Al-Rawi, I feel compelled to address some of the issues raised.

We are here today at this juncture, because if we are serious about being an international player on the national global stage, as indicated by Sen. Kevin Ramnarine, we have to set our national laws in accordance with the international community. So I would not belabour some of the points already made on both sides about the need and importance for this Act to regularize the diplomatic community operating here in Trinidad and Tobago.

No doubt, to commend them for their patience, we have in our presence the Dean of the Diplomatic Corps, Mr. Hardar, here with us and he represents the continuation of the lobby by the diplomatic community to have this Act proclaimed.

Hon. Senator: Forty-eight years.

Sen. The Hon. D. Maharaj: Forty-eight years.

While I take Sen. Hinds' point that we should not get into the blame game of blaming former administrations, I cannot help but to take note of a memorandum between the Permanent Secretary of the Ministry of Foreign Affairs, Protocol and Consular Division, to the Transport Commissioner, dated March 24, 2009—so I am quoting very recent history, Senators. I quote, if you permit me, Mr. President:

“Please be informed that the Dean of the Diplomatic Corps, H.E. José Luis Vignolo, Ambassador of Argentina raised the issue of diplomatic licence plates to be issued to the foreign missions resident in Trinidad and Tobago, when he met with the Honourable Paula Gopee-Scoon, Minister of Foreign Affairs on March 3, 2009.”

Again, as recent as 2009, the lobby by the members of the Diplomatic Corps continued to have this issue dealt with. Of course, that was not done, leaving us here today for the People's Partnership Government to bring some form of reprieve to the Diplomatic Corps, which we are more than pleased to do. [*Desk thumping*]

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I turn specifically to the contribution of the hon. Senator, Sen. Al-Rawi. He gave this august Chamber the impression that when the PNM demitted office in May 2010, they left a piece of legislation; they left a system that was ready and waiting to be implemented as quickly as possible. He cited two other pieces of legislation which were brought to the House and he claimed PNM paternity for the legislation; but the MVA, the motor vehicles authority, which was proposed by the then PNM was not left at the stage of readiness as he would want us to believe.

Even the PNM themselves fell to the complexities of establishing a motor vehicles authority. I quote from early 2009, I believe it was March or June, from the *Newsday*:

“Government will replace...Licensing Division with a Drivers & Vehicles Licensing Authority by year-end...”

That is by the end of 2009.

“...in a plan costing \$108.3 million, Works and Transport Minister Colm Imbert said yesterday, Speaking at a post-Cabinet media briefing, Imbert said Government was undertaking the plan via an agreement with Nova Scotia Government, which would provide a blueprint for the DVLTT. If all goes to plan, Imbert said T&T would have a DVLTT which was on the cutting edge.”—by November, 2009.

Sen. George: Say that again.

Sen. The Hon. D. Maharaj: By November 2009, the hon. Colm Imbert promised this country a motor vehicles authority, but 2010 came, no motor vehicles authority.

Again, to quote from the *Newsday*, Thursday, January 2009, Public Administration Minister, Kennedy D. Swaratsingh, I am finalizing an agreement with the Nova Scotia Government Canadian province:

“...in order to negotiate a government-to-government agreement on the issue of reforming the Licensing Office.”

Again, in the *Newsday*, March 23, 2009, in an editorial, “Long Overdue”:

“If...Colm Imbert is correct, then by year’s end...bureaucratic hassle”—at—“the Licensing Office”—would—“be a thing of the past. On the other hand, if history is any guide, Mr. Imbert will be talking a lot about ‘teething problems’ come 2010.”

But 2010 came and there was no Licensing Office, no MVA. This was because it was much more complex than envisioned by the hon. Colm Imbert at the point in time.

4.15 p.m.

What was left? What we inherited was a poorly drafted piece of legislation which was held up and shaken for all to see by Sen. Al-Rawi. What was left was not a state of readiness to implement, but really phase 1 of a project.

The draft Bill that was being mentioned by Sen. Al-Rawi had gross inconsistencies within several clauses of the draft Bill; several technical issues which required detailed attention. There were major administrative issues that needed to be attended to, for example, the movement of the union from one institution to another.

To give you an idea of some of the deficiencies of that draft Bill which we inherited, which was essentially a cut and paste job from some other jurisdiction. An important change in the Bill held out is by virtue of that Bill, clause 39(b)—the funds allocated to the authority belong for the authority's use. Prior to this payment, funds collected were paid to the Consolidated Fund, the Finance and Exchequer Act will therefore have to be amended to reflect this.

There were other parts of the Act which made towing on the back of a bicycle—which is part of our culture throughout Trinidad and Tobago—illegal in Trinidad.

Hon. Senator: What is that?

Sen. The Hon. D. Maharaj: Towing on the back of a bicycle. I have before me a review of that Bill. I think Sen. Al-Rawi said there were over 200 pages in that draft Bill—over 50 pages of changes to the law. [*Interruption*] No, no, no. That legislation has received the active and aggressive attention of the LRC. [*Desk thumping*] It is now before the CPC, and we intend to bring this piece of legislation before the year's end.

What did we inherit in terms of the MVA when we came into office? We inherited an incomplete phase 1 of a two-phase project. Mr. President, let me give you the chronology of the events of the progress made under this administration:

- On June 01, 2010, planned phase 2 started with approximately one month overlap due to phase 1 overlap.
- August 2010, phase 2 statement of work presented an approved deliverable in phase 1.
- August 20, 2010, revised phase 2 statement of work to the Ministry of Works and Transport incorporating modifications.

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- August 23, photo-driver licensing demonstration and tour of the MVA demonstration centre for the Government of Trinidad and Tobago.
- September 2010, the deputy Permanent Secretary, Jaggernaut Soom, now deceased, indicated notification that the Ministry of Works and Transport will be having further internal discussions regarding revised phase 2 statement of works.
- Barrington, the company responsible for the implementation, received from the Ministry of Works and Transport comments on the phase 2 statement of works.
- October 05, Barrington team travelled to Trinidad to discuss with the Ministry of Works and Transport comments on phase 2 statement of works.
- October 16, Barrington provided interim proposal to advance critical path item for phase 2.
- November 10—I am not indicating everything, but giving you some of the key highlights—Barrington received notification that the Ministry of Works and Transport did not wish to advance an interim proposal, and that the proposed activity should simply remain in phase 2 statement of works.
- December 29, 2010, Barrington received request to meet iGovTT to discuss leveraging the MVA project to advance the Government of Trinidad and Tobago's national smart card strategy.
- May 13, 2011, Barrington resubmitted scopes of work to Nidco via email and hard copy with following to Carson Charles, President of Nidco.
- June 17, 2011, Barrington received email requesting additional changes to the statement of works.
- June 30, Barrington resubmits statement of works.
- January 30, 2012, the Ministry of Transport formally recognized Nipdec as the new contracting agency ordered to transition from Nidco to start immediately.
- January 31, the Ministry of Transport appointed legal counsel to discuss alignment on draft legislation with planned MVA because of the difficulties encountered.
- February 07, 2012—preliminary finding report submitted by Barrington: review of draft MVA legislation.

- February 17, revised statement of works submitted by Barrington to address the requested amendments.
- April 19, 2012, MVA site visit in Arima; revised an assessment of potential MVA site.
- May 07, 2012, Nipdec confirms requirements to prepare an integrated project plan to align all facilities with Government transformation needs.
- May 09, 2012, Nipdec request from Barrington Consortium Group assistance in providing additional information in support of the design provided by the IBI group—designs not comprehensive and requires additional input, example, structural cabling, electrical and so on.
- May 16, Nipdec issues terms of reference for preliminary planning.
- May 23, Cabinet of the Government of Trinidad and Tobago approves final implementation facilitation agreement.
- June 04, Barrington meets with Nipdec and the Ministry of Transport, set timelines for project.
- June 30, the milestone achieved at this juncture includes legislation 90 per cent completed; review of statement of works ongoing; site visit accomplished; demo centre and presentations accomplished; contractual agreements between jurisdiction approved and to be signed; contract negotiations imminent.

I could go on, Mr. President, but you get the impression that not all was as static, and in the state of readiness as Sen. Al-Rawi would have us to believe but, indeed, what we inherited was clearly woefully deficient to activate the motor vehicles authority.

Sen. Al-Rawi: You say so? You lost your authority my friend.

Sen. The Hon. D. Maharaj: No, no, no. We are in a state of readiness in terms of the legislation which was copied and pasted by the last administration that clearly did not address the legal issues that confront us, cultural issues, and that matter is now before the LRC, hopefully, to be attended to within a short space of time. The negotiations and contract are imminent with the province of Nova Scotia.

Mr. President, the other issue raised by Sen. Hinds regarding the issue of the Licensing Authority and speaking to the deficiencies and so on, as Minister of Transport, one of the most obvious and glaring things that come to your mind dealing with the Licensing Authority was the inadequacy of staff.

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I believe at the Port of Spain office, on the establishment there are 165 positions for licensing officers, but due to attrition, due to sick leave, at any given time, there are only 50 officers creating some of the problems that arise there. To be a licensing officer is not an easy task. [*Desk thumping*] You have to be qualified in all five levels of classes of your driver's permit from 1 to 6. Those positions have to be filled by the DPA, Director of Personnel Administration, and in conversation with her, she indicated the difficult which one encounters in filling these positions, because the entry-level salary for licensing officers is a princely sum of \$4,300 or so.

So, after having accomplished the six different classes of classifications in the driver's permit regulations, you are given the reward of a meagre salary, so it is very difficult to recruit persons in this. That is why it has not been filled, and it gives rise to some of the difficulties encountered by the population in licensing offices throughout Trinidad. My experience is, in Tobago, the turnaround time is much faster with approximately 15 minutes or so, but with this proposed MVA, those problems would be solved once and for all.

Sen. Al-Rawi also raised the issue of the location in Mount Hope, and he had difficulty with the establishment of the MVA being moved into Frederick Settlement. It is not a difficulty unknown to the PNM. They seem to focus development only in Port of Spain, as if they wish to ignore the rest of the country as if it does not exist—[*Crosstalk and laughter*—Port of Spain and its environments.

Sen. Al-Rawi: Environments?

Sen. The Hon. D. Maharaj: Environs, sorry.

Sen. Al-Rawi: Point Lisas is next to Port of Spain! [*Crosstalk*]

Sen. The Hon. D. Maharaj: But what he does not know, one of the sites identified in addition to Frederick Settlement was Arima. A building was purchased for that area and site visits, as I indicated, occurred between Barrington and the Ministry of Transport personnel. Eight other sites were identified including Tobago, Chaguanas, Siparia, Sangre Grande and so on, so as to get away from the bottlenecks that occur at the various licensing offices throughout Trinidad and Tobago to ensure that the turnaround time from entering the door to leaving is no more than about 10 minutes. So, there were many, many, different sites identified.

The infrastructural work at the Frederick Settlement site included development of the roadway to get away from the traffic jam. I do not know if Sen. Al-Rawi is aware, but Mount Hope and that general vicinity is the site of immense traffic congestions in the morning and in the afternoon, way in excess of what would be encountered at the Frederick Settlement site, and because of infrastructural development which is planned as part of the overall MVA project, that traffic congestion would be a thing of the past.

The issue of the PH drivers was also raised by Sen. Al-Rawi as if it is something new to this Senate, but there were several questions on the Order Paper during my tenure as Minister of Transport with the issue of PH drivers. The PH driver issue, after the consultations with the insurance association and so on, it was difficult to move forward because the insurance agencies, ATTIC, did not find a willingness to insure PH drivers, and it is off the agenda at this present time.

So, Mr. President, with those few words, I wish to thank you for allowing me to clarify some of the issues raised in this debate. [*Desk thumping*]

Sen. Terrence Deyalsingh: Thank you, Mr. President, for allowing me an opportunity to make, hopefully, a short intervention for four minutes—

Hon. Member: Four minutes?

Sen. T. Deyalsingh:—pre-tea on a Bill, an Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50. Mr. President, if I could just address one issue first just to rebut Minister Devant Maharaj quite quickly, the myopic revisionism and blinkered vision that go into the UNC thinking is something to behold. He spoke about PNM focusing development only in Port of Spain and environs. Is it that Point Lisas washed up on the shores—the Point Lisas Industrial Estate—of Couva from Venezuela?

Sen. Al-Rawi: Or Point Fortin?

Sen. T. Deyalsingh: Did the Point Fortin and the south-west peninsula which were spoken about earlier, did they suddenly appear from nowhere? Did the San Fernando General Hospital get beamed down a la Star Trek from mars? [*Laughter*] This is the kind of trite debate that people abhor when they hear us speak. It is as if development only took place in Port of Spain.

It is quite amazing that the blinkers are on, and we hear the hon. Minister of Energy and Energy Affairs, which all speakers referred to, speak about energy, oil and gas. Is this the same UNC when they were in Opposition could not see the value of our energy resources—[*Interruption*]

Sen. Al-Rawi: Scott Ryder every day!

Sen. T. Deyalsingh:—and bad talk every single Scott Ryder Report?—the gas is finishing; the oil is finishing; the sky is falling on our heads, and yet today they are the biggest proponents of oil and gas. Amazing! Quite amazing!

The hon. Minister spoke about a 90 per cent completion of the legislation I believe—[*Interruption*]

Sen. Al-Rawi: No, the motor vehicles authority.

Sen. T. Deyalsingh:—of the motor vehicles authority.

Sen. Singh: Legislation!

Sen. T. Deyalsingh: Legislation? Good!

Sen. Al-Rawi: No, no.

Sen. Singh: Yes, he said legislation.

Sen. T. Deyalsingh: How much of that legislation was inherited? Did they start it from scratch?

Sen. Al-Rawi: He said it was June 2010, 90 per cent completed.

Sen. T. Deyalsingh: If it was in June 2010, 90 per cent completed, who did it?

Sen. Al-Rawi: Why have you not dealt with it?

Sen. T. Deyalsingh: And even if so, what have you done with it for three years? What have you done with it for three years? [*Crosstalk*] I would tell you something about the site for Caroni.

Caroni and that area brought down a PNM Government once. Northern Construction to build a bridge—do you remember that?—helped bring down a PNM Government, to build a bridge there. Are you seeing shades of *déjà vu* in 2013, hon. Senator? If you want to speak about Caroni—[*Interruption*]

Mr. Vice-President: Hon. Senator, the time is now 4.30. I intend to take the tea break at this point and resume at 5 o'clock. This Senate is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. President: Before we took the break, my calculations indicate that Sen. Deyalsingh has been speaking for 21 minutes.

Hon. Senators: No, no, no.

Sen. F. Al-Rawi: Four minutes.

Mr. President: You had been speaking for four minutes?

Sen. Singh: “Where you write the four it look like a 21.”

Mr. President: Therefore you have another 41 minutes. [*Laughter*]

Sen. T. Deyalsingh: Mr. President, I thank you. I distinctly remember saying I did have four minutes pre-tea.

There are just one or two little clarifications I would like to make before getting into the actual piece of legislation. I just want to put on the record that at no time in Sen. Al-Rawi’s contribution did he speak ill of any public servant or of the public service. What he did in fact indicate was that this legislation should have gone through the LRC, which as you know is under political control by virtue of the office being directed by whoever holds the position of Minister of Legal Affairs. So I just want to put on record in the *Hansard* that at no time did Sen. Al-Rawi seek to say anything bad or improper against the public service, as may have been intimated by Senators opposite.

This Bill has a particular grey area which I would like to draw to the hon. Leader of Government Business, Sen. Ganga Singh, through you, Mr. President. If I can turn to clause 3(b)(10), which deals with diplomats and which seeks to define or explain what a diplomat means. If I may for clarification:

“‘diplomat’ means a diplomatic agent, consular officer or an official of an international organisation or agency who is certified in writing by the Minister with responsibility for foreign affairs as being entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act;”

One of the privileges we are seeking to confer on this class of person, as defined by diplomat, is the acquisition of these special number plates. We have a range of office holders that perform duties between the sending country and the host country. Within the Commonwealth you might call them high commissions; so if you are assigned to a Commonwealth country you are called a high commissioner. I think if you come from outside the Commonwealth you are an ambassador and you found an embassy. So you can have one person who could actually be both an ambassador and a high commissioner if they are accredited to serve two different countries.

You will find these types of arrangements between countries which have significant trade between them, like England and Trinidad and Tobago, although we are small, and the United States, we are a significant trading partner in terms of energy. So different countries would set up a grade of representation whether it is an embassy, a high commission or a consular office, depending on the level of representation and the type of ties that they want to forge.

In Trinidad and Tobago and in many other countries, there is a group or classification called “honorary consul”. In Trinidad and Tobago we have honorary consuls from countries like Peru, Ecuador, Bahamas, Pakistan and Switzerland. These are countries that we may not have significant trading links with or even significant political or cultural links, but these people are here to serve the interest and seek the interest of citizens from those countries living here. They could be visitors; they could be going to university, foreign workers or contract workers. I am just asking the hon. Minister, through you, Mr. President: does the Act, using the word “diplomat” as defined, also include honorary consuls?

The reason for asking that is, if we go to the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01, which I alluded to earlier, and if we go to the First Schedule, Article I of that legislation, to begin with, we have the “Articles of the Vienna Convention having force of Law in Trinidad and Tobago”. When you go through it from (a) to (i), it does speak to diplomatic staff, diplomatic agent, and head of mission. When you go to Chapter III, Article 58 of that same piece of legislation, it does speak to “Regime Relating to Honorary Consular Officers and Consular Posts headed by such Officers”. So they are mentioned separately, not under the previous section which I just called, which includes diplomats, diplomatic agents and so on.

It is just an area which I am flagging for clarification via his support staff from the LRC. Does it include, and are we granting these same privileges and immunities to honorary consuls who serve in Trinidad and Tobago? That is my question.

The reason I want to clarify that, I do not want to go into the whole *Pepper v Hart* argument, because a couple of Senators opposite said it was passé to use *Pepper v Hart*, but we have a case of more recent standing which speaks to the issue of admissibility of material from the *Hansard*. So I just want to put it down. This is quite a recent case, the Republic of Trinidad and Tobago in the High Court of Justice between Steve Ferguson, claimant, and the Attorney General of Trinidad and Tobago, the Director of Public Prosecutions. This case speaks

directly, when you look at the table of contents, to the admissibility of material from the *Hansard*. As I said before, for Sen. Kevin Ramnarine's edification, matters relating to this would come back to haunt us in 2013, as it did with the PNM in 1981—the bridge to nowhere.

The vision under the last administration, the Motor Vehicles and Road Traffic Bill—again, we have the document here. It is 137 pages of 278 clauses and 12 schedules. This piece of legislation, just to rebut briefly Sen. George's assertion that nothing was done for 48 years, is just to alert him to the fact that when he was calling out the years, he would conveniently skip the UNC years from 1994 and the NAR years. One would think that the PNM has ruled uninterruptedly for 50 or 60 years. They had opportunities. [*Crosstalk*]

This piece of legislation covered almost everything to set up and operationalize the motor vehicles authority, even down to including the regulation of car rental firms. In clause 103, a very troubling issue, license plates. We know that anyone can go to anyone in Trinidad and Tobago and get a license plate. It is something that needs to be controlled, and that is what we are talking about here today. It is a serious issue for crime, and this piece of legislation envisaged the motor vehicles authority being the sole issuer of license plates. We did not pull out one section. We were looking at a comprehensive review that needed to be implemented to move forward a motor vehicles authority.

Sen. George: There were no diplomatic plates in that issue.

Sen. T. Deyalsingh: Under this piece of legislation there were 16 classifications which would have included the issuance of diplomatic plates. I refer to a *Newsday* article of Monday, July 12, 2010:

“Licensing goes hi-tech”

This is July 2010. This is after the last election, talking about things that were in the pipeline before May. I quote: [*Crosstalk*]

“In addition, the 16 classifications of licence plates, which would include private, commercial, personalised, diplomatic, hired and Government plates, will be readily identifiable by category.”

So it is not true to say that nothing was done and that this issue was never addressed. It was in the contemplation of the total review of the Motor Vehicles Ordinance—[*Interruption*]

Sen. George: The road to hell is paved with good intentions.

Sen. T. Deyalsingh:—a total review of the licensing office. [*Interruption*]

Sen. George: Woulda, shoulda, coulda.

Sen. T. Deyalsingh: We did not pick out one piece, as is the norm with this Government to pick out one item while admitting that the entire piece of legislation needs reviewing, a la the Marriages (Amdt.) Bill that we just debated, and the Births and Deaths Registration (Amdt.) Bill.

Sen. George: “Shadow have a calypso about dat.”

Sen. T. Deyalsingh: Our approach is not piecemeal fixing.

Sen. George: “Allyuh perfect?”

Sen. T. Deyalsingh: We are far from perfect, but we are far better than what prevails now. We are not perfect. [*Crosstalk*] But we were looking at a comprehensive review inclusive of the facilities that the diplomatic corps is requesting today, and that was clearly stated in July 2010.

Sen. George: Aaaah! [*Laughter*]

Sen. T. Deyalsingh: Mr. President, the movement of the licensing office to Mount Hope, which was under the contemplation of the last administration, which has been discussed, which is now being moved to Caroni, and again, Sen. Devant Maharaj spoke about it. But it is interesting to know that on January 26, 2013 it was made available for public consumption that the company getting the contract, which had moved from \$45 million under the PNM to 200 and what? Am I seeing right here? To \$232 million to SIS?

Sen. Mohammed: It was 108 under the PNM.

Sen. T. Deyalsingh: To SIS? No, it was—whatever. But you all are now giving a contract to SIS—[*Interruption*]

Sen. Al-Rawi: In 2010 it was \$45 million.

Sen. George: “He making bacchanal; papers tomorrow. He fighting papers tomorrow morning.”

Sen. T. Deyalsingh:—for \$232 million. SIS’s construction firm; if you permit me, Mr. President. The date?

Sen. Singh: Was it tendered?

Sen. T. Deyalsingh: Well, I am coming to that part. “Nice eh?”

5.15 p.m.

SIS’s construction firm, Casa Contractors Limited, you know, was responsible for works and so on, But informed sources told the *Sunday Express* that the SIS’s proposal...—[*Interruption*]

Hon. Senator: Ahhhh!

Sen. T. Deyalsingh:—“for the MVA bore significant error.” [*Interruption*]

Hon. Senator: Ahhhh!

Hon. Senator: But was accepted by NIPDEC.

Sen. T. Deyalsingh:—significant error because they did not commit to a 10 per cent contingency fee. Now, a 10 per cent contingency fee in award of contracts, we know could mean many things—[*Interruption*]

Sen. Al-Rawi: Twenty seven million in this case.

Sen. T. Deyalsingh: Yes. In this case it would—that 10 per cent which works out to \$27 million would have taken the final cost to \$259 million—Standing Order?

Sen. George: Standing Order 35(1), please, relevance. It is not relevant to the debate on diplomatic, please.

Mr. President: You are straying from the tenor of the debate, Senator, and you know, I told that to Sen. Al-Rawi before [*Crosstalk*] that a passing reference, but to go into all the intricacies of that particular contract would be outside of the realm of this debate.

Sen. T. Deyalsingh: I am so guided, Mr. President. It is just to say, as I end on that note, that the Motor Vehicles and Road Traffic Bill which envisaged a whole new experience in registration of vehicles, again, was sadly interrupted by the events of May 2010. They got the Bill. They got 137 pages of legislation which they could have worked on—[*Interruption*]

Sen. Al-Rawi: Contract paid for.

Sen. T. Deyalsingh:—which included the issuance of diplomatic plates, instead of treating it as an amendment to an old piece of legislation. It is just incompetence again, over and over, and with those very few words, Mr. President, I thank you. [*Desk thumping*]

Sen. George: Since 1960 they—[*Inaudible*]

Mr. President: Leader of Government Business. [*Desk thumping*]

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, this was a very interesting debate, and I wish that I could be as brief as Sen. Corinne Baptiste-Mc Knight because I think that—and I listened to her words of wisdom as a retired career diplomat. She would have experienced the virtual mendicancy of the—[*Crosstalk*]

Hon. Senators: Ohhhh.

Sen. The Hon. G. Singh:—Diplomatic Corps [*Desk thumping*] accredited to Trinidad and Tobago [*Crosstalk*] as they sought to get—

Hon. Senator: Vocabulary.

Sen. The Hon. G. Singh:—this, what was part of the Vienna Convention operationalization in Trinidad through the local legislation, the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01. For 48 years—48 years [*Crosstalk*] they were begging.

Hon. Senator: Crying.

Sen. George: Beg.

Sen. The Hon. G. Singh: Begging—[*Interruption*]

Hon. Senator: Crying.

Sen. The Hon. G. Singh:—pleading upon every administration to please carry out your duties in accordance with your international obligations.

Sen. George: We signed the convention. [*Desk thumping*]

Sen. The Hon. G. Singh: So we are a listening Government. We are a listening Government, and we heard the pleas led by the Dean of the Consular Corps and we responded, and that is why today we are here before this Senate. [*Desk thumping*]

Hon. Senator: Quick response.

Sen. George: Quick response. Not 48 years. [*Laughter*]

Sen. The Hon. G. Singh: Mr. President, you see when—I did not want to get involved in the responding to some of the things that they have to say because I know in the cut and thrust of the politics they say, they come with a set play, “yeah”. You see you expect a certain outcome from something, so you have a set play.

Sen. George: That is right.

Sen. The Hon. G. Singh: And the best example of that set play was the press conference called to deal with the decision on section 34, which they anticipated to go against the State. So today, Sen. Al-Rawi and Sen. Terrence Deyalsingh, they have a set play.

Sen. George: They have a set play.

Sen. The Hon. G. Singh: All roads lead to the MVA.

Sen. George: That is right. [*Desk thumping*]

Sen. The Hon. G. Singh: All roads lead to the MVA. [*Desk thumping and laughter*] They create a series of straw men—[*Crosstalk*] They create a series of straw men—[*Interruption*]

Sen. George: That is right.

Sen. The Hon. G. Singh: In order to get—[*Interruption*]

Sen. George: Smoke screen.

Sen. The Hon. G. Singh:—to get to the MVA.

Sen. George: That is right. [*Crosstalk*]

Hon. Senator: They have a set play.

Sen. The Hon. G. Singh: So the set play, but you see, you must be able and you must tell this to your leader—[*Interruption*]

Hon. Senator: Who is the leader?

Sen. The Hon. G. Singh: When the leader realized that section 34 went against his plans, he still called for the removal of Ramlogan because that was part of a set play; inability to adapt and to respond to the new challenges. [*Desk thumping*]

Sen. George: Inflexible you call that; inflexible.

Sen. The Hon. G. Singh: Mr. President—[*Interruption*]

Sen. George: No flexibility.

Sen. The Hon. G. Singh:—so I want to thank Sen. Baptiste-Mc Knight for that level of sobriety entering the debate—[*Interruption*]

Sen. George: Ohh.

Sen. The Hon. G. Singh:—with respect to the need for this, to fulfil [*Desk thumping*] our obligations in the context of the comity of nations. [*Crosstalk*]

Mr. President, I also want to point out to Sen. Deyalsingh when he spoke about piecemeal. The piecemeal intervention of the PNM, and the PNM administration in this area of the motor vehicles, was to grant a coat of arms license plate to the then Prime Minister, Patrick Manning. [*Desk thumping*] That is what the piecemeal intervention was about; [*Laughter*] took upon himself, to anoint himself with the Coat of Arms of this State—[*Interruption*]

Sen. George: That is right.

Sen. The Hon. G. Singh:—and that is piecemeal intervention. That is self-interest, self-promotion—[*Crosstalk*] and breaking the law too, breaking the law, but they stay quiet on that. [*Crosstalk*] There is a sound of silence.

Hon. Senator: No word. [*Crosstalk*]

Sen. The Hon. G. Singh: This, what we are doing, has nothing to do with the self-interest of anyone on this side. [*Crosstalk*] So you take your coat of arms and you adorned the prime ministerial vehicles; reminiscent of the Ceausescu, the Romanian—[*Interruption*]

Hon. Senator: Nicolae Ceausescu.

Sen. The Hon. G. Singh:—Nicolae Ceausescu, the Romanian President who was deposed and so many other tin pots at the time, but this was—[*Crosstalk*]

Hon. Senator: “De bald head one.”

Sen. The Hon. G. Singh:—the Coat of Arms. Mr. President, [*Crosstalk*] so the piecemeal approach—the issue raised by Sen. James Armstrong [*Crosstalk*] as to whether spouses will be entitled, and whether the headquarters agreement will allow for that on so on. I was in contact with the Ministry of Foreign Affairs, in the context of the operations and in context of the regulations as it will be enhanced, will be for collaboration between the Ministry of Foreign Affairs and the Transport Commissioner to determine how many plates, license plates, for the diplomats will be allowed permission, and that is what the operational aspect will be.

In some instances the spouses are entitled. In some instances, a spouse may be also a diplomatic agent by virtue of competence in working in a particular Embassy, High Commission or international organization.

Hon. Senator: Under schedule 1 of one of these.

Sen. The Hon. G. Singh: So therefore, you have that. “Yeah”. You have several instances where that may be possible, but the clarity of that will come in the regulation out of collaboration with the Transport Commissioner and the Ministry of Foreign Affairs as has been the practice in other areas.

There are 80 High Commissions/Embassies in this country with the consequent staff and the diplomatic agents that go with that. And there are 30, approximately 30, consulates and special organizations that will fall within the embrace and the ambit of this piece of legislation.

So, we have a sense of the numbers. We have a sense of what we are looking for, and that therefore it would be of a limited category of persons. I listened to what the hon. Senator had to say with respect to the question of the production. Who will have responsibility for the production of this? And in discussion with the Transport Commissioner, I am advised that only the Licensing Authority will be issuing these diplomatic plates. [*Desk thumping*] So the fears will be addressed in that kind of way. I think that the issue of the insurance is something that we will take note of.

The whole question as to whether the definition—the definition says as to what is a diplomat in clause 3(b)(10). In this section:

“diplomat” means a diplomatic agent, consular officer or an official of an international organization or agency who is certified in writing by the Minister with responsibility for foreign affairs as being entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act;”

So that therefore, once more, the role of the Ministry of Foreign Affairs to keep a consistency in practice in the operation of this piece of legislation.

Similarly, diplomatic organization, there are certain criteria. There is a listing of what would comprise, and therefore it would impact similarly within the—because you add diplomatic organizations. Trinidad and Tobago, for example, we have a series of organizations here in my own Ministry, you have organizations that have international impact and you have certain immunities and privileges that accrue to personnel that work in those agencies, and that too will also be determined by the Minister for foreign affairs.

The question raised by hon. Sen. Hinds with respect to what will become of existing vehicles. This is an operational and administrative issue. There will be a transitional period within which that will be taken care of.

Sen. Al-Rawi: And section 15 applies to cancellations.

Sen. The Hon. G. Singh: So now the question of whether it should be mandatory. In the world we live in today, Mr. President, we decided it is better to keep it optional for a head of mission to determine whether or not they want to access this application of the ID plates in this country because in some instances, I am advised, in the discussion with some of the embassies, they felt that they should leave it optional because for security reasons they may not want that to take place, to have all their diplomats identified by virtue of the vehicles they drive. So you have to be practical, you have to be pragmatic about that, and therefore you make it flexible.

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The issue as to whether or not honorary consuls ought to be exempted or to enjoy [*Crosstalk*] the duty—well my own view, and I think that having regard to an approach that we ought to take, honorary consuls would fall within the same category of persons who [*Crosstalk*] together with the Minister of Foreign Affairs and Transport Commissioner will determine their status in terms of the ID plates.

But I also want to deal with the issue as to whether or not they ought to be entitled to certain exemptions; exemptions that currently apply. That is a matter that should engage the foreign Ministry with a view to adapting to the challenges, and the growth, and the expansion of Trinidad and Tobago in the comity of nations, and certainly it will be a policy position to change the existing law, in the context of what they are exempted from.

For example, I have a friend who was a senior officer of a major country embassy and he was entitled to two cars every two years; one for him and one for his spouse, duty exempted from everything. We have similar exemptions that ought to take place in the context of the honorary consul, but that is a matter for the Ministry of Foreign Affairs and not for this piece of legislation, inappropriately located in this piece of legislation, and we hope that that will bring about a change, not a struggle for a 48-year period, but certainly it is something that should be addressed in the short term.

Mr. President, the whole question of a—well, we engage in reciprocity. I think Members spoke about that, and I think—as Sen. Hinds now walks in—the reciprocity is part of the building of foreign policy in the context of what we do to bring business to Trinidad and Tobago to ensure that we look after our national interest. It is my view that after 48 years of virtual mendicancy, we are in a position today to correct a wrong and make it right. Mr. President, I beg to move.
[*Desk thumping*]

5.30 p.m.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clauses 3 and 4.

Question proposed: That clauses 3 and 4 stand part of the Bill.

Sen. Dr. Armstrong: Mr. Chairman.

Mr. Chairman: Yes, Sen. Dr. Armstrong.

Sen. Dr. Armstrong: I really feel that we need to—in 3, somewhere in 3—specify that the spouse would be entitled as well, rather than making it negotiable and leaving it up to the head of mission to negotiate with the Licensing Authority or whoever, because this is a normal practice that is specified. So, for instance, where in (b) it talks about “diplomat” means and it goes on, then we can also say, “or the spouse of such person”, something to that effect.

Sen. Al-Rawi: Mr. Chairman, on the same issue, and it has to do with definition. Before the hon. Leader of Government Business gives a response—*[Interruption]*

Sen. Singh: Let me see if I get it clear, you are saying that—let us see how it will read, “the Licensing Authority shall on the application by a diplomat or his spouse”.

Sen. Al-Rawi: I have a problem with that. If I could—so you could just hear it as a whole.

Sen. Singh: Yes, sure.

Sen. Al-Rawi: The Privileges and Immunities (Diplomatic, Consular and International Organisations) Act is the body which guides us in relation to what applies:

- (a) in respect of diplomats under the Vienna Convention 1961, and
- (b) consular officers under the 1963 Convention.

In there is a disparate application between spouses or not depending upon the level of post that you hold. If you are a head of mission, head of mission includes spouse in certain circumstances, but it is wide in its breadth, and therefore in my view necessarily open to breadth. I would prefer in fact not to specify wife because of the wording—*[Interruption]*

Sen. Deyalsingh: Spouse.

Sen. Al-Rawi: Spouse—of the two conventions (a) for consular and (b) for diplomats.

What I wondered however though, the convention—Sorry, Senator, you did not get that. What I am saying, if I repeat it, my preference would be in relation to Sen. Dr. Armstrong’s recommendation for consideration, is that we would not specifically

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include the word “spouse” because the two conventions are very different. The diplomatic convention is different from the consular convention, the rights as prevailed to diplomats are different from the rights as prevailed to consular officers and then there are subcategories depending upon the level of reciprocity between the two Ministries of Foreign Affairs of the various states.

So, because that is a minefield that is hard to define other than by on a case-by-case basis, I would prefer to leave it as it is. What I have some question with is that the term “diplomat” as offered here and “consular officer” as offered here are not exactly terms that are properly defined either in schedule 1 or schedule 2 of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act. So, schedule 1 brings in the Vienna Convention on diplomats and schedule 2 brings in the Vienna Convention on consular officers, and those two bodies are not clear in their definition. We are introducing for the first time the word “diplomat” and we are deviating away from head of mission and other categories as set out there, and that is where the issue of the inclusion of an honorary consul pops in.

Particularly because schedule 2 which deals with the Vienna Convention consular officers, when we deal with the terms that have been brought into our law, we do not have a buy-in for consular officers there. And if you look to the Second Schedule in that Act that I am referring to, you would see that the consular officers section starts off with saying that certain clauses, certain articles of the Consular Convention apply, but those articles are not brought into law previously. So, the Second Schedule only brings in, let us say it is 10 out of 40 of the Articles of the Convention, the section on honorary consuls refers to some of the bits that have not been brought into law. So, moving the definition away from head of mission or other type of definition used in the two conventions creates some problems.

Sen. Singh: Because we are seeking to reconcile, really, several appendices of the Vienna Convention that find itself in our law by virtue of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, we leave it up to the Ministry of Foreign Affairs to provide that administrative link from a policy perspective, for the same reason you were talking about initially.

Sen. Al-Rawi: I agree, yes.

Sen. Singh: You would have that flexibility and you would have to deal with things practically, and also the whole question of reciprocity. So, you cannot give a carte blanche definition that will cover everything, but this is a fairly wide definition that puts the discretion, really, in the hands of the Minister with responsibility for foreign affairs.

Sen. Al-Rawi: Okay, if I could ask you this question and this is to work it through to find a solution so we ventilated it.

Sen. Singh: Yes, yes.

Sen. Al-Rawi: If I were to say look at the definition of “diplomat” at (b) in the new subsection (10) on page 2: “Diplomat” means “diplomatic agent, consular officer”. If I could, through you, ask your technocrats to point me to the definition of diplomatic agent and consular officer, we could perhaps start there.

Sen. Singh: Chap. 17:01.

Sen. Al-Rawi: Yes, I know. That is what I have just referred us to. I know that. I am going through the process because it does not add up.

Sen. Singh: No, but what are you trying to get at, Faris?

Sen. Al-Rawi: Just to make sure that we have captured, I believe it is Article 1 of each of the conventions. Remember we are dealing with—in the context of diplomat we are trying to capture two conventions, the Vienna Convention on Consular Relations and the Vienna Convention on Diplomatic Relations. So long as we are sure that we have captured the meaning in, I believe it is Article 1 of both of those conventions, then I think that we could be safe there.

Mr. Chairman: I would like to suggest, I mean it does go on to say who is certified by the Minister of Finance as entitled to privileges and immunities—
[*Interruption*]

Sen. Singh: Foreign affairs.

Mr. Chairman: Foreign affairs—so he would decide whether an individual, whatever name you call him, is entitled to immunities and privileges and you have—it is because the conventions differ from each other, you need to leave that flexibility to allow for the Minister to make a decision.

Sen. Al-Rawi: I just want to make sure that I am not caught with a definition which is too narrow and then further narrowed by *ejusdem generis* rule. That is all I am being careful of.

Sen. Singh: No, no, I think when you read it you will see that is it really—the flexibility is really with the Minister of Foreign Affairs.

Sen. Ramlogan SC: Use your discretion, man.

Sen. Singh: Yes.

Sen. Al-Rawi: I am just trying to be careful that the term “diplomatic agent” which does not have definition or “consular officer” which does not have definition in the—well, Christlyn can you help me find it?

Sen. Moore: There is a definition in 17:03.

Sen. Al-Rawi: Right, which page?

Sen. Moore: One, section 2(1).

Sen. Al-Rawi: Section 2(1) of the Schedule. First or second?

Sen. Moore: 17:03, Diplomatic Agents and Consular Officers (Oaths and Notarial Acts) Act.

Sen. Al-Rawi: No, well you see we are referring in this Act in the definition to 17:01, so we cannot start by looking at 17:03.

Sen. Moore: And a definition exists.

Sen. Al-Rawi: Yes, but what I am saying is that this law refers to 17:01 and I am asking—*[Interruption]*

Sen. Singh: No, the law does not refer to 17:01. The law refers—*[Interruption]*

Sen. Al-Rawi: It says here:

“Privileges and Immunities (Diplomatic, Consular and International Organization) Act, Chap. 17:01.”

That is what it says. *[Crosstalk]*

Sen. Ramlogan SC: The marginal note. He is talking about the marginal note.

Sen. Singh: You see, but the point is, the Act incorporates all the conventions, so that therefore it is not a confine.

Sen. Al-Rawi: Okay, let us look at it this way. First Schedule of Chap. 17:01 says, Article 1—and this is in law:

“For the...present Convention, the following expressions shall have...meanings hereunder assigned to them:”

And then they go through (a) to (i) which has specific references. They have “diplomatic agent”, “members of...diplomatic staff”, “members of...staff of the mission”, “members of the mission” and “head of...mission”, and they have given definitions there which are different. So, is it that we are satisfied that “diplomatic agent” means (e), Article 1(e) which says:

“the ‘diplomatic agent’ is the head of the mission or a member of the diplomatic staff of the mission;”

If that is the intention I would be happy. I just want to be certain that that is what it is.

Sen. Singh: Yes, I think that is the intention.

Sen. Al-Rawi: And then to be certain now, “consular officer”, is that to be found in schedule 2 of Chap. 17:01 in Article 1? If so, word standard clause, specialized agencies, ILO, food—*[Interruption]*

Sen. Singh: All those.

Sen. Al-Rawi: But I am not seeing “consular officer”.

Sen. Singh: I have “consular post”.

Sen. Al-Rawi: If your team could at least point me to where it is, I would be happy.

Sen. Singh: “Consular officer” on Chap. 17:01, Article 1, Second Schedule, (d).

Sen. Al-Rawi: One second, just let me catch up to you.

Mr. Chairman: Page 21.

Sen. Al-Rawi: Page 21 of—All right, so I have First Schedule, page 21, thank you, Mr. Chairman, (d) “consular officer”. Okay, then I would be happy just to be certain that this does catch the concern that Sen. Dr. Armstrong was raising as to inclusion of a spouse and therefore leaving it to the discretion of the Transport Commissioner—*[Interruption]*

Sen. Singh: “Nah.”

Sen. Al-Rawi: Sorry, Ministry of Foreign Affairs. Okay.

Hon. Senator: Is that okay?

Sen. Al-Rawi: “Yeah”, thank you so much.

Sen. Singh: Okay? Proceed.

Question put and agreed to.

Clauses 3 and 4 ordered to stand part of the Bill.

Sen. Al-Rawi: Sorry, Mr. Chairman, just a question. Is there any reason why we did not include the definitions in clause 3 of the Bill, which is the new subsection (10) in the body of (3A), because it really does not apply to anywhere else? So, if you look at the Motor Vehicles and Road Traffic Act, which we are

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amending and you go to section 12, which is the bit that we are amending, that definition is put into the body of that section as a new subsection (10), but really only refers to subsection (3A) as we have introduced it.

Mr. Chairman: What should it read?

Sen. Al-Rawi: So I was wondering whether the definition should have followed on as a (3A)(i) subsection (a), (b), then with the bottom and then (3A)(ii) “diplomat” means. I mean, that really would have been the way to define it in there.

Sen. Singh: I am advised that this is the way—appropriate in the current circumstances.

Sen. Al-Rawi: Okay.

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.

5.45 p.m.

ADJOURNMENT

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Mr. President, I beg to move that this Senate do now adjourn to April 23, 2013, at 10.00 a.m., where we will continue the debate on the Defence (Amdt.) Bill, as indicated on the last occasion. The Private Members’ Day will be on the 30th.

Sen. Beckles: Mr. President, I had hoped, having regard to the good relations that the Leader of Government Business and myself have had, since he assumed office, that rather than telling me that Private Members’ Day is on the 30th, and if I may finish, that date which he proposes to put the Bill is actually Private Members’ Day. So I take strong objection to him simply saying to me that the day for which I am entitled to will simply go to another day. The Leader of Government Business knows that we normally discuss these matters. I am very disappointed.

Sen. The Hon. G. Singh: Mr. President, I do wish to apologize to the hon. Minority Leader and wish to indicate that I ought to have—[*Interruption*]

Sen. Cudjoe: Minority Leader? We do not have a Minority Leader.

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Sen. The Hon. G. Singh: Chief Whip for the Opposition. I wish to indicate that were it not for the fact that I was engaged in this, I would have discussed it with her.

Sen. Beckles: Mr. President, even the timing of 10 o'clock—and my friend has practised, so he knows that is also a difficult time. I do not know if my colleagues in the back consulted [*Desk thumping*] and agreed with the 10 o'clock. I assumed that maybe they were, but I have a difficulty with 10 o'clock. [*Interruption*]

Sen. Hinds: Me too!

Sen. Beckles: And if it is I am to concede to give away my Private Members' Day, Mr. President, I would want to either suggest we go to 11.00 or to 1.30.

Sen. Hinds: One thirty.

Sen. Cudjoe: One thirty.

Hon. Senator: “Why yuh must do that?”

Sen. Beckles: Well, we already giving up our Private Members' Day and at least—[*Crosstalk*] It is our day. You take our day and you take our time.

Sen. The Hon. G. Singh: Well, I am a listening Leader of the Senate—[*Laughter*] and I listened to what the hon. Member had to say, and if it is that 10.00 a.m. is inconvenient we will begin the debate, and we have nine members to speak at least—[*Interruption*]

Sen. Beckles: Could we say 11.00 then?

Sen. The Hon. G. Singh: Eleven, okay there is some adjustment—11.00 a.m. on April 23, 2013, in which we will deal with the Defence (Amdt.) Bill and the Police Complaints Authority (Amdt.) Bill.

Question put and agreed to.

Senate adjourned accordingly. [Continuous desk thumping]

Adjourned at 5.49 p.m.