

SENATE*Tuesday, May 02, 2017*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Public Accounts of the Republic of Trinidad and Tobago for the Financial Year ended September 30, 2016. [*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]
2. Public Accounts of the Republic of Trinidad and Tobago for the financial year 2016. (*Sen. The Hon. F. Khan*)

**JOINT SELECT COMMITTEE REPORTS
(Presentation)**

Public Administration and Appropriations

Sen. Allyson Baksh: Madam President, I have the honour to present the following reports as listed on the Supplemental Order Paper in my name:

Office of the President

Second Report of the Public Administration and Appropriations Committee, Second Session, Eleventh Parliament, on an Examination of the Current Expenditure and Internal Controls of the Office of the President.

System of Inventory Control in the Public Service

Third Report of the Public Administration and Appropriations Committee, Second Session, Eleventh Parliament, on an Examination of the System of Inventory Control within the Public Service.

Insurance Bill, 2016

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence

UNREVISED

Rambharat): Madam President, I wish to present the following report:

Second Interim Report of the Joint Select Committee appointed to consider and report on the Insurance Bill, 2016.

URGENT QUESTIONS

Petrotrin Oil Spill (Remedial Measures)

Sen. Wade Mark: Thank you very much, Madam President. To the Hon. Minister of Energy and Energy Industries: What remediation measures are being put in place in respect of the Petrotrin oil spill which has now reached the Venezuelan coastline?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you, Madam President. Madam President, as it is now public knowledge, Tank 70 at the Petrotrin refinery sprang a leak on April 23, 2017, in which an estimated 300 barrels of fuel oil escaped into the marine environment. The National Oil Spill Contingency Plan was immediately initiated at a Tier 2 level on April 24th. This allows for the maximum use of the country's resources.

On April 27th there was confirmation of an initial sighting of oil in Venezuelan waters. On April 30th we were informed by PDVSA that oil had reached the eastern Venezuelan coastline in the vicinity of Guiria. The Trinidad and Tobago Venezuelan Bilateral Oil Spill Plan was immediately initiated via a diplomatic note from the Ministry of Foreign and Caricom Affairs and at the operational level with PDVSA.

Protocols for clean-up are included in the plan and the Venezuelan authority will have full responsibility for any clean-up operation on their side of the border. Trinidad and Tobago and Petrotrin are on standby to assist in any way once requested. The team from Trinidad and Tobago which will include members of Petrotrin, the Minister of Energy and Energy Industries, the EMA and the Trinidad

and Tobago Coast Guard will be visiting the affected areas in Guiria, either tomorrow or Thursday to get first-hand knowledge of the level of contamination existing there.

On the Trinidad side, we continue our remedial action by the placement of booms, by the use of dispersant and by the skimming of the oil skim into tankers that are offshore to clean up the oil spill. We are very sensitive to the marine environment, bird life in particular and the mangrove on the west coast and all these issues are being addressed as we speak in a collaborative effort between the EMA, the Zoological Society and Petrotrin. [*Desk thumping*]

Sen. Mark: Could the Hon. Minister indicate whether any cost will be incurred by the taxpayers of Trinidad and Tobago as it relates to the clean-up effort on the part of the Venezuelans on their side of the border involving this oil spill?

Sen. The Hon. F. Khan: It is too early to say but there are clear protocols as to who will stand the cost in incidents like this. Let the whole situation reach its natural conclusion, but as we speak, the Venezuelan authorities are in full control of the clean-up on their side of the border and after that we will deal with liabilities.

Sen. Mark: Madam President, seeing that the Hon. Minister made mention to Tank 70, could the Hon. Minister indicate to this Parliament whether steps or measures have been taken by Petrotrin to conduct repairs, to avoid any further ruptures that may occur involving the other tanks that may face some kind of immediate threat to the environment?

Sen. The Hon. F. Khan: I guess that is the second Urgent Question

Madam President: Sen. Mark, I just wanted to point that out to you, that what you have just posed as a supplementary question is actually your second question on the Order Paper for Urgent Questions.

Sen. Mark: Well, seeing that that is a supplemental that I have to defer, may I continue with my supplemental.

Madam President: Sen. Mark, I will allow you just on this one occasion although you have already posed it. Continue.

Sen. Mark: Thank you very much and much obliged. Could the Hon. Minister indicate whether the bilateral protocols involve—could you tell us what it involves in the context of an oil spill reaching over into Venezuelan waters? Would you want to advise us what the protocol would involve in terms of cost? Would we have to bear, in the final analysis, any cost as a country?

Sen. The Hon. F. Khan: Well again, I think the question is premature, but having said that the oil spill originated from Trinidad, okay, we cannot deny that fact. But as you cross the international border and it goes into the Venezuelan waters, under the protocol they accept full responsibility for the clean-up after which joint negotiations will take place as to what cost we will stand and what cost they will stand, if any.

Unsafe Oil Tanks (Measures to Repair or Replace)

Sen. Wade Mark: Thank you very much, Madam President. To the Hon. Minister of Energy and Energy Industries: Based on a 2003 Tank Assessment Report, can the Hon. Minister inform the Senate whether urgent measures have been taken by Petrotrin to repair or replace its aged and unsafe oil tanks?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, as the Minister of Energy and Energy Industries, I will be the first to admit that asset integrity continues to be one of the main challenges facing Petrotrin. In 2016, Petrotrin tendered an award, a multi-year contract to clean and inspect seven tanks at the Pointe-a-Pierre refinery. These are: Tanks 182, 183, 104, 110, 128, 65 and 70.

The scope, as you would have realized, included the Tank 70 which was the tank that sprang the leak on April 23rd. As we speak, the cleaning of two crude oil tanks are in progress. These are Tanks 182 and 183. This contract spans a three-year period where it is hoped that we will clean and inspect and perform remedial work on two tanks per annum. Basically, that is the current state of the tank repair programme as we speak on Petrotrin, but as I said, asset integrity continues to be a major challenge in the refinery, in particular, and in the exploration and production area.

Sen. Mark: Could the Hon. Minister indicate whether, apart from those tanks that you have mentioned, whether based on this assessment report of 2003, are there any other oil tanks that would pose a danger because of lack of repairs to those tanks by Petrotrin, apart from those that you have mentioned in your report?

Sen. The Hon. F. Khan: Obviously the seven tanks I have listed, obviously are the critical ones which included Tank 70. In doing analyses like these there is always a risk profile as to what is the probability of a tank will fail, because you cannot simultaneously repair all the tanks, the capital cost will just be atrociously high. So the risk analysis is being done and as tanks come to the fore, that they provide a genuine risk that they could leak, these are added to the list. But as we speak, I am happy to report that seven tanks are actively being addressed and are at various stage of the inspection and the repair exercise.

Sen. Ramdeen: Thank you, Madam President, Through you, Madam President, to the Hon. Minister. Hon. Minister, could you tell the Senate what was the value of that contract for the repair of those seven tanks that was awarded in 2016?

Madam President: Sen. Ramdeen, I would not allow that question.

Sen. Mark: To the Hon. Minister of Works and Transport. [*Desk thumping*] I have not asked the question as yet.

Hon. Senators: Sorry.

**T&T Express and T&T Spirit
(Measures to Rectify Failures)**

Sen. Wade Mark: In light of reports of consistent mechanical failures experienced by the *T&T Express* and *T&T Spirit*, what immediate measures are being taken to rectify the problem?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam President. Madam President, the Port Authority has undertaken to review and revise the maintenance schedule for the existing fast ferries in keeping with the advanced age of both ferries. Repair and maintenance of the fast ferries will be undertaken in a comprehensive manner and this will be an extensive undertaking over the next four to six months. Plans for the vessels are as follows: The *T&T Spirit*—comprehensive hull accommodation, safety and auxiliary machinery works to be done in dry dock in June 2017; the *T&T Express*—comprehensive hull accommodation and auxiliary machinery work to be done in dry dock in September 2017. Thank you.

Madam President: Sen. Mark, before you pose your supplementary questions, Hon. Senators the time for Urgent Questions has expired. Is it your wish that we just finish off with the supplementary questions?

Hon. Senators: Yes.

Sen. Mark: Thank you very much, Madam President. Could the Hon. Minister indicate to this Senate what interim measures could be taken to avoid any further mechanical breakdowns, given the schedule that you have outlined which is supposed to start sometime in June. What interim measures are you at least addressing or would like to address or see addressed, to avoid these challenges?

Sen. The Hon. R. Sinanan: Thank you. Madam President, through you, we have

asked the port to ensure that their nightly maintenance is carried out and any deficiencies found to be addressed immediately. Thank you.

Sen. Mark: Madam President, could the Hon. Minister indicate to us, from the report received thus far, what are the major mechanical challenges these two vessels face that has caused the difficulty that we have reported today?

Sen. The Hon. R. Sinanan: Thank you, Madam President. Madam President, we have to recognize that the both vessels are way over—one is 15 years old and one is 20 years old. So these vessels from time to time will require some sort of maintenance and this is why we have the programme for the dry docking later on this year. What we recognize is that these vessels have to be replaced somewhere going forward and the Port Authority is taking steps to have that done.

ORAL ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, the Government is pleased to indicate that it will be answering all questions, save and except Question 70, in which we seek a two-week deferral.

The following question stood on the Order Paper in the name of Sen. Paul Richards:

Trinidad and Tobago Fast Ferries (Malfunction of)

70. Hon. Minister of Works and Transport:

How does the Government intend to address the issue of the malfunctioning of the Fast Ferries operating between Trinidad and Tobago?

Question, by leave, deferred.

Contraction of Economy (Government Measures to Improve)

36. Sen. Wade Mark asked the Hon. Minister of Finance:

Having recorded an economic contraction of -8% in the second quarter of 2016, what specific measures are being taken by the Government to improve the country's Gross Domestic Product (GDP) and economic situation?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):

Madam President, Government has adopted an aggressive and coherent approach to diversifying the economy and is making all the necessary interventions to promote the growth and sustainability of competitive industries in the non-energy sector. Initiatives to transform and expand our non-energy sector so as to improve its contribution to GDP and economic growth focuses on the development of several key industries including the manufacturing industry, the tourism industry, the maritime industry, the financial services sector, the ICT industry and the agriculture and agro-processing industry.

The following activities are being actively pursued to further develop the non-energy sector and to ensure the economic stability of Trinidad and Tobago:

1. The enhancement of market access opportunities for goods and services exporters. Government is working to facilitate increased trade through multilateral and bilateral trading agreements to open new and emerging markets to the country's manufacturers. Exporters currently have access to markets in Venezuela and Panama and will soon be able to expand their sale of goods and services in Chile and Cuba.
2. Implementation of a national export strategy. This would improve the road map and provide the road map for developing export capacity and ensure that the country's services and non-energy export sectors become more diversified, productive and internationally competitive.
3. Implementation of a special economic zones policy and legislation. This will

- replace the current free zones regime and support the thrust to expand the country's revenue base. Increase and diversify the exports and investments in the economic zones and increase private sector participation in SEC development and operations.
4. Establishment of agro-processing parks in Moruga and Wallerfield. These parks will provide new economic infrastructure for the agro-processing industry, thereby facilitating economic diversification. Additionally, certified agro-processors will soon benefit from a tax relief on operations.
 5. Implementation of the maritime sector framework. This will focus on areas of yachting, marina development, ship repair and dry docking, trans-shipment and coast tacking, bunkering and development of a comprehensive maritime spatial plan for the Gulf of Paria.
 6. Enhancement of Tobago as a tourist destination through the construction of a new 750-room Sandals Resort in Tobago.
 7. Expansion of services provided by the Trinidad and Tobago International Financial Centre through the IDB's global services project. This project will equip citizens with the technical skills required by foreign investors and overseas operating companies. Additionally, Government is in preliminary discussions on the proposed expansion of the Trinidad and Tobago International Financial Centre to include the construction of a new TTIFC tower or hotel and a convention centre.
 8. Development of strategies for the services sector including a trade negotiating strategy for the country's experienced and world-class energy services. A trade negotiating strategy for energy services and a national services policy will be completed by the end of 2016.

Madam President, Government is also pursuing strategies to revitalize the

country's energy sector including:

1. Reviewing the energy fiscal regime, particularly the supplemental petroleum tax to support continued investment in the current lower-price environment;
2. Signing of two agreements with the Government of Venezuela for the purchase of natural gas from Venezuela's Dragon Field and for the development and production of natural gas from the Loran-Manatee Field;
3. Increasing oil production at Petrotrin; and
4. Working with the private sector, oil and gas companies to increase production of both oil and gas.

Thank you, Madam President. [*Desk thumping*]

Sen. Mark: Madam President, the Hon. Minister has mentioned the support for the manufacturing sector to penetrate new markets. Could the Hon. Minister indicate what measures are being taken by the Government to facilitate manufacturers in obtaining and securing very critical foreign exchange which continues to be a challenge for the manufacturing sector in the Republic of T&T?

Sen. The Hon. P. Gopee-Scoon: Thank you, Madam President. Let me first compliment the existing manufacturing sector who are working with the Government in terms of increasing our exports out and getting our goods and services out of Trinidad and Tobago. The Trinidad and Tobago Chamber and all of the Chambers within Trinidad and Tobago are working along with the TTMA and also exporTT in focusing on penetrating new markets.

I mentioned here the markets of Cuba and Venezuela, Panama as well. I can tell you that for the rest of this year, only yesterday I met with the Chairman of exporTT and we have rolled out a programme for this year which will be Panama, Cuba—a visit to Cuba again under the FIHAV fair, also Canada as well and in the very new year we will be going to Costa Rica.

Also this year, the Chamber along with AMCHAM—AMCHAM as well will be doing Nicaragua. This is AMCHAM primarily but working in conjunction with all of these export agencies that have a similar interest. They are doing Nicaragua as well, in addition to which the Chamber is also spearheading a Guyana mission and again, all of the agencies are joining in all of these missions.

We are working along with the Economic Development Advisory Board in developing a manufacturing sector plan, a new plan and also an implementation plan as well. So these will be rolled out as we go along, but it is all hands on deck and I compliment the private sector and all these other agencies for working along with the Government and the EDAB as well. Thank you. [*Desk thumping*]

Sen. Mark: May I also ask the Hon. Minister, seeing that you mentioned there is a thrust towards advancing the tourism sector, could you indicate to us what is the road map for the rolling-out of the Sandals Resort? Could you provide this honourable Senate with a status report as to the road map for this particular project, which as you indicated is over 700 rooms? So could you advise us on the status of this project?

Sen. The Hon. P. Gopee-Scoon: What I can say to you Senator, is that this is receiving the Government's urgent attention. One can well imagine the kind of revitalization of the tourism sector in Tobago that this would bring. Negotiations are on the way as well and I can assure you that there is a committee that is looking with detail at the roll-out of this project and of course evaluating always what is best for the people of Trinidad. But in this case as well, more than ever, the people of Tobago. So the Government is working along with the THA and negotiations are on the way as I can tell you at this time.

Sen. Mark: Madam President, with the recent closure of Caroni Green and the displacement of over 100 workers, could the Hon. Minister indicate whether the

Government has abandoned agriculture, because you did not mention as part of your diversification thrust any role for agriculture. Would you want to share with us whether the Government is in fact pursuing any plan to deal with food security and agriculture development in the Republic of T&T, Madam President?

Sen. The Hon. P. Gopee-Scoon: Thank you very much. But I do not know, Senator. You probably did not hear the specific word “agriculture”, but I did speak to even and let me assure the national population that agriculture is key, both in terms of feeding ourselves and exporting, but the development of the agro-industry and agro-processing industries are very, very vital to the diversification plan and key among the seven main industries.

I did speak to the Moruga industrial park which agreements will be signed, perhaps in a few days, and this is between UDeCOTT and e TecK and that is expected to be completed in perhaps 18 months. But it would not be too long before the Minister of Agriculture, Land and Fisheries would have the opportunity to detail all of the progress made on this sector as we approach the mid-year review. [*Desk thumping*]

Sen. Mark: May I also enquire of the Hon. Minister as to the International Financial Centre that reference was made to in her presentation and the construction of some tower. Could you indicate to us, to this Senate, when this tower is going to be constructed, what is it going to cost the taxpayers and where is it going to be located, Madam President?

Sen. The Hon. P. Gopee-Scoon: Thank you very much, Senator, for your interest shown, but I am sorry I cannot give you further details as to the cost and the timing and location, but I can tell you that, again, during the mid-year review there will be many presentations on this side with specificity as to where we are in terms of this diversification road map and of course within that a medium-term framework

which is then a more detailed three-year plan and at the end of which we will—this is all going to fit into the Government's 2030 development plan as well. So, as we go along you would hear further details and commitments. Thank you.

**Couva Children's Hospital
 (Details of Structural Damage)**

43. Sen. Wade Mark asked the Hon. Minister of Works and Transport:

Was any structural damage caused to the Couva Children's Hospital as a result of the 6.2 magnitude earthquake recently recorded in Trinidad and Tobago?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):

Madam President, the Ministry of Works and Transportation has the responsibility of inspecting buildings for structural damage. However, to date the Ministry of Works and Transportation has not had any request from the Ministry of Health for the inspection of the Couva Children's Hospital. However, Madam President, on the date of the registered earthquake the location was just off the coast of Tobago and there has not been any affected area in the Couva area. I thank you.

Sen. Mark: Madam President, could I infer from what the Hon. Minister said, that in the absence of any request coming from the Minister of Health, would you say Minister that, and given what you have just said about where the earthquake was located, there has been no structural damage to the Couva Children's Hospital since no requests have been made all these months?

Sen. The Hon. R. Sinanan: Madam President, through you, as the Ministry of Works and Transport has not had a request, no inspection has taken place. So it will not be correct for the Minister of Works and Transport to say that there has been no damage.

Sen. Mark: Well, could the Hon. Minister indicate whether the Couva Children's

Hospital is still a construction site?

Sen. The Hon. R. Sinanan: Thank you. Madam President, the Couva Children's Hospital was opened before it was handed over to the Government of Trinidad and Tobago and as at this date, the hospital has not been operationalized. So I would not say it is a construction site but the hospital has not been operationalized because of the finalization of the equipment and so in the hospital.

Sen. Mark: Madam President, could the Hon. Minister indicate whether this particular hospital, the Couva Children's Hospital, has been formally handed over to the Government of the Republic of Trinidad and Tobago?

Sen. The Hon. R. Sinanan: Thank you. Madam President, the hospital has been handed over just about a month ago. Thank you.

Sen. Mark: Madam President, therefore it is wrong, based on what the Hon. Minister just inferred, that it is no longer a construction site. The hospital has been formally handed over but the question really, Madam President, is that when does the Minister anticipate the operationalization of the Couva Children's Hospital?

Madam President: Sen. Mark, that question does not arise.

2.00p.m.

Increased Violence in Secondary Schools (Measures Taken)

44. Sen. Wade Mark asked the Hon. Minister of Education:

What measures are being taken by the Ministry to address the issue of increased violence in secondary schools?

Madam President: Minister of Education.

The Minister of Education (Hon. Anthony Garcia): Thank you very much. Madam President, over the past months, social media involving students, gave the impression that things are out of control. However, the Ministry of Education has

implemented a school-based, data-driven approach to addressing violence and indiscipline in schools and we are seeing very positive results. Analysis of data collected on the implementation of strategies has shown a 14.2 per cent reduction in suspensions at primary schools and a 25 per cent decrease at secondary schools from the year 2015 to 2016. The number of cases of extended suspensions has decreased by 63 per cent during the same period.

This approach involves interventions at various levels of the system. Each school is required to establish a discipline committee and develop a school discipline plan with strategies to address the issues. This individualized plan must provide enhanced supervision of students, increased student involvement in co- and extracurricular activities, greater involvement through the prefect system and the students' council, improved skills of school personnel through training in effective curriculum implementation, classroom management, conflict resolution and problem solving, referral of students with challenges to the Student Support Services Division of the Ministry of Education comprising guidance officers, school social workers and special education teachers for intervention and further support where necessary, programmes to help students better understand themselves and others, and structured school assemblies to develop, inculcate core values and positive attitudes.

Greater stakeholder involvement is encouraged at all schools. Teams have been set up at schools and education districts, comprising persons from different units. Ongoing training for parents, partnerships with the community and other Ministries and the community police have yielded positive results. Thank you very much. [*Desk thumping*]

Madam President: Sen. Ramdeen.

Sen. Ramdeen: Madam President, through you, could the Hon. Minister indicate,

since September 07, 2015, how many teachers and principals have been subject to disciplinary proceedings as a result of school violence?

Madam President: Sen. Ramdeen, I will not allow that question. I am not seeing it as arising. Sen. Richards.

Sen. Richards: Thank you, Madam President. Could the Hon. Minister indicate how pervasive are the professionals and training for teachers for identification of behavioural issues in the school population, based on what you read earlier on, as a pre-emptive approach to behavioural issues?

Hon. A. Garcia: Madam President, we are on record as saying that we have a very aggressive training programme involving all our stakeholders, not only our teachers and principals, but even our parents. We have engaged in a process that is referred to as parenting in education that is also providing very positive results where we see the active engagement of our parents in the school system. Thank you.

Madam President: Sen. Richards.

Sen. Richards: With respect, Hon. Minister, the question was specifically regarding training for teachers for proper identification of behavioural issues in children.

Hon. A. Garcia: Madam President, teachers are given general education training. In terms of training where students have special needs, we have in the Ministry of Education the Student Support Services Division that is equipped with trained personnel, guidance officers, behavioural psychologists; and those persons are assigned to the schools and they provide the requisite information and intervention where those students are concerned.

Madam President: Sen. Mark.

Sen. Mark: Could the Hon. Minister of Education indicate to us as it relates to

referrals of students who may be experiencing special challenges within the school system, both the primary and secondary levels—would you want to provide us with any data as it relates to numbers that you may want to share with us, dealing with the primary school level and the secondary school level, involving referrals of students who might be requiring special attention?

Hon. A. Garcia: Madam President, I am sure Sen. Mark will appreciate that at this point I do not have that data available.

Madam President: Sen. Ramdeen.

Sen. Ramdeen: Madam President, through you, can the Hon. Minister indicate to this honourable Senate in how many of our secondary and primary schools has the disciplinary plan that the Minister outlined to deal with school violence, has been operationalized?

Hon. A. Garcia: Thank you very much, Madam President. Each school in the primary sector and each school in the secondary sector is required to provide and develop a disciplinary plan. I can go further to say that our school supervisors are constantly monitoring this situation to ensure that there is compliance on the part of the principals.

Sexual Assault Against Women (Measures Taken)

47. Sen. Wade Mark asked the Hon. Minister of National Security:

What measures are being taken by the Trinidad and Tobago Police Service to curb the incidence of sexual assault against women?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Madam President. Hon. Members are advised that the Trinidad and Tobago Police Service is continuing its efforts towards the reduction of incidents of sexual assault against women. Over the last seven years, 2016 yielded the most positive

results, with the lowest number of cases recorded over the last seven years—494 incidents were reported, compared to 1,055 in 2012.

Notwithstanding this fact, Madam President, the Trinidad and Tobago Police Service is committed to strengthening the following measures to further decrease these figures: increased patrols in key locations where people, in particular women, traverse and congregate; dissemination of safety tips to the public through the media, both print and electronic; continuation of town meetings in each police division to hear the concerns and come to solutions together with the communities.

In addition to these measures, the Trinidad and Tobago Police Service also partners with other state agencies, various non-governmental organizations, and community-based organizations such as the Children's Authority, the Ministry of Health District Medical Offices, the Rape Crisis Centre, Families in Action and several safe houses across Trinidad and Tobago. The Child Protection Unit and the Victims and Witness Support Unit of the Trinidad and Tobago Police Service work collaboratively with these organizations to provide critical support in matters relating to sexual assault against women, Madam President.

Sen. Mark: Seeing that the Hon. Minister did indicate that there has been a considerable reduction in women who have been sexually assaulted, would the Hon. Minister be willing to provide us with any concrete specific data as it relates to the numbers involved? For instance, when you compare 2015 to 2016, how many women were victims of that kind of aggression? And with that reduction that you mentioned, could you tell us, for instance, what is the current number that would have been exposed to that kind of assault in order to really concretize your submission?

Hon. Maj. Gen. E. Dillon: What I provided was the data between 2010 to 2016 and that shows there was—the lowest number was, in fact, in 2016 compared to

2012. I can give you the data for each successive year between 2010 to 2016. If you need that I can provide that for you.

Sen. Mark: Yes, I would like that.

Hon. Maj. Gen. E. Dillon: Good. So at 2010, there were 746 incidents reported; 2011, 724; 2012, 1,055; 2013, 592; 2014, 879; 2015, 665; and 2016, 494.

Madam President: Sen. Sturge.

Sen. Sturge: Can the Minister indicate to us what is the detection rate for sexual offences?

Hon. Maj. Gen. E. Dillon: Madam President, I do not have that figure at this point in time.

Madam President: Next question. Sen. Samuel.

School Dropouts (Details of)

66. Sen. Rodger Samuel asked the Hon. Minister of Education:

Can the Minister inform the Senate of the number of school dropouts over the last five years in the following:

- a) the Primary School system;
- b) the Secondary School system; and
- c) what measures are being taken to reduce these figures?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam President. The dropouts for the academic years 2008/2009 to 2015/2017 from the primary school system are as follows: 2008 to 2009, male 126, female 78, a total of 204; 2009 to 2010, male 91, female 68, a total of 159; 2010 to 2011, male 115, female 69, a total of 184; 2011 to 2012, male 59, female 51, a total of 110; 2012 to 2013, male 50, female 30, total 80; 2013 to 2014, male 54, female 38, a total of 92; 2014 to 2015, male 74, female 63, total 137; and 2015 to 2016, male

82, female 69, a total of 151. That is the primary sector.

In the secondary sector: 2008 to 2009, male 1,031, female 866, a total of 1,897; 2009 to 2010, male 598, female 549, total 1,147; 2010 to 2011, male 638, female 489, a total of 1,127; 2011 to 2012, male 613, female 506, a total of 1,119; 2012 to 2013, male 649, female 605, a total of 1,254; 2013 to 2014, male 705, female 634, a total of 1,339; 2014 to 2015, male 712, female 458, a total of 1,170; and 2015 to 2016, male 546, female 356, a total of 902.

Madam President, it will be useful to first define the term “dropout” in the Ministry of Education’s context. Dropouts refer to those students who have discontinued their education during an academic year, September to July, and have been absent from the beginning of the following academic year up to November 30th. Madam President, November 30th of each year is school census day.

Madam President, with respect to the measures that are being undertaken, the Ministry of Education is currently implementing a school-based management system in all schools in Trinidad and Tobago. The school-based management system which includes training in leadership and governance for all schools will provide the school community, which includes principals, vice-principals, heads of departments, teachers, parents, students and the wider community, with the opportunity to take ownership of their schools and plan strategically for ensuring the success of every child in the education system.

Madam President, if students find themselves in such an environment, they are less likely to leave or drop out. The specific measures that are being undertaken to reduce these figures include: increased monitoring and reporting of absenteeism and dropouts; home and family intervention; home and community intervention; parenting in education programme. The Ministry of Education intends—

Madam President: Minister, your time is up—the five minutes. Sen. Sturge.

Sen. Sturge: In light of the fact that the Minister has indicated the measures being taken, can the Minister tell us whether the Ministry has analyzed and categorized, and as a result, is able to say the main causes for these dropouts?

Hon. A. Garcia: Madam President, the simple answer to that question is yes, we have. As I have been saying over and over, we have a Student Support Services Division within the Ministry of Education that does that analysis and they provide the information to us which helps us in our plans forward.

Sen. Sturge: Through you, Madam President, having regard to the answer given, can the Minister therefore tell us what are the main reasons, the main causes, for these dropouts?

Hon. A. Garcia: Madam President, there are many causes for student dropout. The economic situation that faces many of our students in many of our homes prevents our students—some of those who have dropped out—from being able to access education because of lack of finances. It has been reported to us, in many cases, that many of our students do not have the requisite money for transport from home to school and vice versa.

In addition to this, many of our students have been complaining to us that they come to school only when we have the School Feeding Programme in existence or on those days when meals are being fed. It tells us, therefore, that many of the students do not receive a balanced meal at home and this also mitigates against their attending school. In other instances, there are students who are demotivated because they continue to fail in their classes, and that is something that we are looking at through a number of interventions that we have put in place. So these are just some of the reasons why we have some dropouts.

But, Madam President, I want to make the point, with respect to the period

2015 to 2016, you would have noticed from the statistical information that I have presented, there has been a drastic reduction of male and female dropouts. We now have a total of 902, whereas when we came into office, it was 1,170. And even going back to 2010, we had a large number, 1,127. So this really shows and demonstrates the things that we have put in place are geared towards encouraging our students to come to school.

Thank you. [*Desk thumping*]

Sen. Samuel: Through you, Madam President, to the Minister. What systems are in place, Mr. Minister, to reconnect those students who have dropped out? What do you have planned to interact with those that have dropped out to sort of reach out to them to ensure that they can return back to the education system?

Hon. A. Garcia: Madam President, there are many strategies that are being employed at present to ensure that no child is left behind. Remember, one of the things that this Ministry of Education is strong on is that there must be inclusion and there must be access to education. Towards this end, we have been engaging our parents. We are meeting with our parents constantly to ensure that where there are cases of students not coming to school that they must come to school. An example is the Morvant/Laventille Project. One of the objectives of that project—in fact, one of the pillars upon which that project is based, is parental support so that our students will want to come to school and they will want to stay in school.

In addition to that, we have the MiLAT and MYPART programmes that will allow those children, who, for some reason or the other, fell out of the system, to be absorbed and they have been progressing quite well, and as a result we feel confident that the numbers of dropouts will decrease, as we have seen during the period 2015 to 2016. Thank you.

Sen. Richards: Thank you, Madam President. Can the Hon. Minister indicate if

his Ministry is working with other Ministries to pursue caregivers or parents in terms of the Education Act which stipulates that children under 12, by law, must attend school and so these dropouts are unacceptable according to the law?

Hon. A. Garcia: Thank you very much, Madam President. The approach of this Government can be referred to as a whole-government approach, where we engage all other Ministries in almost everything that we do. And I have been, as Minister of Education, in constant contact with the Minister of National Security, for example. When I go to schools I am accompanied sometimes by the Minister of National Security and other officers of the Ministry of National Security. I have been engaging the support of the Ministry of Health in an effort to ensure that healthy practices and lifestyles are observed in our schools.

And you would notice within recent times we have issued a ban on excessive sugars in our schools. That is one idea and one initiative that we have undertaken. And as I said before, we are working together with a number of other Ministries—the Ministry of Agriculture, Land and Fisheries, for example—in our School Feeding Programme. The Ministry of Agriculture, Land and Fisheries advises us as to the fare that is made available to our students in the schools.

Thank you.

Sen. Richards: Thank you again. Through you, Madam President, can the Minister indicate what the Ministry's and, by extension, the Government's plans are to address what is an obvious significant disparity in the dropouts between primary and secondary schools, given that the mandatory age is 12 years old, but we are seeing the dropout rate moving from the hundreds to the thousands between primary and secondary schools, putting those students, or those young people, at a significantly vulnerable state and also unable in many cases to cope with life's challenges?

Hon. A. Garcia: Madam President, I do not think I quite understand the question. I just want to state that the mandatory age for a student's attendance has moved from 12 to 16. So that is the first point I need to make. In terms of the disparity between the primary school and the secondary school, we are working again, as I said, with the parent; we are working with the Student Support Services Division and our work is bearing fruit simply by the evidence that I have been able to provide here this afternoon. From 2015 to 2016, you saw a tremendous and a drastic decrease in the number of school dropouts. Thank you.

**Illegal Firearms Used in Serious Crimes
(Steps Taken)**

67. Sen. Rodger Samuel asked the Hon. Minister of National Security:

In light of the increase in the number of illegal firearms being used to commit murders and other serious crimes, can the Minister state what steps are being taken to find and seize such firearms?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you, Madam President. Based on the data provided by the Trinidad and Tobago Police Service, from January 2015 to March 2017, there has been a marginal increase in the number of crimes committed with the use of firearms. Notwithstanding this, the persistent use of firearms in the commission of murders and other serious crimes remain a cause for great concern for this Government. As such, the Trinidad and Tobago Police Service has intensified its efforts to remove illegal arms and ammunition off the streets of Trinidad and Tobago.

Among the key initiatives being pursued by the Trinidad and Tobago Police Service in this regard are the following: increased stop and search exercises; increased searches of residences; increased surveillance of known firearm offenders, especially repeat offenders; increased land-based border patrols jointly with the Trinidad and Tobago Defence Force, in particular the army; increased

maritime and aerial surveillance with the use of the Trinidad and Tobago Air Guard and the Trinidad and Tobago Coast Guard; prioritized prosecution of firearm offenders currently before the courts; intensified efforts to source informants; increased efforts to motivate our police officers to find and seize illegal firearms across all nine police divisions; collaboration with our military attaché in Venezuela, in the United States and Canada and collaborations with our Venezuelan counterparts, in particular the Guardia Nacional and the Guardacosta.

The statistical data suggests that the work of the Trinidad and Tobago Police Service to remove illegal arms and ammunitions off the streets of Trinidad and Tobago has borne some fruit. In 2016, the number of firearms seized by the Trinidad and Tobago Police Service was 765, compared to 691 in 2015, which represents an increase of 11 per cent. There was also a drastic increase by 119 per cent in the number of rounds of ammunition seized in 2016 when compared to 2015, with the number increasing from 8,943 rounds seized in 2015 to 19,543 rounds of ammunition being seized in 2016.

The Trinidad and Tobago Police Service and other law enforcement agencies have continued to work with the same intensity in 2017 and it is anticipated that the increasing seizure will ultimately be reflected in the decline in the number of crimes involving the use of illegal firearms.

Madam President: Sen. Sturge.

Sen. Sturge: Madam President, can the Minister indicate what mechanisms are being used to monitor and deter repeat firearm offenders?

Hon. Maj. Gen. E. Dillon: Madam President, the Trinidad and Tobago Police Service continues to monitor repeat offenders, in particular those who have committed arms and ammunition offences and murder in particular.

Madam President: Sen. Samuel.

Sen. Samuel: Madam President, through you, can the Minister enlighten this House with regard to the detection rate when it comes to murders done by the use of illegal firearms?

Madam President: Sen. Samuel, I would not allow that question. Sen. Mark.

Sen. Mark: Madam President. I would like to ask the Hon. Minister whether the Government is giving active consideration to the issuing of an amnesty to encourage those criminal forces, or elements, an opportunity to submit their weapons to the law enforcement authorities, and whether at the same time, Madam President—yes, law enforcement authorities.

Hon. Maj. Gen. E. Dillon: Madam President, the Government is not considering the use of any amnesty for guns at this point in time. In fact, research has shown that gun amnesty really does not work in most jurisdictions that it has been tried in before. So the Government is not considering that as an action at this point in time.

Sen. Mark: May I follow up on this one, Madam President, by asking the Hon. Minister whether the Government is contemplating amending the Firearms Act to make it more prohibitive and to impose greater penalties and sanctions for those elements who continue to access weapons illegally and carry out their criminal enterprises?

Hon. Maj. Gen. E. Dillon: Madam President, I can only speak to the operational aspect, not to the legislative aspect at this point in time. I know operationally we continue to use our agencies, the Coast Guard, the Air Guard, the Trinidad and Tobago Police Service to remove the guns off the streets. We first remove guns from coming into Trinidad and Tobago and remove those off the streets in Trinidad and Tobago.

Madam President: Sen. Ramkissoon.

Sen. Ramkissoon: Thank you, Madam President, to the Minister. You spoke about stopping ammunition or illegal firearms from coming into Trinidad and Tobago. I did not hear any of the steps listed. What are the steps that the Ministry is taking to prevent these illegal guns and weapons from coming into our shores?

Hon. Maj. Gen. E. Dillon: Madam President, I did mention that in addition to what the Trinidad and Tobago Police Service is doing, the Trinidad and Tobago Coast Guard in the maritime security environment, and the Trinidad and Tobago Air Guard in terms of aerial surveillance, continue to look at the penetration of our borders, both air and sea. In addition, we have also stepped up collaboration with the Customs and Excise on our ports and the Airports Authority with respect to airports and seaports. We have intensified our efforts in a collaborative effort to treat with penetration of our borders.

2.30 p.m.

We continue together with the coast guard, in particular, to patrol our waters around Trinidad and Tobago to intensify our efforts to act as a deterrent for any illegal guns coming into Trinidad and Tobago.

Sen. Mark: Could the Hon. Minister indicate to this Senate, having given a commitment 20 months ago to establish a border protection agency to coordinate efforts to accomplish that same objective, could you tell us, for instance, what is the status of this border protection agency that would serve a very positive role in preventing the inflows of illegal weapons into our country as well?

EXPIRATION OF QUESTION TIME

Madam President: Hon. Senators, unfortunately, the time for the 45 minutes period has expired, and therefore, in accordance with Standing Order 27(12), the questions that remained unanswered, I think I have gotten a request that they be deferred to the next Sitting. So questions Nos. 68, 69, 76 and 77 are deferred to the

next Sitting.

Sen. Mark: Madam President, may I ask with your leave, seeing that the Hon. Minister was about to answer, with your leave would you allow him and would the House agree that the Hon. Minister be given the opportunity to just respond to this final question in terms of answering my question? Is it possible?

Madam President: Hon. Senators, it is possible, but I just want to point one thing out, that when we are posing supplementary questions we must be aware of tightening up our questions so that we have 45 minutes on the Order Paper to do this. Minister of National Security, if you are willing I will allow you to answer that last supplementary question.

ORAL ANSWERS TO QUESTIONS

Illegal Firearms Used in Serious Crimes (Steps Taken)

Hon. Maj. Gen. E. Dillon: Sure, Madam President. Thank you very much, Madam President. With respect to the joint border protection agency, as mentioned in this House and the other place, a committee was established to bring together the concept of a joint border protection agency. That committee has met, they have made several recommendations, and we are in the process to establish a task force to deal with the border in a joint border protection agency based on the recommendation. So the task force, which will be the operation aspect, is in fact being put together as we speak.

The following questions stood on the Order Paper:

Reduction in Food Importation Bill (Details of)

68. Hon. Minister of Agriculture, Land and Fisheries:

Has Government's policy on agriculture resulted in a reduction in the food importation bill over the last eighteen (18) months; and if yes, by how much? [*Sen. P. Richards*]

**Brazilian Meat Imports
(Guarantee of Standards)**

69. Hon. Minister of Trade and Industry:

In light of the recent ban on corned beef imported from Brazil, how does the Ministry of Trade and Industry intend to guarantee the public that imported food placed on supermarket shelves has met the standards for human consumption? [*Sen. P. Richards*]

**Strategic Services Agency Audited Accounts
(Details of)**

76. Can the Hon. Minister of National Security state whether the accounts of the Strategic Services Agency have been audited over the last five years and if not, why? [*Sen. M. Ramkissoon*]

**Strategic Services Agency
(Measure of Success)**

77. Hon. Minister of National Security:

What metrics has the Ministry of National Security been using over the last five years to measure the success of the Strategic Services Agency (SSA)? [*Sen. M. Ramkissoon*]

Questions, by leave, deferred.

DEFINITE URGENT MATTER

**Petrotrin and the Ministry of Energy and Energy Industries
(Failure to Curtail Oil Spill)**

Sen. Gerald Ramdeen: Thank you, Madam President. Madam President, I hereby seek leave to move the adjournment of the Senate today under Standing Order 16 for the purpose of discussing a definite matter of urgent public importance, that is,

the failure of Petrotrin and the Ministry of Energy and Energy Industries to properly contain, curtail and manage the recent oil spill from a storage tank at the Petrotrin oil refinery, causing damage to the surrounding communities and extensive damage to the environment reaching as far as the east coast of Venezuela.

The matter is definite because it pertains specifically to the oil spilled that occurred on Sunday, 23rd of April, 2017, from a ruptured storage tank at the Petrotrin oil refinery. It is definite because it pertains specifically to the damage that has been caused over the past week to the communities and to our flora and fauna by this environmental disaster.

The matter is urgent because the damage has been increasing daily. Initially, it was reported that only 300 barrels of oil had spilled and the oil had been limited to the Guaracara River. However, yesterday, it was reported that the spill had stretched and had reached the coast of Venezuela. There have been reports of countless birds and fish dying, and large deposits of oil have polluted the western coastline. Fishermen are not able to go out to sea, and the Claxton Bay and King's Wharf fishing communities have been shut down. Wildlife has been found covered with oil and rescue efforts by local wildlife centres are on the way, but are woefully inadequate to deal with the extent of the damage caused.

The matter is of public importance because the damage to our communities, and more so the environment, affects every citizen of our country. Some of the affected areas are environmentally sensitive areas and the damage caused to the animals and plants in these areas cannot be repaired.

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

Madam President: Hon. Senators, I have considered the Motion and I am not satisfied that this matter, as presented, qualifies under this Standing Order.

JOINT SELECT COMMITTEE**Insurance Bill, 2016**

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, having regard to the Second Interim Report of the Joint Select Committee appointed to consider and report on the Insurance Bill, 2016, I beg to move that the Committee be allowed an extension of four weeks in order to complete its work and submit a final report to Parliament by June 2nd, 2017.

Question put and agreed to.

MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2017

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam President. Madam President, I beg to move:

That a Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 to introduce a system of traffic violations for certain breaches of the Act, to provide for the implementation of a red-light camera system, a demerit points system and the reform of the fixed penalty system and related legal proceedings and other related matters, be now read a second time.

Madam President, in continuing the Government's coordinated agenda to improve the criminal justice system and specifically to close the gap between allegations of crime as reported, and conviction for crimes through the judicial system, it gives me great pleasure to introduce this Bill. This Bill, in essence, proposes in its 49 clauses and one Schedule a reform to a very old piece of law in Trinidad and Tobago, and I am, of course, referring to the Motor Vehicles and Road Traffic Act, Chap. 48:50, which is an Act of Parliament, No. 42 of 1934, enacted on the 1st of January, 1935. That law has served this country from 1935 coming to date.

It has been amended 94 times, last time in January of 2015 when I sat on the

other side of the Chamber and participated in the roll-out of the speed guns provision, but we saw in 2015 a very careful attempt, and a laudable attempt, to cause an amendment and reform of laws to this substantive piece of law. This attempt by the last Government mirrored work undertaken by a previous PNM administration, but suffice it to say, I think that as a country we sought to bite off a little bit more than the population, or the Legislature could have chewed. In seeking to create a Motor Vehicles Authority and to do a complete repeal and replace of the Motor Vehicles and Road Traffic Act, Chap. 48:50, there was a very large exercise which was not brought to completion.

This Bill before us today constitutes a very careful and organized strategy to address the most critical areas of the law to ease not only the burden in the criminal justice system, but specifically to cause a bettering of the compliance to the laws of Trinidad and Tobago. So the Bill seeks to carve out amendments, place them into Chap. 48:50; it seeks to also repeal the Motor Vehicles and Road Traffic Act—the enforcement and administration version of it, that is Chap. 48:52—it seeks to repeal that entirely, to lift out of that piece of law the essential conditions which that law in 1979 sought to create, which is a fixed penalty system, transplant it into the Motor Vehicles and Road Traffic Act.

The Act, as it is hoped this will become, finds in this Bill some very novel concepts, and I would like to just put this carefully in terms of an ideology. Number one, we seek to introduce a concept of decriminalization of road traffic offences. In clauses 1 to 33, clauses 36 to 45, we seek to cause in those clauses of the Bill a decriminalization. What do we mean by that? We seek to take certain matters described as offences at law and convert them into violations: traffic offences for which you are subjected to the supervision of the Summary Courts

Act, Chap. 4:20 for which you are subjected to summons, to warrant, to being a defendant, to being liable to criminal prosecution, to service of a criminal conviction by way of sentence. If you are committed to sentence or fine, we seek to take certain aspects of offences out of the realm of offences and convert them into traffic violations.

We seek to do that in clause 9 by anchoring two critical new clauses into the Motor Vehicles and Road Traffic Act, that is sections 20A and clause 20B as clause 9 proposes, and what we say in those two clauses is really one of the cornerstones in the first limb of progress. If we look to clause 9 of the Bill at page 2, you see that the new section 20A proposes that there be:

“...compliance with the Act and other written laws relating to the use of a vehicle on a road by of the holder of a driving permit”—that it be—“a condition of the driving permit.”

There is also a declaration that compliance with the Act and written laws for motor vehicles, et cetera, that there be the fact now put into place that the owner of the motor vehicle will be responsible for any breach of the Act or written laws, which involves the use of his motor vehicle and which is imputable to him as an owner.

Section 20B in clause 9, the new 20B proposes another radical aspect of the cornerstone that the breach of a condition specified in the Seventh Schedule which we propose to insert by this Bill into the Motor Vehicles and Road Traffic Act, that if there is a breach of a traffic violation that the holder of the driver’s permit, or the owner of the motor vehicle shall be liable to be dealt with in accordance with the Act. And specifically in 20C, as is now proposed, we say that the balance shall be in looking to the standard of proof of law on a balance of probabilities and not

specifically on the criminal standard which would otherwise have been applied in most usual circumstances.

This decriminalization is not proposed for the very serious offenses: reckless driving, causing death, exceeding blood alcohol limits in certain circumstances where it is reckless. So we seek to cleave out those matters which internationally are treated by way of a violation away from offences, and that is the first aspect of reform that this Bill proposes.

The second aspect and very novel aspect that we seek to do today, is we seek to in clause 25 and in clause 34—and those joint combination of ideas and principles in the clauses—we seek to introduce something that is called red light enforcement. If you have a red light at a traffic light as opposed to other traffic signs, if you break that there will be a camera system installed above; the camera system captures your number plate; the number plate is immediately referred to the owner of the vehicle so described at the registration home, Licensing Authority for vehicles. Then there is a whole system for the management of how you are as an offender, as the owner of a vehicle going to receive the notification that you have breached the traffic light; going to receive the photographic evidence; going to receive the particulars; the process which you will follow if you wish to contest; if you do not wish to contest the issue of citation notices when you intend to contest; the ability to actually challenge the provisions with due process and natural justice adhered to, and I will come into more detail in a little while on these ends.

The third aspect that we seek to achieve is really joined with the fourth aspect. So I will put the two together. They both fall under the umbrella of clause 35 of the Bill and also clause 47 of the Bill where we have the new Schedule approached. In clause 35 of the Bill, the first limb of it, very novel, is the

introduction of a fixed penalty system. The next limb of it is the introduction of a demerit point system. So if I recap it:

1. Decriminalise offences for certain matters;
2. Introduce red light traffic enforcement;
3. Introduce a fixed penalty system;
4. Introduce a demerit point system.

Now why do we say this? Let us take a step back from that architecture of the Bill and let us see what Trinidad and Tobago has been saying over the years. I took a little traverse through the speeches of successive chief justices of this country including Acting Chief Justice Roger Hamel-Smith, coming straight up the line starting in 2007 and coming up to 2015/2016, opening of law term on the 16th of September, 2015.

Mr. Justice Roger Hamel-Smith in his speech noted that:

“...the Magistracy, in a similar form of case management rules can be introduced. We must...first rid the courts of a multitude of matters that do not necessarily have to be proceeded in the Magistrates’ Court. Last year”—he—“made mention of ticket cases that clog the traffic courts. To date nothing has been done. ...traffic courts continue to be plagued by some one hundred to one hundred and”—120,000—“ticket”—matters.

“Out of twenty-two thousand cases received in the courts every year...”

He then goes into the process of 50 per cent of them being dealt with, 50 per cent going through the full process of warranting, et cetera, and of the loss in revenue, and the loss in manner was in particular.

If we go next to the speech of Mr. Justice Ivor Archie in 2008, we note that the learned Chief Justice then, spoke to the need for legislative reform, with

immediate focus on preliminary enquiries, liquor licensing, traffic tickets and remand system so as to free up and allow for better performance of judges in their primary function which is to try summary cases. When we come forward, Madam President, further to the speech in 2010, the Hon. Chief Justice there reflected again upon the call for the opening up and freeing up of the judicial system by removal of the backlog of traffic cases from that system. We saw in the speech in 2012/2013 again, Chief Justice Archie saying filings were up significantly from 104,155 matters in the Magistrates' Court to 116,903 matters, but there was an increase in traffic matters from 38,000-odd to 351,000-odd. That is 2012/2013.

We now come to the 2015 speech of the Hon. Chief Justice and he says that while filings are down in that year from 125,000-odd to 115,000-odd, disposal rates went down from 83,000-odd to 77,000-odd, and he said this: "Traffic matters accounted for 56,744 of the new filings..." And I have been saying over and over again, magistrates do not need to be dealing with minor matters like tickets. They should be doing case management and trials. The technology exists for smart licenses and immediate electronic citations. That is the Judiciary.

We have seen very excellent work done by the public advocates in the form of Arrive Alive, or a number of institutions. We have noted Arrive Alive saying to the population that as recently as April 2016 on an article, Arrive Alive pointed out in an article by Camille Hunte, as I have said, appearing in the *Express* newspaper, Arrive Alive noted that 55 per cent of road deaths were caused by speeding; 127 fatal road accidents with 146 people dying. But, Madam President, it gets a little bit more interesting and permit me to introduce as we have done in each Bill that we come to the Parliament on, some of the statistics that Trinidad and Tobago now must wrestle with.

Madam President, the Judiciary in its annual reports, in the period 2011 to 2015, gave us a significant amount of work as to where the number of tickets were managed, how they were disposed of, what reasons for delays occurred, and what the revenue looked like. It is quite interesting when we look to the Judiciary statistics to note that there was an average of 120,000 cases for the period 2011 to 2015 on traffic matters alone. In that period, 2011 to 2015, it generated approximately \$171 million in revenue for the State, but here how this revenue was earned.

When we looked at the statistics of compliance, we take the period 2011/2012, 2012/2013, year on year on up to 2014/2015, the compliance—that is the number of people that actually paid a ticket, generating revenue that they were brought to court for—a ticket brought them there—rate for 2011/2012 was only 36 per cent. So that is 64 per cent of matters came to the court, occupied judicial time, saw a defendant, saw a prosecutor, saw a policeman come to give evidence, occupied a magistrate's time, Clerk of the Peace time, court time, but only 36 per cent of those matters resulted in revenue. That is matters that went to completion, and the numbers varied from year to year, going up and down, 69 per cent a great performance in one year, 65 per cent in another, but 36 per cent in another.

Madam President, when we take now the period 2010 to 2016, August 2010 to July 31, 2016, we see 67,926 cases are outstanding traffic matters. There are matters as old as 11 years in the system. The revenue generated in the period August 2010 to July 31, 2016 was approximately \$250 million in revenue. Again, only 36 per cent in some years actually complying with paying a ticket. So let us put this in simple terms. Our courts are being used 100 per cent of the time; every ticket offence that is not paid that gets into court system requires all of the inputs

that I have just described—prosecutor, defendant, magistrate, et cetera—let us be generous and say 50 per cent of them are dealt with when you average off the compliance. We are spending 100 per cent of the resource to get 50 per cent of the product and we are seeing that there are 68,000-odd cases outstanding, hence one marries now the call, 2007, 2008, 2009, 2010. But what does this mean for current Trinidad and Tobago?

We have a situation in our country where people believe that the criminal justice system will not move because it is overburdened, and our criminal justice system has an essential feature of it 68,000-odd matters going nowhere fast, some of them as fast as 11 years. And so, the Government looking at this perspective, sat down in a multipartite sectoral committee, the judicial, Ministry of Works and Transport, Licensing Division, Trinidad and Tobago Police Service, the Attorney General and Ministry of Legal Affairs offices, the Comptroller of Accounts, the Ministry of Finance. We sat down in a large room with about 30 people on the table for about a year straight and we said, “We have to break the definition of insanity and treat with creating judicial time and allow for the primary function of the courts to go to work.”

What we therefore found, Madam President, was that if we sought to carve out the essential work that successive Governments have been treating with and I mean literally from 1935 come forward, and in particular when one freeze-frames in 1979 and you look at the introduction of fixed penalty systems in the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52, when you look at that and you realize the failure of that experiment, when you fast forward to the year 2000 and you realized that the demerit points to be introduced by regulations then contemplated in the 2000 Parliament that passed it, you

realized that that did not succeed, you come into time now to the year 2007, then 2009, when a then Government said it is time to reform the system.

In the period 2010 to 2015, there was some legislative contemplation as I have described a little earlier, but regrettably it was done in an approach where legislation would come first and operationalization would come after, and we found—and the Minister of Works and Transport will speak to this—that none of the input of data was done to build out the registration database for cars, for registration of owners, nor was the driving permit computer data entry exercise brought to the level that it should be. So we did not have data to feed the system.

So we are able to report today that we have since completed the data entry exercise on both those platforms, and very importantly, Madam President, we now come to tell the country, let us allow for the removal of approximately 70,000 cases from the system—the transfer of cases going forward into a violation as opposed to an offence—let us free up the judicial time and let us then work our way backwards because the law is not retrospective. There will be 69,000 cases in place, but there is a dedicated plan to engage the successful operationalization, work your way backwards, matters in terms of length of time outstanding, call for warrants, bring forward the matters and start the exercise of taking them off the list so we can free up judicial time. What does that mean for Trinidad and Tobago?

In an environment where the country has been fighting against crime for far too long, with far too little success for many years, it means that judges can perform their primary function; it means that the Trinidad and Tobago Police Service in its various manifestations can focus on traffic enforcement without having to go to court and spend days at a time there to get 30 per cent success rate completion; it means that the primary focus of the Trinidad and Tobago Police

Service is spent on policing and, what we are doing is we are taking avail of the use of technology which the rest of the world does. And in taking avail of the technological advances available to us right now, we took careful reflection of Australia; we took careful reflection of Jamaica; we took careful reflection of Canada, in particular the Province of Alberta; we took careful reflection of the United Kingdom.

In looking at the advances right there in Jamaica, I went to the Ministry of Works equivalent in Jamaica, I meet with my counterpart the Attorney General, we looked at their data management system and what we did was to borrow from that system exactly what they were doing. We married in that roundtable experience the ability which this law now prescribes in the Bill to say to people, you will no longer be bound by the confines of having to go to the district where you received the ticket to pay it. You were on vacation down in Mayaro, you got a summons there, you will have to find yourself from San Fernando to Mayaro, or from Post of Spain or Icacos, to Mayaro, you no longer need to do that. You have the ability instead to make electronic payments by operationalizing that system into any place that is approved for the receipt of revenue.

The data management is uploaded directly into the system the minute you get a ticket. It is done so electronically not only through breaking a traffic light system, but also through what is to come next which is red traffic light spotters on posts, on different positions, on archways where your speed can be monitored. And what we are saying now, finally technology comes forward to allow you to not be bound to the place where you received your summons, or required to go; next to use technology for the issuance of tickets and the real time management as Jamaica does on a simple Web-based system developed by Massy Technologies and now

taking over by the Government of Jamaica in their version of iGov on a simple data platform; then you allow for the system of triggering a judicial process only when the accused says I want to challenge the violation.

3.00 p.m.

So the previous system, current law says, occupies 100 per cent of the resources, whether they come or not. The new system proposes, as a feature of this Bill, that the accused in a traffic light enforcement—red traffic light—or the accused, a violator, in the breach of a fixed penalty aspect, if you want to contest the system, issue a notice of citation after you have been given time to pay, after you have been given the opportunity to reconsider, take a whole 30 days as the Bill proposes. You have then another 45 days. If you want to go to court, send your citation notice. When that citation notice is sent, then and only then do the players come to court: electronic transmission of documents to the court, the policeman or the inspector as it is in the red light traffic, then and only then, do they come to court.

But, what we actually do further is to say to the country you can actually proceed in absentia. If the person is summonsed to court, you have the ability if there is no appearance to proceed ex parte. Now, why do we say that? It is recognizing that there is still a due process position, that there is a matter of appeal that is layered on to that. But when you take it through the ultimate projections, after you have passed through the court system, after you have found yourself guilty of a violation, you have a range of novel remedies available now. Instead of being subjected to an offence under the Summary Courts Act, instead of having the application of section 64 of the Interpretation Act, which will cause you to fall within the realm of treatment under the criminal laws of Trinidad and Tobago,

instead of that, we say if you are going to find yourself the subject of suspension or termination or in an inability to transact business, that the licensing authority must go another step of due process, another step of natural justice, and tell you that they intend to do what they intend to do and allow you an opportunity to object and participate.

So there are multiple layers of due process, there are multiple layers of natural justice. And what the system allows, for the first time in Trinidad and Tobago, is for us to put into operation on a system already primed for operation, having backfilled the data, having backfilled the entry of all of the digital requirements to make this system done, allow a system, for the first time now, to go to work to ease doing business with the Judiciary of Trinidad and Tobago, to ease the workload on the Trinidad and Tobago Police Service, to ease the workload on the Magistracy, to allow for the criminal justice system to be better focused and oriented. But it comes alongside the operationalization of the Criminal Proceeding Rules which, again, has come into effect in April of this year. On the 18th of April, Trinidad and Tobago saw, for the first time in its history, the operationalization of the Criminal Proceeding Rules, also intended to treat with the rise and sit time of the Magistracy, the better management of caseloads so that justice can begin to flow properly.

When you look at this issue, we are hitting multiple targets. We are hitting revenue. We are hitting use of manpower. We are hitting value for money on manpower. We are hitting better use of technology. We are hitting better elimination of fraud from the receipt of cash or slippages in the system. We are creating jobs by the use of technology and those who have to maintain and implement and work technology. It is a multi-faceted system which specifically, at

its core, is much more than just the Motor Vehicles and Road Traffic Act. It rides and it resides squarely within the zone of how a government must push back on any scourge of criminality. Every crime in this country is most likely committed with a moving vehicle: a bicycle, a motorbike, a motor car.

Hon. Senator: Very true.

Hon. F. Al-Rawi: Every crime in this country sees the passage of someone as a perpetrator of crimes on the roads of Trinidad and Tobago. Every crime in this country has the ability to be tracked if we marry technology with common sense quite simply.

Madam President, in a Bill like this, as long as it is, it is hard to focus on the clauses in detail which is why I have spent time giving an overview of the intention and crystal points, anchor points, of operation. But I would like to point Members, in particular to clause 9 as I have, which introduces new sections 20A, 20B, 20C. Cornerstone of the Bill: creation of violation versus offence, the standard of a burden and the burden of proof. Burden of proof remaining where it is, standard of proof moving to balance on probabilities.

Let us look to clause 25 of the Bill which proposes that section 66 of the Motor Vehicles and Road Traffic Act, that that ties in the birth of the red traffic light signal provisions. When we look now to clause 34 of the Bill, we see the introduction of a new section 79 which goes in its parts from 79A straight through to 79T, and when we look at that, we see the entire process for the involvement of the critical features of operationalizing the red-light camera system. The definition of citation notice, court clerk, fixed penalty; who the inspection officer is; how the notice to contest is issued; how the maintenance and evidence from the red-light camera is to be done; how the process of challenge goes; what the time frame for

challenge is; what the time frame to change your mind and pay is; what the uploading of response is; what the requirement for complainant to attend court is; what the jurisdictional triggers are, and by that, I mean, as we see in the new 79K, when the judicial process calls for the participants to come.

We look to the qualifications of those who have to inspect, we look to the fact that we do not allow for an arbitrary contest in terms of the camera equipment, et cetera, much like we do for the speed guns right now and the Breathalyzer equipment. But we look to the incentive to obey the law to be found in the new 79R. In 79R, we say, if you do not pay when you should have, after all of that process, if you do not pay within 14 days, you are going to have to pay 1.25 times the amount. In other words then, you are going add a quarter of what you have to pay to the bill. If you pass that time frame, any time beyond that, you are looking at one and a half times the amount.

When we look to the fixed penalty system and the demerit points system, Trinidad and Tobago has essentially flirted with these systems as we have seen in the legislation for quite some time. What we have done is to look at the analysis, look at the data, look at the shortcomings and to propose solutions in here which find themselves buried, anchored in clause 35 of the Bill where you see the creation of the fixed penalty aspects and the demerit point register. And we will be introducing, by way of proposal, a new section 88 beginning in sections J straight down through P where we see what the key objectives to these two systems will be. And those key objectives are, of course, with respect to the demerit system, how we treat with a newly licensed driver. Someone who is under 12 months of just being qualified. What will result in the suspension after a certain number of points received by a newly licensed driver? How we treat with a fully licensed or

experienced driver in the various stages of experience? How many points are going to cause your suspension? How many points are going to cause your difficulties with the law?

We are also treating with, as a key feature in demerits, the offence for failure to surrender your suspended permit. We are looking to the validity of the endorsements and the expungement of points, after you have paid your fines, after three years of having points, that your clock is reset so that you have a chance, as in other jurisdictions, to reset the clock. We are looking to what happens if you have multiple offences in one incident. Where there are demerit points, we take the demerit points, which is the higher of the demerit points of the other points available—higher or highest.

We look to rehabilitative driving programmes. We are looking at the issuance of double demerit point systems where we are looking at special days, for instance on Carnival or we are looking at public holidays and we are looking to the classes of vehicles that are going to be subjected to double demerit points. And of course, very importantly, we are looking to the manner in which we set the platform to improve the law for the inspection of vehicles because the next stage that we are moving to, which will come to Parliament shortly, the next stage that we are going to look to, not in this Bill but finding a springboard in this Bill, is going to be how we treat with the license plates in this country.

And I can tell you—and the Minister of Works and Transport will confirm—that we intend to introduce RF identification plates to Trinidad and Tobago where you have to have the replacement of every single plate on every single vehicle beginning with the latest in registration and working your way back, so that you deal with the ownership issues, fraud issues, and in particular maintenance of your

plate and technology, year on year, in a current form and fashion. That, again, is rooted to the aspect of managing crime in this country because if you know what a vehicle owner's particulars look like, through the correct processes, you have a better chance at finding criminality.

On the fixed penalty system, of course, we have the immediate consequence, if in five years, we could have earned for an average of 50 per cent ratio, \$250 million in revenue, can you imagine what it will look like at 100 per cent? Right here at the Parliament traffic light, the data obtained from the Parliament traffic light shows that that light is broken 4,000 times a month. A camera takes a picture of the license plate 4,000 times a month right now in Trinidad and Tobago. And people will understand that if you observe the laws on the road, if you observe the laws of this country, every little law standing upon the other, you are returning the country to a semblance of order and discipline. [*Desk thumping*]

Key features, in that particular position, fixed penalties, of course, again, in summary, we are removing the limitation to pay in just the magisterial district that you found yourself. We are introducing the notice to contest so you make sure you have a sensible operationalization of the resources. We are making sure that we use non-conventional penalties, like suspension of transactions, et cetera. If you do not pay your penalty, if you do not deal with your situation, the privilege anchored in the new sections 20A and 20B of having a driver license will cause a treatment so that you have to comply with the law. That privilege is not something which is new. Everybody in Trinidad and Tobago is subject to the laws of Trinidad and Tobago. Every contract, every license, is subject to the laws of Trinidad and Tobago. A license is a privilege, it is not an absolute thing. A license can be suspended or revoked under the current law right now. What we are looking at is

the common sense application, the technologically-advanced application, the technologically-sensible application.

We have, of course, spoken about the decriminalization and the move away from the application of Chap. 4:20, the Summary Courts Act, and the exception to the operation of section 64 of the Interpretation Act, which would otherwise cause that to trigger, and specifically, we are repealing the Motor Vehicles and Road Traffic Act (Enforcement and Administration) Act, which is Chap. 48:52, and we are transplanting it into the parent Act as we seek in this Bill and so propose.

Madam President, I think it is safe to say, the experimentation has been long in the making. From the year 2000 to 2017, many a parliamentarian, including me, years aback, sat and debated days on end, the improvements to this law. Start at 2000 alone, that is 17 years of analysis paralysis, 17 years. Go back to 1979 when the fixed penalty system came in Chap. 48:52 and ask yourself, many years later, nearly close to a generation later—40 years is a generation—a generation later, are we any better off? When is enough, enough? Do we go, as successive governments have done and take the entire package, perfect it, come only to Parliament with an absolutely perfect product when you have the option to do as this Government has done, which is to operationalize at the same time that you legislate? Fill in the gaps, fill in the data, bring the system up to date, take your data and feed it into the police, into the Judiciary, into the traffic management systems, into the Ministry of Finance, the Comptroller of Customs. Take avail of all of the opportunities because every house is on a road, every business is on a road. To get to school, you go on a road; to get to the hospital, to go to church, you are on a road; you commit a crime, you are on a road, so let us start with policing the road sensibly.

Madam President: Hon. Attorney General, you have five more minutes.

Hon. F. Al-Rawi: Madam President, I am confident that this is the kind of material that a Senate can reflect upon sensibly and favourably. I look forward to the contributions of Hon. Members. I ask you to forgive the approach that I have taken today. It would be very difficult to traverse the depth of each clause because so we have left it on the Order Paper for a long while on purpose so that Members could consider the Bill properly.

There has been no public outcry against this Bill. There has been support for this Bill. There has been round support for this Bill. I would love to see us put common sense into first gear and operationalization into first gear simultaneously, and I would love to see the Judiciary and the citizens of this country get the benefit of a faster moving criminal justice system, because I can tell you, there are more significant reforms about to come. We plan, on Thursday, to ask Cabinet to consider some very important add-ons but what we have said is “doh” wait for the perfect product, take it in first pass, second pass, third pass, fourth pass, add it altogether, put it into the architecture, which I constantly speak about and let us see the system begin to work. Be it on preliminary enquiries, election of a judge-only trial, plea bargaining, motor vehicle reform, anti-terrorism reform, look at the connection of each and every piece and understand that it is all welded together because the one thing that is certain in this country, we definitely in analysis paralysis, 100 per cent sure. Time to break that mood. I thank you, Madam President and I beg to move. [*Desk thumping*]

Question proposed.

Sen. Wade Mark: Thank you very much, Madam President. I rise to make my contribution on behalf of the Opposition, the alternative Government, on a Bill to amend the Motor Vehicles and Road Traffic Act in order to introduce a system of

traffic violations for certain breaches of the Act and to provide for the implementation of a red-light camera system along with a demerit points system and the reform of the fixed penalty system and other related legal proceedings.

The Hon. Attorney General has stated that the time is over or should be over for what he described as analysis paralysis. He has also indicated to us, without any evidential material proof, that there has been no public outcry against the legislation which we are now deliberating on and from his perspective, after discussing with a so-called multipartite team made up of the Judiciary, his Ministry, the Transport Division, Licensing Division and I suspect other players but most of them from the bureaucracy. But nowhere did the Hon. Attorney General indicate to this Senate and to the country that civil society was involved in these discussions and/or consultations.

This piece of legislation will affect the motoring public, vehicle owners and our understanding—and we stand corrected—that we have, on the roads of this country as we speak, close to or just under 800,000 vehicles. And therefore, we have the maxi-taxi drivers and associations, we have the ordinary “H” cars that ply various routes in the country, and there are various other bodies and organizations that are involved in the provision of transportation for the citizenry of this country. I did not hear the Attorney General indicate to this House whether these organizations were involved in the discussions, in consultations, as it relates to the provisions contained in the legislation. I also wanted to ask the Hon. Attorney General whether the Law Association of the Republic of T&T participated in multipartite discussions that he mentioned and what was their particular position on the legislation. So Hon. Attorney General, would you want to respond as to whether the Law Association participated or did you get their input into the

legislation?

Hon. Al-Rawi: Thank you, Hon. Senator. I am very pleased to say that I have met with two successive Presidents of the Law Association and invited them both to submit comments on all of the work that we are doing. In fact, you will notice that I have paused on quite a few Bills to facilitate their response, there has been nothing forthcoming. So I have asked, I have not had. In fact, I have had quite a bit of interaction with a number of stakeholders beyond the sector but they were rather informal, not strictly formal. So I can tell you that I have not had a response from either of the two counsels that have sat in the Law Association.

Sen. W. Mark: Thank you very much. So, Madam President, there we have from the Attorney General's lips that even though he has written to the Presidents of this body, there have been no responses, and I would also indicate that he did not share with us whether these other bodies like the maxi-taxi associations, throughout the country, were also written to and whether he received any comments from them.

So the first concern we have is what we consider to be the paucity, deficiency, in the consultative process in this very important measure that is before us today, and we would want to ask the Attorney General to consider the absence of that level and quality of consultation, because this is going to affect the grass roots in a very, very serious way. Those taxi owners and taxi drivers and private car owners and maxi-taxi owners, this is going to impact on them. And when we look at the fines, which we will come to later on, it is very draconian in many respects and I agree with the Attorney General. It seems like the Government is scraping the barrel as they seek to gather and generate further revenues.

So this measure seems to be located in a revenue-generating framework [*Desk thumping*] and it seems more like a money Bill than a Bill to really deal with

traffic violations in Trinidad and Tobago and to focus on road management. Seem to be a money Bill more than anything else. Right. So that—*[Interruption]* Well, I guess you “doh even need our approval because is ah simple majority”. So the first thing, we want to really highlight today is we are very disappointed in the level of consultation that the Attorney General has executed on such a far-reaching measure that will have real debilitating and effects on the population of this country, particularly those who own vehicles in the land. *[Desk thumping]*

Madam President, I heard the Attorney General say, a short while ago, that the piecemeal approach that he, his Government and his office is taking is the way to go. He does not want to go with a comprehensive overhauling of the system. Piecemeal, piecemeal, so you are trying to fix as you go along, and that is why he saying this is the best approach. But when the Partnership introduced in 2014/2015 a piece of legislation that would have overhauled in a comprehensive manner, the entire road management and traffic system in our nation, it was analysis paralysis because it got stuck here in this place. *[Desk thumping]* And of course, you know who its star performer was?

Hon. Al-Rawi: Who is that, boy?

Sen. W. Mark: You know who was its star performer? He rises to leave. *[Desk thumping]* He played a very critical role in stalling the legislation. Every colon, every comma, every full stop, was proposed in an effort to stall, sabotage, undermine and subvert. At the end of the day, it was—*[Interruption]*

Hon. Al-Rawi: Madam President, surely that is imputing an improper motive.

Sen. W. Mark: All right, well if you did not undermine or subvert, I would say that he stalled. He contributed installing the legislation. *[Desk thumping]*

Madam President: Sen. Mark, just be careful in your references to the Hon.

Attorney General and in the manner in which we address fellow Members of the Senate. Okay?

Sen. W. Mark: This is a matter that is going to impact on the citizenry, the travelling public, the motorists, the owners and I am reflecting the feelings of the people on this particular matter. So sometimes, Madam, you may find me a bit emotional because it is very, very difficult for people out there who cannot make ends meet to be asked to pay from \$1,000 to \$7,000. [*Desk thumping*] You know, it is very, very difficult to ask poor people to pay that kind of money in the country.

Madam President, as I indicated earlier, when we had proposed major changes and overhauling of the system, we did not get the support of the then PNM Opposition. Everything was done, as I said, to ensure that things did not progress in the way that we would have liked.

3.30 p.m.

What I would have liked the Hon. Attorney General to tell us is that—he did provide us with some statistics on what takes place in the courts: the amount of cases that are currently outstanding; the amount of revenues that we have spent and what we have gotten in return; and the percentage of compliance. All of these things were articulated by the Hon. Attorney General. But he did not tell us, Madam President, with the implementation of this measure, how much revenue will Trinidad and Tobago earn, because you must have done your calculation. You must indicate to us, with this new system that is being debated here today: What is the anticipated earnings of revenue that the Government would realize, Madam President?

Madam President, this is tinkering with the system. We do not believe that, for instance, the Attorney General and the Government are really serious about

overhauling the traffic management system in our country. [*Desk thumping*] They, like Max Senhouse, they need the money. [*Desk thumping*] They need the money and this is about money. This is about revenue generation more than providing the safety and security of the people who use our roads in T&T. [*Desk thumping*] This is what we are seeing this matter as. [*Desk thumping*]

Madam President, would you believe that the Attorney General indicated when he was speaking, and it was just en passant when he said that, you know we are about to introduce in the future—it is futuristic—a new license plate system. He calls it the RF frequency plates and electronic tag identifiers. That is going to be introduced. But in his contribution, Madam President, he spoke to the issue of every crime that is committed in this country is committed by something moving—either a car, a bicycle or a motorcycle—a crime.

But, you know, Madam President, it is contradictory that the actual cornerstone, the technology, the software that is supposed to provide us with the wherewithal to address criminality, national security and crime by bringing it down in this country—which is the so-called RF frequency plates and electronic tag identifiers—is not in the Bill. It is not there, Madam President. So when a police officer stops a vehicle, he does not have the electronic equipment attached to him, or in his vehicle to do a spot check technologically and determine, for instance, whether that particular vehicle and that number plate is false. He does not have the capacity. [*Desk thumping*] So what is the Attorney General really telling us, Madam President?

If you do not have a change, Madam President, in the number plate system then the back-room boys are going to be at work. [*Desk thumping*] The organized criminal elements that can produce number plates and registration plates, they are

going to have a field day. The criminal cartel will be in charge. So this thing is a total waste of time [*Desk thumping*] because the centrepiece of the whole matter is not being addressed by the Attorney General. The Attorney General has not addressed it.

Madam President, I can tell you, and I agree with the Attorney General on this point, that in a small country like Trinidad and Tobago, we should not have over 2,000 cars being stolen here annually in an island of less than 2,000 square miles. But we do not have the technology, we do not have the software, we do not have the systems in order to deal with this particular phenomenon.

Madam President, what the Attorney General also did not tell us is that in clause 49 of the Bill, a number of pieces of subsidiary legislation will have to be addressed. I am talking about 26 pieces of subsidiary legislation will have to be addressed. Has the Attorney General taken the time off to really apprise the Parliament of what these pieces of legislation would be? For example, the Motor Vehicles and Road Traffic Regulations, the Road Traffic (Prohibited Parking) Order, the Private Motor Cars (Parking Places) Order, the Public Stands (Motor Omnibuses) Parking Order. You have a series of subsidiary legislation that is impacting on this legislation, and not a word from the Hon. Attorney General on these 26 pieces of subsidiary legislation that would be impacted by what we are doing here today. And you want us to just give you a blank cheque to go ahead and move and say, well look if you do not do it, we are engaging in what is called analysis paralysis. [*Desk thumping*]

So, Madam President, where are we? Today, we are almost as we were some years ago. The system is still manual for all intents and purposes. People, you are still—Madam President, I do not know if you recall some time ago there were two

vehicles on the road with the same number plates, and the reason for that is because the system that we operate under after so many years is manual, manually driven. Everybody has to write, Madam President. So I believe that until the Attorney General can tell us what is the software, what is the technological platform he has in place in order to make this thing work, we are just spinning top in mud. [*Desk thumping*]

He went to Jamaica, I do not know if he went to Australia, but he did say he went to Australia—Jamaica rather, and he looked at their data management system and he borrowed some elements of it.

Hon. Senator: Massy Technology.

Sen. W. Mark: Well, Massy is a part of the financing mechanism of the PNM, so I am sure that they are borrowing some part of it as well from Massy, Madam President.

So Madam President, when we talk about road safety, who can be against seeking to introduce measures to reduce road deaths on our roads of Trinidad and Tobago today? With a comprehensive overhauling of the system with a removal of the bureaucracy and the corruption that accompany the bureaucracy—do you know what we had estimated in 2015? That we would have increased revenue from \$160 million a year to close to \$300 million, Madam President, just by collecting—
[*Interruption*]

Madam President: Sen. Mark, could you just address the Chair, please?

Sen. W. Mark: Okay, okay Ma'am. You know, you have to move so that the blood circulates otherwise I am going to be in trouble. I have to move. So you must forgive me. Sometimes, I look at you and then I have to turn to let the blood circulate [*Laughter*] and keep me on my legs, properly speaking.

So, Madam President, the whole question here is about—we cannot object to road safety, where I think everybody could agree that we have to deal with road safety. [*Desk thumping*] Right? So there is no doubt about it that that is an area that is of concern to us and the population of Trinidad and Tobago.

Madam President, when we talk about road management or road traffic management in our country, and we talk about everything that moves in this country, any crime that is committed, it is through some moving object or instrument or vehicle as the case may be. That is a fact. But, Madam President, one of the things that we can do to reduce traffic congestions that would result in a lot of traffic violations is to deal with the decentralization of government services.

Madam President, as you know, the Government of Trinidad and Tobago for some reason they are not interested in this question of the decentralization of services. In fact, the Prime Minister is reported to have said that he is not prepared to “decapitalize” the city. Everything is going to be back in the city and you are going to have the bottlenecks and the buildings and so on in the city.

Madam President, another area that we would have liked to get some clarification on is this. We know that there are a lot of challenges facing the system today. One of the problems that we are faced with, and why the revenue stream has been compromised in a very serious way, has to do with the fact that there is a lot of corruption in the system today. And, Madam President, a lot of the revenues that are supposed to be coming to the national Consolidated Fund is being pocketed by elements in the country because of the loopholes and the weaknesses and deficiencies that we have at the Licensing Office. I should say “offices” because we have them in Port of Spain, we have them in Arima, in Tobago, in Point Fortin, I think Rio Claro, San Fernando, Madam President—

Hon. Al-Rawi: Frederick Settlement.

Sen. W. Mark: And then I understand you are part of that Frederick Settlement project. [*Crosstalk*]

Madam President: Sen. Mark, address the chair. There is no “you” point.

Sen. W. Mark: Yeah, I know, I know, there is no “you”, it is only love. [*Laughter*]
Madam President, I would like to say—I would like the Attorney General to indicate to us whether there is any intention on the part of the Cabinet to up the speed limit. We know that there has been a protest, a silent protest, on the issue of the 80 kilometers, and we have been hearing that there are moves afoot, by the Government, to bring it to about 100 kilometers in terms of the mileage and so on. I do not know, Madam President, what is the position, but we would like to ask the Hon. Attorney General to bring us up to speed with that particular situation.

Madam President, when we go to the Bill itself, we recognize that there are several sections of the legislation that allow the Minister of Works and Transport too much authority, too much power, and there is no oversight, there is no accountability. So, Madam President, if you go to 79B of the legislation, you will see where:

“The Minister may by Order approve the red-light camera for the purposes of this Part.”

So the Minister has authority. Madam President, we do not know what system the Minister is going to approve. So on the one hand the Attorney General is telling us, Madam President, what happened in the past was legislation and then operationalization. The Hon. Attorney General is really telling us with this legislation, it is both operating simultaneously. But therein lies the conundrum, the contradiction, because we are being told in section 79B(1);79B(2) rather:

“The Minister may by Order approve the red-light camera”—system—“for the purposes of this Part.” Unless the Minister has done that already. But if the Minister has not done that already, then what are you asking us to do as parliamentarians? To give you a blank cheque? [*Desk thumping*] No. We want oversight. I want to tell this Government, this Parliament is not in your back pocket, you know.

Madam President: Sen. Mark, I think the blood is over-circulating now—please have your seat—because you are not addressing the Chair.

Sen. W. Mark: Yes, Madam President. I want to advise this Government that this Senate and the both Houses of Parliament do not reside in their back pocket. I want to remind them, Madam President, under 75(1) of our Republican Constitution, the Cabinet is collectively accountable to the Parliament of the Republic of T&T, and sometimes you get the impression that they believe that this Legislature called the Parliament is simply a rubber stamp. They just come, they put a Bill, and they expect us to say “aye”. No! Madam President, so we are submitting to the Hon. Attorney General, firstly:

“The Minister may by Order...”

And there is an amendment:

...subject to an affirmative resolution of the Parliament be allowed to introduce the camera system.

We want to know what is involved, Madam President, because do you know why? A number of citizens are going to be affected by the measures in this legislation, and we as Members of Parliament, even though we are not elected, we go out there and speak to the people. And we must be able to explain to them, what this camera system is all about; this red-light camera system. So we need to get before us the

information and, therefore, we are demanding that there be an amendment, an appropriate amendment to the legislation to deal with this matter.

Madam President, as I am on that, let me just deal with some other areas where we found that the Minister has a lot of authority, and he does not have the accompanying responsibility to the Legislature. So if you go to 88D and you go to subsection (1), hear the power of the Minister. We are giving this Minister the following powers. Madam President, how is that coming? By Order. The Minister and the Government are proposing it be subject to a negative resolution. We are saying, no! Madam President, it must be subject to an affirmative resolution. [*Desk thumping*]

Listen to the powers that the Hon. Minister of Works and Transport has, not necessarily the Hon. Minister now, because this is for the officeholder, whoever that person happens to be. It might be me because you are just buying time. We are coming across there just now. [*Desk thumping*] You never know, I might be there in no time. So, Madam President, hear what is going on.

“(1) The Minister may from time to time by Order—

- (a) add any traffic violation to the Ninth Schedule and prescribe in respect of that traffic violation a fixed penalty not exceeding five thousand dollars;”

So, the Minister has that power. The Minister has the power, Madam President, to remove any traffic violation from the Ninth Schedule. Is that not sweeping? [*Crosstalk*]

This is a country, Madam President, which is small. It is a small country. Everybody knows everybody. Everybody is a friend of everybody. So if somebody is involved in some kind of activity, and the Minister is friendly—and I am not

saying this Minister—any Minister has a friendly relationship with X or Y or a group of persons, we are giving the Minister a blanket power to remove any traffic violation from the Ninth Schedule. No, Madam President.

We are saying, do not ambush us as Members of Parliament. We have to look through the *Gazette* to determine when those particular regulations or Order will be published. If you miss it or I miss it, Madam President, 40 days would have passed and, therefore, we cannot come to the Parliament to have the Order negated. That is why we are insisting, Madam President, that it be subject to an affirmative resolution of the Parliament. [*Desk thumping*]

Madam President, the Minister also has the power to:

“(c) alter the fixed penalty for any traffic violation listed in the Ninth Schedule to an extent that the fixed penalty as altered does not exceed five thousand dollars;”

There are 100 offences listed in the Ninth Schedule, and the Minister is being given the power—and Madam President, the penalties run from \$1,000 maybe up to just under \$4,000—but the Minister is being given the power to alter. They did not say, if it is to alter downward or upward; what it did say is that he should not exceed a certain figure of \$5,000.

We would want to be part of those discussions, Madam President. The Minister also has the power to:

“(d) prescribe the methods and payees for payment of a fixed penalty; and”
 —the power to—

“(e) add to, or remove from the Eighth Schedule the name of any Corporation or public body.”

Madam President, as you know, in the Eighth Schedule there are five public bodies

that are noted: the Airports Authority is one of them; the PTSC is another; and there are about three others. The Hon. Minister can add or he can remove without any explanation to the Parliament. We are saying, Madam President, we need to be involved in this.

So, Madam President, there is another provision in the legislation and we will circulate the appropriate amendments to deal with that particular section.

Madam President, on the issue of 79H(1)(a), I bring to your attention the following:

“A Citation Notice prepared under section 79F shall be served on each owner of a motor vehicle involved in a traffic violation under section 66A—

- (a) by delivering it to each owner or some adult member of his family at his usual or last known place of residence or any address furnished by him to the Licensing Authority;”—[*Interruption*]

Madam President: Sen. Mark, you have five more minutes.

Sen. W. Mark: Thanks, Madam President. So we want to ask the Hon. Minister, when you talk about “some adult member of his family”, who is this adult member of the family? There is no definition for that in the legislation. [*Desk thumping*] So this is poor drafting. It is poor legislation. It is just an example of a slew or a raft of measures that we have seen here that leaves a lot to be desired.

Madam President, you go to 79J(2):

“(2) An owner may only file a Notice to Contest on the grounds that—”

So the Government is constraining the owners of motor vehicles. You are violating my rights, Madam President, under the Constitution by telling me, I only have two grounds to contest otherwise you send a fixed penalty and I must pay. That is what they are telling me. Hear what are the two grounds, Madam President:

“(a) the motor vehicle was stolen; or”

That is one ground. You could file to contest if you are not paying. I am not paying. Madam President, okay you are not paying. Was your vehicle stolen? No, pay. The second ground, Madam President:

“(b) he was not the owner of the motor vehicle at the time the traffic violation was committed.”

So I am driving somebody else's car and the offence is committed, that is a traffic violation, I can contest that because I was not the owner of the vehicle. So the owner can contest that.

So you have now confined me to two provisions alone or grounds to contest and to give notice. We are saying this is wrong. We are saying that we have to deliberate on these matters in a very systematic way at the level of a joint select committee. [*Desk thumping*] So, Madam President, we are proposing to the Government that this Bill and the measures contained therein are too important for it to be just passed on the floor of the Senate.

We are suggesting to the Government that this matter be refined through discussions at the level of a joint select committee by bringing all the stakeholders that were not invited by the Attorney General to be part of the multipartite committee system. [*Desk thumping*] You know, Madam President, you get the impression this is an elitist Government. They leave out the grassroots. They have no respect for the grassroots.

I heard on the news today, Madam President, that the Seamen and Waterfront Workers Trade Union President General said that they were not involved in this whole matter of discussion on the matter of those ferries, whether it was the *MV Transporter* or the other provider. I am just saying that in passing.

Madam President, to send the point home, the Government seems not to have an interest in the ordinary working-class people of our nation. [*Desk thumping*] They are just dealing with the big people. It is a big-people party, Madam President. It seems to me and us.

Madam President, I want to spend the few seconds I have remaining, that when you look at the Ninth Schedule there are inconsistencies, contradictions in the legislation, in the provisions, in the traffic violations, in the fees that are being proposed. In one portion of the legislation, they talk about \$5,000 and a maximum of \$7,000. In the Ninth Schedule, they talk about a thousand dollars. We do not know which one takes priority. So there is contradiction, there is confusion and there is bad drafting. This legislation is flawed. [*Desk thumping*] The Government has not thought it through properly. We are prepared, Madam President, to work closely with the Government on this matter. We will work with the Government at the level of a joint select committee.

Madam President: Sen. Mark, your time is up. [*Desk thumping*]

Sen. W. Mark: Yes. Thank you very much, Madam President.

4.00p.m.

Madam President: Sen. Mahabir. [*Desk thumping*]

Sen. Dr. Dhanayshar Mahabir: Thank you very much, Madam President.

Madam President, there is a requirement for the State to impose laws, approved of course by the Parliament, which regulates the use of the road for the safety of the motorists and the passengers, and the general public, and so I agree with the Hon. Attorney General that we need to review this very large piece of legislation, 48:50, so that the laws governing traffic and road use in Trinidad and Tobago can, of course, be always consistent with the public interest.

Let me focus, Madam President, on certain clauses of the Bill with which I have concerns because of consistency, proportionality, or reasonableness [*Desk thumping*] of the measures imposed by the Hon.—or suggested by the Bill itself. Clause 7 of the Bill, and it refers to section 15(2) of the parent Act, section 15(2) of the Act says:

“The owner of a motor vehicle which has been destroyed, rendered permanently unserviceable...shall notify the Licensing Authority, in writing, within one month of such event and an owner who fails to notify the Authority...”—Well, he is now liable to a fine of three thousand dollars.

The problem I have with that, Madam President, is this, the owner of a vehicle which is rendered unserviceable may himself be in an accident where the vehicle is written off and he is hospitalized, and he may be hospitalized for more than a month, and if he does not inform the Authority in writing within a 30-day period, [*Desk thumping*] when he gets out of his coma, according to the proposal, a licensing officer will be there by the bedside slapping him with a \$3,000 fine. The law does not, as proposed, the Bill as proposed does not leave any flexibility for any judgment, the owner has to notify in writing, and this to me is not reasonable. I am sure the Hon. Attorney General will keep a record of this and, hopefully, see what he can do to amend that.

Madam President, clause 12 of the Bill, section 42 of the Act, the parent Act, it says, driving without a permit in the past would have attracted a prison term of six months, now that will attract a prison term of a year. I do not think there is any challenge to that. It is, in my mind, a serious charge, and a one-year prison term seems to be fair, but why is the fine for driving without a permit stuck at the amount of \$500? So we have kept the fine but we have increased the prison term

for what, in my mind, is a major offence, and this seems to be an inconsistent proposal on the part of the Hon. Attorney General.

Madam President, clause 28 of the Bill, section 70 of the Act, according to section 70, we now have a new definition of a “drug”:

A—“drug’ includes any intoxicant other than alcohol.”

There is an established testing mechanism for blood alcohol levels, you blow into the tube and they will tell you what the level is, but can we test for any intoxicant other than alcohol? What is an intoxicant? Well, I checked and I saw, according to Webster’s, it is a substance which produces a condition of diminished mental and physical ability, and so if you take any substance which will have the effect of producing diminished mental and physical ability, you would be under the influence of a drug and you will be subject to the penalties. So, I imagine the Attorney General has in mind something like cannabis, cocaine, but anything that will diminish mental and physical capability can also include, Madam President, Nyquil, Benadryl and Robitussin. [*Desk thumping*] Dextromethorphan.

Madam President, I know of that because I drove once with something called Contac-C in my system. Long ago they had this thing called Contac-C, whenever you started to sniff you took that, and I had to drive and I said to myself, I should cut a jail for driving with Contac-C in my system. But the problem is, can it be tested, and if it cannot be tested then no charge can be brought, or laid, for someone who is driving under the influence of any of these substances, including Nyquil, then I think it would make better sense not to place that in the legislation since we cannot prosecute someone who is driving under the influence of Benadryl or Nyquil, which is an intoxicant, as well as any of the other psychotropic substances that we are talking about. I think a public education campaign simply

advising people [*Desk thumping*] that whenever you are taking these medications please refrain from driving, more than having it in law which will never be enforced.

Madam President, again, clauses, clause 34, red-light cameras, laudable, and these red-light cameras will, I would imagine, as soon as you drive past them, and it is a red light, there will be a sensor that will obtain a photographic image accurate. I saw actually one in existence, it was in the Federal Republic of Germany. I am driving with somebody and the red-light camera came on, and, of course, no questions asked, so if it is working efficiently the thing can, in fact, provide very good photographic evidence. But are we going to have these red-light cameras at each intersection? If it is that it is going to be at each intersection then we know that, clearly, every time you break the red light a photographic image will be taken of. Or is it that the Government, or the Ministry of Works and Transport, will move these cameras so that the motoring public will be taken by surprise? According to the Hon. Attorney General, there is one outside the Parliament building, so people will be aware of that, but are we going to move them? Are they visible? I am not aware of the modalities.

But that is of minor concern, Madam President, as opposed to what I have with respect to sections 79M and 79N in the Bill. According to 79M and 79N, there will have to be officers trained to analyse the output of a red-light camera. I would really like to know who is doing the training, and he will have to be approved by the Commissioner of Police, is this training going to be private-sector training? Is it that it is a contract to some firm? And, if so, who will get the contract open to competitive bidding? What is the cost of this training? And is it that the institute will be an accredited institute so that the training provided will

simply not be a piece of paper to say you have attended an hour course in this, but that you absolutely know how to interpret it? I think there would have to be some information on that training module so that those who are deemed to be certified have, in fact, been certified by an accredited institute, the Accreditation Council of Trinidad and Tobago, for example, to accredit the training, and any contracts, in my mind, for the training, of course, would have to be open and transparent.

Let me move, Madam President, on page 19 of the Bill. This would refer to section 79R(3), and it says that the Licensing Authority may suspend the driving permit of an individual, and they will give him or her notice within a reasonable time with respect to—they will give, within a reasonable time, a reason for the suspension. I would think “reasonableness” is too vague, and I think that if someone has his driving permit suspended, we should ask the Licensing Authority to provide the reason within a 30-day period, as opposed to a period determined by them. It would make it a little bit fairer, and I think it would be a little more transparent.

Clause 35 of the Bill—section 81(2) of the Bill, it says:

“Where a constable finds a vehicle on any occasion and has reason to believe that a traffic violation is being or has been committed in respect of that vehicle, the constable may affix a fixed penalty notice to any part of the vehicle...”

“Where a constable...has reason to believe...”

How is this constable going to get the reason? I can envision, Madam President, mischief. [*Desk thumping*] A constable saying, well, okay, I have it out for Mr.X, I know where he works. I could always indicate, according to the law, someone could have told me—this is the evidence of the constable—[*Interruption*]

Madam President: May I ask that we listen to Sen. Mahabir in silence, please.
Sen. Mahabir.

Sen. Dr. D. Mahabir: Thank you, Madam President. You see this, the constable has reason to believe, we need to identify how did he come about to have reason, because, you see, there was a day, not so long ago, called a day of total policing, where the police had reason to believe [*Desk thumping*] they could shut down the East-West Corridor, and we need to defend the public interest by not giving such a wide, wide range to the police officers who can use the law, as currently proposed, to harass ordinary people, knowing full well that there are no grounds to give a ticket to this individual, but the law permits him based upon the vagueness. So I am sure the Hon. Attorney General will address that matter to make the reasons much more clear-cut, transparent and precise. [*Interruption*] Yes, and, Sen. Sturge, I am sure you have a lot to come as well.

Madam President, there is, on clause 35, and I need to read from page 36 of the Bill, page 36, it says the following:

“A person who is disqualified from holding or obtaining a driving permit may be reissued with a driving permit by the Licensing Authority where he—

- (a) participates in a driver’s rehabilitation programme approved by the Licensing Authority;”

Madam President, I have so much concerns with that, and the concerns I have with that is this. In 2016, Denmark was deemed to be the least corrupt country in the world at number one. Trinidad and Tobago, in 2015, was ranked at number 72, and in 2016 we improved our ranking from number 72 to 101, from 72 to 101 in 2016. The only country in the Caribbean in 2016 more corrupt than Trinidad and

Tobago—I am talking about the entire Caribbean—was Haiti and the Dominican Republic.

So Trinidad and Tobago is not doing well on the Corruption Perceptions Index, and when I see something like this in a Bill I ask myself the following questions.

“A person who contravenes subsection (2) commits an offence and is liable to a penalty of ten thousand dollars.”

So if you do not participate in the driver’s rehab programme, pass the driving test and pay the prescribed fee, you will have your license suspended and if, in fact, you continue to drive with your license suspended, of course, you are going to have a penalty of \$10,000. To avoid the penalty of \$10,000, well, you participate in this driver’s rehabilitation programme, but nowhere does it say that this driver’s rehabilitation programme is going to be administered by the Ministry of Works and Transport. It says, it is approved by the Licensing Authority.

So approved by the Licensing Authority clearly means that there is some company out there that will get a contract to do remedial driving tests, and how much that company is going to charge is unknown, but we know there is a limit of up to \$10,000, because if a driver, a motorist needs to re-obtain his driving permit—it is critical to have your driving permit—to avoid the \$10,000 fee, driving without a permit, then, of course, he will arrange for this rehabilitation programme. I see scope here for Trinidad moving from 101 to 171; that the maximum in corruption, because all you have to do in this country is arrange with some officer who will arrange with someone for \$5,000, and for \$5,000, I will say, you have done this rehabilitation course, [*Desk thumping*] somebody will get a \$1,000 somewhere and you get your driver’s license.

Madam President, whenever we have individuals in Trinidad and Tobago who are going to have to comply with laws like these, there is a scope. I am not saying there will be, but there is a scope for corruption mischief, and, given the perception of corruption in the Licensing Authority, I am very wary of this particular measure given the huge fine. There is a perception of corruption that if you do not pay \$500 as a young driver, you cannot get your license. So we need, Madam President, to look at this very carefully and ask ourselves whether we do not want to amend this a bit, or have the rehabilitation programme administered by the Licensing Authority itself. Not that we would eliminate corruption, but, hopefully, we would minimize it, and we could also reduce cost, because what is of concern to me is the cost of this programme. It may be \$5,000, \$6,000, and it is going to be a charge on an individual, and we have to be, when we are proposing laws, we have to understand the environment, the economic environment within which the laws are being proposed.

Let me move on, Madam President, to 88Q of this particular Bill:

If a person is disqualified from holding or obtaining a driving permit and he applies for one while he is so disqualified, then that person—“is liable to a fine of ten thousand dollars and imprisonment for one year.”

Wait, let us go back again, a person is disqualified, he goes to the Licensing Office, he tries a thing, he goes and he says, I would like to apply for a driver's licence, it is only a sloppy Licensing Authority which will not, at the moment of application, realize that you have your driving permit suspended and you cannot apply, and they should tell him forthwith. [*Desk thumping*] Why should we level a charge on someone who simply applies, when, in fact, the onus should be on the Licensing Authority to keep proper records? Because if we are going to decrease the flow of

cases to the courts, and so on, all agencies must be proper in their record-keeping. So I see this 88Q as being very unfair, and it puts the Licensing Authority off the hook, and it places the onus on the citizen so that if he is subsequently found to be in breach of this requirement he pays the \$10,000, but the Licensing Authority is under no penalty for not keeping proper records.

Madam President, consistent with what Sen. Mark earlier indicated, there are some inconsistencies, and I would recommend that these inconsistencies be, of course, examined by the staff of the AG, because, you see, the objective of traffic law is really to ensure that there is safety for all users of the road. [*Desk thumping*] Let us look at the Ninth Schedule, in the Ninth Schedule, under 8; 8 says:

“Failure of a driver and any passenger seventeen years and over to wear a seat belt while the vehicle is in motion”—4 demerit points and \$1,000 in fine.

I think that is fair, but look at Ninth Schedule, 7; 7 says:

“Riding Motor Cycle without safety helmet”—\$450 in fine, 2 demerit points?

So, let us go back, according to the Advocates for Highway and Auto Safety—you can google them—Advocates for Highway and Auto Safety, it is a website in the United States, it says:

“Per vehicle mile travelled, motorcyclists were more than 26 times more likely to die in a traffic crash than occupants of passenger cars.”

And what we are saying is that you are riding without a helmet and all we are going to impose upon you would be \$450 and 2 demerit points? Well, that seems to be not consistent with ensuring that there is safety. But when I compare that, and it is something that Sen. Mark alluded to, with what exists in section 43(2) of the

parent Act, with respect to riding without a helmet, I saw in the parent Act itself there is a fine of \$2,000.

So in the parent Act there is a fine of \$2,000, and in the Ninth Schedule there is an inconsistency of \$450. In any event, they can say it is an error between the \$450 in the Ninth Schedule and the \$2,000 in section 43(2) of the Act, but 2 demerit points for undertaking an action which, this US website says, is the most dangerous of all activities one could contemplate on the road. So I think the Attorney General will have to examine that inconsistency between the seat belt, 4 points, so you do not wear a seatbelt, 4 demerit points; you do not wear a helmet, 2 demerit points. I cannot see the thinking or the logic in that.

Let us again, Madam President, go down to some other items in this particular schedule, Ninth Schedule, under 24:

“Driving when under the influence of drug”

I mentioned it, 9 demerit points, it is a serious offence, but maybe the Attorney General is aware of modern medical testing facilities so that we could identify what are the kinds of drugs which will attract this 9 demerit points other than alcohol. So that is clearly seen, because we do have:

“Driving or being in charge of a vehicle while blood alcohol levels exceed prescribed limit”—as 9 points.

So when we are driving under the influence of a drug, it is 9 points as well, we can test for alcohol, I am not so sure we can test for other drugs.

Let us look at Ninth Schedule, 25, it is, again:

“Driving or being in charge of a vehicle while blood alcohol levels exceed prescribed limit”

There is no fine for that, there is only demerit points 9, but why are we not putting

a fine on that? I think of all the driving activities that I have seen on the schedules, there are two in my mind which are the most egregious—that is a word lawyers like to use—one is riding a motorbike without a helmet, I think that is reckless and irresponsible, and it is certainly, it is 26 times more dangerous than any other form, and then driving drunk—two issues. Driving drunk is a major offence when you look at the data, and yet we are only imposing a demerit point but we are not imposing a fine, I think that should carry a stiff fine.

Let us look at Ninth Schedule, 32; 32 says:

“Standing for hire at a place not appointed for the purpose”

Madam President, 32 refers to “PH” cars, and 32 simply is saying, well, we frown upon this practice, \$750 but 3 demerit points. So, clearly, according to what is before us, making a hustle in an afternoon to make a few dollars with a “PH” car, it is known as Uber in many other jurisdictions, in Trinidad it is “PH”, but you would get 3 demerits for that; motorbike, 2, no helmet, so it is more dangerous making a hustle, more dangerous. I think what we need to do, instead of criminalizing the man, the “PH”, let us regulate [*Desk thumping*] and get the Uber system going because of the chaotic system that public transport is in Trinidad and Tobago. Uber did not arise, Madam President, because it was just a space, it arose because there was a clear need for it and we need to look at that as well.

Let us look, Madam President, at Ninth Schedule, 40; that is in the schedule:

“Failure to produce a vehicle for inspection/Driving a vehicle without a valid inspection sticker and certificate”—9 demerit points.

Failure to have your sticker and failure to have the vehicle inspected, 9 demerit points, but look at 41—a law must be consistent, you know:

“Vehicle with defective brakes”

So, Madam President, look at this, a vehicle with defective brakes, you have your sticker, you paid somebody to get the sticker, the police stops you, say, “mash ah brakes”, no brakes—3 demerit points?—3 demerit points, \$750. But you could have a car like my Corolla, PAM-6687, perfect, no car in this Parliament better than that car, but suppose—when you talk mashing brake, and everything, but suppose I do not have the sticker, I do not have the sticker driving that car, 9 demerit points and \$1,000 in fine, but another fella with his sticker, defective brakes—so, well, partner, you could kill anybody, you could kill yourself, you could kill passengers, \$750 and 3 demerit points—inconsistency in the law. [*Desk thumping*]

Madam President, Ninth Schedule, 67—I went through these things carefully because I kind of like cars and thing too, you know, so I wanted to see exactly—67:

“Permitting excess sparks, smoke or...vapour...”
—“permitting excess”, what does that mean? How much is excessive? Is there an “excessive-ometer” that you could measure? [*Desk thumping*] I have driven a car once with the muffler broken because I needed to go and get it repaired, and I know, well, it was smoking a lot, but was it excessive? Who is to determine excessive? A police will determine, and then you can say, boss, well, you know, a little change—I mean, can you say it is not excessive, too judgmental and too imprecise.

Madam President, let us look at Ninth Schedule, 71:

“Leaving a broken-down vehicle on road unattended”
Well, you see, [*Crosstalk*] I use the bus route—exactly, I use the bus route to come to Parliament—[*Interruption*]

Madam President: All the echoes that I am hearing in the Chamber, just be, you know, be silent, let us hear Sen. Mahabir, please. Sen. Mahabir.

Sen. Dr. D. Mahabir: Thank you very much, Madam President. Madam President, I am on my last point, and we are close to the tea time, and, well, I could make a few other points, but leaving the broken-down vehicle, there are no demerit points, but my vehicle breaks down opposite Excel education institute, let me tell you something, I have a cheque ready for the police, because “me eh stayin dey, no, I gone”. The first vehicle I see coming on the bus route I flagging, “Take me downtown one time, the wrecker go and pick up that car, please, because me eh stayin dey, ah go pay de \$1,000”.

So, Madam President, you see, that is a foolish law. That is a foolish law given the state of crime in the country. A use of a noisy vehicle, 2 demerit points, well, my Austin, PC, is a bit noisy, it was made so; every time I drive that I could get a 2 demerit points. What is a noisy vehicle?—that is how the engine does sound. That is an Austin, 1955. *[Interruption]*

Hon. Senator: And you still have that?

Sen. Dr. D. Mahabir: Yeah, I still have it, and it does make noise.

Madam President, 84, under the Ninth Schedule, 84:

“Taxi Driver unsuitably attired”

I did not know taxi drivers have to wear jacket and tie, what does it mean? What is the dress code for a taxi driver? And is the police going to enforce it? If the taxi driver is not suitably attired, I do not know what it means. How is that going to defend the public interest, \$750?

Madam President, you go through—I do not have the time, but we go through all the items here, we see things which are not in the public interest. This

particular Bill, Madam President, needs a thorough review, there are too many inconsistencies, [*Desk thumping*] and I would recommend that the Government goes back and revisits this so that we will have a cleaner Bill to present to the Parliament. Thank you very much, Madam President. [*Desk thumping*]

Madam President: Hon. Senators, we will now suspend the sitting, and we will resume at 5.00 p.m.

4.30p.m.: *Sitting suspended.*

5.00p.m.: *Sitting resumed.*

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

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Mr. Vice-President. Let me start by saying that the Ministry of Works and Transport is committed to bringing about sweeping changes to the motor vehicle legislative landscape by introducing new laws for the safety of all citizens of Trinidad and Tobago; assisting law enforcement in the fight against crime and transforming the Licensing Division to eradicate poor customer service, inefficiencies, administrative weaknesses and corruption. [*Desk thumping*]

However, Mr. Vice-President, before I go into the contribution, I just want to go into the contribution by Sen. Mark who spoke about the consultation. I just want to put on the record that there was consultation with several stakeholder groups, including Arrive Alive and other groups, and there were lots of comments posted on the Ministry of Works and Transport's website, and all this was taken into consideration, added to the 26 years of consultation with the road traffic Act, before any legislation was taken into account.

I also want to refer to Sen. Mark, who spoke about the revenue derived from this initiative. Mr. Vice-President, when we are speaking about the carnage on the

roads and regulations, revenue is not the ultimate goal. Revenue could never be the ultimate goal, because the idea behind the amendment of the Motor Vehicles and Road Traffic Act is to ensure that protection to the road users is paramount.

I would like to refer to an article in the *Express*, at a sod turning this morning in the Sea Lots area, where the Ministry of Works and Transport had the sod turning ceremony for the walk-over. Present at the sod-turning ceremony were two of the victims who, unfortunately, on February 24th, 2013, found themselves on the wrong side of a vehicle. I just want to quote from the article. It is the *Trinidad Express* today:

“On that day, a car driven by an off-duty police officer rammed into six people as they were waiting to cross the Beetham Highway, in the vicinity of Sea Lots.

Sea Lots resident Haydee Paul, 28, and her two daughters”—aged—“eight and...seven were killed on the spot.

Three other persons—Ryan Rampersad, Abigail Assing and Amanda Lalla—were critically injured.

Still unable to walk as a result of the accident...”

I just draw a reference to that so that we could understand that road regulations and penalties is not about raising revenue. Yes, you do get revenue from it, but that is not the aim and the goal of implementing the strategy. [*Desk thumping*]

Sen. Mark also spoke about some of the powers of the Minister of Works and Transport. Sen. Mark, all those powers do exist right now under the Act. So this is nothing new for any Minister of Works and Transport in Trinidad and Tobago. The Breathalyzer is there under the Act right now and the speed guns, so this is just adding to the remit of the Minister of Works and Transport. Having

cleared the air on that, Mr. Vice-President, the safety on the road is of paramount importance to all road users: pedestrians, commuters and drivers. The Ministry notes the lapse in the enforcement of the law relating to inspection of motor vehicles to ensure their safety and road worthiness.

After consultations with the Licensing Division and stakeholders, the Ministry accepted the recommendation to include the schedule of fixed penalty offences of failure to inspect a motor vehicle with demerit points. In other words, once this Bill becomes law, enforcement officers will be empowered to issue a fixed penalty ticket to a motorist who drives a motor vehicle that has not been inspected in accordance with the law. By making this a fixed penalty offence, the State now ensures that vehicles are roadworthy and safe for all our citizens. Motorists and owners of motor vehicles over this categorized age, should take note that their vehicles should be immediately presented for inspection as mandated by the law, if they have not done so. We cannot compromise our safety. Owning a vehicle bears serious responsibility.

Mr. Vice-President, the same way a pilot must ensure that an aircraft is safe for his or her passengers, and a shipmaster ensures the safety of all persons on board the vessel, a vehicle owner or driver bears the same responsibility, and this cannot be overstated or overlooked. This is about being responsible citizens. We are our neighbour's keepers on the road, and road safety is a matter for all of us.

In October 2016, the Ministry of Works and Transport convened an operationalized working team comprising the following: the Ministry of Works and Transport, the Transport Division, Legal Service Division, Central Planning Unit, ICT Unit, Corporate Communication Unit, the Ministry of the Attorney General and Legal Affairs, the Judiciary of Trinidad and Tobago, the TTPS, the TTPost and the

Ministry of Public Administration and Communications. The working group began its initial meeting in October 2016 and discussions were geared toward completing and operationalizing plans to give full effect to the Bill.

Prior to the convening of this working group, the Ministry started the process of transforming the Licensing Division in a systematic manner in order to lay the foundations for the packaging of legislation. Nothing was being done in isolation or by guesswork. The vision was to introduce modern enforcement laws to protect the citizens, and by doing so, bringing about long overdue changes in the Licensing Division. Therefore, key technocrats from the Ministry were given the mandate to fast-track the digitalization of the Licensing Authority records. And I just want to put on the record, Sen. Mark, that, yes, the digitalizing of the Licensing Office is far advanced.

Two key areas of service were identified as matters of priority, so as to provide support for the red-light camera enforcement system, new fixed penalty traffic ticketing system and spot-speed camera enforcement system and the demerit point system. Two areas of priority are the drivers' permit system and the vehicle registration system. The newly launched driver's permit utilizes a centralized database which allows for faster processing of drivers' permits, additional card security and enhanced security across a robust client server centralized database system. Most importantly, all transactions under the new system now carry an electronic audit trail which identifies all activities performed by the users.

The key components of the upgrade are as follows: enhanced network connectivity, local and wide area network, implementation of the centralized database system, replacement/upgrade of old computers—[*Interruption*]

Sen. Sturge: Point of order; Standing Order 42(11).

Motor Vehicle and Road Traffic
(AMDT) Bill, 2017 (cont'd)
Sen. The Hon. R. Sinanan (cont'd)

02.05.2017

Mr. Vice-President: The Hon. Member is referring to his notes. I will allow him to continue. Hon. Member, just be mindful of Standing Order 42(11) that does speak towards reading.

Sen. The Hon. R. Sinanan: Thank you, Mr. Vice-President. I do not think they knew that we were so far advanced with this new legislation. [*Desk thumping and crosstalk*] I think we caught them by surprise today. Yes, yes, I do not think they want the public to know how far advanced we are.

Sen. Sturge: We want to know about the *Galicia*. How far advanced? [*Laughter*]

Sen. The Hon. R. Sinanan: That is on its way back.

Mr. Vice-President: Continue, Hon. Minister.

Sen. The Hon. R. Sinanan: Just for clarification, the *Super Fast Galicia* I think is on its way to the court now.

Sen. Sturge: And the barge?

Sen. The Hon. R. Sinanan: Mr. Vice-President, additional benefits to be derived from this system are implementation of the data centre for hosting of licensing electronic systems and the database, online application required for driver's permit and renewal. I think what the Hon. Senators failed to realize is that this Government, in its short stint in office, has brought technology to the Licensing Department that they probably never thought could have happened. Very soon you would be able to go online and apply for your driver's permit. Very soon your driver's permit could be a form of identification, well coded; and there is a lot more to come by tomorrow at the Licensing Office.

The new system paves the way for implementation of a platform, via the use of specialized management software, for the new fixed penalty traffic ticketing system and demerit point system. The Hon. Sen. Mark wanted to know about the

software that is being used. The software that is being used will allow for accountability, accessibility to the electronic record security database storing. What that does, the system allows the information at the Licensing Office to be accessed by the police. It means that the Licensing Office is helping now in the fight against crime. [*Desk thumping*]

The software allows the introduction of a hand-held device for ticketing, provision of online services for offenders and payment of tickets at key convenient locations. What does that mean, Mr. Vice-President? It means that in the past, if you got a ticket in Mayaro on a Sunday, on a Monday you have to go back to Mayaro to pay it. That will soon be a thing of the past. [*Desk thumping*]

Sen. Sturge: Faris did not say that in the Bill.

Mr. Vice-President: Please allow the Member to make his contribution.

Sen. The Hon. R. Sinanan: Another critical area for reform of the successful implementation of the legislative package is the reform of the vehicle registration system. At the Licensing Division this will have a direct impact on the red-light camera enforcement system. A recent analysis conducted by the technocrats of the Ministry identified major delays in the setback in providing timely service to the customers, along with information to the vehicle registration database. This setback hindered operations in the following areas: poor customer service, unlimited update on records—[*Interruption*]

Sen. Sturge: Standing Order 42(11).

Sen. The Hon. R. Sinanan:—slow registration of new vehicles, slow registration of roll-on, roll-off vehicles, duplicate of paper trails, untimely customer service, lack of transparency and lack of decentralization. Mr. Vice-President, I think the eradication of this will definitely affect some Members on the other side, so that is

probably why they are objecting to it. [*Desk thumping*]

We are getting a lot of positive comments now from the licensing department. This is simply because in Trinidad and Tobago, within the last two months, you can go to any of the Licensing Offices and you can have now your digital driver's permit issued to you. There are five sites that you can go now and get your certified copies, unlike previously when there was one place in Port of Spain that was printing certified copies, and as of tomorrow, citizens of Trinidad and Tobago can be on their phone and get their certified copies. [*Desk thumping*]
That is progress.

Hon. Members: Performance!

Sen. The Hon. R. Sinanan: This will be launched tomorrow. No, it will be free of charge. You can look at it on your phone and if you need a paper copy, then you go to get it. That will be launched tomorrow. And there is a lot more to come.

Key steps are being currently undertaken to mitigate the deficiencies with regard to the business processes and challenges with the vehicle registration system, which will introduce major changes in the way business is conducted. These changes will ensure that adequate processes and technology are in place to allow for healthy data integration, timely service accountability and transparency. Something that the people on the other side do not subscribe to. In addition, these changes will be absolutely necessary for implementation of red light enforcement purposes point system and spot speed enhancement.

The scanning of the RFP plates that the Attorney General spoke about, that will be something going to Cabinet on Thursday, and very soon this Parliament will have that as a debate. That will ensure, with that piece of legislation, again, it will significantly improve the crime-fighting technology in Trinidad and Tobago.

Sen. Sturge: How? How?

Sen. The Hon. R. Sinanan: The status of the rolling out of the new registration system. Completed business processing modification, software modification, complete to allow for new vehicle registration. There are a lot of vehicles that come into country at the port, some of them come in as knocked-down vehicles and they appear on the road. This new system will eliminate that. Roll-on/roll-off verification, transaction audit trails, decentralized printing of certified copies, third party integration and stock usage and verification.

What is the third party integration? The third party verification is where the police can tap into the licensing database. Just like you see in North America and developed countries, if the police is driving behind your vehicle, they can plug in the number. They have access to the database, they will be able to pick up the information. What we are taking this country to is to a new level. [*Desk thumping*]

Mr. Vice-President, the wide area network is 85 per cent completed. Sharing the data with the police is completed. So the police, as we speak, can tap into the Licensing Office database. The hardware acquisition is completed. The data centre identification is due to be completed by May 31, 2017. So we are well on the way to have this system implemented, once the law has been passed and proclaimed.

The new system being introduced in this Bill, the fixed penalty ticketing system, and the red light camera enforcement demerit point system, also pave the way for implementation of a specialized management software allowing for the following: automatic accessibility to vehicle electronic records, secured data storage, electronic management of citation notice and introduction of the hand-held device for ticketing. Again, Mr. Vice-President, what is that? Gone are the days where police officers would have this book and then come around and start to

write. What police officers will have now is a hand-held device that tickets will be issued from the device. What that does is there are a lot of questions as to how many people pay their tickets, whether the ticket actually reaches to the courthouse. All that will be eliminated with this new system.

Sen. Sturge: How?

Sen. The Hon. R. Sinanan: They would not understand. Sorry, Mr. Vice-President, I am addressing you but I know we will have to explain what Web-based technology is to them. Sorry about that. [*Interruption*] Mr. Vice-President, I withdraw that. [*Laughter*].

The Honourable Chief Justice has given his full endorsement to this legislative initiative. Senior technocrats of the Judiciary have played a leading role on the working team, in order to prepare the Magistrates' Courts around the country to dispense their part in the new initiative. Resources will be allocated to facilitate compensation and connectivity with all traffic courts, as well as TTPS and licensing division. [*Crosstalk and interruption*]

Sen. Mark: Mr. Vice-President, I just want to ask the Hon. Minister, the influence of the Judiciary in legislative matters is worrying. I would want to ask you what role is this body, this separate arm of the State playing in this matter. [*Crosstalk*] I do not understand it, Mr. Vice-President. Give us a response. [*Crosstalk*]

Sen. Gopee-Scoon: They will have their time to speak.

Mr. Vice-President: Continue, Minister.

Sen. The Hon. R. Sinanan: Thank you, Mr. Vice-President.

Consultation with the Judiciary have been a 26-year-old practice. The Judiciary has a key role to play in this legislation. What we are heading for is where someone gets a ticket and it has to go to court, no longer will a police officer have to go to

court, and sometimes three, four, five days you have the police officer there. With this technology, someone breaks a red light, you have that video footage. That could be uploaded straight to the magistrate. So a police officer does not have to go to court for a traffic ticket anymore. This is what we are trying to implement. I know it is a bit difficult for you all to accept and understand how we are going to do it, but we will work it out. Do not worry about that.

It is expected that this initiative will significantly reduce the number of traffic cases appearing on the court list, given the fact that persons will be able to pay their traffic violation penalties at convenient locations. Adding to that, the person will be required to file a notice to contest in order to receive a court hearing, in the event they wish to contest a traffic ticket. The law will now facilitate the quick disposal of traffic cases, thereby allowing the court resources to be better utilized and managed. Resources will also be allocated for the training of the court staff.

The Trinidad and Tobago Police Service, the TTPS: the Acting Commissioner of Police and his charge are working closely with the Ministry to finalize the operationalization of this legislation. The TTPS welcomes this inter-agency collaboration that will require the finalization by the legislation. For example, the demerit point system which creates collaboration between the TTPS Licensing Division and the Judiciary, in order to allow for its full operation.

The legislation proposes a redesignated ticket format created for carbonized paper—this is what I was speaking about when I said the hand-held devices will be issuing tickets at this stage—to automatically generate copies. It will allow for bar-coding features to facilitate scanning into a general database to assist with internal auditing and management. It also lays the platform for local law enforcement to be

equipped with digital ticketing machines. This system will not only ensure a speedy dispatch of tickets to irate motorists, but will ensure accountability and eradication of corruption at the ticketing system caused by transfer of hard copies from police stations to courts around the country.

With ticketing machines, duplicate copies will be made available to the licensing division and other stakeholder agencies almost on real time. This will obviate the need to manually refer copies to the courts, et cetera. The TTPS has already begun putting systems in place to retrain and educate its members with the implementation of the new system that will, no doubt, change the face of law enforcement in Trinidad and Tobago, and restore order to our nation and roads and the general society.

It is expected that this new system will create a further pool of information for which law enforcement can gather much-needed intelligence in the fight against serious crime. The TTPS has indicated that, save for additional IT resources and sensitization efforts to implement the new system, the new fixed-penalty traffic ticket system, red-light camera enforcement and the demerit point system will pose no real challenges or demand on the TTPS for successful implementation. The Ministry of Works and Transport will continue to collaborate closely with the Commissioner of Police and his executive to ensure smooth implementation of this system.

5.30p.m.

The Trinidad and Tobago Postal Corporation (TTPost), the Government intends to use this postal service to play a key role in the introduction of the red-light camera enforcement technology, as well as the new fixed penalty trafficking ticket system. This technology will usher in the dawn of a new era where here in

Trinidad citation notices will be posted at the mailbox of owners of motor vehicles that are captured breaching red lights on our highways and roadways.

The registered owners of motor vehicles will be required to ensure the payment of fines since they must continue to accept various responsibilities for traffic violations committed with the use of their vehicles. TTPost is a key member of our operationalised team and is putting its own system in place to ensure easy implementation of the legislation.

[MADAM PRESIDENT *in the Chair*]

Additionally, citizens will now enjoy the convenience of going to the nearest TTPost service centre located around the country in order to pay their fines, penalties, tickets or citation notice. TTPost undertakes to provide the following service: to ensure continued effectiveness of this system; knitting of citation notice into tray-packs labelled and delivered within five days of the violation; receipt of tickets payments at selected TTPost outlets nationwide; receipt of tickets payment online; remittance of revenue collected to the Comptroller of Accounts on a weekly basis; providing monthly reports to the Ministry on a regular basis. TTPost has experience with providing courier service to the Ministry of Finance, the Ministry of Health and the Ministry of Attorney General and Legal Affairs. The Ministry continues to dialogue with TTPost on the cost proposals of the service they would offer for the execution of this project.

The Ministry of Works and Transport intends to provide accommodation for a traffic enforcement centre to comprise of police officers, traffic wardens and licensing officers. The traffic enforcement centre will be the place where citation notices will be processed after the video footage evidence of the red-light breach is assessed and certified by trained law enforcement officers prior to the generation

of the citation notice. Once generated, the TTPost courier will collect the notice and deliver it to the intended recipient.

The traffic enforcement centre will be the place where information on demerit points will be assessed and will be the central responsibility for all fixed penalty tickets issued by the law enforcement officers. The centre will provide expert technical support to the licensing division in order to ensure a smooth administrative of the demerit-point system, red-light camera enforcement system, and the new fixed penalty ticketing system.

The Ministry will ensure that appropriate software and hardware resources are provided and deployed to all key agencies to ensure connectivity and a smooth operation of the new system throughout Trinidad and Tobago.

It is recognized that in order for this initiative to be successful, a full embracement of modern technology is required and information and technology operationalized. A subcommittee comprising all stakeholder agencies was also established to ensure an in-depth analysis is made of the IT resources required for a seamless transition and execution.

In the past, policymakers have fundamentally erred in passing laws that took years to become operationalized. Recent examples of these are laws governing the speed guns which was passed in 2013 and took three years to become operationalized. Penalty points existed in our law books in the year 2000, it is only now becoming a reality in Trinidad and Tobago. The first DNA Act was passed in 2008, and the DNA custodian was only recently appointed. And there are many examples of Parliament passing legislation without structure for operationalizing being pursued by those whose responsibility it is to ensure operationalization matters are settled. [*Interruption*]

Motor Vehicle and Road Traffic
(AMDT) Bill, 2017 (cont'd)
Sen. The Hon. R. Sinanan (cont'd)

02.05.2017

Sen. Sturge: Point of order, 46(11), 42(11), sorry.

Madam President: Hon. Minister—[*Interruption*]

Sen. The Hon. R. Sinanan: I am about two minutes off.

Madam President: Yes. All right. Just remember to—[*Interruption*]

Sen. The Hon. R. Sinanan: Yes. The Ministry has adopted a different approach with this Bill. While focus was being placed on drafting the law, equal focus was also given to operationalization matters.

I wish to assure this Parliament and the national community that this Bill will go into full effect once passed by the Parliament and proclaimed by the President. Madam President, I thank you. [*Desk thumping*]

Sen. Khadijah Ameen: Madam President, I thank you for this opportunity today to make my contribution to this piece of legislation entitled an “Act to amend the Motor Vehicles and Road Traffic Act”.

Madam President, when I heard the Attorney General pilot the Bill, I felt that this really is another piecemeal attempt at getting things right with the whole road traffic and motor vehicle system in our country. And, Madam President, the contribution of the Minister of Works and Transport the Hon. Minister of Works and Transport has confirmed that. [*Desk thumping*]

The UNC Opposition is in support of making our nation’s roadways safer. [*Desk thumping*] In fact, many of the measures in this current Bill were introduced by the People’s Partnership Government [*Desk thumping*] with the proposal for the Motor Vehicles Authority and it provided exactly what the Attorney General in his opening presentation agrees that Trinidad and Tobago needs, a holistic reform of our traffic and motor vehicle laws something that this Bill fails to do.

Madam President, some of the features that are in this 2014 Act were

introduced and the infrastructure had already been put in place to begin the pilot programmes such as the introduction of the red-light camera system; the use of speed guns as mentioned by the Minister of Works and Transport; the demerit point system for drivers' licence, and those are very good initiatives. Unfortunately though, this Motor Vehicles and Road Traffic Bill, 2014, in an attempt to deal with the lawlessness on the roads, it certainly is a very watered-down version of what our Parliament should be looking at, and in this regard I feel that these measures are destined for failure. [*Desk thumping*]

Madam President, just as building more jails does not reduce crime, simply increasing the penalties and the fines or jail terms would not necessarily reduce the carnage on our roads and that [*Desk thumping*] should be the priority of the Government. Most of all, Madam President, this Bill fails to deal with the rampant corruption in the cesspool that is the licensing office. [*Desk thumping*] To take the same monster and put new clothes on does not fix the problem. It is no secret in this country and I am surprised that the Minister did not mention some of those issues at licensing office, because almost every Minister over the past few decades would have faced the rampant corruption at the licensing office and would have found challenges. This Minister did not outline that he faced any challenges.

It is no secret that in this country you could get almost anything at licensing office for a fee, not the legitimate fee that is approved in the law. There are many examples where young people or first-time drivers who fail their drivers' test over and over, but for a fee to the right person they could suddenly get their driver's permit. That is no secret in Trinidad and Tobago and that has been going on for years.

Madam President, there are people who do not even speak English, there are

a lot of Chinese nationals and people speaking Spanish coming into Trinidad barely a word of English. Can they even write or read the test that is required to become a driver? But they get their driver's permit, they get their licence. How are we dealing with that?

Madam President, there are many who in Trinidad and Tobago will know that there are people who renew their licence from home, not through the technology described by the Minister, but because they know someone and for a fee for the right amount of cash that is off the books, again, not a legitimate fee, your renewed driver's permit comes home to meet you. License plates is another issue that was mentioned previously. There are several vehicles in Trinidad and Tobago that carry the same license plate, and there was an exposé—

Hon. Senator: Failed to preserve the same chassis number.

Sen. K. Ameen: Same?—chassis number. Well, all right. Well, the article I read there was an exposé by one of our local dailies some time ago where they indicated where they actually showed examples of instances where the same registration number was issued to more than one vehicle, and in some instances the people who were driving the vehicles were not even aware. So it is not that the owner of vehicle may be a part of the corruption, it is coming out of the system that you have to register the vehicle in, and this has been going on for decades.

Madam President, the issue of the inspection sticker, again, you put new clothes on the old monster. It is proposed that you will have nine demerit points for driving without an inspection sticker and a fine of \$1,000. Stickers are not available at licensing office from what I understand. The public is being advised, the driving public is being advised that if you apply, you have your inspection and you get a receipt or a document of some sort, that you should drive around with

that in your glove compartment, and if the police “stop yuh” and ask yuh for yuh inspection sticker”, I suppose you will then show them that with an excuse. But the fact is that this Government is addressing the issue where you are required to have an inspection sticker on display in your vehicle, and again, you open the opportunity for the corrupt elements within the licensing office to “make mas”. This is not the way we should be going, there is the need to address the whole issue in a holistic manner.

And the Attorney General, I think, he in his presentation, he sounded as though he was in support of that. He indicated his own participation when in Opposition, in the discussions surrounding the proposed Motor Vehicles Authority and so on at that time, and he seemed in support of it, but sadly he indicated that it was biting off a little more than you can chew. And I indicated I think there were 64 times that there were amendments and today, what you are attempting to do, make it 65, 94? Sorry, so today you want to make it 95. That is not an achievement.

Madam President, with regard to the inspection stickers, this Bill introduces the requirement that a person must be, sorry, the 2017 Bill introduced a requirement that the person must be registered with the authority to operate a vehicle inspection centre, so it gives the Motor Vehicles Authority that power, so that a vehicle inspection centre certificate could be issued to a garage or to a facility, for want of a better word, and therefore, people could go to different parts of the country and have their vehicles inspected, but it must be—and the inspection would be valid for five years, but it must be—an approved centre and of course, the Motor Vehicles Authority would have had power over that. Those are the types of steps I really would like to see in terms of decentralizing, in terms of making the

services more accessible. Yes. I am in support of the use of technology and Web-based service, but we also have to think about those rural areas that may not have access to technology.

Madam President, I listened to the presentation of the Minister of Works and Transport before me, and this is not the first time that this Minister is claiming initiatives of the People's Partnership administration. [*Desk thumping*] And, Madam President, with good reason these are good initiatives.

Madam President, I recall that in January of this year, there was an article in the *Trinidad Express* announcing that there was going to be a new driver's permit, a new driver's license with special security features and so on. And I recall there being a driver's licence that was launched under the People's Partnership and it sounded very similar. When I checked in January of 2011, the People's Partnership launched that same, that new thing that he was talking about. [*Desk thumping*] And all the groundwork that was set for what the Minister is describing.

However, if you are not using it in the entire motor vehicle management system that it was designed for, you really are going to be wasting all the technology and all the security features that it is supposed to have.

I just want to quote the Permanent Secretary in the Ministry of Works and Transport in that article in *Trinidad Express* January 12, 2011 where she indicated—Miss Cheryl Blackman is the person. She indicated and I quote:

“The permit will be different from what we have right now, so people will be alert that this is the bona fide new permit until the Motor Vehicle Authority is set up. Then we will have another kind of permit. This one is temporary.”

Speaking of the one in 2011.

“When the Motor Vehicle Authority is set up, we will have a different kind of permit with inherent security features.”

That, the new permit that she is describing is the one that the Minister spoke about, January 2011. [*Desk thumping and crosstalk*]

But it is commendable that these initiatives are still in place because without it I really do not know what some of the Members on the other side could do. I mean, we have some other areas, but we would not discuss that today. There really are no new ideas, still no plan, but at least, some good things are getting through, but unfortunately it is getting through piecemeal and it defeats the purpose.

With regard to the Motor Vehicles Authority most of work was already done. Madam President, in terms of consulting with stakeholders the Attorney General spoke about his own involvement in discussions in the Parliament when he was on the Opposition Bench. A lot of the infrastructure, the technology that was mentioned, the cameras, some of those cameras there was pilot project in terms of setting up the technology, the speed guns, the computerized system where you can link so that the police could get access to the database with regard to vehicles. All of those things are initiatives that started before this Government, and what we have to do is to build on it and ensure that we are not coming here to boast about shiny new things that are going in the same cesspool that is licensing office. [*Desk thumping*]

Madam President, compared to what the objective of that proposed legislation that would have given birth to the Motor Vehicles Authority, this 2014 Bill the objectives are much more limited and it seeks to deal with the registration, licensing and to regulate motor vehicles and drivers, to regulate road usage in Trinidad and Tobago. And sorry, let me just say that over, Madam President, I just

mixed up some of my notes. The 2017 Bill that is being debated now, it seeks to introduce a system of traffic violations for certain breaches; to provide for the implementation of the red-light camera system; to provide for the demerit point system, and all of these were in the 2014 legislation, however, it is not reflective of the holistic reform that is required.

The objective of the Bill in 2014 was to establish the Motor Vehicles Authority to perform certain functions. The authority's two main functions would be to register, license, and regulate motor vehicles and drivers, and to regulate road usage in Trinidad and Tobago. And that 2014 Bill would have repealed the Motor Vehicles and Road Traffic Act, Chap, 48:50 and the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, as well as the Maxi-Taxi Act, Chap. 48:53, and the Bill was comprised of 272 clauses and 11 schedules—much, much more comprehensive. And I think, this is the opportunity for the Minister, the Attorney General, to include some more of these measures so that you could make this really effective rather than just making it amendment number 95.

Madam President, the proposal for the Motor Vehicles Authority was that it would be governed by a board of directors appointed by the Minister of Works and Transport. And the board would consist of nine members including a representative from the Ministry of Works and Transport; a representative in the public's interest because it is important to have the public's view on these matters; a representative of the Trinidad and Tobago Police Service, and six other board members who must possess special qualifications or experience in either finance, law, automotive engineering, motor insurance, traffic engineering or business, and the chairman and deputy chairman would have been appointed by the Ministry of Works and Transport.

It also provided for the motor vehicle enforcement officers who would be employed by the authority for the necessary and efficient administration, management and performance of the authority's function. There were also, of course, provisions for appeals and there was for an appeals committee and so on. But, Madam President, I just want go into a few of the clauses that I have a serious issue with. Now, some were mentioned before so I would not repeat them, but I want to go to where there is mention of a change in the penalty for windscreen or window of a motor vehicle not to obscure the view of inside of the vehicle from outside. Previously, well I should say currently it is within the judgment of the police officer.

So if police officer's eyes "real good", he could see through your tint you might get a free pass, but his eyes not so good or the glare humbug him at that time, you could be charged. So it leaves too much room for subjectivity, and it is similar to the point that Independent Sen. Dr. Dhanayshar Mahabir made with, you know, what is excessive; what is excessive in terms of excessive smoke and excessive spark, as he mentioned in his contribution. That is something that has to be addressed.

There are ways to measure and you must find a very objective, measurable way to prove that the view is obscured. That remains a bone of contention where people could be victimized and, I mean, you see people sometimes their tint is torn or scratched or cut by the officers who are there enforcing at the time. They will be given a ticket, but their vehicle is vandalized, for want of a better word, and that, in my opinion, has to be changed.

Madam President, in terms of persons who are differently-abled, I want to mention that in this present Bill section 48 there is a part that says, section 48

details the physical fitness requirement for which a transport officer must be satisfied when issuing a driver's permit. For example, a transport officer must be satisfied:

“...that the vision, hearing and bodily and mental fitness of the applicant as such as to warrant the issue of a driving permit and that the applicant is of good character.”

Again, very subjective. However, I just want to compare that. I do not know how well-qualified a transport officer will be to indicate as opposed to a medical doctor, for example, in terms of indicating disability.

Madam President, in 2014, one of the proposals in that Act indicated, provided for the use of differently-abled parking permits to allow access to parking spaces designated for the exclusive use of differently-abled persons, and qualified medical practitioner had to certify that the applicant for the said permit is, in fact, differently-abled, and a differently-abled person was defined in that Act, in that Bill as a person whose mobility is limited as a result of severe physical disability through paralysis, lower limb amputation, heart or lung disease or other debilitating impairment, and they also spoke about vision.

This, Madam President, is something that, I think, would have been easy to implement so that it would make it easy in our society where people park in those nice blue spots marked for parking for differently-abled persons because the sun is too hot. Often you have even police vehicles, you have seen where police vehicles are parked in those specially marked places. I have seen it at MovieTowne. They want to go about their own personal business and they park in that specially marked spot because it is convenient and close.

So, we have to, Madam President, and I really would like to see this as a

consideration of the Minister to include in these regulations in terms of providing for penalties where people who do not have special parking permits, parking spots marked for differently-abled persons. And I know Sen. Roach might have his views to put in to add to that because he always speaks on behalf of the disabled and differently-abled community.

Madam President, I thought I would have heard in this discussion as well a revision of the speed limit. When this Government decided that it was going to implement the laws with regard to the speed limits, there were a lot of discussions in the public domain with regard to the revising our speed limits. And the then Minister of Works and Infrastructure indicated that it is not something that they had planned to do, and then subsequently he indicated that they will consider it. I know that it was mentioned that it is something that the Cabinet will discuss. That, Madam President, it is something, I think, we really have to engage the public and the stakeholders in, because there are times when driving at 80 could actually be obstructive, as opposed to being safer. But the safety of our citizens must be our first priority, and in my humble opinion it is time for us to take another look at the speed limits in Trinidad and Tobago.

6.00 p.m.

Madam President, another area that I wanted to mention is with regard to cyclists. In many countries the whole idea of having special bicycle lanes is something that is included when they are doing urban planning and so on. In our laws at present there are restrictions for a cyclist riding or holding on to a moving vehicle, and the fines for that are addressed, as opposed to being \$2,500, there were changes in the fine, but they were not revisions in terms of the actual offence. The section here does not provide for the protection of cyclists and for regulating

bicycle lanes, for instance making it illegal for a vehicle to drive on a bicycle lane. In this thing, grass in the public spaces has more protection than cyclists at this time, because there are provisions for where it is an offence to drive on grass and so on in public spaces, but there is no provision for bicycle lanes and to allow cyclists protection.

If we have to advance ourselves in terms of urban planning and greening our environment, and greening our urban spaces, we have to take into consideration the protection of our citizens, and in fact bring laws that would encourage people to use bicycles. In Holland, I think I saw an article where there was an entire town where there were no cars because people use bicycles and there, whether it might be four degrees, it might be zero degrees, people are going out on their bicycles because the incentives exist. So, we have to head in that direction, and that will have to be part of our traffic management. Madam President, in terms of the grounds to object, that was mentioned before. Certainly, you cannot be so restrictive as to what grounds a person may provide as their defence, in their defence, if they are being accused of something, and that is a point I agree with.

Madam President, the Attorney General had mentioned that to go with the recommendations that were made, and to do complete reform would be biting off more than we can chew. This Attorney General was part of the last Senate, and my appeal to you is why not continue on the work that was done, because a lot of that work was done by the technocrats who are still in the Ministries, whether it is the Ministry of the Attorney General and Legal Affairs or the Ministry of Works and Transport, and those senior people who have served in public office as public servants for many years, and you should not let that go down the drain, and I want to appeal to you to continue that work. Particularly because this Attorney General

has faced so many instances of embarrassment due to, you know, poorly drafted legislation and a number of other issues in the public domain, and this is an opportunity for him to bring good wholesome legislation to the Parliament and to deal with the problem in a more comprehensive manner. [*Desk thumping*] In his presentation, the Attorney General indicated that this Bill was tabled, and has been on the Order Paper for some time, and I quote:

“There has been no public outcry on this Bill.”

You know what, the murder rate is up, food prices are up, unemployment is up, gas prices are up, property tax is coming, people in this country are in survival mode. You think they have time to discuss these things? [*Desk thumping*] Some people are not even aware, and the fact is that in addition to all of the oppressive measures being introduced by this Government, these fines seek to increase—this Bill seeks to increase the fines, and it does not deal with the real issues. So, I am saying again, are you going to just go harder at the citizens when you are failing to deal with the system that is rotten to the core? [*Desk thumping*] I am not in support of simply increasing the fines. I am in support of reforming the system in a proper way. I am in support of making our citizens safer, and that should be the focus of this Government.

Madam President, when I heard the Minister make that statement that, you know, there was no public outcry, it reminded me of a statement made when the Minister of Finance was on an interview on national television referring to the increase in the price of fuel, when he said, I raised the price once, I raised the price twice, they have not rioted yet, so I might raise it again. [*Desk thumping*] And that type of arrogance is reflected in this statement, and that may not have been the intention of the Attorney General, but certainly we have to treat our citizens better

than this. I would like to see public consultation on improving the motor vehicles and road traffic governance in our country, and I think this is the opportunity. You do have the support of the Opposition in terms of reforming this whole issue and making the country safer, and we can do that at a joint select committee where we can talk to more stakeholders and get their input. So, I am in support of that. [*Desk thumping*]

There is one thing I must mention, Madam President, that the Attorney General said that I strongly disagree with. He said that, every crime that is committed involves a vehicle. Really? There is child molestation, there is rape and other sexual offences, there is incest, there is corruption, there is white-collar crime, there are a lot of crimes in this country, and I agree with him that the laws of Trinidad and Tobago applies to everyone in Trinidad and Tobago, not to some alone. And even though he may enjoy some exemptions, the fact is that we have to protect every one of our citizens. The Opposition is part of that check and balance for the Government, and in this regard I want to urge the Attorney General to perhaps stop thinking or stop trying to make the population think that this Motor Vehicles and Road Traffic Bill, 2014 is a fix-it for crime, because these issues discussed here does not address the violent crime that we see in our country, the increase in bloody and heinous crimes, particularly where our children are at risk.

So, these measures do not address that, and please do not fool the population, or try to fool the population into thinking that this is part of you addressing crime. Because, clearly, the Government has no plan for crime, and they have not been able to get a handle on it. [*Desk thumping*] So, to use this is like telling me you go to the shop and you buy a \$1.00 plaster. I mean, really, what are you going to fix with that? If you have a paper cut on your finger it might address

that, it does not address the bullet wound or the stab wound that you might have. So, Madam President, I look forward to working with the Government. If this Bill goes to a joint select committee, I urge that if we could make that decision so that we could engage some more of the stakeholders, and I look forward to us doing some more meaningful reform and some more meaningful changes, particularly when it comes to use of technology and so on, but at the end of the day to protect the citizens.

Thank you, Madam President.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, I beg to move that this Senate do now adjourn to Tuesday the 9th May, 2017, at 1.30 p.m. We plan to do the Motion on salaries and allowances of the procurement regulator, which is expected to be debated in the House on Friday and, time permitting, we will continue debate on the Motor Vehicles and Road Traffic (Amdt.) Bill, 2017 as we are currently doing now.

Thank you, Madam President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.09 p.m.