



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

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3rd Session – 10th Parliament (Rep.) – Volume 17 – Number 26

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**OFFICIAL REPORT  
(HANSARD)**

THE HONOURABLE WADE MARK  
SPEAKER

THE HONOURABLE NELA KHAN  
DEPUTY SPEAKER

**Friday 19th April, 2013**

**CLERK OF THE HOUSE: JACQUI SAMPSON-MEIGUEL**

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**HOUSE OF REPRESENTATIVES***Friday, April 19, 2013*

The House met at 1.30 p.m.

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

**Mr. Speaker:** Hon. Members, I have received communication from the following Members: the hon. Nizam Baksh, Member of Parliament for Naparima, is currently out of the country and has asked to be excused from sittings of the House during the period April 19—29, 2013. The hon. Errol Mc Leod, Member of Parliament for Pointe-a-Pierre, is currently out of the country and has asked to be excused from today's sitting of the House. The hon. Rodger Samuel, Member of Parliament for Arima, is out of the country for one week, from April 16, 2013, and has asked to be excused from sittings of the House during that period.

Mrs. Patricia Mc Intosh, Member of Parliament for Port of Spain North/St. Ann's West, is currently out of the country and has asked to be excused from sittings of the House during the period April 15—22, 2013, and Mr. Patrick Manning, Member of Parliament for San Fernando East, is seeking leave for a period of 42 days with effect from April 17, 2013. This request was accompanied by a medical certificate from the Specialist Medical Officer who has been assigned as the health-care provider for Mr. Manning since his return to Trinidad and Tobago on July 31, 2012. The leave which the Members seek is granted.

**PAPER LAID**

Ninety-Seventh Report of the Salaries Review Commission of the Republic of Trinidad and Tobago. (*The Minister of Housing, Land and Marine Affairs* [(Hon. Dr. Roodal Moonilal)])

**ORAL ANSWERS TO QUESTIONS****Housing at Federation Villas****(Minister of Tobago Development)**

**29. Miss Donna Cox** (*Laventille East/Morvant*) asked the hon. Minister of Tobago Development:

A. Does the Minister utilize a state-owned housing unit at Federation Villas?

- B. If the answer is in the affirmative, what are the arrangements for such occupancy/utilization?
- C. Could the Minister list the period he has utilized the state-owned housing unit during the period January 2011 to present?
- D. Is the Minister in receipt of a monthly housing allowance?

**The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal):** Mr. Speaker, on behalf of the hon. Minister of Tobago Development in response to these questions, part A: Yes, the Minister utilizes from time to time a unit assigned to the Ministry subject to its availability. The unit is used when the late hours of ministerial business and/or parliamentary sittings make it practical, convenient and cost effective. Mr. Speaker, it is estimated that the Ministry has saved over \$150,000 in hotel board and lodging by using state housing units on a needs basis.

In my answer to a similar question on January 22, 2013, I already outlined the cost saving policy of using housing assets to save taxpayers' money.

With reference to B, this is done on a needs basis subject to availability and no payment of rents is required. Requests can and are usually made on short notice.

Part C: As I said it is used on a needs basis; and the answer to D is yes.

**Mr. Sharma:** Well said, well done. [*Desk thumping*]

**Miss Cox:** Could I get the period please?

**Hon. Dr. R. Moonilal:** Mr. Speaker, this facility has been available since, in the case of the Minister, approximately July 2010.

**Miss Cox:** Mr. Speaker, I am just checking, is it on an ongoing basis?

**Hon. Dr. R. Moonilal:** Our information is that this is on a needs basis when Government business and/or parliamentary business require.

**Miss Cox:** Is number 2, Federation Villas listed as the Minister of Tobago Development's address.

**Hon. Dr. R. Moonilal:** I will check, I am not—I do not normally keep the addresses of Members of Parliament.

### Housing at Federation Villas

#### (Minister of State in the Ministry of the People and Social Development)

- 30. Miss Donna Cox** (*Laventille East/Morvant*) asked the hon. Minister of State in the Ministry of the People and Social Development:
- A. Does the Minister utilize a state-owned housing unit at Federation Villas?
  - B. If the answer is in the affirmative, what are the arrangements for such occupancy/utilization?
  - C. Could the Minister list the period she has utilized the state-owned housing unit during the period January 2011 to present?
  - D. Is the Minister in receipt of a monthly housing allowance?

**The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal):** On behalf of the hon. Minister of State in the Ministry of the People and Social Development, part A: Yes, the Minister utilizes from time to time a unit assigned to the Ministry subject to its availability. The unit is used when the late hours of Government business and/or parliamentary sittings make it practical, convenient and cost effective. It is estimated that the Ministry has saved over \$150,000 in hotel bills, board and lodging by using existing state housing assets on a needs basis.

Mr. Speaker, in my answer to a similar question on January 22, 2013, I already outlined the cost saving policy of using existing housing assets to save taxpayers' money, may I add, contrary to the former policy of the former Government where Cabinet Ministers were allowed to rack up huge bills at the Trinidad Hilton and the Hyatt, in particular, a former Minister I believe of Community Development.

Part B, it is done on a needs basis subject to availability and there is no requirement for rent. Part C, requests are made on short notice. This facility began, Mr. Speaker, by August 2010. The answer to D is yes.

**Miss Cox:** Mr. Speaker, Minister you are saying that it is a cost-saving venture. Why is the Minister still in receipt of a housing allowance?

**Hon. Dr. R. Moonilal:** May I add, as I did on January 22, that these facilities are not housing, they are not permanent, they are done on a needs basis, and particularly the Ministers from Tobago. The Ministers from Tobago would

otherwise have excess of \$2,000 per week on bills if they stay at prominent hotels in Port of Spain, and this is really done to reduce that cost.

**Miss Cox:** Minister, if the Minister is provided with housing, then why would the Minister still be receiving a housing allowance? [*Desk thumping*]

**Hon. Dr. R. Moonilal:** May I repeat, this is not a permanent residence. This is not housing. This is just a facility on a needs basis when available; these units may not be available all the time to save otherwise the taxpayers' expense at the Hyatt or Hilton.

**Mr. Roberts:** Ask the councillor to explain it.

**Mr. Speaker:** Please, please, Member.

**Housing at Federation Villas  
(Attorney General)**

**31. Miss. Donna Cox** (*Laventille East/Morvant*) asked the hon. Attorney General:

- A. Does the Minister utilize a state-owned housing unit at Federation Villas?
- B. Does any person known to the Minister utilize a state-owned housing unit at Federation Villas assigned to the Minister or his Ministry, for private purposes?
- C. If the answer is in the affirmative, what are the arrangements for such occupancy/utilization?
- D. Could the Minister list the period of such usage during the period January 2011 to present?
- E. Is the Minister in receipt of a monthly housing allowance?

**The Minister of Housing, Land and Marine Affairs (Hon. Dr. Roodal Moonilal):** Mr. Speaker on behalf of the hon. Attorney General, the answer to part A: yes, the Attorney General does from time to time utilize a unit assigned to the Ministry of the Attorney General subject to its availability. These units are also used by legal consultants who may be in Trinidad and Tobago at different times and may stay at the unit.

Mr. Speaker, when late hours of Government business and/or parliamentary sittings make it practical, convenient and cost effective for the State, such units are used.



With reference to B, the answer, is no. Mr. Speaker, the answer for C, not applicable; answer to D, not applicable; answer to E, yes.

**Dr. Rowley:** Supplemental, Mr. Speaker.

**Mr. Speaker:** Yes, Member for Diego Martin West.

**Dr. Rowley:** Since the Minister is telling us that these units are available to Ministers of Government on an as needs basis, is the Minister prepared to tell this House that once these Ministers were given a key to these units at the time when they took up residence that those keys remained with the Minister throughout, or are the keys returned on a daily or weekly basis?

**Hon. Dr. R. Moonilal:** Mr. Speaker, the Housing Development Corporation maintains keys for all units. These are not residences, they are not permanent residences and those Ministers also have their permanent residences. These are used on a needs basis for which the HDC maintains control of all units at that site.

**Dr. Rowley:** That is not what I asked, Mr. Speaker. Let me put the question again. The Ministers who you claim got these units on an as needs basis after Parliament, once they went in there at the start of their occupancy, were they allowed to keep the keys for the entire period or were they coming and going without the keys?

**Hon. Dr. R. Moonilal:** Mr. Speaker, I do not do the check in and check out, but I can certainly enquire as to whether they have keys or do not have keys. All I can say is that the HDC has complete control of those units and always maintains keys. But I can check the request being made by the Leader of the Opposition.

**Dr. Rowley:** Is the Minister aware that these Ministers who are supposed to have been there on Parliament nights only as needed, they had been in possession of those keys continuously for months and occupied the units?

**Hon. Dr. R. Moonilal:** May I correct the Opposition Leader yet again. The units are made available subject to the needs. It is not only the parliamentary sittings but other Government business as well, and I can check as to the location of keys whether they are in possession of Ministers or not.

#### **BILLS SECOND READING**

**Mr. Speaker:** Hon. Members, on the adjournment of the last sitting, Bill No. 1 was outlined on the Order Paper. However, based on an agreement, I have been

advised that Bill No. 2 will be taken before Bill No. 1. Once that is agreed upon, I will call on the Hon. Minister of Transport. [*Desk thumping*]

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

*Order for second reading read.*

**The Minister of Transport (Hon. Chandresh Sharma):** Thank you very much, Mr. Speaker. Mr. Speaker, I beg to move:

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

Mr. Speaker, in keeping with the May's Parliamentary Best Practice, I shall make sure my contribution treats only with the subject matter at hand and the Motor Vehicles and Road Traffic (Amdt.) Bill, 2013. The Bill seeks to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, here referred to as the Act, to provide for the issuance of special identification marks to be carried out on the registration plates of motor vehicles owned by diplomats, as well as to regulate the sizes and colour of the plates and letters and manner of displaying such plates.

Clause 1 of the Bill provides the short title of the Bill. Clause 2 of the Bill provides the meaning of the Act. Clause 3 of the Bill seeks to amend section 12 of the Act by inserting after subsection (3) a new subsection (3A) which would enable the Licensing Authority upon an application by a diplomat or diplomatic organization to register a motor vehicle as a diplomatic motor vehicle by entering the vehicle's particulars in the register and assigning special identification marks to be carried on the vehicle's registration plates.

Section 12 of the Act is further amended by inserting after subsection (9) a new subsection (10) which introduces the definition of "diplomat" and "diplomatic organization".

**1.45 p.m.**

Clause 4 of the Bill seeks to amend section 15 of the Act which speaks to the cancellation of registration of a vehicle. The proposed amendment to this section seeks to insert two new paragraphs (f) and (g) which I will present in a short while.

Paragraph (f) would seek to provide for the cancellation of a diplomatic registration done under section 12(3A) where the registered owner is no longer

entitled to enjoy privileges afforded to him under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act.

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

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

Mr. Speaker, as indicated, the proposed amendment seeks to treat only with registration of vehicles for diplomats or diplomatic organizations. The term “diplomat” here includes a diplomatic agent, a consular officer, an officer of the international organization or agency. The Minister with responsibility for foreign affairs must certify in writing that these persons are entitled to enjoy certain privileges by virtue of their classification as a diplomat.

The term “diplomat” is defined in the Bill as:

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

If the need arises, reference can be made to the First and Second Schedules which would give further—and that is in keeping with the Privileges and Immunities (Diplomatic, Consular and International Organization) Act referred to, 17:01. Both these Schedules relate to Articles of the Vienna Convention being in force in Trinidad and Tobago. The definition of “diplomat” was arrived at from a combination of definitions of the two above stated Schedules.

What are diplomatic organizations based on this requirement? The term, “diplomatic organization” includes a diplomatic mission, a consular post, a regional organization or agency, an international organization or agency. The Minister with responsibility for foreign affairs must also certify in writing that these entities are entitled to enjoy certain privileges and immunities by virtue of their classification as diplomatic organizations.

The term “diplomatic organization” is defined in the Bill as:

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

Mr. Speaker, the Vienna Convention, 1961, is an international treaty that provides a guide to the management of diplomatic relations between countries. The Convention also grants certain privileges and immunities to diplomats and diplomatic organizations carrying out their duties in foreign countries. Trinidad and Tobago was acceded to this Convention on October 19, 1965, which makes it 48 years ago. It was also incorporated into our local law later that year on November 16, 1965. That was through the Privileges and Immunities (Diplomatic, Consular and International Organization) Act, Chap. 17:01. It is necessary to note that this proposed piece of legislation, the passage of it, is in complying with the international obligations and to maintain international good relations.

Article 22 of the Convention is relevant to the proposed legislation. The Article states as follows:

- “1. The premises of the mission”—cannot be interfered with. “The agents of the receiving State may not enter them, except with the consent of the head of the mission.
2. The receiving State is under a special duty to take all or appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the missions or”—its ability to deliver its work.
3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.”

What obtains in other countries? The issuance of diplomatic plates is not a novel concept. In fact, this prevails in a number of countries across the world.

The United Kingdom provides for their foreign embassies, high commissions, staff and international organizations with distinguishable registration plates for their vehicles. The United States of America also has a similar system in place. Even throughout the Caribbean, many countries already afford this privilege to their diplomatic personnel and entities. For example, the Road Traffic Act, 295 of

Barbados, makes provision for the issuance of diplomatic licence plates. This piece of legislation has been in force since June 01, 1981 in Barbados. Diplomats and diplomatic organizations in that country have therefore been enjoying the privilege for some 32 years already.

Trinidad and Tobago, already a player on the international stage, would not want to be left behind but should aim to keep up-to-date with the common practice that exists among other countries, both in the Caribbean and internationally. Trinidad and Tobago diplomats also enjoy these facilities wherever they are stationed. They enjoy the privilege of having a diplomatic licence plate assigned to their vehicles.

Some of the countries where this obtains now are: Brazil, Canada, Costa Rica, Cuba, India, Jamaica, Nigeria, South Africa, the United Kingdom, the United States, Uganda, Venezuela, to name a few. Among these missions just mentioned, there are approximately 69 officials and privately owned motor vehicles that bear diplomatic licence plates. Based on this principle found in international relations, rights, benefits and privileges afforded by one country to another should be returned. Trinidad and Tobago would therefore want to afford diplomats resident in our country the same privileges that our diplomats abroad enjoy.

Foreign diplomats in Trinidad and Tobago who may benefit—approximately 30: the High Commission for Canada, Embassy of the Republic of Suriname, High Commission of Nigeria, High Commission of India, Embassy of Costa Rica, High Commission for Jamaica, the Embassy of the Dominican Republic, the European Union to Trinidad and Tobago, Embassy of the Republic of China, Embassy of the Kingdom of Spain, Embassy of the Kingdom of the Netherlands, Embassy of the United States, Embassy of the United Mexican States, High Commission for the Republic of South Africa, Embassy of the Republic of Brazil, Embassy of the Republic of Korea, Embassy of Japan, Embassy of the Republic of Panama, the Republic of Chile and the French Republic, among others.

Some of the international organizations conducting business here amounting to 23, include: the Association of Caribbean States, Caribbean Court of Justice, Caribbean Court of Justice Trust Fund, Caribbean Financial Action Task Force, Caribbean Food Corporation, Caribbean Telecommunications Union, Economic Commission for Latin America and the Caribbean, Inter-American Development Bank, Inter-American Institute for cooperation on Agriculture, the International Labour Organization, the International Organization for Migration, OAS Trinidad and Tobago office, Pan American Health Organization, United Nations Development Programme, United Commission for United Nations Educational,

*Motor Vehicles (Amdt.) Bill*  
[HON. C. SHARMA]

*Friday, April 19, 2013*

Scientific and Cultural Organization, United Nations Information Centre.

Mr. Speaker, I have established the need for the amendment. This Motor Vehicles and Road Traffic Act, Chap. 48:50 here called “the Act”, as it presently stands, does not allow for the issuance of diplomatic plates. The need, therefore, arises to amend the relevant section of the Act, which I identified earlier, that deals with the registration of vehicles and the issuance of number plates.

As indicated earlier, section 12 of the Act provides for the registration of vehicles and issuing of number plates by the licensing authority. This section is being amended by adding a new subsection (3A) after section 3. The new subsection has the following effects: one, a diplomat or diplomatic organization may apply to the licensing authority to register a vehicle as a diplomatic vehicle. This privilege is not mandatory but can be exercised at the discretion of the particular diplomat or organization.

Secondly, the Licensing Authority will register the vehicle once the provisions of the Motor Vehicles and Road Traffic Act, 48:50 and the Motor Vehicles Insurance (Third-Party Risks) Act, 48:51, have been complied with, this is to say that all vehicles in Trinidad and Tobago must have licence and insurance at all times.

Thirdly, the licensing authority will issue diplomatic licence plates which will be in accordance with the proposed regulations and, fourthly, this will enable police and others to easily identify diplomatic vehicles as being vehicles that are entitled to certain privileges and immunities.

Subsection (3A) provides as follows:

“The Licensing Authority shall—

- (a) on the application by a diplomat or diplomatic organization for the registration of a motor vehicle in his or its name; and
- (b) upon being satisfied that the provisions of this Act and the Motor Vehicles Insurance (Third-Party Risks) Act and Regulations made thereunder, have been complied with,

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

In addition, it is necessary to make provisions for certain instances where the cancellation of diplomatic registration plates may become necessary. This will include where a person or organization previously enjoying diplomatic status is no longer entitled to do so, or where a diplomatic vehicle is transferred to a person who is not a diplomat.

This is accomplished by inserting two new subsections in section 15(1) of the Act, which provides for instances where the registration of a vehicle is to be cancelled, as follows: one—and this is the (f) referred to earlier:

- “(f) the owner of a motor vehicle registered under section 12(3A) is no longer entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act; or
- (g) an application is made to transfer a motor vehicle registered under section 12(3A) to a person who is not entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act;”

Where registration plates are so cancelled, provision is made for the relevant vehicle to be re-registered as a normal motor vehicle under section 12(3) of the Motor Vehicles and Road Traffic Act, 48:50. A new subsection is inserted after subsection (1) as subsection (1A) to provide for the following—and subsection (1A) will read:

“Where the registration of a motor vehicle is cancelled under paragraph (f) or (g), the Licensing Authority may register that motor vehicle under section 12(3).”

Mr. Speaker, it is to be noted that the proposed legislation does not confer any additional rights, privileges, immunities or benefits on diplomats or diplomatic organizations. These persons are entitled to continue to enjoy the same privileges and immunities as they presently do.

The proposed legislation just spoken about simply seeks to facilitate their presence in our country and the carrying out of functions of their offices. The proposed legislation being presented today would satisfy the obligations of Trinidad and Tobago under the Vienna Convention.

Mr. Speaker, before I beg to move, I want to wish the former Member of Parliament, and the only surviving Member of the 1956 Cabinet, the former Member of Parliament for Baratavia, Mr. Kamaludin Mohammed—today is his 86<sup>th</sup> birthday and I think this Parliament must pay tribute to him. [*Desk thumping*]

*Motor Vehicles (Amdt.) Bill*  
[HON. C. SHARMA]

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Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Colm Imbert** (*Diego Martin North/East*): Mr. Speaker, I do not know who prepared the speaking notes for the hon. Minister of Transport, but they completely missed the boat with respect to this legislation. The effect of this legislation, Mr. Speaker, goes way beyond the simple application that the Minister would like us to think it does, and the mischief in this legislation, Mr. Speaker, is in section 3 of the Bill coming from the Senate, and in particular, it is the section that would require the vehicles used by diplomats to be registered as diplomatic motor vehicles. All of the other things, such as diplomatic licence plates and identification marks, are really quite trivial.

**2.00 p.m.**

What the Minister has failed to tell us—and I rather suspect that he was not properly briefed—is, what is the significance of registering a motor vehicle as a diplomatic motor vehicle. Now we will get some clues from the Vienna Convention. When we go to the Vienna Convention, particularly the Vienna Convention on Diplomatic Relations—because there are two Vienna Conventions, Mr. Speaker, I will deal with both of them—the one that is relevant initially is the Vienna Convention on Diplomatic Relations which was done at Vienna in April 1961.

If we go to Article 22 of that Vienna Convention, Article 22, which the Minister does not seem to be aware of, reads as follows,

“The premises of the mission shall be inviolable.”

I think that was the word, Member for Point Fortin, he was struggling with.

**Mrs. Gopee-Scoon:** He could not pronounce the word.

**Mr. C. Imbert:** Inviolable.

**Mrs. Gopee-Scoon:** In-vi-o-lab-le. Break it down.

**Mr. C. Imbert:** That is subarticle (1) of Article 22. But more importantly, Mr. Speaker, subarticle (3) or subsection (3) of Article 22 of the Vienna Convention on Diplomatic Relations reads as follows:

“The premises of the mission, their furnishings and other property... and the means of transport of the mission shall be immune from search, requisition, attachment or execution.”

Now, prior to this piece of legislation, Mr. Speaker, these vehicles were not



registered as diplomatic vehicles, because we are now creating that facility in the legislation before us. That is why I say the mischief is in clause 3 of this Bill. And since the Minister does not know or did not tell us what a diplomatic vehicle is and what happens when you register a vehicle as a diplomatic vehicle, I think I had better tell the Parliament.

Now, Mr. Speaker, a lot has been said about the fact that the Vienna Convention was done 40 years ago. That is true, but a lot has happened in those 40 years and many countries had delayed the complete ratification of the Vienna Convention for all sorts of reasons. But I will read in particular from a document entitled the *Doctrine of Diplomatic Immunity* and it has a paragraph entitled “Motoring Offences and Claims”. It reads as follows:

“In recent years there have been many offences involving the diplomat driving under the influence of alcohol. This causes chronic problems and also other offences such as illegal parking.”

And this is the important thing.

**Mr. Roberts:** Arnold Piggott.

**Mr. Speaker:** Please, please.

**Mr. C. Imbert:** I continue

“It is worth mentioning that the Netherlands rejected to ratify the Vienna Convention until 1984.”

For 23 years, Mr. Speaker. Holland chose not to ratify the Vienna Convention. Here is the reason. The reason is:

“It wanted to assume jurisdiction over claims of damages caused by motor traffic accidents unless the insurance company is liable for the damages directly.”

Now herein lies the problem, Mr. Speaker. There is a famous 1930 case *Dickinson v Del Solar* and I have an extract of that case with me. That was a case decided at the King’s Bench Division in England in 1930 and it is a case about diplomatic immunity. In that particular case, the defendant, Emilio Del Solar, was a diplomatic agent attached to the Peruvian diplomatic mission in London, and in the course of using his car for private purposes, the defendant negligently injured the plaintiff, Robert Dickinson.

**Mr. Roberts:** What injured?

**Mr. C. Imbert:** He negligently injured the plaintiff, Robert Dickinson. The head Minister of the Peruvian diplomatic mission instructed the defendant not to claim diplomatic immunity, in respect of this accident, and that can be done, just by the way. The diplomatic immunity of the head of a mission cannot be waived by himself. It has to be waived by the State that has sent him to the country. But he, the head of a mission, can waive the diplomatic immunity of all his subordinates. That is part of our international practice.

So that the head Minister of the Peruvian diplomatic mission, acting in accordance with his powers, instructed the defendant not to claim diplomatic immunity in respect of the accident. Accordingly, in civil proceedings brought by the plaintiff, the defendant appeared and judgment was entered against him for £856—a lot of money in those days, 1930.

However, the defendant's third, party insurer, Mobile and General Insurance Company, argued that it was not liable to indemnify the defendant under his insurance policy because, as a diplomatic agent, the defendant, was not legally liable for the plaintiff's personal injury.

Now herein lies the problem. The other countries that have done this, or better put, the majority of the other countries that have done this, that have allowed embassies and missions to register their vehicles as diplomatic vehicles, have also amended their insurance laws, and I am surprised, I am a bit disturbed, that the Minister of Transport does not recognize that this has to be done. Because if our insurance laws are not amended to allow victims of accidents where a diplomat is involved the insurance companies will be able to escape liability by claiming that the driver or owner of the vehicle has diplomatic immunity.

In this particular case, the diplomat's immunity was waived, and therefore the court rejected the argument from the insurance company, but it was only because the diplomatic immunity of the person who drove and caused the accident was waived. It has been settled since then, that if diplomatic immunity is not waived and if there is no legislation that deals with this problem, then when you get into an accident with a diplomatic vehicle, which is what this law is now creating for the first time, creating the registration of diplomatic vehicles, the insurance company will be able to claim that the owner of that vehicle has diplomatic immunity and therefore they, the insurance company, are not liable for compensation or not liable to compensate the victim of the accident.

Now other countries have dealt with this in many different ways. The United States, Mr. Speaker, has actually passed legislation, and the number of the legislation in the United States—they have different ways of identifying

legislation than we do—it is 22 CFR Part 151 and it is entitled Compulsory Liability Insurance for Diplomatic Missions and Personnel. Mr. Speaker, in this law it makes these provisions mandatory:

“(a) The insurance shall be construed in conformity with the Act.”

Now, this is section 151.7:

“In particular, no effect shall be given to any policy terms which are inconsistent or in conflict with those provisions of the Act stating that any suit against the insurer under the policy shall not be subject to any of the following defenses:

- (1) That the insured is immune from suit;
- (2) That the insured is an indispensable party;”—to the action.
- “(3) In the absence of fraud...the insured has violated a term of the contract,...
- (b) Notwithstanding the provisions... the insured is expected to respond to reasonable requests from the insurer for cooperation.”

Now, the reason why the United States had to do this, Mr. Speaker, is a number of diplomats in the United States were involved in motor vehicle accidents, but because the United States had ratified Article 22 of the Vienna Convention and had created a regime for the registration of diplomatic vehicles, a number of persons got into accidents with diplomats and received serious injuries and were unable to get any compensation whatsoever. So the United States dealt with it by changing their insurance laws.

What is the Government’s intention with respect to our motor vehicle third party risks legislation, Mr. Speaker? What is the Government’s intention with respect to amending our insurance laws? Because if this is not done, then what you have done, you have given diplomats carte blanche, not just to park illegally and not be wrecked or towed or pay a parking ticket which is one of most common offences in the United States—in fact, they said in one month diplomats racked up 150,000 parking tickets from all the countries in the United States, but that is beside the point. It is the most common—*[Interruption]*

**Mr. C. Imbert:** It is okay. It is the most common—*[Interruption]*

**Mr. Roberts:** How much from Piggott?

**Mr. C. Imbert:**—form of traffic violation in the United States. *[Laughter]* But that is a relatively minor issue. The problem arises when the diplomat gets

*Motor Vehicles (Amdt.) Bill*  
[MR. IMBERT]

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into an accident with a member of the public and the diplomat claims diplomatic immunity.

I am going to read for you on a document, the *Fordham International Law Journal* which gives some information on precisely this problem, Mr. Speaker. In April 1974, two prominent Washington doctors, Dr. Halla Brown and her husband, Dr. Arthur Rosenbaum, were seriously injured when an uninsured Panamanian diplomat—Panama again—Mr. Alberto Watson-Fabrega, ran a red light and struck their vehicle. As a result of the accident, Dr. Brown was rendered a quadriplegic and is now totally incapacitated. She requires attendance and nursing care 24 hours a day. She was forced to give up her lucrative practice. She is a doctor.

As of June 1976, Dr. Brown's medical expenses had exceeded US \$200,000 and her annual nursing care costs were estimated at approximately \$50,000. Although Dr. Brown's insurance covered part of her loss, she was unable to recover anything from Mr. Fabrega of the Panamanian mission because of the privilege of full diplomatic immunity accorded by the 1790 statute for even the acts preformed in the diplomat's private capacity.

That is an actual example from the United States, Mr. Speaker. This is why the United States was moved to enact this law, Compulsory Liability Insurance for Diplomatic Missions and Personnel, and why the Netherlands rejected or refused to ratify the Vienna Convention for 23 years, because these are real and serious concerns.

I am surprised. I do not know who is the originator of this piece of legislation. What is motivating it? Who is driving this process? Because if you listen to the Minister and you listen to Government spokesmen, you think this is just a simple matter of putting a special licence plate on a diplomatic vehicle. It is far more than that. It is exposing every citizen of Trinidad and Tobago to a situation—and accidents are called accidents because they are not deliberate. People do not deliberately set out—[*Interruption*]

**Dr. Rowley:** Do not foresee.

**Mr. C. Imbert:** Yes, they are not foreseen. That is why they are called accidents. So it is not something that anybody plans. These things happen. A car skids, somebody takes their eyes off the road, whatever; you get into an accident.

**2.15 p.m.**

We have thousands of accidents in Trinidad and Tobago every year, Mr.

Speaker. We have hundreds of fatalities and I cannot understand of all the things that this Government has decided to do—look at the motor vehicle and road traffic situation in this country. Look at the Act. This is the Motor Vehicle and Road Traffic Act, Chap. 48:50. It has a series of Sections. In fact, if I go to the end of the Motor Vehicle and Road Traffic Act—111 Sections, and then you have regulations and so on—there are all sorts of issues that we in this Parliament should be dealing with. Why is the Government giving us this half-picked duck? What you are doing is you are giving the diplomats the immunity and you are not protecting our citizens.

Mr. Speaker, I am asking the Government to pause on this legislation and bring an amendment to the Motor Vehicles Insurance (Third-Party Risks) Act—*[Desk thumping]*—similar to the compulsory liability insurance for diplomatic missions and personnel so that no diplomat who gets into an accident with a citizen of Trinidad and Tobago, or a resident, or anybody in Trinidad and Tobago for that matter, can claim that they have diplomatic immunity, that they are immune from civil proceedings, and that no insurance company can say, “Well look, I cannot settle this claim because the owner or driver of this vehicle was a diplomat who had full diplomatic immunity.” It is essential that this is done because the next time a diplomatic vehicle gets involved in an accident with a citizen, the insurance company will be able to claim diplomatic immunity immediately and say they are not settling the claim. I am asking the Government to pause on this.

“Now, this Government a little hard-headed so they may choose to go and do whatever they wish to do—*[Interruption]*—buh yuh hard-headed.” So I am hoping this is an occasion where the Government will not be hard-headed, Mr. Speaker, because I am going to read from you—for you—*[Interruption]*

**Mr. Roberts:** For you.

**Mr. C. Imbert:**—for you, yes, read for you—thank you for the correction. I am always grateful for your corrections. I am going to read for you something published by the United States Department of State, the Bureau of Diplomatic Security, and it is a manual—*[Interruption]*

**Mr. Indarsingh:** Source.

**Mr. C. Imbert:** Source? United States Department of State. Mr. Speaker, through you, does the Member of—what are you again?—*[Interruption]*—the Member of Parliament for Couva South.

**Dr. Rowley:** Pouee!

**Dr. Rambachan:** The Minister of State in the Ministry of Finance.

**Mr. C. Imbert:** Is the Member for Couva South unaware of the United States Department of State? They had a very interesting report recently. I think it featured on Channel 3 [*sic*]. So if you did not know what or who the Department of State was before, I think you know now. But the whole point is, Mr. Speaker, this is a document published by the United States Department of State, so I cannot understand the request for source. I mean, come on, some of these questions that come across the floor do not make any sense.

**Mr. Roberts:** “He planting” [*Inaudible*].

**Mr. C. Imbert:** Yes, has to be. Has to be! But anyway, Mr. Speaker, the document makes the point that you have to be very, very careful when you are handling incidents with diplomats and persons who enjoy diplomatic immunity because these vehicles can also be driven by diplomatic agents, by staff of the embassy and so on, because diplomatic agents are covered as well.

Listen to this:

“When a law enforcement officer is called to scene”—well this will be criminal—“of an incident...the first step should be to verify the status of the suspect.”

So the person pulls out their identification that they are a diplomat and they enjoy diplomatic immunity.

“If the suspect enjoys personal inviolability, he or she may not be handcuffed, except when the individual poses an immediate threat to safety, and may not be arrested or detained.”

This is what the United States Department of State has told their personnel when they are dealing with diplomats

So if a diplomat is in an accident, you cannot detain them, you cannot arrest them, you cannot do them anything, Mr. Speaker, once they identify themselves as a diplomatic agent or as a diplomat. You cannot make them take a breathalyzer test, you cannot make them go to the police station and you cannot do anything.

As a matter of fact, I read an extract from a police station in Cornwall, in England, where they said that if you suspect the diplomat is drunk, take the keys out of the car to prevent the person from driving. But if the person gets into the car and starts the car, even if they are totally inebriated and obviously drunk, the police officer cannot stop them. They just follow them and make sure they do not

get into an accident and so on. So what this Government is doing is creating this category of diplomatic vehicle and exposing every single Trinidadian and Tobagonian to the inability to get compensation for injury or loss as a result of an accident with a diplomat, Mr. Speaker.

I made the point and I am coming back to it now. I do not understand with all of the other areas of the Motor Vehicle and Road Traffic Act that need amendment—three years ago, Mr. Speaker, I came to this Parliament and I amended the Motor Vehicles and Road Traffic Act—that was done in March of 2010—and in that amendment we dealt with all sorts of things, the question of private taxis, the question of school buses—all sorts of things. The election was just two months after that and in comes a new Government, in comes a new Minister of Transport who promised to deal with it immediately in his usual way, within two weeks. I remember the talk about getting all of these things done within two weeks. For example, with respect to the private taxis—[*Interruption*]

**Hon. Member:** Oh yes!

**Mr. C. Imbert:** “And you know that is going to be a real problem if a diplomat gets into an accident with a private taxi, you know the diplomat claiming immunity and the private taxi has no insurance. So crapaud smoke everybody pipe, eh,” because the people in the hired car that is not being used for the purpose for which it was registered, they will have no insurance cover because these vehicles, these panel vans that you see all over the country with a “T” or a “P” that are being used as sort of private maxi-taxis but are really being used as public transport vehicles, they cannot be insured because they are being used for a different purpose than the purpose for which they are registered.

So one of these vehicles may have a registration as a goods vehicle with two seats and the whole back of it was empty when they went for registration, but as soon as they got their registration they put in 12 seats in the back. Another one may have a registration as a private vehicle for the transportation of maybe six or seven people and, again, as soon as they get their registration they put 12 seats in the back and they start running it as a maxi-taxi—an unlawful maxi-taxi. But because the vehicle is being used for a different purpose—it is registered as a “T”, but it is being used to transport people, or it is registered as a “P” and is being used as a public service vehicle, insurance companies cannot and will not insure the vehicle or cover the vehicle for third-party risks, or cover any of the persons in that vehicle for accident, injury or death, or anything of that nature.

So what about if a diplomat, driving a diplomatic vehicle, without any amendment being done to our insurance laws, gets into an accident with one of these private taxis? You could imagine the chaos, Mr. Speaker. At least in a situation where the diplomatic crashes into a vehicle that is fully insured, they would have full comprehensive insurance, so the person at least can recover some of their losses and so on because they have insured themselves, so their vehicle will be fully insured and they are fully insured for all loses and so on, but in the case of an uninsured vehicle, the diplomat will claim immunity and the vehicle will have no insurance. “The occupants, as I said, crapaud smoke dey pipe.” That is one example.

I would have thought that any self-respecting Minister of Transport who is coming to this Parliament to deal with something that has been deemed to be so urgent and so life shattering by this Government—I mean, this is important, Mr. Speaker. This is only important if you amend our insurance laws to give people protection, but it cannot be important just to give diplomats special number plates and then expose all our citizens to problems. That cannot be important. What would have been more important, and what I would expect any self-respecting Minister of Transport to do, is to follow up on the promises made by the first Minister of Transport in this administration and deal with the registration of these private taxis.

Mr. Speaker, within the first couple of months, the former Minister of Transport published draft regulations for the regulation of PH vehicles, or private taxis as we call them, and made a claim that this matter will be settled within a couple of months.

**Mr. Sharma:** Standing Order 36 (1).

**Mr. C. Imbert:** What 36(1)? We are talking about insurance, and we are talking about a situation where there is an accident and people will not be able to even have full comprehensive cover if they are in an unfortunate accident with a diplomatic vehicle. “Wha relevance yuh talking about?”

Mr. Speaker, I would have thought that rather than allow these private taxis to drive uninsured on our roads for the last three years, after having made promises in July and August and September of 2010—we are talking two and half years ago, Mr. Speaker—that would have been important. I would have thought that the Minister would not only bring an amendment to the Motor Vehicles and Road Traffic Act to give diplomats and diplomatic vehicles special privileges, at the



same time the Minister would have brought an amendment to deal with the vexed question of private taxis. I would have thought so, but obviously this Government has different priorities.

I would have thought, Mr. Speaker, that the thousands or thousand-odd private school buses that are driving primarily in south Trinidad, primarily in the areas that are now represented by persons on the other side—but not for too long—that rather than just bringing a Bill to give diplomats special license plates, that the Minister would have done his research, gone back into the records and looked at the situation with private school buses because we changed the law in 2010. *[Interruption]*

**Mr. Roberts:** Mr. Speaker, 36(1). I am trying my best with my colleague. This Bill is very tight and very specific. He is driving all across the country, Mr. Speaker.

**Mr. C. Imbert:** What is the matter with you?

**Mr. Speaker:** I am allowing the Member and so on to connect his point. Continue, hon. Member.

**Mr. C. Imbert:** Of course, Mr. Speaker. Mr. Speaker, for the benefit of the Member for Oropouche East—

**Mr. Roberts:** No, no, no, D'Abadie/O'Meara, please.

**Mr. C. Imbert:** Whatever. Same thing.

**Mr. Roberts:** No, no, very important.

**Mr. C. Imbert:** I am so sorry.

**Mr. Roberts:** Thank you.

**Mr. C. Imbert:** Mr. Speaker, for the benefit of the Member who just spoke, I am dealing with a situation of uninsured vehicles, and I am explaining all of the potential incidences of double jeopardy, because, by introducing this facility where vehicles driven by or owned by diplomats, or diplomatic organizations, will now be registered as diplomatic vehicles for the first time and not amending the Motor Vehicles Insurance (Third-Party Risks) Act and not amending our insurance laws, what the Government has done is introduce a situation where persons are now at risk, and I am now explaining situations of double jeopardy. If one of those private school buses which have not been registered as they should have been since 2010, because we changed the law—and let me explain what a private school bus is.

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A private school bus is a vehicle that would normally seat about 12 people, similar in many respects to a maxi-taxi, but not with the identification marks of a maxi-taxi.

**2.30 p.m.**

It is something that is common in south Trinidad and the private school bus picks up the children from their homes with an arrangement with the parents, drops them to school and then picks them back up in the afternoon when school is over and drops them back home. It is a facility to ensure that children are safely transported to and from school. It is an informal system.

What we did in March 2010 is that we changed the law to allow the registration of private school buses, and thereby the insurance of private school buses, because, remember, these vehicles are being used for a purpose for which they were not originally registered. These vehicles would be registered as panel vans, as private vehicles and so on, but they are actually transporting schoolchildren.

Can you imagine a situation, Mr. Speaker, where, not only is the diplomat claiming immunity, but if, God forbid, a diplomatic vehicle gets into an accident with a private school bus with children in it, you have a situation of double jeopardy? So that the diplomat claims immunity, the insurance company of the diplomatic vehicle claims immunity, and the private school bus has no insurance, so all the little children in the private school bus are facing a situation where they have no recourse whatsoever, Mr. Speaker.

So, I would have thought that for those two examples that I have just given you, Mr. Speaker, where you have two situations where you have thousands of vehicles—we are not talking about one, we are not talking about 10, we are talking about a situation where in excess of 1,000 vehicles fit into these two categories—the private taxi and the private school bus, in excess of 1,000 vehicles. I would have thought that rather than bringing this amendment only, the Minister would take the time also to amend the Motor Vehicles Insurance (Third-Party Risks) Act.

**Hon. Member:** This is low priority!

**Mr. C. Imbert:** This matter—I would not say low, I would say of no priority, because what we need to do is deal with these situations dealing with motor vehicle insurance as a whole, Mr. Speaker, and deal with the whole question of motor vehicle insurance and legislation with respect to diplomats. All of the

progressive countries in the world have done it. Holland has done it, the United States has done it. In England, they follow an informal system where, if a diplomat gets into an accident with a private citizen and claims immunity, he refuses to pay and so on, refuses to submit to the jurisdiction, what the Foreign Office does in England, they ask the diplomat to leave the country. That is what they do!

They have a practice and the foreign diplomats know that in the United Kingdom if you get into an accident and you refuse to accept liability and you are wrong, of course, “you gonna be—soon, you are gonna get a correspondence coming from the Foreign Office asking for that diplomat to be recalled”. That is how they deal with it in the United Kingdom. In the United States, it is in the law; in Holland, it is in the law; but there must be some cover, some protection for our citizens. There must be.

I want the Minister to tell me in his winding up what was the thought process in bringing this half-picked duck to the Parliament. What was the thinking?

**Dr. Moonilal:** “Dat man is a vegetarian!”

**Mr. Sharma:** “Vegetarian eh, Sir!” [*Laughter*]

**Mr. C. Imbert:** Well—you think it is funny? Mr. Speaker, you see what I mean? You see, they think it is funny. This is a real problem. There are endless examples of persons with diplomatic immunity and diplomatic vehicles getting into accidents and the victims of those accidents being unable to get compensation. Endless! I mean, I could read out 20 or 30 pertinent examples, Mr. Speaker, but the Government thinks it is a joke that they are now giving diplomatic vehicles the ability to claim immunity from civil action and they are not protecting our citizens.

There are other aspects of the motor vehicle legislation that I would think that the Minister would have dealt with. The whole question of the motor vehicle authority, the whole question of—“we talking licence plates”, Mr. Speaker—way back in March 2010 when the legislation was amended we amended the section in the Motor Vehicles and Road Traffic Act with respect to regulations.

Previously, the Motor Vehicles and Road Traffic Regulations could only be amended by affirmative resolution and we amended the Act in March 2010—it was before the general election—to allow the regulations to be amended by negative resolution. That was to save time and to make it easier and more efficient in terms of amending the Motor Vehicles and Road Traffic Regulations which

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have been on our books for quite some years, and are in urgent need of reform and improvement, Mr. Speaker.

One of the points that I made as I piloted that amendment Bill in 2010, Mr. Speaker, was that by amending the section that deals with regulations, the way had now been paved for the amendment of the regulations that deal with licence plates. So that the whole system of identification marks on vehicles could be reformed and modernized, Mr. Speaker, because we have a very archaic system of identification marks in this country; very, very archaic and very limited. There are vehicles driving on our roads right now with licence plates that are illegal. You may have seen licence plates that say TTDF—Trinidad and Tobago Defence Force—it is illegal.

In the Motor Vehicles and Road Traffic Act—[*Interruption*] yes, it is—you have to have three letters and then a number afterwards, Mr. Speaker. It is all there in the regulations. It gives you the limitations and the restrictions with respect to licence plates. If it is a private vehicle, it has a ‘P’, if it is for hire, it has a ‘T’, if it is a public transport vehicle, a ‘H’ and so on. There is no leeway in our legislation at all for these vehicles to be TTDF or AG, which stands for Air Guard by the way and not Attorney General. So, there are a number of vehicles outside there which are not registered in accordance with the Motor Vehicles and Road Traffic Act. What we did in 2010 was to allow the regulations to be changed because all of these things about identification marks and so on are in the regulations.

I will go now to the regulations to bring you, Mr. Speaker, and the Parliament up to date. I would have thought that the Minister would have been up to date on this but obviously not. So we have the whole situation of the licensing of motor vehicles and that is regulations 7, 8, 9 and so on. So let us go to regulations 7, 8 and 9 and let us see what they say. Regulation 7:

“(1) The identification mark to be carried by a registered motor vehicle or trailer in pursuance of section 12 of the Act”—and this is the section that we are amending—“shall consist of two plates which must conform as to size, lettering, numbering and otherwise with the following provisions:

- (a) (i) each plate must be rectangular and bear upon it the index mark of “P” for private motor vehicles, “T” for goods vehicles, “R” for rented cars, “H” for public service vehicles, “X” for any other vehicle and the separate number assigned to the motor vehicle by the Licensing Authority;...
- (ii) the mark and number shall be arranged in conformity with the

arrangement of letters...”

That is it. So you could only have a ‘P’ for private”, ‘T’ for goods, ‘R’ for rented car, ‘H’ for public service vehicle, ‘X’ for any other vehicle and ‘X’ is usually used for heavy vehicles like cranes and large trailers and so on, but there is nothing in here that allows for the use of any other identification mark, Mr. Speaker.

These regulations themselves will have to be amended and the Minister also does not seem to be aware of that, because there is no provision in these regulations for a diplomatic licence plate or an identification mark that deals with diplomatic licence plates, so that part of the legislation needs to be amended as well. So in addition to amending section 12 of the Act, the Minister also has to introduce a category of diplomatic licence plates and put it into the regulations and indicate what the identification marks should be, Mr. Speaker, otherwise the diplomatic licence plates will be in conflict with regulation 7.

So I would have thought, Mr. Speaker, that what the Minister would have done would have been to lay regulations in this Parliament subject to negative resolution, which means you do not have to debate them unless somebody files a motion to negative the regulations, and deal with this whole situation of identification marks. Regularize those identification marks that are being used by vehicles belonging to the protective services, regularize the whole situation with respect to the school buses and the private taxis, and also bring the whole issue that we are debating today into conformity with the regulations, and create a category of diplomatic licence plates and indicate what size it must be, what height the letters must be, because all of that is in here, Mr. Speaker, because there must be standardization of all of these things.

But, instead, the Minister gets up and says, “Oh, all of these organizations are entitled to these privileges, we shoulda give it to them long ago” and “he sit down. Dats it!” Not dealing with the core issues at all, not dealing with the amendments [*Desk thumping*] to the regulations that are required, not dealing with the amendments to the insurance legislation that are essential to protect our citizens from problems if they now get into an accident with this category of vehicle that is now created, the diplomatic vehicle, that is these vehicles now being registered as diplomatic vehicles, Mr. Speaker.

The Minister could find no comfort in the Motor Vehicles Insurance (Third-Party Risks) Act, Mr. Speaker, because all that requires is that when the vehicle is registered—and this will be the first registration—it must be insured. It does not deal with the whole question of outlawing defences such as the driver claiming

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immunity and so on. None of that is in the Motor Vehicles Insurance (Third-party Risks) Act, “none of that there.” But all the person has to do is to take out insurance simply to register the vehicle as a diplomatic vehicle, and thereafter they do not have to take insurance, they do not have to cover the vehicle, and they can do what they please. So a lot more thought has to be given to this legislation, a lot more thought.

There are a lot of loopholes; there are a lot of deficiencies, a lot of weaknesses in this Bill before the House. I am hoping at least there is one person on that side who understands the implications of creating a category of vehicle called “a diplomatic vehicle” which then clothes it with immunity, and clothes the persons using that vehicle with immunity, without enacting legislation, such as is in the United States, that will make it illegal for someone to claim as a defence that they are a diplomat. So I just ask the Government to pause.

We could get into a lot of other things with respect to the Motor Vehicles and Road Traffic Act but I think this is sufficiently serious. I do not think the Government should go ahead with this legislation without dealing with this lacuna and without plugging this loophole which will now leave our citizens entirely unprotected if they are unfortunate enough to get into an accident with a diplomatic vehicle. I thank you, Mr. Speaker. [*Desk thumping*]

**The Minister of State in the Ministry of Works and Infrastructure (Hon. Stacy Roopnarine):** Thank you very much, Mr. Speaker, for the opportunity to join in this debate on the Motor Vehicles Road Traffic (Amdt.) Bill to provide for the issuance of special identification marks to be carried on the registration plates of motor vehicles owned by diplomats, as well as to regulate the sizes and colour of the plates and letters and the manner of displaying such plates.

Mr. Speaker, I said that to remind colleagues of the Bill that is before us which is the Motor Vehicles and Road Traffic (Amdt.) Bill of which we are seeking to make a very simple amendment—[*Interruption*]

**Mr. Imbert:** It is not simple at all!

**Hon. S. Roopnarine:**—and this is not the Motor Vehicles Insurance (Third-Party Risks) Act which the Member for Diego Martin North/East seemed to focus his contribution on. So I really want to remind the House of what we are doing here today and it is to deal with one amendment to the Motor Vehicles and Road Traffic Act.

You know, the Member for Diego Martin North/East comes to this House and talks about all of the things that can be amended in this Motor Vehicles and Road Traffic Act, but, Mr. Speaker, the Member was once the Minister of Works and Transport under whose responsibility this said Act fell. And, therefore, if all of these great amendments could have been done, the question the population should be asking is: “Well why was it not done?” [*Interruption*] I cannot answer that, and perhaps I would have liked to hear that in his contribution.

**2.45 p.m.**

I want to say first of all that this very simple amendment that is before this honourable House is certainly long overdue in Trinidad and Tobago, Mr. Speaker, 48 years in the making. As it stands, there is absolutely no provision made for the special identification of vehicles used by members of the diplomatic corps, as is the norm in many other countries and, therefore, what we are simply seeking to do today is to correct an archaic problem, Mr. Speaker, in order to bring Trinidad and Tobago on par with our colleagues around the globe in defining a specific mechanism by which to identify and issue these diplomatic licence plates. It is all well and good for the Member for Diego Martin North/East to come and talk about what can be done, what can be done, what should be done, and so on, without saying what was done, in my respectful view.

**Dr. Moonilal:** Oh, he forgot that.

**Hon. S. Roopnarine:** And I really feel that perhaps in other Members’ contribution on the opposite side, they can let this honourable House know the reasons why, for 48 years, this particular amendment was not brought to the House, a very simple amendment, for 48 years. I do not know who would have been responsible for it, in terms of who would have been the governing party for the majority of those 48 years.

**Miss Ramdial:** Exactly.

**Hon. S. Roopnarine:** But Mr. Speaker, delays are synonymous with this regime that would have been ruling this country for the majority of these 48 years. Because you would recall that it was this administration that had to make the regulations to the Motor Vehicles and Road Traffic Act in 2011, in order to ban the use of cellular phones while driving, to deal with that issue of road fatalities caused by the use of drivers talking on cell phones, and so on.

It was also this Government, Mr. Speaker, that brought traffic wardens to the streets of this country. [*Desk thumping*] Eighteen years they planned traffic

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wardens, 18 years, and in 18 months the Minister of Works and Transport, the hon. Member for Chaguanas West, brought traffic wardens to the streets of Trinidad and Tobago. [*Desk thumping*] So perhaps the Member for Diego Martin North/East could have told us why these things were not done under their regime.

**Mr. Imbert:** Mr. Speaker, 36(1). “Ah mean” it was used against me, 36(1).

**Hon. Members:** Ooooooh.

**Mr. Imbert:** Mr. Speaker.

**Mr. Speaker:** Maybe it was used against you but I did not uphold it, continue.

**Hon. Members:** Oooh!

**Hon. S. Roopnarine:** Moving along, Mr. Speaker—thank you very much. I shall move on.

**Mrs. Gopee-Scoon:** Confine yourself.

**Hon. Member:** Very truthful.

**Hon. S. Roopnarine:** You will have your chance to talk, Member for Point Fortin. [*Laughter*]

**Hon. Members:** Awww.

**Miss Ramdial:** Exactly.

**Mrs. Gopee-Scoon:** And I will confine myself.

**Hon. S. Roopnarine:** Mr. Speaker—

**Mr. Speaker:** Member for Point Fortin, the Speaker does not need any assistance. So only the Speaker can ask for a Member to confine herself or himself. I do not really require any assistance. If I do, I will ask you to come here. Continue.

**Hon. S. Roopnarine:** Thank you, Mr. Speaker. The Member for Diego Martin North/East also spoke to the motor vehicle authority. This was also something that was proposed by the PNM administration. But I want to tell you that what we inherited was certainly not something that was in a state of readiness to be brought into this Parliament or to be brought into a state of implementation. What we inherited was a drafted piece of legislation, very far from implementation.



**Mr. Imbert:** Mr. Speaker, 36(1).

**Hon. S. Roopnarine:** But you raised motor vehicle authority.

**Mr. Speaker:** The Member is responding to some of your points and she has a right to do it. So, please, I overrule. Continue.

**Hon. S. Roopnarine:** Mr. Speaker, I would be guided by you. Thank you very much. I shall continue. What we inherited was a drafted piece of legislation, very far from a state of implementation. This was certainly, what I would consider to be phase one of a very huge project, in terms of the transformation of our current licensing authority into a motor vehicle authority. There were several inconsistencies with this Bill, several clauses which had to be changed. There were several technical issues which required more detailed attention and, therefore, it was not in the state of readiness as the Member for Diego Martin North/East is purporting.

That being said, I would like to move into the actual meat of this Bill that is before us. I want us to look first at our obligation under the Vienna Convention on Diplomatic Relations of 1961, which the Member for Diego Martin North/East also touched on. I want us to understand the role that the Government of Trinidad and Tobago plays, in terms of being a signatory of this convention. This Convention is the international treaty which defines a framework for diplomatic relations between independent countries. It defines the privileges accorded to diplomats and is the legal basis for diplomatic immunity. This particular Convention has been ratified by 188 countries, including the United Kingdom; the United States. Right here in the Caribbean, Barbados and Trinidad and Tobago would have acceded to this Convention since 1965.

Mr. Speaker, for this reason this amendment being proposed today is necessary because, here you have a Convention binding upon the Government of Trinidad and Tobago as a signatory. However, its terms cannot be enforced unless they are brought into effect by local legislation. So, we have the Privileges and Immunities Act, Chap. 17:01, enacted in 1965, which gave us certain privileges and immunities on members of the diplomatic services, consular services and on specialized agencies of the United Nations.

However, this Act did not cater for the registration of special identification plates for vehicles registration of diplomats and diplomatic organizations. As I have said, it is simply an amendment that we are making today, in order to bring Trinidad and Tobago on par with the rest of the world and in order for us to fulfil our obligations which we signed to 1965, under the Vienna Convention.

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So clause 3 of this Bill seeks to amend the Motor Vehicles and Road Traffic Act, section 12. In the existing legislation, section 12 of the Motor Vehicles and Road Traffic Act provides for the registration of motor vehicles, whereby, once the application process is completed, the transport officer can then register and assign to vehicles a registered letter or letters and numbers which become the identification mark of such vehicles.

All we are doing in clause 3 is amending section 12 as follows:

“The Licensing Authority shall—

- (a) on the application by a diplomat or diplomatic organization for the registration of a motor vehicle in his name or its name; and
- (b) upon being satisfied that the provisions of this Act and the Motor Vehicles Insurance (Third-party Risks) Act and Regulations made thereunder, have been complied with,

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

Therefore, this clause enables the Licensing Authority, upon an application by a diplomat or a diplomatic organization, to register a motor vehicle as a diplomatic motor vehicle by entering the vehicle’s particulars into the register and assigning special identification marks to be carried on the registration plates. It should be noted that this process is optional and it is open to diplomats and diplomatic organizations. So that is clause 3.

I want us to move now to clause 4 of the Bill. Mr. Speaker, clause 4 of this Bill seeks to amend section 15 of the Act, which deals with the cancellation of registration of a vehicle. The amendment to this section seeks to insert two new paragraphs, which are (f) and (g), which the Minister of Transport, Member for Fyzabad, would have spoken to in his contribution. I really want to commend the Minister for his contribution in this House and for bringing this piece of legislation—

**Miss Ramdial:** Yes, yes, yes. [*Desk thumping*]

**Hon. S. Roopnarine:**—and amendment forward today.

Paragraph (f), Mr. Speaker, seeks to provide for the cancellation of a diplomatic registration done under section 12 of the Act, where the registered owner is no longer entitled to enjoy privileges and immunities afforded to him

under the Privileges and Immunities Act and paragraph (g) seeks to provide for the cancellation of a diplomatic registration done under section 12 where the registered owner is not entitled to enjoy those privileges.

Clause 4 seeks to further amend section 15 of the Motor Vehicles and Road Traffic Act by inserting, after subsection (1), a new subsection (1A) which would seek to provide for the registration of a motor vehicle under section 12 as its registration has been cancelled under paragraphs (f) and (g). What this does, Mr. Speaker, is ensure that these diplomatic plates will be cancelled upon the transfer of the motor vehicle to a person who is not entitled to enjoy the privileges and immunities under the Privileges and Immunities Act.

Mr. Speaker, we have dealt with the changes in the Act. I just want to get into a couple of case studies. Let us look at the case of Canada, where diplomatic plates are issued by the province in which the consulate or embassy is located. Most plates are issued in Ontario, where the capital, Ottawa, is located. In British Columbia, the provincial government introduced new vehicle plate templates for consular officials in 2006.

These plates do not have slogans, as is common in Canada, such as “beautiful British Columbia”, “best place on earth” and some of these other slogans that you can find on these Canadian number plates. However, they do have a format where they have “XX” or three numbers “X” where “XX” can be “C” which is a shortened form of consular of officers, “HC”, which is a shortened form or honorary consuls, “CS”, which is administrative service or technical staff and “SR” is sub-state foreign officials, followed by three numbers and a letter. This is a case study in British Columbia, as I stated earlier on. In Ontario, for instance, Mr. Speaker, there is no country coding so that the general public cannot target particular diplomats.

### **3.00 p.m.**

So these plates have been permanent since 1987 and they carry a three-number, three-letter format code, such as “CD” for diplomat, “CC” for consular, “XT” for non-diplomatic embassy staff. So you see, Mr. Speaker, the system in Canada is one which allows these various shortened forms of “CS” and “CD” and so on, which means different things in the world of diplomats.

Mr. Speaker, the United Kingdom has a similar system, so let us look briefly at that case. Since 1979, cars operated by foreign embassies, high commissions, consular staff and various international organizations have been given plates with

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a distinguishing format of three numbers, one letter and three numbers. So the letter “D” is for diplomats, “X” for accredited non-diplomatic staff. The first group of three numbers identifies the country or organization to which the plate has been issued.

The second group of three numbers, the serial number, starting at 101 for diplomat, 400 for non-diplomatic staff of internal organizations and 700 for consular staff. Thus, for example, 101D101 identifies the first plate allocated to the Afghanistan embassy; 900X400 is the first plate allocated to the Commonwealth Secretariat. I can give other examples, but I think we have gotten the point of the numbering system. [*Crosstalk*]

So we have looked at Canada, we have looked at UK. So let us look at how this system can work in Trinidad and Tobago. [*Crosstalk*] I want to just give an example of what can occur in Trinidad and Tobago for these diplomatic plates. You can have country identifier of three digits, then consecutive issuing sequence of three digits.

So, for instance, you can have a plate issued to the Canadian High Commissioner, 43 123 where the number 43 represents Canada, you have a space, which is also considered a character, and then you have the numbers 123 which would represent the sequence in which the plate was issued, so that the plate would be identified as a diplomatic plate by this text classification.

Mr. Speaker, this particular format would allow for a maximum of 999 plates to be issued to a foreign mission. Mr. Speaker, you know I would have sought your leave to show a sample to this House of what a diplomatic plate would look like, so I just want to take the opportunity to display. [*Displays a blue number plate*] Now, obviously these colouring, specifications and so on, would have to be dealt with by the Licensing Authority, which is the Transport Commissioner. So this is just a prototype for the benefit of Members of the House and I think it is quite simple. I think we could all agree that—

**Mr. Roberts:** Yes, man.

**Hon. S. Roopnarine:**—it is quite clear what is the intention of these plates.

**Mr. Roberts:** Turn again. [*Crosstalk*] “Show de press.” [*Miss Roopnarine displays the blue number plate to the press corps*]

**Hon. S. Roopnarine:** I think everybody saw. [*Crosstalk*]

**Mr. Speaker:** Member of Parliament for Oropouche West, just address the Chair, you are not to address the gallery, and do not be encouraged by any Member of this honourable House. Just focus on the Chair, please.

**Hon. S. Roopnarine:** Thank you, Mr. Speaker. I think it is quite clear as to the intention of this Bill. The numbering, as I said, would be issued in sequence, where perhaps it would be recommended that the identification number of 1, then, that can go to the head of the mission, and other sequential plates being issued as per the internal hierarchy of that organization. Diplomatic missions will be required to submit application forms which would identify the number of plates required, along with the necessary validation documents for the diplomat and the assigned vehicles.

So, Mr. Speaker, in a nutshell, I think I would have explained in the few minutes that I would have spoken for, the intention of this Bill. I think it is quite simple. [*Crosstalk*]

**Miss Ramdial:** Yes. Yes.

**Hon. S. Roopnarine:** I take the opportunity to remind this honourable House that it is simply a correction overdue for 48 years. I think it is certainly something that would benefit the diplomats, of other countries, who operate in Trinidad and Tobago as our diplomats enjoy in other countries.

Thank you, Mr. Speaker. [*Desk thumping*]

**Miss Ramdial:** Very good!

**Mr. Speaker:** The hon. Member for Laventille West. [*Desk thumping*]

**Mr. NiLeung Hypolite** (*Laventille West*): Thank you kindly, Mr. Speaker. I wish to give some support to my colleague, the Member for Diego Martin North/East, on this Bill, the amendment to the Motor Vehicles and Road Traffic Act. For every time we come into this House, Members on the opposite side would normally indicate to this House, and by extension to the people of Trinidad and Tobago, that the People's National Movement administration did nothing, and I wish to correct that again. I wish to correct that because it was the People's National Movement in 2010, under the hands of the hon. Colm Imbert, that would have come to this House and would have spoken, or should I say would have amended the Motor Vehicles and Road Traffic Act then, to deal with a number of issues at that point in time.

Mr. Speaker, he would have dealt with the issue pertaining to the PH vehicles; he would have dealt with the school bus system, those yellow buses he would have dealt with even that of the motor cycles. It was the Minister thereafter, the Member for Chaguanas West, who would have come to this House and—let me use the word “ramajay” with respect to the PH vehicles—

**Mr. Roberts:** “How yuh spell dat?”

**Mr. N. Hypolite:**—and, to date, that is still just there in the wind. In fact, in 2011, he laid in this House the Bill to deal with the PH vehicles, and to date we have not debated that. Nonetheless, out of the blue, out of the sky, comes another piece of amendment to the Motor Vehicles and Road Traffic Act.

**Hon. Member:** Piece of amendment.

**Hon. Member:** Piecemeal!

**Mr. N. Hypolite:** Yes, piece—it is piecemeal, right, so it is a piece of an amendment because, Mr. Speaker, it is the entire Act that we believe needs to be looked at and not just this piecemeal section, this piecemeal amendment, this piecemeal amendment to look at just putting a “D” or putting a number on a licence plate.

Mr. Speaker, right now we can identify with a diplomat parked anywhere throughout Trinidad and Tobago, because those diplomatic vehicles tend to have a pennant, flag, on them representing, or that pennant, flag, showing the country of which the diplomat came from.

We are dealing with the registering of motor vehicles as diplomatic motor vehicles, that is what we are dealing with, Mr. Speaker, and not so much vehicles to have a registration letter, a “D” on it, so as to identify that there is a diplomat who is in that vehicle. In fact, we are dealing with vehicles that will be given immunity once those vehicles become diplomatic vehicles.

Right now in Trinidad and Tobago, we have over 500 vehicles registered and—*[Interruption]*—over 500,000, thank you—over 500,000 vehicles registered.

**Dr. Gopeesingh:** Seven hundred and forty-one thousand.

**Mr. N. Hypolite:** How many?

**Dr. Gopeesingh:** Seven hundred and forty-one thousand.

**Mr. N. Hypolite:** Thank you so kindly. Seven hundred and forty—how many? Seven hundred and forty-one thousand vehicles registered but, Mr. Speaker, 741,000 vehicles registered and I want to believe that is still not quite correct—741,000 vehicles. We are dealing with another issue and that issue deals with the actual registering of those vehicles at the licensing office.

We want to amend the Act to identify with diplomatic vehicles, and yet the bigger problem that we are faced with is an institution that is not efficient or effective in having these registrations done. Mr. Speaker, when you have 741,000

vehicles to be registered or registered at the licensing office, of which if you go down to the licensing office and ask for a certified copy for one out of those 741,000 vehicles, hardly likely would you immediately get that certified copy if at all you would get that certified copy.

Mr. Speaker, I had a personal experience where I would have sent for a certified copy for one of my vehicles, and, strange enough, that vehicle was registered in 1995 as a brand new vehicle, and just last year when I sent for the certified copy, they had absolutely no record whatsoever of that vehicle. So I really and truly wonder if, on the roads of Trinidad and Tobago, there are 741,000 vehicles or maybe more.

In addition to that, what we are also faced with is the mere fact that there is the great possibility that we have duplication of vehicles, registration numbers outside on our roadways, duplication. So there is the great possibility that, with these same diplomatic vehicles, duplication can also take place, which brings us to the question of security, and then there is the question of crime because you are driving around with a "D" or a "DO" or a "DI" or a "D", whatever, on those vehicles, automatically you are identified as a diplomat. We have the question, Mr. Speaker, of security and crime to deal with.

But, Mr. Speaker, the speaker before indicated that the People's National Movement administration has done nothing, but let me just remind her that one of the things that we would have put in place, and that we would have started to do would have been that of correcting the issues and the problems down at licensing office.

So much to say, that, Mr. Speaker, what we looked at was the Motor Vehicles Authority and with respect to the Motor Vehicles Authority, we would have, again, under the then Minister of Works, Mr. Imbert, identified with the office space to have that Motor Vehicles Authority set up and that would have been up at Mount Hope. We looked at that location because we found that location, Mr. Speaker, would have been central to all those persons who would have wanted to come from north, east, central and south, and we also looked at satellite offices in other strategic locations.

But, Mr. Speaker, to get that going meant that we would have had to come up with some \$45 million to do that kind of transformation; \$45 million. The Government came and changed in May 2010 and a new Government came in, and the strange thing about it is that the \$45 million to see about the Motor Vehicles Authority moved to some \$232 million, and a contract was given to the SIS company to have that new authority building constructed.

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**3.15 p.m.**

Mr. Speaker, they moved that initiative from Mount Hope and sent it down to Frederick Settlement. Mr. Speaker, the problem that we are faced with is not so much putting a “D” on the licence plates of vehicles so as to identify with diplomats, it is the mere fact that we need to correct the mess that is down at the Licensing Authority by having the Motor Vehicles Authority implemented so that we can have a more efficient and effective transaction take place when an individual goes to the Licensing Authority to see about their vehicle transaction; and, more so, the mere fact that we move from this \$45 million to this \$232 million, I think the Minister of Transport should indicate to this House what is the difference that would be taking place so as to account for this increase from the \$45 million to the \$232 million.

In fact, Mr. Speaker, going through some old newspaper articles, I came across this article in the *Express* that stated that the \$232 million contract for SIS—

**Mr. Speaker:** Hon. Member. Member for Laventille West.

**Mr. N. Hypolite:** Mr. Speaker.

**Mr. Speaker:** I have given you some elasticity, but I do not want you to go too far because relevance would become very critical. We are not dealing with the Authority; we are dealing with what we have before us, so I ask you to come back to what is before us. You are going into an area that is not relevant and I ask you to just tie back your contribution to the matters before this honourable House, please.

**Mr. N. Hypolite:** Thank you so kindly, Mr. Speaker. Mr. Speaker, I was sitting listening to speakers before who spoke about—

**Mr. Speaker:** Member. Member, please take your seat. Do not query—I am just guiding you, so do not query what Members did before. I am asking you to tie up your contribution and relate it to the contents here and if you make reference to what somebody said before, I will know; but this motoring authority you are going into, it is not before us. Please be guided accordingly.

**Mr. N. Hypolite:** Thank you so kindly, Mr. Speaker, but you did not give me time to get to the point that I was getting to with respect to the speakers before. The speakers before would have spoken about the Bill before us. They would have spoken about the amendments, and the fact of the matter is, for those “D” vehicles, for those diplomatic vehicles to be registered, they must go to the



Licensing Authority. [*Desk thumping*] Nonetheless, Mr. Speaker, I take your guidance and I shall move away from the \$45 million contract under the PNM to the \$232 million contract under SIS. I will move away from that and I will come right back to the Bill before us. [*Desk thumping*]

Mr. Speaker, the mover of this Bill indicated that there are a number of countries throughout the world whereby they give this kind of liberty to diplomats. I wish to agree with him and also indicate that even the United States of America, they also offer these goodies to their diplomats; but the thing about it, Mr. Speaker, is that they have an office set up, a very efficient and effective office set up to deal with these matters of diplomatic and also foreign missions. That organization, known as the Department of State, deals with the diplomatic and foreign missions. They have been set up for quite a while, since 1984, and they have been doing extremely good work.

The point is that, again, for that agency to operate, they had to operate under that office set up by the US Department of State to have these vehicles registered; to have the drivers registered; to issue the various drivers' licences, which is what we need here in Trinidad and Tobago before we start dealing, before we start looking at these "D" vehicles or these diplomatic vehicles. We need to have that office cleaned up.

Mr. Speaker, it was under the then Minister of Public Administration, who would have looked at going to Canada and negotiating with Nova Scotia in having the Licensing Authority cleaned up in such a way that we could have dealt, at this point in time, with the licensing of the "D" vehicles or the diplomatic vehicles, as well as we were looking at even going the way of personalized licence plates. We were doing that under a \$45 million budget and not a \$232 million budget. That is what we were doing. [*Desk thumping*]

And Mr. Speaker, it was a company, not being identified as one of our top financiers, but we would have put that outside there. We would have looked for a contractor that would have been able to finance and also to build that building within budget. That is what we were looking at.

So, Mr. Speaker, we need to look at security because once you put a "D" on those vehicles, automatically you now become a target. People know exactly who you are and, as such, we need to be very careful and mindful of that; but then we also have the whole question of insurance.

Right now, our diplomats, or the diplomats here in Trinidad and Tobago, they all drive in vehicles that carry "P" as for private and those vehicles are all insured

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under our laws of Trinidad and Tobago—all of those vehicles. Therefore, if an accident takes place, the insurance company is obligated to honour the necessary claims. So, if it is that vehicle is going down the road and the traffic wardens are conducting traffic—and may I say, Mr. Speaker, that those traffic wardens were put in place by the People’s National Movement, under Colm Imbert and myself—[*Desk thumping*] and, Mr. Speaker, when they came into office, they had absolutely nothing to do, but just to sign the paper and let it go forward. That is all they had to do and it is sad to note, Mr. Speaker, that those traffic wardens right now are acting as ushers for various activities, various functions.

**Hon. Member:** [*Inaudible*]

**Mr. N. Hypolite:** And, Mr. Speaker—you see, Mr. Speaker, I am trying to stay away from talking about the \$45 million and the \$232 million and the Member across there [*Desk thumping and crosstalk*] is pushing me to talk about the \$45 million and the \$232 million that his—

**Mr. Speaker:** Member for Laventille West, you are not addressing the Member for Couva South, you are addressing the Chair, and I do not want you to repeat a matter that I have ruled upon already and that is what you have been doing. In fact, this is the third time you have gone into an area that I have ruled on. I want to warn you: do not go there again! Continue! [*Mr. Hypolite attempts to stand*]

Do not stand up whilst I am on my legs! I said, do not stand up whilst I am on my legs! I am just advising you that you are being disrespectful to the ruling of the Chair. You are disregarding my rulings and I am advising you: do not go down that path! And you want to repeat things that I have ruled upon. Please, you have been going very well before. Do not go outside of the framework that you have been going.

**Mr. N. Hypolite:** Thank you kindly, Mr. Speaker, and I will never disrespect you. Never will I do that at all, Mr. Speaker, nor will I disrespect this House. It is the Member on that side who asked a question. I was just responding to that question. [*Desk thumping*] Nonetheless, Mr. Speaker—[*Desk thumping*]

**Mr. Speaker:** [*Inaudible*]

**Mr. N. Hypolite:** Thank you kindly, Mr. Speaker. All I was doing was comparing the licence plates. That is all I was doing—just comparing licence plates and the cost of making sure that, at the end of the day, this country gets value for money. That is all that I was doing, Mr. Speaker. Nonetheless, I wish to thank you for the opportunity of making this short contribution. I thank you.

**Mrs. Paula Gopee-Scoon** (*Point Fortin*): [*Desk thumping*] Thank you, Mr. Speaker. I join this debate just for a few minutes, literally five minutes, as I need to get clarity on a particular matter that I would like the Member for Fyzabad, the Minister of Transport, to respond to when he is winding up.

My simple question is: who are these diplomatic licence plates being given to? That is all. Who are they being given to? From the point of view that he spoke to some numbers when he was introducing and I would need the clarity based on the numbers which he gave.

Now, he said that there were about 30 diplomats or diplomatic agents. I think he means to say “missions” in Trinidad and Tobago and 23 diplomatic organizations and I know that there are another 35 honorary counsels; and within the 30 missions which we spoke about, you will have many persons who enjoy diplomatic immunity. So it is not simply just the ambassador or the High Commissioner, but there are high-ranking diplomatic agents within those missions, who would also enjoy some of the privileges and immunities to which diplomatic agents are entitled.

So I wanted clarity on that because when I went to the Bill—let me see if I can pick it up very quickly, Mr. Speaker—to clause 3—I am not picking it up, but I think I can recall clause 3 speaks to diplomats and consular officers as stated in the local legislation, which gave effect to the Vienna Convention on Consular Relations and also the Vienna Convention on Diplomatic Relations.

So clause 3 in the Bill—I am still hoping that I can bring it up so that I can be very specific that the persons who are entitled are in fact diplomats and consular officers. I want the clarity as to who the Member means by “consular officers” because it is that these different persons enjoy different levels of immunity and I would not think that we would, in fact, want to be issuing diplomatic licence plates to hundreds of persons all congregated in Port of Spain and so on. I do not think that the purpose is just to “ramajay” and so on. There is a definite reason why these persons are being given these licence plates.

### **3.30 p.m.**

Now, the point about it is that the diplomatic agent is entitled—and he is entitled by virtue of the parent Act, the Vienna Convention on Diplomatic Relations 1961, Article 31. Article 22(3), I believe is the article which makes reference to that, and it says in Article 22(3):

“The premises of the mission, their furnishings and other property, thereon and the means of transport of the mission shall be immune from”—and this is

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the part that you need to pay attention to—“search, requisition, attachment or execution.”

Now, the same level of immunity is not accorded to a consular officer. The consular officer is accorded immunity with regard to its means of transport; with regard only to requisition for purposes of national defence or public utility.

So it is a lower level of immunity which the consular officer enjoys, but the definition in clause 3(a) and (b), when it speaks to consular officers, does not differentiate and say if we are going to be dealing with honorary consuls as well, because whilst the consular officers enjoy a reduced level of immunity with regard to their means of transport, the honorary consuls are, in fact, under Article 58 of the Vienna Convention on Consular Relations. They enjoy no kind of immunity, so that their vehicles are not inviolable.

And, therefore, if you go to Article 58 which is chapter 3 of the Vienna Convention on Consular Officers, which deals with the general provisions relating to facilities, privileges and immunities, you would see in Article 58(1) that particular articles relative to the consuls do not apply in this case and, therefore, it reads—and it is logical—that they do not enjoy any kind of immunity with regard to their means of transport. So it is on this basis that, in fact, they enjoy reduced immunities and privileges period, because the duties which they perform are administrative rather than political as a diplomatic agent enjoys.

So, it is just for clarity that I want from the Minister, because the actual definition clause and clause 3 in the current Bill are not very clear on the levels that are going to enjoy that. It just says simply, diplomatic agents, diplomatic organizations and consular officers, but that could mean hundreds of persons.

I know one person—I think it was the Member for Oropouche West—gave a little bit of a distinction with regard to that, and said that there will be other levels of diplomatic agents who would enjoy it, but he needs to be clear to me whether consular officers, honorary consuls as well, will, in fact, enjoy this status. He needs to be clear on that to me. It means that hundreds of persons would be driving around Port of Spain when, in fact, they do not enjoy the inviolability which the diplomatic agents and some of the consular officers enjoy as I said, not the honorary consuls.

I know that the Minister of Foreign Affairs has the right, subsequently, to make an order listing who is to enjoy and who is not to enjoy but, I think, for the sake of us on this side and for the public, we need to be very clear on who is going to, in fact, benefit from this at all. It is not that I have anything against any

of these persons enjoying the immunities and privileges, Mr. Speaker, but it is just that we need clarity on it. I thank you very much. [*Desk thumping*]

**The Minister of Transport (Hon. Chandresh Sharma):** Thank you very much, Mr. Speaker. [*Desk thumping*] Mr. Speaker, on reflection when I paid tribute to a former Member of Parliament, Government Minister, Kamaluddin Mohammed, on further reflection, it is crystal clear that we should really revisit some of our former parliamentarians and see the high level of contributions and the research they would have put. Had we paid some little bit of notice to that, this debate would have finished one hour ago.

If I start with the last speaker, if the last speaker had noted—on the next occasion I intend to circulate the speaking notes—the term:

“‘diplomat’ means a diplomatic agent, consular officer or an official of an international organization or agency who is certified in writing by the Minister with responsibility for foreign affairs...”

So that is crystal clear. It is not for everyone otherwise you will get a “D” plate too, and for diplomatic missions it is the same.

A diplomatic mission, again, is certified by the Minister of Foreign Affairs and this is what obtains in all countries of the world where these provisions exist. So, to come and ask that is really trying to capture TV camera in my respectful view.

I did indicate clearly what the numbers are in Trinidad. There are approximately 30 embassies and 23 organizations. So it is clear who qualifies and the procedure for it. Both the Members for Laventille West and Diego Martin North/East were not clear on what the matter is at hand. We are dealing largely and only with Chap. 48:50.

They want to know about insurance, it does not apply the least bit but, more than that, the former Minister should remember and should note that every motor vehicle on the roads of Trinidad and Tobago must have insurance.

**Hon. Member:** Must!

**Hon. C. Sharma:** Must have insurance.

**Hon. Members:** Must!

**Hon. C. Sharma:** If it must have insurance, then, when required, the insurance kicks in.

**Mr. Imbert:** What about immunity?

**Hon. C. Sharma:** This former Minister does not understand simple English; simple English, Mr. Speaker.

**Mr. Imbert:** “You crazy yuh know”.

**Hon. C. Sharma:** If it is that the requirement is that every motor vehicle on the roads of Trinidad and Tobago must have insurance, then the insurance has a role to play.

**Mr. Imbert:** Nonsense! [*Crosstalk*]

**Hon. C. Sharma:** It has a commencement date and it has an expiry date. So to claim all those things, what obtains now?

**Mr. Imbert:** You are really terrible.

**Hon. C. Sharma:** There are diplomats in this country, they have vehicles. What obtains now? [*Crosstalk*] And the Member for Diego Martin North/East has this tendency to travel all over the world and bring irrelevant examples, not a single example of what obtains in Trinidad and Tobago. Let us quickly revisit.

**Mr. Imbert:** This fella really—

**Hon. C. Sharma:** He claimed that there are accidents in Trinidad and Tobago. Every accident that happens on the roads of Trinidad and Tobago has to be reported to the police, and where injury—[*Interruption*]—it must be reported.

**Mr. Imbert:** Not by a diplomat.

**Hon. C. Sharma:** It must be reported.

**Mr. Imbert:** Not by a diplomat.

**Hon. C. Sharma:** You see, the Member keeps—

**Mr. Speaker:** Dr. Rowley, please, please. Member for Diego Martin North/East, you cannot be shouting across the floor that the Minister is speaking nonsense.

**Mr. Imbert:** I will try not to.

**Mr. Speaker:** And I would ask you to just observe the Standing Orders and allow the Member to speak in silence, please. Continue, hon. Minister.

**Hon. C. Sharma:** Yes, Mr. Speaker, every accident in this country is reported; every motor vehicle accident. The Member for Diego Martin North/East is whispering “By whom?” Not by the diplomat, but the fact of the matter is, every accident is reported, full stop. It does not matter by whom. So that the police have a record of all accidents. Where damage is done to a motor vehicle, the insurance

kicks in. Where persons sustain injury they too are taken care of. That obtains in every part of the world, so that is not new to Trinidad and Tobago.

Mr. Speaker, Chapter 48:51 which the Member attempted to speak on—because largely the insurance comes under that—obligations on owners of motor vehicles to hold insurance policies—they must have insurance policies. There are no exceptions to this, absolutely none.

So both the Members for Laventille West and Diego Martin North/East misled this House for one hour pretending to signal to the national community diplomats can come here and knock you down and drive away.

**Mr. Imbert:** Of course they can.

**Hon. C. Sharma:** It is unfortunate. Perhaps I am reflecting on something that obtained in Canada with a local diplomat, which I do not wish to go into. [*Crosstalk*]

**Mr. Imbert:** Like somebody get knock down—

**Hon. C. Sharma:** The citizens of this country, like every other country, are protected by the law, and here is a former Government Minister misleading the national community. Every citizen is protected by the Constitution of Trinidad and Tobago and by the laws of Trinidad and Tobago.

**Mr. Imbert:** “You crazy!”

**Hon. C. Sharma:** And if they are injured—

**Hon. Member:** You are missing the point.

**Hon. C. Sharma:**—and there is insurance to cover them, whether their personal insurance or insurance as a result of vehicle or workmen’s compensation or NIS, there is insurance available, full stop.

Mr. Speaker, largely there were no other matters raised. I want to thank the Member for Oropouche West for her intervention and very relevant information, and I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

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

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

**Mr. Sharma:** Mr. Chairman, I beg to move that clause 3 stand part of the Bill.

**Mr. Chairman:** You would like to make a comment?

**Mrs. Gopee-Scoon:** Yes.

**Mr. Chairman:** Just now, Member for Diego Martin North/East.

**Mrs. Gopee-Scoon:** Thank you very much.

**Mr. Chairman:** Member for Point Fortin.

**Mrs. Gopee-Scoon:** I still need clarity, and I simply want a yes or no answer from the Minister, because he did not answer my question relative to 3(b)(10):

“‘diplomat’ means a diplomatic agent, consular officer or an official of an international organization...”

I asked a simple question and I backed it up with suitable information. Consular officer, does it relate to consular officer under the Vienna Convention of Consular Relations in Article 31(4) or does it also include Article 58 honorary consuls, who are also called consular officers. I just want the clarity from you. That is all.

**Mr. Sharma:** Mr. Chairman, the intention is very clear. It is what obtains in every other part. It does, full stop, and I indicated that in my presentation on two occasions.

**Mrs. Gopee-Scoon:** Does what? Are we speaking to 31(4) and 58 of the Vienna Convention? That is what I am asking you.

**Mr. Sharma:** As indicated, when the application is made, it is certified by the Minister of Foreign Affairs and then it is processed. So only when that obtains, you can proceed. Without the Minister of Foreign Affairs certifying, it does not go anywhere.

**3.45 p.m.**

**Mrs. Gopee-Scoon:** I understand. I understand the part about the authority of the Minister of Foreign Affairs to make an order. I am simply asking you, under “consular officer” do you mean honorary consuls and consular officers as indicated under the Vienna Convention for consular officers 31(4) and 58? That is all. Could you please answer me that?

**Mr. Roberts:** The answer is yes, Member for Point Fortin and, furthermore, section 58 is clear at which juncture the honorary consul becomes consul and



therefore gets the privileges, so your answer is yes.

**Mrs. Gopee-Scoon:** You are still not clear but you probably do not know, so we move on.

**Mr. Chairman:** Member for Diego Martin North/East.

**Mr. Imbert:** Mr. Chairman, to the Minister, through you, there are two Vienna Conventions. There is one on diplomatic relations and there is one dealing with consular officers. In the Diplomatic Relations Convention, under Article 22, the means or mode of transportation associated with an embassy is inviolable, but this is not so under the other Convention. Consuls and consular agents do not enjoy the same privileges and immunities as diplomats.

In fact, in the Vienna Convention on consular matters, it states specifically that they have no immunity from traffic violations. So that if you simply leave this as is, where you are commingling diplomats and consular officers, where the diplomat has the diplomatic immunity or the diplomatic organization has the diplomatic immunity with respect to their modes and means of transportation, that is clear in the Vienna Convention on Diplomatic Relations.

If you commingle diplomats with consular officers who do not enjoy the same immunity for their means of transportation under their Convention, the Convention on consular matters, you are giving consular officers an immunity they do not enjoy under their Vienna Convention.

**Miss Mc Donald:** That is right.

**Mr. Imbert:** You cannot mix matters here. This clause should be restricted just to diplomatic agents full stop, and should not include consular officers because they do not have these privileges.

**Mr. Roberts:** Member for Diego Martin North/East, you are absolutely correct, however, section 58, there is no commingling, what happens is the consular officer, when they become, at any point in time, where necessary, the head of the consulate and therefore move into the diplomatic powers and arena, then it kicks in, so it is not commingling.

**Miss Mc Donald:** But when they move to being a diplomat, that diplomatic status—*[Interruption]*

**Mr. Roberts:** When they are at the head.

**Miss Mc Donald:**—then this here will kick in. Why do you want to, as my colleague, the Member for Diego Martin North/East, says, commingle it at this point? It does not make sense.

**Mr. Roberts:** With all due respect, it is not commingling. While the Member for Diego Martin North/East has a valid point up 84 per cent, the issue here is not commingling of consular officials, but a consular official at some point will become or when they become the head of the consulate, the head, at that point and that point only, does that consular officer move into there, so there is no commingling.

**Miss Mc Donald:** So where is that here? Where is that stated here? That is at the point when he moves to the realm of being a diplomat. Where is that stated here? Because he will be enjoying—how this is crafted here, he will be enjoying the immunities as the diplomat.

**Mr. Sharma:** Member, as indicated, the Minister of Foreign Affairs—an application is made, the Minister of Foreign Affairs certifies the person who is qualified so to obtain, and that takes care of it, so you cannot have any mix-up whatsoever. There is a process before it gets to the Licensing Authority, and it is the certification of the Minister of Foreign Affairs saying, “This person qualifies”, or “This organization qualifies” full stop.

**Mr. Imbert:** Mr. Chairman, let me assist hon. Members on the other side. The Article in the Vienna Convention on Consular Relations, which came two years later in 1963, is Article 43, and Article 43 states, with respect to immunity from jurisdiction that:

“Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State...”

However the next subsection says:

“The provisions of paragraph 1...”—which I just read—“shall not...apply in respect of a civil action either:

- (a) arising out of a contract concluded by a consular officer...in which, he did not contract...as an agent of the sending State; or
- (b) by a third party for damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft.”

There are no such provisions in the Vienna Convention on Diplomatic Relations. The Vienna Convention on Consular Relations is specific, that consular officers are not immune from civil action with respect to damage arising from an accident or a contract.

Mr. Chairman, if the Minister is being given the power now to certify in writing whether someone is being entitled to enjoy privileges and immunities, that

would be in violation of the Vienna Convention on Consular Relations. Consular officers should not be here, and the point that my colleague, the Member for Port of Spain South, is making, is that if this is intended to apply only to the head of the mission, then that person will automatically become a diplomatic agent—  
[*Interruption*]

**Ms. Mc Donald:** That is right.

**Mr. Imbert:**—when they become head of the mission. The words, consular officer, should not be here.

**Miss Mc Donald:** They put them under the rubric here.

**Mr. Imbert:** Because what you are doing, you are giving the Minister the power to certify this person is going to be entitled to the privileges in this amendment Act, when the Vienna Convention on Consular Relations prohibits it. So you have the Minister being given the power to do something that is prohibited by the Vienna Convention. Take out the words “consular officer”.

**Mr. Sharma:** Mr. Chairman, the reference by the Member to section 43 is misunderstood by the Member.

**Mr. Imbert:** What!

**Mr. Sharma:** There is a procedure. In every country where this obtains there is a certification method, and the certification obtains even in this case.

**Mr. Imbert:** Deal with the issue.

**Mr. Sharma:** So how does one come and have a vehicle registered under this provision? Somebody has to certify it, whether it is from a diplomat or one of the organizations. To get the diplomat number plate, there must be a procedure. Just like our High Commissioners elsewhere obtain, the same that obtains.

**Mr. Imbert:** That is a diplomat.

**Mr. Sharma:** So there is nothing in it. So that—[*Interruption*]

**Mr. Imbert:** That is not a consular officer.

**Mr. Roberts:** Mr. Chairman, let me just make it pellucid, clear, for hon. Members across there. The Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Article 58 is very clear. One: Articles 28—under the general provisions relating to facilities, privileges and immunities, one, Articles 28, 29, 30, 34, 35, 36, 37 and 39, paragraph 3 of Article 4 and paragraphs 2 and 3 of Article 55 shall apply to consular posts headed by an honorary consular

*Motor Vehicles (Amdt.) Bill*  
[MR. ROBERTS]

*Friday, April 19, 2013*

officer. So regular consular officers are not involved in this. This is only when a consular officer, for whatever reason, moves to the head, this Article kicks in. There is no commingling whatsoever.

**Mr. Imbert:** Mr. Chairman?

**Mr. Chairman:** Listen.

**Mr. Imbert:** Mr. Chairman, that is incorrect.

**Mr. Chairman:** Well it appears, from what I am picking up, there is no consensus on this matter—[*Interruption*]

**Mrs. Gopee-Scoon:** It is very unclear.

**Mr. Chairman:**—and I will now put the question, okay?

**Mr. Imbert:** That is entirely incorrect. This is bad law.

**Mrs. Gopee-Scoon:** Very unclear; terrible law.

*Question put and agreed to.*

Clause 3 ordered to stand part of the Bill.

*Clause 4 ordered to stand part of the Bill.*

*Question put and agreed to:* That the Bill be reported to the House.

*House resumed.*

*Bill reported.*

*Question put:* That the Bill be now read a third time.

*The House divided:* Ayes 21      Noes 10

AYES

Roberts, Hon. A.

Sharma, Hon. C.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

**Mr. Speaker:** Member for Diego Martin North/East—could you take your

seat for a moment. Member for Diego Martin North/East, you cannot sit where you are and use unparliamentary language in this Chamber.

**Mr. Imbert:** I apologize.

**Mr. Speaker:** Thank you very much. Could you continue? [*Desk thumping*]

Peters, Hon. W.

Rambachan, Dr. S.

Seepersad-Bachan, Hon. C.

Khan, Miss N.

Cadiz, Hon. S.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

Ramadharsingh, Hon. Dr. G.

De Coteau, Hon. C.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Alleyne-Toppin, Hon. V.

Seemungal, Hon. J.

Partap, Hon. C.

NOES

Mc Donald, Miss M.

Rowey, Dr. K.

Cox, Miss D.

Hypolite, N.

Imbert, C.

Jeffrey, F.

Browne, Dr. A.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

**NATIONAL HEALTH SERVICES ACCREDITATION  
AUTHORITY OF TRINIDAD AND TOBAGO BILL, 2013**

*Order for second reading read.*

**The Minister of Health (Hon. Dr. Fuad Khan):** Mr. Speaker, I beg to move:

That a Bill to establish the National Health Services Accreditation Authority of Trinidad and Tobago be now read a second time.

Mr. Speaker, I would like to start by indicating that this Bill, the formation of the National Health Services Accreditation Authority of Trinidad and Tobago, which will be a voluntary system of accreditation and which will be responsible for the accreditation of health-care facilities and health-care services in Trinidad and Tobago, will be one of the Bills that could be considered an innovative and revolutionary idea of health care in Trinidad and Tobago. [*Desk thumping*]

You see, Mr. Speaker, this Bill will seek to provide for the National Health Services Accreditation Authority of Trinidad and Tobago, and it will be responsible for the accreditation of health-care facilities and health-care services in Trinidad and Tobago, both public and private sector, medical, surgical, lab, dental, and we will be amending it to include the medical and surgical clinics of this country.

**4.00 p.m.**

Mr. Speaker, you would recall that Government in the early 1990s introduced a health sector reform programme. This programme was aimed at promoting wellness and ensuring the availability of quality healthcare to the people of Trinidad and Tobago, in an affordable, sustainable and equitable manner.

The main objective of that programme was to strengthen the health sector policies and planning capabilities, to ensure that public sector expenditure shifted to services that would reduce high priority health problems and influence a similar

shift in private sector spending, and also to promote quality health care, lifestyle change and other social interventions aimed at reducing preventable morbidity and mortality, and to address a high level of public awareness of the relationship between behaviour, payment for services and health outcome.

This sector has seen a number of gains from this programme inclusive of infrastructure, legislative and system changes. One of the main objectives of the programme was the improvement of health of the population through the provision of quality health care; as such, a number of strategies were developed to achieve this quality thrust. These strategies included the establishment of a quality department at the Ministry and quality departments at all Regional Health Authorities.

This was designed to spearhead the development of standard operating protocols and standard operating procedures. It was also to sensitize staff to what we call the continuous quality improvement and auditing system. They also conducted quality audits and a patient charter was developed. We also established a client feedback complaints review system.

While these strategies introduced a framework for regulating health care and its quality, they would be meaningless in the absence of a legal framework to support them. At present, there is no government or other agencies that conduct accreditation of health-care service institutions or health-care services in Trinidad and Tobago.

Mr. Speaker, a study was conducted in the United States entitled the Impact of Accreditation on Quality of Healthcare Services. This was a systematic review of the literature which showed there was consistent evidence that accreditation programmes improved the standard of care provided by health-care service providers. There is considerable evidence to demonstrate that accreditation programmes improved clinical outcomes of a wide spectrum of clinical conditions.

Accreditation is an internationally recognized evaluation process which is used to assess and improve the quality, efficiency and effectiveness of health-care organizations. Simply put, accreditation is based on the premise that adherence to evidence-based standards, medicine and protocols will produce higher quality health-care services in an increasingly safe environment. It is also a way to publicly recognize that a health-care organization has met national quality standards.

The number one goal of the Ministry of Health is to ensure that quality health care is delivered to the people of Trinidad and Tobago in a timely manner. In an effort to offer the highest standard of health care, local staff is continuously being trained to meet new challenges. The Ministry is also continuously sourcing foreign medical personnel to complement our local staff in an effort to meet the health-care needs of our population. It is important to note that we are seeking to have adequate numbers of specialist medical staff to manage the ever increasing demands of tertiary health care. It is no surprise that the population expects first-class treatment, notwithstanding that we are a developing country, and why not? When we are ill, we expect to get the best care possible.

Mr. Speaker, I wish to assure the Members of this House, that introduction of the legal framework to support the Health Services Accreditation Programme will redound to the benefit of the population, as the public would expect all hospitals and all other health facilities, private and public, all medical and surgical clinics, to gain accreditation status, after the passage of this important piece of legislation. I should also indicate that initially it will be voluntary, other than areas of serious morbidity and problems in health-care facilities and services.

I must admit that the process one must go through is tedious and sometimes time-consuming, but the end result would be to the advantage of the people of Trinidad and Tobago, our customers in health care. There is no doubt that more patients will gravitate to the accredited institutions, as a patient would feel more reassured that the care he or she would receive in such an institution would be of an international standard, a higher quality than a hospital that is not accredited. This is a benefit to both the public and private hospitals as there will be cost savings resulting from greater efficiencies, and the profit margin would improve drastically for private facilities once they are accredited.

With respect to the public institutions, more funds will be allocated to the accredited hospitals. It is important to note that eventually the Ministry will only be purchasing services from accredited hospitals. As such, I am putting on notice the owners of private and public hospitals that it is in their best interest to have their hospitals accredited.

Mr. Speaker, this new authority will be empowered to set standards and conduct evaluations of health-care systems and services at the ambulatory, primary, secondary and tertiary care levels. Currently the Ministry has spearheaded a number of initiatives to complement and increase the quality of health care offered to the public. They are: the implementation of the RHA action



plans aimed at making facilities and services ready for accreditation. We have developed protocols and practice standards congruent with the accreditation standard manuals of Trinidad and Tobago. We have developed procedure manuals and have had repeated sensitization sessions. We have also had accreditation self-styled survey instruments aimed at assessing the state of readiness and empowerment of the staff for full implementation.

There has been the provision of technical advice and accreditation instruments for the private health sector facilities and services. We have been exploring consultative partnership with the Canadian Council on Health Service Accreditation. This was the first accreditation body in health to be certified by the International Society for Quality in Healthcare.

The platform for accreditation was launched back in the late 1990s. It was one of the major areas of the Health Sector Reform Programme. It was the opinion of the then international consultants, who recommended a review and a revamping of the public health services, that much work needed to be done to improve the quality of care delivered to the population. It was recommended that we needed to introduce voluntary accreditation, targeting both the public and private health-care services and health facilities.

Today, Mr. Speaker, we have before us a framework, and we are in a position to introduce the legal framework to support the health accreditation programme. In this regard, I wish to acknowledge the work put in by the previous Ministers of Health, more so the Member for Diego Martin North/East when he was Minister of Health after we demitted office in 2001. This Health Services Accreditation Programme began under Minister Dr. Hamza Rafeeq and the Health Sector Reform Programme.

It was carried on when I was there in 2001, and when we demitted office—and we all know how we demitted office—I must say I had discussions with the Member of Parliament for Diego Martin North/East—it was East in those days, it is now North/East. He was instrumental in promoting the Health Services Accreditation Programme, because it brought about the need and he saw the advantages of doing health services accreditation at that time, because it spoke to minimum licensing standards, and accreditation offers initially proper standards.

I think he left in 2003; it is now 2013. I will not hazard a guess what occurred in those 10 years; however, we are here today. I also thank him for his input in assisting me in parts of the legislation.

**Hon. Member:** Very good.

**Hon. Dr. F. Khan:** Mr. Speaker, there are four main reasons why accreditation is so important to the citizens of Trinidad and Tobago. One, it will be to improve the quality of health-care by establishing optimal achievements to goals in meeting standards for health care and health-care organizations; two, to reduce health-care costs by focusing on increased efficiency and effectiveness of services. It will reduce the risks associated with injury and infections to patients, decrease the incidence of medical errors and in doing so increasing patient safety as well as decreasing medical litigation. It will strengthen, hopefully, the public confidence in the quality of health-care in Trinidad and Tobago.

Providing health care, especially of an adequate standard, is a complex and challenging process. In most parts of the world, health-care services are provided either by the public sector, the private sector or a combination of both. The site of delivery of health care can be located in hospitals or accessed through practitioners working in the community, such as the general medical practitioners, private nursing homes and hospitals.

The benefits of accreditation of health services and institutions are endless. Some of these include: providing a framework to help create and implement systems and processes that improve the operational effectiveness and advance positive health. It also improves communication and collaboration internally and with internal and external stakeholders. It strengthens our interdisciplinary team. It demonstrates credibility and a commitment to quality. It will decrease liability costs, identify areas for additional funding for health-care organizations, and produce a platform for negotiating this funding.

There will also be mitigation in the risk of adverse events. It will sustain improvements in quality and organizational performance. It will support the efficient and effective use of resources in health-care services, and there will be an ongoing, continuous and self-analysis of performance in relation to standards. It will ensure an acceptable level of quality among health-care providers.

This accreditation system will enhance the organization's understanding of a continuum of proper care. It will improve the organization's reputation among the end users, which are the patients, and will enhance their awareness and perception of quality care as well as overall satisfaction levels. It will promote capacity building of professional development and organizational learning, because it will be driven by data analysis. It will be a data driven accreditation programme.

Once one has a data driven accreditation programme, then what comes out of

that will be research, development and excellence. This will codify policies and procedures. It will promote the use of ethical frameworks. It will drive compliance with medication reconciliation. It will decrease the variance in practice among health-care providers and decision makers. It will provide health-care organizations with a well-defined vision for sustainable quality improvement initiatives.

Accreditation will also stimulate sustainable quality improvement and raise the bar with regard to quality improvement initiatives, and processes. It will lead to the improvement of internal practices. It increases health-care organizations' compliance with quality and safety standards. It enhances the reliability of lab testing. It improves patient health outcomes. It provides a team building opportunity for staff and improves their understanding of their co-workers' functions. It promotes an understanding of how each person's job contributes to the health-care organization's mission and services. It contributes to increased job satisfaction among physicians, nurses and other providers.

It engenders a spillover effect whereby the accreditation of one service assists to improve the performance of other service areas, take the laundry for example. This accreditation will go from laundry right up to bed sheets, to helpers and back to mortuaries, et cetera. It will highlight the practices that are working well. It promotes the sharing of policies, procedures and best practices among health-care organizations. It will promote a quality and safety culture.

Mr. Speaker, some other countries have looked towards utilizing the services of major international health-care accreditation groups—the Joint Commission for health care in America is one—based on other countries, to assess their health-care services. There are many reasons for this, including cost and a desire to improve health-care quality for one's own citizens—good governance at its highest—or a desire to market one's health-care services in the area of medical tourism—medical tourism, Mr. Speaker—and where people go for international health care, accreditation is a de facto method of advertising excellence in services. One cannot provide a proper, as they say, framework for medical tourism without having proper internationally accredited hospitals, clinics and hospital services.

#### **4.15 p.m.**

This process of accreditation, Mr. Speaker, has been made increasingly complicated by the fact that in many parts of the world more and more human beings are choosing to cross international borders to access health care, a phenomenon known as medical tourism or global health care. Medical tourism

*National Health (Amdt.) Bill*  
[HON. DR. F. KHAN]

*Friday, April 19, 2013*

and health care cannot be ignored as a key issue in international health-care accreditation. We speak a lot, Mr. Speaker, about medical tourism and the way forward in medical tourism. Accreditation of institutions will not only help medical tourism, it will also help, what I consider to be a very silent area of tourism called educational tourism.

Mr. Speaker, one does not just run to the United States of America to learn or to Britain or I will say Australia or South America, Canada, to understand the policies and procedures of educational medical areas; educational medical and also nursing areas. It is done when one goes to accredited institutions by the world educational health care, as they say, World Health Organization body of health-care universities.

If these universities are not accredited, then scholarships, et cetera, will not be given to those institutions and they will become de-accredited. United States has a very stringent method of accreditation of educational institutions. So, too, I hope that one day our institutions will become highly accredited to the point that people will come to Trinidad and Tobago to learn and have their procedures and their education done in our accredited institutions.

So, although we speak a lot about medical tourism, we would not go anywhere unless we can indicate that our institutions, our clinics, our services—this is not just for facilities, it is for process and outcomes—are developed in such a manner that they will be accredited with an international accreditation body. This authority is the first step towards that type of excellence.

You see, Mr. Speaker, international health-care accreditation is becoming increasingly important as millions of people are seeking health care globally. How do we know whether a procedure or a system or an institution is equivalent to that in another country that is accredited? The only way one can do that is to look at what we call benchmarking procedures that were designed by the benchmarking of Harvard business institute.

When one has these benchmarking protocols and survey instruments that will be utilized by the National Health Services Accreditation Authority, one could compare and contrast the development of procedures, the development of logistics, the way things are moving along the health-care chain towards satisfaction of patients and their relatives. There will be survey instruments and performance benchmarking methods where one will look at survey instruments, looking at patient satisfaction and what we call care instruments with satisfaction surveys and care surveys, looking at the process.

Now, Mr. Speaker, when you look at it, there is a structure which is called a hospital, a clinic, whatever there may be. That is the environment where health care is obtained. That structure must have certain things associated with it such as, maybe, say, proper lighting, proper movement, proper steps for the disabled, and we see that the Minister of the People and Social Development is promoting that movement of easy access for disabled people. I see that the Parliament has now understood that; they need to do it.

Mr. Speaker, when one looks at it, one looks at the structure, as they say, of the health-care facility—and this is taking into consideration not only a hospital when they look at Eric Williams or Port of Spain General or you look at San Fernando or Chancery Lane or all the host of new hospitals we are going to build, we are also looking at a structure of individualism such as medical clinics of doctors, dental clinics of dentists.

We are also looking at medical labs that are being—and also dialysis centres, providing a service of health care. They have to be all accredited to provide proper services because at the end of the day, Mr. Speaker, a structure has to be sound and be looked at, you must have proper toilet facilities. You must have proper access; you must have proper oxygen areas; you must have proper resuscitative mechanisms if you want to go into the health-care business.

After that we look at the processes, the processes of what occurs, what will occur during the accreditation movement: what kind of cardiac services are done in, let us say, Port of Spain hospital as compared to Eric Williams medical facility; what kind of cardiac surgery is done and are the patients satisfied; what is the mortality of the patient. This country has been besieged by an increase in mortality, and I have obtained—[*Interruption*] what is that? [*Crosstalk*] It is not just in this time, you know. It has been here—

I am not here, Mr. Speaker, to play politics with this Bill because it has been done. What has happened with our people of Trinidad and Tobago, as with staff and patients, has been going on for a very long time; it is nothing new, and no one could say that they are not aware of the increase in mortality, morbidity et cetera, in the health-care system. The increase in litigation that is coming because of the, as they say, more and more people are becoming litigious; they are looking at the American shows, et cetera.

So, Mr. Speaker, what one looks at, the processes that occur as a result of the need towards accreditation. Is your service consistent with international benchmarking? Is your service consistent or does it fall short in any way? Where is it falling short? What is the audit system of your service? Let us suppose

somebody, a child, went to a clinic and did not get its immunization—this is a common practice, and this was a common practice throughout the system—then that area is what we call—it is the underuse of a system; underuse.

This accreditation programme will also be looking at what we call the misuse or the overuse. Overuse, Mr. Speaker, of the processes deals with every single person who has a new back pain, before we ward he becomes examined—is sent for an MRI. An MRI, Mr. Speaker, takes about half an hour to do or longer. If the patient moves, you have to repeat it, so it could take about an hour or more, and if you are sending about 50 or 100 patients a day from all over the country to one MRI, and they do not need it—and this is what we are seeing that there is an increase in the amount of investigational tools that are being, what we call, overused, as compared to underused when a child does not get the vaccination.

Then most medical errors come from something called the misuse. Misuse means that somebody goes into an operating theatre and has the wrong limb taken off or the wrong kidney taken out or the wrong bowel done or the wrong leg operated on. That is what we call misuse, and the majority of procedures of litigation come from that.

Now when one does accreditation, the data that is obtained as a result of that, for want of a better word, survey instrument investigation, and the Act speaks to survey investigations, survey instrument investigation. It looks at survey instrument investigation and one does it in a voluntary aspect according to the authority, and this authority Bill. However, it will be such that, one, the authority will have to produce what they call letters of consent to enter or letters of—in some form or fashion—which we may have to amend the Bill to look at how the consent will be given for entrance into a premises.

Mr. Speaker, we also have numerous dialysis centres; and dialysis is in the news today. I receive a lot of letters from people wanting to go to different dialysis centres. Are the dialysis centres that are springing up throughout the system of an internationally acceptable standard? What is the infection rate? Are people being admitted for dialysis too often? Are they being admitted to the hospitals on a readmission rate too often? It is not that we do not want them to be admitted, it is just that, was the quality of care, initially, not good enough for them to be readmitted so often?

Then you hear things about bed overcrowding. You hear about the CT scan is not working. When you look at the whole host of problems, if an institution was accredited, or a medical office was accredited, or a dental office was accredited,

then the chances of negativity in medical treatment would be very low, and my good lawyer friends will have less work to do coming after our doctors, less medical errors.

Now, Mr. Speaker, in order to develop, as I was speaking about the tourism aspect of health care—tourism aspect—medical tourism would need a constant continuous monitoring of the accreditation plan of the institution as well as the services. When we speak about services—now, how did accreditation come about? How did they come about? If you go back to the 1900s, I think, when—oh sorry, with Florence Nightingale.

**Hon. Member:** Florence.

**Hon. Dr. F. Khan:** Florence Nightingale. “Yeah, Florence.” Florence Nightingale, Mr. Speaker, looked at—she was the, as they say, mother of nursing, developer of nursing—she looked at the infection rate amongst military—

**Hon. Member:** Personnel.

**Hon. Dr. F. Khan:**—personnel who were wounded.

**Mr. Indarsingh:** Yes.

**Hon. Dr. F. Khan:** She found that one hospital had a higher incidence of infections and amputations as compared with another hospital, and she documented these findings and found and looked to see why was this one hospital’s wound infection rate and amputation rate greater than the other hospital. At the end of the day what she found was that it was the method of approach to the actual wound itself, the cleaning of the wound, whatever they used, how it was used and what was done. She produced some protocols that decreased the number of amputations.

Another gentleman, I think it was Donald Bain, he decided historically to look at outcomes of hospital procedures, and he produced some work looking at the outcome of hospital procedures. What happened, along the chain of hospital management, he found out, because of performance systems, that there was a lapse in certain hospitals as compared to others. So the outcome is dependent upon what is done.

Accreditation, Mr. Speaker, will develop outcome process and processes dealing with outcomes. What is the outcome from a process that is not evidence based to one that is evidence based?

We say our world today, practises evidence-based medicine. Evidence outcome; bad—I mean, no evidence, bad outcome, and what systems and

procedures will work or will not work. So we look at the accreditation of the structure, accreditation of the process itself and accreditation of the outcome, and look at everything else. It is data driven by looking at every single—by using survey instruments, for want of a better word; survey instruments and I will make it easy.

Patient service satisfaction instruments look at how long did you wait in the room itself, the entrance. Was the parking sufficient? Was your family taken care of? Was that security guard obnoxious or was he courteous? Was the customer service rep attending to your needs? The chair that you sat on, was it comfortable? Were you in a comfortable environment? Do you have any complaints on the attitude of the nursing, the attitude of the doctors? Did you wait too long for your medical tests to be obtained? Did you take too long to get a bed? Were there clean sheets? And it goes on the process of what they call the caps or the customer service documentation. That is what we call a satisfaction survey. I have implemented that in the various institutions.

Unfortunately, Mr. Speaker, the staff sits down and asks the patient the questions. That should not be like that. It should be the patient taking that questionnaire and going home and sending it in online or sending it straight to the institution. If the staff does it, the patients are afraid to say the truth. That is what they call a satisfaction survey.

Then we look at a care survey. Care survey: Do you feel better now than before you came in? Did somebody—did you have—is your wound infected? How long did the infection take place? Were you—and you have to ask the family—if somebody dies, what happened? What was the process that you saw? You investigate the process. So, Mr. Speaker, when you look at it, you are looking at satisfaction surveys and care surveys, looking at accreditation.

Accreditation authority—as we have it here—will develop standard practices, a standard manual of practice, and they will define, et cetera, what are the basic standards that the institutions and the services will have, to get accreditation. Accreditation will not be at a level that people cannot obtain. It will be at a level that the institution and the services can obtain, but however, it will be of a minimal standard that would produce evidence-based patient care.

**Mr. Speaker:** I think it is a good time—

**Hon. Member:** I beg to move?

**Mr. Speaker:**—for us to suspend for tea. This sitting is now suspended until 5.00 p.m.



*Adjournment*

*Friday, April 19, 2013*

**ADJOURNMENT**

**The Minister of Sport (Hon. Anil Roberts):** Mr. Speaker, I humbly apologize. I beg to move that this House do now adjourn to Friday, April 26, at 1.30 p.m.

**Miss Mc Donald:** Mr. Speaker, I hereby give notice to this honourable House that on Friday, April 26, we will be dealing—that is Private Members' Day—with the Motion standing in the name of the Leader of the Opposition. I just want to make it clear. We would not be dealing with the Motion on GATE. It will be the Motion standing in the name of the Leader of the Opposition. Thank you.

*Question put and agreed.*

*House adjourned accordingly.*

*Adjourned at 4.31 p.m.*