



REPUBLIC OF TRINIDAD AND TOBAGO

# Debates of the House of Representatives

---

5th Session – 10th Parliament (Rep.) – Volume 34 – Number 25

---

**OFFICIAL REPORT  
(HANSARD)**

THE HONOURABLE WADE MARK  
SPEAKER

THE HONOURABLE NELA KHAN  
DEPUTY SPEAKER

**Friday 6th March, 2015**

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

**EDITOR: LILA RODRIGUEZ–ROBERTS**  
Telephone: 623–4494

(TYPESET BY THE HANSARD STAFF, PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, CARONI,  
REPUBLIC OF TRINIDAD AND TOBAGO— 2022)



## CONTENTS

	Page
LEAVE OF ABSENCE ... ..	1
... ..	167
VISITORS	
(INTER-PARLIAMENTARY UNION DELEGATION)	
[ <i>Mr. Speaker</i> ] ... ..	1
APPOINTMENT TO COMMITTEES	
(Changes in Membership)	
[ <i>Mr. Speaker</i> ] ... ..	1
PAPERS LAID ... ..	
Draft Elections and Boundaries Commission Order, 2015	
[ <i>Hon. Dr. R. Moonilal</i> ] ... ..	4
URGENT QUESTIONS	
Critical Water Storage	
(East Port of Spain and Environs) ... ..	5
Proposed School in Maraval	
(Status of) ... ..	6
Proposed School in Maraval	
(Compliance with Education Act) ... ..	7
Police and Prison services Wage Negotiations	
(Status of) ... ..	7
ORAL ANSWERS TO QUESTIONS	
[ <i>Hon. Dr. R. Moonilal</i> ] ... ..	9
Total Petroleum Revenues	
(Details of)	
[ <i>Deferred</i> ] ... ..	10
Heritage and Stabilisation Fund Act	
(Details of Withdrawals) ... ..	10
Central Bank of Trinidad and Tobago	
(Details of Employees) ... ..	11

Coastal Erosion/Pier Road Fishing (Repairs to) ... ..	12
Restoration Works (Commencement of) ... ..	13
Rivers in La Brea (Status of) ... ..	14
After School Programme Centres (Status of) ... ..	14
School Supervisors and Curriculum Officers (Commensurate Salaries) ... ..	17
Increments to Teachers (Measures Instituted) ... ..	19
MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2014	
[Third Day] ... ..	21
... ..	65
... ..	114
INTERNATIONAL WOMEN'S DAY	
[ <i>Mr. Speaker</i> ] ... ..	58
TRADE MARKS BILL, 2014	
[Second Day] ... ..	123
ARRANGEMENT OF BUSINESS	
[ <i>Hon. S. Cadiz</i> ] ... ..	154
WRITTEN ANSWER TO QUESTION (Question No. 41	
[ <i>Miss M. Mc Donald</i> ] ... ..	155
ADJOURNMENT	
[ <i>Hon. S. Cadiz</i> ] ... ..	155
Use of Building at Long Circular Road (Resultant Traffic Congestion)	
[ <i>Sen. the Hon. Dr. B. Tewarie</i> ] ... ..	156

Primary School  
(Intake of Students)  
[*Hon. A. Browne*]

... ..

161



**THE  
PARLIAMENTARY DEBATES  
OFFICIAL REPORT  
IN THE FIFTH SESSION OF THE TENTH PARLIAMENT OF THE REPUBLIC OF  
TRINIDAD AND TOBAGO WHICH OPENED ON JUNE 18, 2010**

---

---

**SESSION 2014—2015**

**VOLUME 34**

**HOUSE OF REPRESENTATIVES**

*Friday, March 06, 2015*

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: hon. Nizam Baksh, Member of Parliament for Naparima, is out of country and has asked to be excused from sittings of the House during the period February 28 to March 08, 2015; hon. Carolyn Seepersad-Bachan, Member of Parliament for San Fernando West is also out of the country and has asked to be excused from sittings of the House during the period March 02 to 07, 2015. The leave which the Members seek is granted.

**VISITORS**

**(INTER-PARLIAMENTARY UNION DELEGATION)**

**Mr. Speaker:** Hon. Members, I would like to recognize in the Speaker's Gallery a delegation from the Inter-Parliamentary Union, one Mr. Martin Chungong, Secretary General of the Inter-Parliamentary Union, and Mr. Oscar Piquinela de Campo, Secretary of the Uruguayan Inter-Parliamentary Union group. During their visit from March 04 to 06, 2015, the delegation has, in fact, been promoting the work of the IPU in the Caribbean region and seeking to build on existing relationships with the Parliament of the Republic of Trinidad and Tobago. Their programme of activities includes calling on the Prime Minister, Presiding Officers, Leader of the Opposition, Government Ministers and Clerks.

Join me in expressing a hearty welcome to this delegation from the Inter-Parliamentary Union. [*Desk thumping*]

*Appointment to Committees*

*Friday, March 06, 2015*

**APPOINTMENT TO COMMITTEES  
(Changes in Membership)**

**Mr. Speaker:** Hon. Members, I have received correspondence from the President of the Senate, dated March 03, 2015, addressed to the hon. Wade Mark, Speaker of the House, which reads as follows:

“Honourable Wade Mark, MP

Speaker of the House

Office of the Speaker

Level 2, Tower D

The Port of Spain International Waterfront Centre

1A Wrightson Road

PORT OF SPAIN

Dear Honourable Speaker

Change in Membership of Sessional Select Committees and Joint Select Committees

I wish to inform you that at a sitting held on Tuesday 3<sup>rd</sup> March, 2015 the Senate agreed to the following changes in membership:

- on the Standing Orders Committee – Mrs. Raziah Ahmed in lieu of Mr. Timothy Hamel-Smith and Mr. Garvin Nicholas in lieu of Mr. Anand Ramlogan, S.C.;
- on the Committee of Privileges – Mrs. Raziah Ahmed in lieu of Mr. Timothy Hamel-Smith;
- on the Statutory Instruments Committee – Mrs. Raziah Ahmed in lieu of Mr. Timothy Hamel-Smith as Chairman, Mr. Brent Sancho in lieu of Mr. Emmanuel George and Mrs. Christine Newallo-Hosein;
- on the Public Accounts Committee– Mr. Garvin Nicholas in lieu of Mr. Anand Ramlogan, S.C. and Mr. Brent Sancho in lieu of Mrs. Raziah Ahmed;
- on the Public Accounts (Enterprises) Committee – Mr. Kwasi Mutema in lieu of Mr. Embau Moheni;
- on the Public Administration and Appropriation Committee – Mrs. Christine Newallo-Hosein in lieu of Mr. Emmanuel George;
- on the Joint Select Committee (Group 1) – Mrs. Christine Newallo-Hosein in lieu of Mr. Emmanuel George;



*Appointment to Committees*

*Friday, March 06, 2015*

- on the Joint Select Committee (Group 2) – Mrs. Christine Newallo-Hosein in lieu of Mrs. Raziah Ahmed;
- on the Committee on National Security – Mr. Kwasi Mutema in lieu of Mrs. Raziah Ahmed, Mr. Brent Sancho in lieu of Mr. Embau Moheni and Brig. Gen. Carlton Alfonso in lieu of Mr. Gary Griffith;
- on the Committee on Human Rights, Diversity, the Environment and Sustainable Development – Mr. Garvin Nicholas in lieu of Mr. Anand Ramlogan, S.C.;
- on the Committee on Parliamentary Broadcasting – Mrs. Raziah Ahmed in lieu of Mr. Timothy Hamel-Smith;
- on the Committee on Government Assurances – Mrs. Raziah Ahmed in lieu of Mr. Timothy Hamel-Smith;
- on the Committee on the Legislative framework to govern financing of Election Campaigns – Mr. Garvin Nicholas in lieu of Mr. Anand Ramlogan, S.C. ; and
- on the Committee on the Legislative Proposal entitled, “The Draft Houses of Parliament Service Authority Bill, 2014”—Mrs. Raziah Ahmed in lieu of Mr. Timothy Hamel-Smith, Mr. Garvin Nicholas in lieu of Mr. Anand Ramlogan, S.C. and Mr. Brent Sancho in lieu of Mr. Emmanuel George.

I respectfully request that the afore-mentioned be brought to the attention of the House of Representatives at the earliest convenience.

Yours respectfully,

**Raziah Ahmed**

President of the Senate”

#### **PAPERS LAID**

1. The Trinidad and Tobago Housing Development Corporation (Vesting) (Amendment to the First Schedule) Order, 2015. [*The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)*]
2. Report of the Parliamentary Delegation on the Commonwealth Parliamentary Association Conference on Human Rights in the Modern Day Commonwealth, “Magna Carta to Commonwealth Charter,” United Kingdom, February 4 to 6, 2015. [*Mr. Fitzgerald Jeffrey*]

- 3 Draft Elections and Boundaries Commission Order, 2015. [*Hon. Dr. R. Moonilal*]

**Draft Elections and Boundaries Commission Order, 2015**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, the Government wishes to advise this House that the Elections and Boundaries Commission Report being laid in this House today was approved by Cabinet on Thursday, February 12, 2015, after having gone through the usual channels required in matters of this nature.

Mr. Speaker, I make this brief intervention to refute preposterous allegations made by people equally preposterous, [*Laughter*] being made in the public domain by the usual suspects, that Government is engaged in a conspiracy to suppress the contents of the report, and even more bewildering, that the Government is involved in some conspiracy to voter-pad. Nothing could be further from the truth. Those who are saying that are accustomed to that way of life. This is just the latest cynical act of desperation by persons opposed to the Government, to create mischief and mislead the country. [*Crosstalk*]

**Mr. Speaker:** Please!

**Hon. Dr. R. Moonilal:** May I point out that some of the changes recommended in the report are changes to the boundaries in Oropouche East, San Fernando East and San Fernando West, with other changes in the constituencies of Chaguanas East and Barataria/San Juan among others.

May I take this opportunity, in closing, to advise this House that it is customary for the House to accept the recommendations of the EBC. Once again, I put to rest those bewildering and mischievous allegations, made by persons known to us, that the Government had in some way been dragging our feet on this matter.

Mr. Speaker, I thank you.

**Mr. Imbert:** Mr. Speaker, are we not allowed to ask questions under the Standing Orders? It is not a statement? All right. [*Crosstalk*]

[*Mr. Speaker shakes head*]

**Hon. Members:** No, no!

**URGENT QUESTIONS****Critical Water Shortage  
(East Port of Spain and Environs)**

**Miss Marlene Mc Donald** (*Port of Spain South*): Thank you, Mr. Speaker. To the Minister of the Environment and Water Resources:

Could the Minister provide an explanation for the critical water shortage across East Port of Spain and environs including George, Nelson and Duncan Streets, from the Hilltop of Picton Road, John John and Beverly Hills and indicate when the regular water supply would be resumed?

**The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh)**: Thank you very much, Mr. Speaker.

Mr. Speaker, many communities in East Port of Spain are at the extremities of the Caroni Water Treatment Plant distribution system and, therefore, any interruption or disruption from the plant to the north provides significant challenges to supplying these areas.

Mr. Speaker, you would recall that in the month of February several issues, including broken mains, a blown transformer and contamination issues at the Caroni plant simultaneously worked to negatively impact on the water supply in East Port of Spain, south and central Trinidad.

Mr. Speaker, the Caroni plant produces 75 million gallons a day at full capacity, and during this period when it is in full capacity, 33 million gallons a day are supplied from Caroni to north Trinidad. The areas in question receive a 24/7 supply when you have that full capacity from Caroni.

As a result of what has happened, 20 million gallons were sent to north Trinidad because the capacity was lowered to 80 per cent, some 60 million gallons and, therefore, the areas were affected negatively.

To further exacerbate matters, this morning there was a broken main. From 8.30 to 11.30 a.m. that broken main was, in fact, repaired. So all the issues in the Caroni plant are now dealt with. The damaged transformer has been replaced, and there is a restart of the operations that will ramp up over this weekend to 75 million gallons a day, and the areas affected, as the Member has noted, will now return to the status quo where they will have 24/7 when the 33 million gallons are directed to north as a result of the ramping-up to 75 million gallons.

*Urgent Questions*

*Friday, March 06, 2015*

**1.45 p.m.**

**Mr. Speaker:** The hon. Member for Port of Spain South.

**Miss Mc Donald:** Thank you, Mr. Speaker. Minister, so do we have the assurance that over this weekend, or by the latest Monday, that these affected areas will be able to resume their normal supply of water?

**Mr. Speaker:** The hon. Minister of the Environment and Water Resources.

**Sen. The Hon. G. Singh:** Thank you, Mr. Speaker. As the supply increases, it will ramp up and then the pressures will increase. So I expect by Monday all the areas so affected will be returned to normalcy and the status quo of 24/7 in Port of Spain will be available once more. This is merely a hiccup in the system.

**Mr. Speaker:** The hon. Member for Diego Martin North/East.

**Proposed School in Maraval  
(Status of)**

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker, to the Minister of Works and Transport:

In light of an advertisement that appeared in the newspapers today from the proprietors or promoters of a proposed school at No. 129 Long Circular Road in Maraval, where they claim they have all required statutory approvals for the school, could the Minister state whether the Highways Division has changed its 2014 position with regard to the serious adverse effect on traffic of the proposed school?

**Mr. Speaker:** The hon. Minister of Works and Infrastructure.

**The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan):** Thank you, Mr. Speaker. Mr. Speaker, there were several letters of correspondence between the persons who are proprietors of this school and the Ministry of Works and Infrastructure dating back to August, September and October of last year, which I am sure the Member for Diego Martin North/East will have in his hand, as he is accustomed to finding privileged information very often. The Ministry of Works and Infrastructure has not changed its position on these matters although new information, as I understand today, has been sent to the Ministry for a re-evaluation of our position based on some further studies that were done by the consultants to the proprietors of the Arbor and Rosewood Schools.

**Mr. Speaker:** You have any questions, hon. Member?

**Mr. Imbert:** No, no. He has answered me. He said they have not changed their position.

**Mr. Speaker:** The hon. Member for Diego Martin North/East.

**Proposed School in Maraval  
(Compliance with Education Act)**

**Mr. Colm Imbert** (*Diego Martin North/East*): Thank you, Mr. Speaker, to the Minister of Education:

Similarly, in light of an advertisement that appeared in the newspapers today from the proprietors or promoters of a proposed school at No. 129 Long Circular Road in Maraval where they claim to have all the required statutory approvals for the school, could the Minister state whether this school and its teachers are properly registered and in full compliance with all the requirements of the Education Act, Chap. 39:01?

**Mr. Speaker:** The hon. Minister of Education.

**The Minister of Education (Hon. Dr. T. Gopeesingh):** Mr. Speaker, the answer to that is, no. Thank you.

**Mr. Imbert:** No supplemental. Thank you very much.

**Hon. Dr. T. Gopeesingh:** Eighty per cent of the teachers are registered—  
[*Crosstalk*]

**Mr. Speaker:** The hon. Member for Laventille East/Morvant.

**Police and Prison Services Wage Negotiations  
(Status of)**

**Miss Donna Cox** (*Laventille East/Morvant*): Thank you very much, Mr. Speaker. Question to the Minister of Finance and the Economy:

What does the Minister intend to do to bring to an end the looming crisis arising out of the wage negotiations between the Trinidad and Tobago Police Service, the Trinidad and Tobago Prison Service and the Central Government?

**The Minister of Finance and the Economy (Sen. The Hon. Larry Howai):** Mr. Speaker, these negotiations have been ongoing for some time. We have had 12 negotiating meetings with the police and 13 with the prison. The negotiations have reached a stage where we have agreed on the approach which we will take as

*Urgent Questions*  
[SEN. THE HON. L. HOWAI]

*Friday, March 06, 2015*

far as coming to an agreement is concerned. We have identified comparator groups that we will use as a basis for determining the increase that will be given to the—how we will work out the increase to both the prison as well as the police. The negotiations continue.

Following the last meeting, we had reached a point where we could not go any further. The CPO has since met with the Minister of Finance and the Economy who, after consultation with the inter-ministerial committee which has been established by Cabinet, has put forward new negotiating guidelines to the CPO and we expect that these negotiating guidelines should bring us closer to an agreement. I am not in a position to say exactly when we will come to an agreement. That is subject to negotiation on both sides, but we have given room to the CPO to ensure that she is in a position to move these negotiations forward when next the parties meet.

Thank you, Mr. Speaker.

**Miss Cox:** Supplemental, Mr. Speaker.

**Mr. Speaker:** Yes, the hon. Member for Laventille East/Morvant.

**Miss Cox:** Is the Minister aware that you spoke about comparison of salary? Are you aware that an ASP estate police, in the Airports Authority earns \$26,500, while the equivalent in the police and prison service earns between \$12,000 and \$13,000, and they are saying that that cannot be used as a benchmark? What is the reason for that?

**Mr. Speaker:** The hon. Minister of Finance and the Economy.

**Sen. The Hon. L. Howai:** Well, you know, Mr. Speaker, the salaries which the Airports Authority have, have actually—the Minister and the inter-ministerial committee had written to the Airports Authority indicating that these increases had not been given with the approval of the inter-ministerial committee, and two years ago the Airports Authority was asked to roll back those increases. Of course, you cannot withdraw an increase given to someone, but what you can do is re-establish new guidelines and new ranges and the Minister of Transport has been asked to establish those ranges in keeping with where they should be, and the CPO has asked that the formal and established ranges should be the ranges that are used and not the ranges or the increases which had been given without the approval of the inter-ministerial committee.

**Miss Cox:** Further supplemental. I would like to know if it was not given with the approval of the inter-ministerial committee, who was responsible for that increase, and also when are these new guidelines and ranges expected to take place?

**Mr. Speaker:** The hon. Minister of Finance and the Economy.

**Sen. The Hon. L. Howai:** Mr. Speaker, we have given instructions to the Minister of Transport to deal with the issue of any disciplinary action that needs to be taken as far as that is concerned. With respect to the second aspect of the question, the new arrangements with respect to the ranges and so on, will also be dealt with by the Minister of Transport. As far as we are concerned, there is a particular range that should be used and the CPO is using those ranges in terms of completing the negotiations.

**Mr. Speaker:** The hon. Member for Diego Martin North/East. You want to tell us—just a minute, Member for Diego Martin North/East.

#### ORAL ANSWERS TO QUESTIONS

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Mr. Speaker, just to indicate to the House, today the Government is in a position, indeed, to answer several of the questions on the Order Paper. We will be answering questions Nos. 64, 65, 75, 76, 79, 94, 95 and 96, and would ask that question No. 63 be deferred by two weeks.

**Mr. Imbert:** No. 63? “You do not know how much money you getting from oil?”

**Hon. Dr. R. Moonilal:** No. 64 can be asked and dealt with. You want me to repeat that?

**Mr. Imbert:** You are doing a budget and you “doh” know how much money you are getting from oil?

**Hon. Dr. R. Moonilal:** Thank you, Mr. Speaker. So we can move to 64.

**Mr. Speaker:** All right. The hon. Member for Diego Martin North/East.

*The following question stood on the Order Paper in the name of Mr. Colm Imbert (Diego Martin North/East):*

**Total Petroleum Revenues  
(Details of)**

- 63.** Could the hon. Minister of Finance and the Economy state:
- A. What percentage of Government's total petroleum revenues, as defined by the Heritage and Stabilisation Fund Act, is earned from oil?
  - B. How much revenue does the Government lose when the average price of oil drops by US \$1.00 over the fiscal year?
  - C. In light of the recent precipitous decrease in the price of oil, what is the Government's estimated loss of revenue for fiscal 2015?

*Question, by leave, deferred.*

**Heritage and Stabilisation Fund Act  
(Details of Withdrawals)**

- 64.** **Mr. Colm Imbert** (*Diego Martin North/East*) asked the hon. Minister of Finance and the Economy:
- A. Would the Minister confirm whether the Heritage and Stabilisation Fund Act allows withdrawals from the Heritage and Stabilisation Fund before the end of a fiscal year?
  - B. If the answer to part (A) is yes, does the Government intend to withdraw any money from the Fund before the end of fiscal 2015?

**The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh):** Thank you, Mr. Speaker, in relation to part A of the question, yes, and as it follows, part B, no.

**Mr. Imbert:** Supplemental.

**Mr. Speaker:** Yes.

**Mr. Imbert:** In light of his very surprising revelation that money can be withdrawn from the Heritage and Stabilisation Fund before the end of a fiscal year, could the Minister tell us what part of the legislation governing this fund allows that? That is part of the question.

**Hon. R. Indarsingh:** In light of guiding him, Mr. Speaker, I will point the Member for Diego Martin North/East to section 15 of the Heritage and



Stabilisation Fund Act that states:

- “(1) Subject to subsections (2) and (3), where the petroleum revenues collected in any financial year fall below the estimated petroleum revenues for that financial year by at least ten per cent, withdrawals may be made from the Fund as follows, whichever is the lesser amount:
- (a) either sixty per cent of the amount of the shortfall of petroleum revenues for that year; or
  - (b) twenty-five per cent of the balance standing to the credit of the Fund at the beginning of that year.
- (2) The amount withdrawn from the Fund in accordance with subsection (1), shall be deposited into the Consolidated Fund within forty-eight hours of such withdrawal.
- (3) Notwithstanding subsection (1), no withdrawal may be made from the Fund in any financial year, where the balance standing to the credit of the Fund would fall below one billion dollars in the currency of the United States of America, if such withdrawal were to be made.”

**Mr. Imbert:** A further supplemental.

**Mr. Speaker:** Yes. The hon. Member for Diego Martin North/East.

**Mr. Imbert:** Thank you very much. Since the Minister has now confirmed that the Act states that the assessment must be made with respect to petroleum revenues in a financial year, how could you possibly know what your revenues would be in a year until the end of the year?

**Hon. R. Indarsingh:** Mr. Speaker, I have made it very clear and I have responded to the question posed by the Member. If he is in search of additional information, he has the right to pursue the process that he is very familiar with.

**Mr. Speaker:** All right. Let us go on. The hon. Member for Diego Martin North/East.

**Central Bank of Trinidad and Tobago  
(Details of Employees)**

- 65. Mr. Colm Imbert** (*Diego Martin North/East*) asked the hon. Minister of Finance and the Economy:

- A. Could the Minister state the number of employees on payroll at the Central Bank of Trinidad and Tobago on July 13, 2012?
- B. What was the number of employees on payroll at the Central Bank on December 23, 2014?
- C. How many new employees were hired by the Central Bank between July 13, 2012 and December 23, 2014?

**The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh):** Thank you, Mr. Speaker. As it relates to part A of the question, according to the Central Bank's Annual Report 2012, the bank's manpower amounted to 491 persons as at the September 30, 2012.

In relation to part B, according to the Central Bank's Annual Report 2014, the bank's manpower number stood at 628 persons as at September 30, 2014.

As it relates to part C, according to the Central Bank's Annual Reports of 2012 and 2014, the number of new employees hired by the Central Bank amounted to 137 persons between September 30, 2012 and September 30, 2014. [*Crosstalk*]

**Mr. Speaker:** The hon. Member for La Brea.

#### **Coastal Erosion/Pier Road Fishing (Repairs to)**

- 75. Mr. Fitzgerald Jeffrey (La Brea)** asked the hon. Minister of the Environment and Water Resources
- A. When will the coastline which has been receding because of coastal erosion in Erin be restored so that the fishermen in Erin can have proper access to transport their engines, nets and catch?
  - B. When will the repairs to the Pier Road Fishing commence?

**The Minister of State in the Ministry of the Environment and Water Resources (Hon. Ramona Ramdial):** Thank you, Mr. Speaker. Part A, coastal protection and restoration works are the responsibility of the coastal unit located at the Ministry of Works and Infrastructure. The coastal unit is in the process of preparing a terms of reference for a consultancy to develop coastal erosion and inundation solutions for the area.

Part B, this matter is the responsibility of the Ministry of Food Production, Land and Marine Affairs.

**Restoration Works  
(Commencement of)**

**76. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of National Diversity and Social Integration:

Could the Minister state when restoration works will commence on:

- i. the La Brea Concrete Tower; and
- ii. the Old Headmasters residence in Palo Seco?

**The Minister of National Diversity and Social Integration (Hon. Rodger Samuel):** Mr. Speaker, in response to the question No. 76 from the Member for La Brea, in the coming fiscal year, 2015, no work is scheduled to take place on those two sites, the La Brea Concrete Tower or the Old Headmasters residence in Palo Seco.

**2.00 p.m.**

And while the site of the concrete towers is listed as a site of interest, the other location, the old headmasters residence is not. The concrete towers is owned under the remit of Lake Asphalt of Trinidad and Tobago (1978) Limited, while the property and Real Estate Services Division of the Ministry of Housing and Urban Development has jurisdiction over the old headmasters residence in Palo Seco.

The trust will continue to work in the preparing of dossiers for all of the sites that are listed, the 420 or 430 sites and, as such, then a plan of action for the restoration, both in collaboration with private entities that own these sites as well as the State, we will begin to do the work for it.

**Mr. Jeffrey:** Supplemental. Is it possible for you to give us a time frame because that La Brea concrete tower—[*Interruption*]

**Mr. Indarsingh:** You were not listening.

**Mr. Jeffrey:** Keep quiet, “nah”. [*Laughter*]

**Mr. Speaker:** The hon. Minister.

**Hon. R. Samuel:** Mr. Speaker, as we begin to prepare dossiers for all of these sites, the time frame for that cannot be stated at this point in time, but we continue

*Oral Answers to Questions*  
[HON. R. SAMUEL]

*Friday, March 06, 2015*

to work in batches to lay out the dossiers and have the necessary approvals and agreements necessary and we continue to work on it.

**Mr. Speaker:** The hon. Member for La Brea.

**Rivers in La Brea  
(Status of)**

**79. Mr. Fitzgerald Jeffrey** (*La Brea*) asked the hon. Minister of Environment and Water Resources:

- A. When will the river at LP#17 in the Coffee Village in La Brea be cleared of silt and vegetation?
- B. With reference to the Minister's response to question No. 96 on July 11, 2014 in the House of Representatives, could the Minister indicate when the La Brea River in Vance River Village will be cleared of vegetation and pronounced silting?

**The Minister in the Ministry of the Environment and Water Resources (Hon. Ramona Ramdial):** Mr. Speaker, this project commenced on Monday, February, 09, 2015 and was completed by February 20, 2015.

Part (b) to that question: Maintenance works continue along the La Brea river in Vance River Village. However, due to unfavourable weather, the desilting works have been rescheduled to as soon as conditions are favourable.

**After School Programme Centres  
(Status of)**

**94. Mrs. Patricia Mc Intosh** (*Port of Spain/St. Ann's West*) asked the hon. Minister of Education:

Could the Minister indicate:

- a) why coordinators and facilitators of the five after school programme centres run by the National Parent Teachers' Association under the Ministry of Education have not been paid partial stipends since March 2014; and
- b) why these persons over the past five years have had to wait at least six to ten months to be paid?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Mr. Speaker, Cabinet at Minute No. 3071 dated 19th November 2009, agreed:

- (a) to approve the policy developed by the Ministry of Education in the establishment and operation of time out and after school study centres;
- (b) that the use of schools, community centres and other public facilities for the centres at (a) above, be free of rental cost; and
- (c) that the Ministry of Education provide partial funding for the payment of stipends to centre coordinators and to two facilitators, as well as grants to cover the cost of limited refreshments, resources and maintenance for the operation of the centres.

The National Parent Teachers' Association currently operates four ASSCs. These are the centres:

- La Horquetta North Government Primary;
- Edinburgh Government Primary;
- Macaulay Government Primary;
- Santa Rosa Government Primary.

In accordance with Cabinet Minute No. 3071, dated November 19, 2009, the following partial stipends were determined to be paid to coordinators of these After School Study Centres:

- one coordinator at \$150 per day;
- facilitators, up to two, at \$100 per day; and
- maintenance, refreshments, resources: one to 30 students \$600 per month, 31—40 students \$750 per month, and 40-plus students \$1000;

The Ministry of Education has in fact paid the majority of partial stipends to the National Parents Teachers' Association for the operation of centres, and in 2014 alone has paid \$246,500 in stipends. There are currently six claims outstanding from 2014 and this is as a result of queries that are as yet to be resolved, and we hopefully will resolve the queries before the end of March 2015.

Where payments have not been made or there have been delays in the processing of payments, it has been mainly due to non-submission or late submission of claims forms—we can only process when these are made—by the NPTA or queries made by the division processing the claims—which is the Student Support Services Division. Claims are not normally made during the

Easter and July and August vacation periods as the centres tend to be closed. The Ministry of Education data has shown that in one centre in central Trinidad, claim forms were not submitted for seven months in 2014.

The Student Support Services Division is mandated to verify and certify all claims and supporting documents in accordance with the Ministry's policy guidelines and financial regulations. Additionally, the Finance and Accounts Division conducts a further review and verification of the documents from the Student Support Services, then the Finance Division. They conduct a verification of the documents submitted before payment can be issued. That is a double checking.

Failure to provide the relevant documentation, non-compliance with submission requirements for funding and inaccurate information and/or incomplete information has impacted on the processing of just some of the forms of the claims. I have a few appendices to provide details of the payment for each of the centres in 2014. So in four schools:

Edinburgh Government ASSC—the claims months in 2014: January, February, March were paid; April there was no claim made; May, June was paid; July, August, no claim; September is outstanding; November was paid; December no claim made.

In Santa Rosa for the year 2014: there were no claims for the months of April, June, July, August, September, October and December, but the other months where there were claims they were paid with the exception of March; \$5,200 is outstanding.

For La Horquetta North Primary: no claim was made for April, July and August - the rest had claims - and December as well. There are two outstanding, one for March and one for October.

Macaulay Government Primary: no claims were made for April, June, July August, September and December, and one out of those that were submitted—three and two, five and one, six—one outstanding for October.

The queries are being resolved by the end of March; and this is the answer to the question.

**Mr. Speaker:** The hon. Member for Port of Spain North/St. Ann's West.

**Mrs. Mc Intosh:** Does the hon. Minister know if his Ministry has any intention of opening other such centres throughout the country, and I will ask particularly in the Port of Spain area?

**Mr. Speaker:** The hon. Minister of Education.

**Hon. Dr. T. Gopeesingh:** I do not know whether the Member of Parliament—I do not know whether you were here or not when I had made the statement that Cabinet gave approval for after school centres, homework centres, for all of the primary and secondary schools in Trinidad and Tobago. So all 476 primary schools in Trinidad and Tobago—but we have to be speaking with Tobago. It is 455 in Trinidad and 134 secondary schools in Trinidad and Tobago—125 in Trinidad and nine in Tobago. I have been advised by the Ministry of Education, by the Chief Education Officer and the Deputy Permanent Secretaries, that so far more than 350 of these schools now have after school homework centres.

The primary schools have, I am being advised, two classes, one class of 30 and the secondary schools in some of the schools have two classes of 30. In each of these classes, for each of these schools, we have one coordinator and then someone who is supervising the work of each one of the classes. Refreshments are provided as well. We pay for the refreshments provided by the National School Feeding Dietary Services Limited. It is our intention to ensure that all 455 primary schools in Trinidad and 125 secondary schools—we reach the limit so that all will have the homework centres.

We welcome the private sector involvement in one thing, but we have gone ahead now and the Ministry of Education with the support of our Government has ensured that these homework centres have become a reality. They are helping a lot of students who could not have been doing their homework normally because of surroundings where they live and so on is not conducive for their homework, and then some of the children had difficulties when they were going home early in the evening. So they are now being schooled after in the homework centres.

In the primary schools which over at three o'clock, they start at 3.15 p.m. to five; and in the secondary schools which are finished at 2.30 p.m., I have been advised is 2.45 p.m. to five o'clock.

**School Supervisors and Curriculum Officers  
(Commensurate Salaries)**

**95. Mrs. Patricia Mc Intosh** (*Port of Spain/St. Ann's West*) asked the hon. Minister of Education:

Could the Minister state why School Supervisors and Curriculum Officers are still paid the 2008 salaries and an allowance to make up the shortfall in salary commensurate with their substantive position?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** The positions of school supervisors and curriculum officers are among the positions which were delinked from the Civil Service and transferred legislatively to the Teaching Service by virtue of Act No. 22 of 2005, by the inclusion of a Third Schedule to the Education Act, Chap. 29:01. That involved the Chief Education Officer, Director of Educational Services, Director of Curriculum, et cetera. There are approximately 30 to 40 different areas under the Third Schedule.

Cabinet by Minutes No. 2361 of December 06, 2000, 382 of March 07, 2002, and 1896 of September 05, 2002 had previously conveyed approval for the payment of interim allowances to the offices which were delinked from the Civil Service and transferred to the Teaching Service with effect from October 01, 2001. The approval was given in an attempt to correct an administrative anomaly—by virtue of the transfer from the public service to the Teaching Service—whereby school principals and teachers were being remunerated at higher rates than their reporting officers and other officers to whom they report indirectly in the Civil Service. So there was an allowance that was given.

This administrative anomaly was occasioned by a memorandum of agreement between the Chief Personnel Officer and the Trinidad and Tobago Unified Teachers Association (TTUTA), which established a new classification and compensation plan for the Teaching Service for the period January 01, 1999 to September 30, 2002. These interim allowances were allowances recommended by CPO pending the finalization of the classification and unification of the offices which were delinked from the Civil Service to the Teaching Service by the CPO. In this regard, the last revision of the interim allowances to officeholders in delinked positions was agreed to by Cabinet Minute No. 1361 dated May 28, 2009, which covered the collective bargaining period October 01, 2005 to September 30, 2009.

More recently, the CPO by memorandum dated February 08, 2013—we have been working with the CPO all the time—informed the Ministry of Education of the implementation of an agreement on revised terms and conditions of employment for members of the Teaching Service for the period October 01, 2008 to September 30, 2011. As such, the Ministry of Education again intervened,



and by memorandum—we made regular trips to the CPO department to find out what has been happening to these school supervisors and curriculum officers and so on—dated June 10, 2013, recommended a revision of the interim allowances for positions delinked from the Civil Service to the Teaching Service. The CPO by memorandum dated November 05, 2014—so you see how we have been following it up—submitted its final recommendations for the proposed interim allowance for these positions. That is after 2011. As a result, the Ministry of Education has once again sought Cabinet’s approval for the revision of the interim allowances from January 01, 2008 and continuing—just before Cabinet’s consideration.

School supervisors and curriculum officers therefore continued to be paid a salary and an allowance to make up the shortfall in salary commensurate with the substantive positions. This situation will remain in place as long as new collective bargaining agreements take place with TTUTA while the CPO continues its process of finalizing the classification and unification of the offices which were delinked from the Civil Service to the Teaching Service.

In this regard, the Ministry of Education has been informed that TTUTA is seeking a certificate of recognition from the Registration Recognition and Certification Board of Trinidad and Tobago for the delinked positions. They had not succeeded in being able to be the body for dealing with those under Schedule three which had been delinked from the public service to the Teaching Service or Civil Service as it was called.

Thank you Mr. Speaker.

**2.15 p.m.**

**Increments to Teachers  
(Measures Instituted)**

**96. Mrs. Patricia McIntosh** (*Port of Spain North/St. Ann’s West*) asked the hon. Minister of Education:

Could the Minister state what measures are being instituted to ensure that teachers receive their increments and increment arrears on time?

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Mr. Speaker, and Member for Port of Spain North/St. Ann’s West and colleagues, the Ministry of Education has processed 36,262 annual increments over the period 2010 to 2014 and I have a table which shows district by district from 2010 to 2014. An example like Port of Spain and environs: 1,743 in 2010; 1,720 in 2011; 1,715 in 2012;

*Oral Answers to Questions*  
[HON. DR. T. GOPEESINGH]

*Friday, March 06, 2015*

1,571 in 2013; and in 2014, 1,717. So, a total, in 2010, of 7,932; 2011, 8,669; 2012, 8,824; 2013, 6,497; and 2014 so far, 4,340.

The Ministry of Education has recognized the economic hardship facing teachers at times and as such, has been instituting measures to ensure that they receive their increments and arrears of increment on time. And these include:

- The completion of staff report forms is the basis for the award of increments to teachers.

In this regard, the Ministry of Education continues to actively process all staff reports from school principals as received so as to award outstanding increments on an on-going basis. Staff report forms applicable to all teachers who were employed prior to the year 2000, are sent early to all schools mainly at the end of the academic year for completion by principals of schools and the School Supervisors. After completion, they are submitted to the Human Resource Management Division of the Ministry within the first term of the new academic year. As such, increments can then be processed for payment with effect from January 01 of the following year or due date.

For teachers employed after 2010, their incremental date differs from those stated above. As such, staff reports are forwarded to the respective principals of schools, three months prior to the incremental date of the teachers so affected and completed staff reports are submitted to the Human Resource Management Division for the processing of approval for payments and forwarded to the Ministry's Finance and Accounts Division for payment.

To ensure that principals sign off on staff reports, the School Supervisors have been instructed to monitor the process and there is an active intervention by School Supervisors on this issue. Increments are currently processed manually which is a time-consuming process, but the Ministry of Education has, however, undertaken with an international agency, with a local partner, with a strong human resource management integrated system and a consultancy has been given to improve efficiency and, hence time reduction by automating the processes involved in the award of increments.

The above-mentioned measure, when fully institutionalized, will also result in the superior system for the award of increments thereby ensuring a faster payment of arrears. And we hope that this Human Resource Management information system which piggybacks on the IhrIS system of the payment for salaries in the Ministry of Education will be completed by May of this year. We have been

promised. I believe the company is PricewaterhouseCoopers that is doing it.

**Mr. Speaker:** Yes, the hon. Member.

**Mrs. Mc Intosh:** Could the Minister say what percentage of teachers has not received their annual increment over the past five years?

**Hon. Dr. T. Gopeesingh:** I will have to get that information back in summary, but judging from what I have been given here for 2010 to 2014, it seems as though in these years—you know we have about 16,000 teachers altogether and some do not qualify and some qualify but at an average, about 8,000 have been done per year from 2010, 2011, 2012, 2013; well, 2014, we may be a little behind, about half of that has been done, but I can get the figures for you, if you want.

**Mrs. Mc Intosh:** Yes please, thank you.

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2014**

[Third Day]

*Order read for resuming adjourned debate on question [January 30, 2015]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** On the last occasion, the Member for Laventille West was on his legs and has 16 minutes of original speaking time remaining. The hon. Member for Laventille West.

**Mr. NiLeung Hypolite (Laventille West):** Thank you kindly, Mr. Speaker. On that last occasion, while we were debating the Motor Vehicles and Road Traffic (Amdt.) Bill, 2014, I made mention that this is a Bill that this country really and truly needs. We need a Bill like this, yes, but not in its current form. Both my colleagues for St. Joseph and Diego Martin North/East alluded to the fact that we need our legislation amended. We need change in our motor vehicle and road traffic laws, but there are issues within this particular Bill that we need to look at. In fact, they pointed out a number of issues within a number of different clauses.

Mr. Speaker, I also made mention that we have over 760,000 registered vehicles on our nation's roads, and the technology down at Licensing Office is also something that needs to be upgraded. I also made mention of the poor recordkeeping. In fact, there are persons who will go down to Licensing Office and when they reach there to enquire on getting an extract of their vehicles, strange enough, the Licensing Office does not have extracts for a number of

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. HYPOLITE]

vehicles. So the question really lies is: how many vehicles do we really and truly have registered on our nation's roads? Is it really and truly 760,000? Or, is it much more than that? But because the Licensing Office, in its poor condition, does not have a proper recordkeeping system, Mr. Speaker, one wonders exactly what is taking place with those vehicles.

Another thing that I looked at, Mr. Speaker, was the mere fact that the Licensing Authority—or should I say, the Minister of Transport would have bring this Bill to this House and—[*Interruption*]

**Dr. Moonilal:** Brought.

**Mr. N. Hypolite:** Would have brought, bring, bring—brought this Bill to this House. And in bringing this Bill to the House, he indicated that the head office in Caroni was in readiness. From all indications, the head office at Caroni is far away from being ready.

**Mr. Cadiz:** Far away from town.

**Mr. N. Hypolite:** As well as far away from town, as the Minister also indicated, far away from town. All right, far away from town, Member for Chaguanas East. But it is far away from being ready. In addition to that, Mr. Speaker, he also indicated that there will be 11 other sites. Not one of those sites would have been identified or has been completed either. So here it is we are debating a Bill that requires a head office and some 11 satellites throughout the country. We are far away from actually being in a position to move into any such building.

Up to this week, I was down at the Licensing Authority on Wrightson Road and—[*Interruption*]

**Dr. Moonilal:** “Yuh buy ah new car?”

**Mr. N. Hypolite:** — Mr. Speaker, no, I did not buy a new car, my friend. I am not like you all who have a lot of money to buy all these different vehicles cash, \$500,000 and \$700,000 vehicles, no, Mr. Speaker. So I went down there, really and truly, to try to assist a constituent of mine who was in a little difficulty. And the thing about it is that the building down there is in such a terrible state that you have hundreds of persons in this office all like “sardines in ah can” in this hot room. And Mr. Speaker, again the Minister of Transport is indicating that “we are ready” and therefore, brings this Bill to this House to be debated and Mr. Speaker, nothing is in place from an infrastructural point of view to accommodate what this

Bill requires.

Mr. Speaker, I also ask the question whether or not proper consultation would have taken place with the number of various bodies responsible for making sure that the motor vehicles on our nation's roads are in proper order. I ask the question whether consultation has taken place with the PSA, Public Service Association. What about the staff at that particular division? Because inside this Bill speaks about having people terminated from their employ. What about the differently-abled persons? Has any kind of consultation taken place with those individuals? The rental agencies?

You see, all these are different agencies, different units, that will be affected one way or the other once this Bill takes effect. What about the vehicle traders? Those who buy and sell vehicles. The driving schools? Because again, in this Bill, those persons who operate the driving schools will be also affected one way or the other. While the Minister may want to think that some kind of consultation would have taken place to really and truly please the people of those units I just made mention of, really and truly, the word outside there is far from what he is saying.

Mr. Speaker, as I look at the Bill itself, I wish to go to clause 10 of the Bill and at clause 10 of the Bill, it reads:

“The Authority shall be governed by a Board of Directors, who shall be responsible for performing the functions of the Authority.”

And clause 10(2)(b) speaks about:

“(b) a representative of the Ministry responsible for transport;”

I would like to know from the Minister if he can clarify that a bit more. When he speaks about a representative of the Ministry responsible for transport, Mr. Speaker, that could be the Minister himself come right down to the clerk that is responsible for putting together the extracts or even the filing clerk. So, if the Minister can identify exactly what he means by “a representative of the Ministry responsible for transport”. At one point in time, you had a transport board with a chairperson. Question is whether or not that individual would be retained and be responsible or be that person responsible for transport.

Mr. Speaker, I looked at clause 26(c). In fact, clause 26 speaks about:

“A person who, on commencement of this section is a public officer appointed to an office listed in Second Schedule, either by permanent or temporary appointment, in which he has served for at least two continuous years, shall

*Motor Vehicles (Amdt.) Bill, 2014*  
[MR. HYPOLITE]

*Friday, March 06, 2015*

within three months of the date of commencement of this section exercise one of the following options:

- (a) voluntarily retire from the Public Service on terms and conditions as agreed between him or his appropriate recognised association and the Chief Personnel Officer;
- (b) transfer to the Authority with the approval of the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service; or
- (c) to remain in the Public Service provided that an office commensurate with the office held by the person..."

**2.30 p.m.**

Mr. Speaker, what happens if there is no space available for that public officer? What happens to that individual? I wonder if the Minister would be able to so kindly advise this House, as to what will happen to that particular individual.

Mr. Speaker, I want to look at clause 29 that speaks about the Motor Vehicles Enforcement Officer. My question on that one is, whether or not that motor vehicle enforcement officer will be given the powers of arrest? If that person will be given the powers of arrest, is it a case that those individuals will be reporting also to the Commissioner of Police?—because it speaks about:

“The Registrar and any Motor Vehicles Enforcement Officer shall, in the exercise of his powers and duties conferred under this Act, have the powers, authorities and privileges and shall be entitled to all the immunities given by any written law from time to time in force to any member of the Police Service.”

Will they also be reporting to the Police Service? And on that same note, I ask the question about the Traffic Wardens. Will the Traffic Wardens be removed from the Ministry of Works and Infrastructure, and be transferred also to some unit that will be reporting to the Commissioner of Police? I will need those questions to be answered. I need clarification on those things, because those are issues that can affect many of the persons outside there who are employed.

Mr. Speaker, I look at clause 49 and more so clause 49(c), that speaks about:

“the newly licensed driver shall not drive or operate the vehicle between the hours of midnight and 5 a.m...”

I ask the question, Mr. Speaker, if there was any consideration given to an individual who may be a new driver, living with an elderly person and an emergency takes place, what happens next? Is it a case that that newly licensed driver will have to go looking for a seasoned driver, to come and drive that sick person to the hospital? And, therefore, I ask, whether or not some kind of consideration be given, because when we read the clause, and the clause reads:

“the newly licensed driver shall not drive or operate the vehicle between the hours of midnight and 5 a.m.”—emergencies do take place between that time—“unless accompanied by a driving supervisor who must occupy the front passenger seating position of the vehicle and be the holder of a valid class 5 driver’s licence for at least five years;”

So what if there is someone in the household that may be—have been driving for the past three years, four years? As it is now, once you have been driving for three years, the insurance companies tend to give you a much easier consideration, and sometimes even discounts, all right?—for being a driver for more than two years. What happens now? And, therefore, again, I am asking for some kind of consideration to be given to this particular clause:

Subclause (e) speaks the about:

“the newly licensed driver shall, within six months from the date of issue of the class 5 driver’s licence, be enrolled in an approved driver education course.”

I ask, Mr. Speaker, through you, to the Minister of Transport, whether or not there is some kind of syllabus or whether or not the Ministry is prepared for something like this; is prepared to pick up this particular course, because if they are not prepared right now, to house the staff from down Wrightson Road to the building in Caroni, then they are not prepared for this. So, therefore, this particular Bill is premature. It is premature. There are a lot of issues inside here, as well as—it is a Bill that came to this House and we are not ready to accommodate this; a lot of issues.

Mr. Speaker, when we look at—[*Interruption*]

**Mr. Speaker:** Hon. Member. The speaking time of the hon. Member for Laventille West has expired. Would you want to guide me?

**Mr. N. Hypolite:** Please, Mr. Speaker, yes.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member be extended by 15 minutes.

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

*Question put and agreed to.*

**Mr. N. Hypolite:** [*Desk thumping*] Thank you kindly, Mr. Speaker. We are looking again at clause 49, and more so clause 49(3):

“A newly licensed driver may, after two years from the date of issue of his class 5 driver’s licence, apply to the Authority to have the restrictions on his driver’s licence lifted where he has—

- (a) successfully completed a learner driver course approved by the Authority;
- (b) not been convicted for any alcohol related offence under this Act or any other written law; and
- (c) complied with all the conditions or restrictions on his driver’s licence.”

So, Mr. Speaker, when we look at (3)(a):

“successfully completed a learner driver course approved by the Authority;”

Again, I ask the question. What course is that? Is there a syllabus? Is there a guide to that? Are we ready for such, or is this just placed inside this Bill, to come to this House so as to indicate to the people of Trinidad and Tobago, that the Government is bringing Bills to the House? Because again, they are not ready. They are not ready with the buildings. They are not ready with this particular course being a learner driver’s course. They are not ready. We are not ready this for this.

Let us look at clause 56(2):

“A person on applying for a renewal of his driver’s licence under subsection (1) shall submit himself for a vision examination.”

What this tells me, is that every single person, I can be proven wrong, but every single person, once this Bill takes effect, must submit, shall submit himself for a vision examination:

“A person on applying for a renewal of his driver’s licence under subsection (1) shall submit himself for a vision examination.”

So, Mr. Speaker, each and every single person who goes forward to have his or her licence renewed, shall be submitted to have eye examinations done.

Mr. Speaker, let us look at clause 216. I want to look at 216(1)(b), that speaks about:



“the owner or the driver or other person in charge of the vehicle, as the case may be, commits an offence and is liable on summary conviction to a fine of eight thousand dollars.”

Section 216(1)(b):

“any commercial vehicle, public service vehicle, rented car or trailer is used on a road or highway being loaded so as to exceed the maximum gross weight or the number of passengers, respectively permitted by the registration, the owner or the driver or other person in charge of the vehicle, as the case may be, commits an offence and is liable on summary conviction...”

What this clause speaks about is if the vehicle is being used for some other purpose. For instance, we have a very unique situation where there are many PH vehicles, private cars being used as hired vehicles—many of those vehicles outside there. That is so because there are some very remote areas where the traditional hired vehicles tend not to want to go, and more so after certain hours. What tends to happen with this is, those PH drivers, if found plying their cars for hire, will now be fined \$8,000. If we read the clause—*[Interruption]*

**Dr. Moonilal:** Private car?

**Mr. N. Hypolite:** Sorry?

**Dr. Moonilal:** Just go over that point again.

**Mr. N. Hypolite:** A PH vehicle, all right?—if found using—plying that vehicle for hire, which is not the reason for the vehicle being licensed, the vehicle will have been licensed for private use—if found using the vehicle for hire, can be charged \$8,000.

Mr. Speaker, at one point in time the Government was considering regularizing the private vehicles, and that was just stopped. So thousands of owners outside there, thousands of individuals who were depending—and I am speaking about in the year 2011 more so, in the year 2011, all right?—when a Bill to amend the Motor Vehicles and Road Traffic Act, to take into consideration those PH drivers, came to this House, it remained right there, and it fell off the table.

All those PH drivers who were looking forward to having that situation regularized, it never took place, and it is not dealt with inside this Bill here either. Therefore, I am asking through you, to the Minister, to take into consideration the regularization of those PH vehicles as promised by the Government. Remember, Mr. Speaker, it is the Government that said that they will keep their promises, and

*Motor Vehicles (Amdt.) Bill, 2014*  
[MR. HYPOLITE]

*Friday, March 06, 2015*

that was a promise to those PH drivers, which I am hoping that they will keep, because the PH drivers are looking forward to not wanting to pay \$8,000, but to have that situation regularized.

This is a Bill that we as a nation need. We need to fix our motor vehicles and road traffic laws. We need to have a much better place for when we go to have our driver's permits renewed, when we go to transfer our vehicles. We need to have our records properly kept. We need those things, but what we do not want, Mr. Speaker, is for the Government to bring a Bill to this House which we are not ready to activate. We are not ready, the buildings, the infrastructure is not in place for something like this. And, therefore, I am saying that this Bill has a lot of flaws in it; a lot, a lot. Therefore, I am not in a position to support this at this point in time in its current form. Therefore, Mr. Speaker, I thank you. [*Desk thumping*]

**2.45 p.m.**

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you. Thank you very much, Mr. Speaker, for the opportunity to join this very interesting debate on “An Act to establish a Motor Vehicles Authority for the registration, licensing and regulation of motor vehicles and drivers, the regulation of road use and for matters connected thereto”.

Mr. Speaker, as the Chair observed earlier, this debate has been occupying the attention of the Parliament for some time, and we have had the benefit of contributions on both sides of the House, and some important issues have been raised and, might I say, my friend, the Member for Laventille West, you know, has been very fluent and precise in raising some interesting points. [*Crosstalk*] The Member for Laventille West, I think this may be his forte really, because he was clear on some of the issues raised—could be very wrong as well, but very clear on the issues. He was very clear.

I want to tell him that I was really appreciative of how he went to the clause and pulled the issue, attempted to raise the concerns and, therefore, during his contribution I wanted to also consult with the Minister of Transport on several matters that the Member for Laventille West was raising, because I thought these were very interesting observations. So, I will come to that in a few minutes.

Mr. Speaker, let me just take the opportunity, at the beginning, to compliment and congratulate the Ministry of Transport and the very distinguished Minister from Chaguanas East [*Desk thumping*] for bringing this historic piece of legislation to the Parliament. Sometimes, we speak on a Bill, and we do not

understand the historic context of the Bill. This is a matter that has been before the Parliament and before public officeholders for a significant amount of time, for decades.

Reforming the licensing system and the licensing office has been a matter occupying Ministers of Transport and, in some cases, Ministers of Works and Transport for decades. Finally, in this Parliament, the Minister of Transport, in the person of the Member for Chaguanas East, has brought this Bill to us. It is a voluminous Bill, very comprehensive. Of course, we had the very good work of former Ministers of Transport; the very distinguished Member for Fyzabad served in that capacity as well [*Desk thumping*] and I imagine the Member for Chaguanas West also served when that Ministry was fused in one, works and transport, and would have contributed in some way to ensuring that the Bill has been brought.

Mr. Speaker, let me also take the opportunity to compliment and commend the public officers from the Ministry of Transport in the main [*Desk thumping*] who have worked assiduously on this Bill. At an earlier time, Mr. Speaker, at the LRC, I remember attending those meetings and having a full team from those Ministries and the Ministry of the Attorney General and so on, and going into a lot of detail on all these issues.

A Bill like this requires some type of forensic precision when you are dealing with Bills of this nature because they are so comprehensive. The magnitude of such reform is so wide that it requires months and months of discussion. Mr. Speaker, I am advised that the Ministry of Transport and other related government agencies have had consultations upon consultations. They have consulted almost every imaginable stakeholder pertinent to this legislation. So that we have gone there, we have done that. We are at this juncture where we are debating in the House this matter.

Now, the Opposition has taken a particular point of view that this matter is so comprehensive, so wide, so far-reaching, so revolutionary, that we should go to a joint select committee. The last time they did that they set us up with the procurement legislation. They came with that argument and we said: “Good argument, we going,” and when we went to the committee they disappeared. They dived out of the committee, and left us there standing alone, and it kept back procurement legislation by a year and a half.

The issues being raised by Members opposite are, in some cases, valid issues, but there are issues that we can debate on the floor—get your questions answered

*Motor Vehicles (Amdt.) Bill, 2014*  
[HON. DR. R. MOONILAL]

*Friday, March 06, 2015*

on the floor—and if need be, Members opposite are very free to tender their amendments, to put forward amendments that will deal with the specific issue, but so far I have not heard from Members opposite any fundamental policy issue that would require further debate and further discussion at the forum of a joint select committee. [*Crosstalk*]

Mr. Speaker, my friend, the Member for Diego Martin North/East, is being mischievous as normal, in his usual way. [*Crosstalk*] I will not call him anything else. He is a Member of this honourable House.

**Hon. Member:** Full moon.

**Hon. Dr. R. Moonilal:** It is full moon? Mr. Speaker, I do not read the moon and him, but he is mischievous as normal.

Mr. Speaker, what are the issues? What are the issues that they have raised on this matter? In this comprehensive piece of legislation which we have been waiting for for decades, I want to say, decades—many of us have had, you know, experiences at the licensing office—whether it is in Port of Spain or San Fernando or Princes Town or wherever—and it is no secret that some of their systems, some of their procedures, some of their approaches to public service and so on would have left something to be desired, but it is so in several areas, not just in transport. In other areas of government, we are trying to reform and bring better service, greater efficiency. But, Mr. Speaker, having tried and failed for decades under former administrations, this administration of the People's Partnership has brought to the Parliament the comprehensive legislation required. [*Desk thumping*]

It is the same thing with licence plates for diplomatic officers. I think since 1962 there was a request for licence plates for diplomatic officers and missions and so on to be a particular type, to be separate and apart from the normal registration plates, and since 1962 it was not done. It is this People's Partnership administration [*Desk thumping*] that passed the law to give effect to those peculiar licence plate designs and so on. So that we have been delivering, and this is what we promised. We promised to deliver.

And, today, I think there is a state-of-the-art building that is being erected in Chaguanas, in Caroni, Frederick Settlement—the good constituency of Chaguanas West, I believe—and they are putting that building there as the headquarters of this Motor Vehicles Authority. I understand the building itself is completed, the base building, and they are now moving to outfit. So we will have the sort of

facilities for public officers present, so that we will lift, you know, the performance, the environment and so on for public officers in this sector. When we do that, they say, “Well it far from Port of Spain.” But when we came into office we said we are about decentralization of government offices and government services. [*Desk thumping*] You cannot decentralize if you stay on Frederick Street. So, we are moving from Frederick Street to Frederick Settlement. [*Laughter*] That is the decentralization we promised, and that is how you also deal with some of these issues of traffic.

In that area, I passed through a few weeks ago, regrettably it was to attend the wake of the father of our colleague from Couva South—I was not there for some time, I did not know they built a highway there too—I was shocked. We got lost that evening because they built a highway in Caroni. I did not know it was there. I think it is to go from the north-south highway to get to Piarco and so on. Now, you can go through there, cut through the St. Helena Bypass Road, I believe, and you are at the Piarco International Airport without going through the traffic on the highway and going up to the Churchill Roosevelt Highway. [*Desk thumping*] Mr. Speaker, that is the progress; that is the decentralization.

So, if you argue that people cannot get to their place, we put a highway there. I think the Member for Chaguanas West was very instrumental in getting that building constructed there. I pray there is no march from that building to Port of Spain now to protest that the building is there, but we want to compliment the Minister of Transport for his work in this area, and decentralizing the operations.

Mr. Speaker, when I looked at this Bill and I saw the progressive steps in this Bill, some of which I knew before, but today in preparation for the debate, when I looked through again and reflected on these areas of the Bill, it is bewildering that we have now reached the stage where we can have progressive legislation in this sector that has been long downgraded almost as a sector for reform and efficiency. So, we are very proud of that.

Increasingly, citizens do report that they go to the licensing office in Port of Spain, San Fernando, and they are pleasantly surprised by the efficiency, by the quickness. My constituents also go there and tell me, “Look, I get in and I get out in half an hour.” There was a time you go for a licence and you have to take a day off and then go back. When you go for your licence permit and thing now—there was a time you go there and if you do not have three other people there, you cannot get it because you have to take a picture and the matrix was four, four pictures, so you needed to carry three people with you to renew your licence.

*Motor Vehicles (Amdt.) Bill, 2014*  
[HON. DR. R. MOONILAL]

*Friday, March 06, 2015*

Mr. Speaker, I have my constituents. I represent people, and they report that they go. Some will report, of course, that they went there and there were some problems and so on, as you always have. I am in touch with the constituents. In fact, the persons working there are close to us, so that they tell us, you know, what is happening there. They are public officers. We work and support each other. We are in public service. I am happy to know that the Member for Laventille West was at the licensing office assisting his constituents. That is what you do.

**Hon. Member:** Touting.

**Hon. Dr. R. Moonilal:** He was not touting there, he was assisting his constituents. I am coming to the points he raised.

I was also pleasantly surprised when I looked through the legislation and I saw that we are putting into the law, I believe, for the first time, to regulate the travel of small children and babies. I was taken aback by that, that we are strengthening this area; that we are providing now for regulations for seats and booster seats and so on. We are providing for that now.

**Mr. Imbert:** That is in the existing law.

**Hon. Dr. R. Moonilal:** Mr. Speaker, please, the Member for Diego Martin North/East, everything he says, he did. That is the “woulda, shoulda, coulda”. You know, Mr. Speaker, they had their time to talk, but typical of the—you know, they have this quality—impatience, their lack of tolerance. The father of the nation talked about tolerance, but they are intolerant of anybody else speaking when they done talk. When they finish talk, nobody else ought to speak. That is the culture; that is the culture that wants to come back into Government. [*Crosstalk*] That is the culture, Mr. Speaker.

So that we are strengthening the laws as it relates to children, because it is no secret we have had deaths, very tragic deaths of babies, of young children where parents—we did the research. We cannot call names and so on here now, it is not proper—but where you have small children, you put them in the back seat.

Mr. Speaker, sometimes I am driving through my constituency and I see a car, and in the back, the glass, you see a baby or a small child—one year, two years old—jumping up in the back seat while the parent or guardian driving through a village, and the glass is down. Sometimes you see a parent in the front seat holding a baby or a young infant and putting that infant there, and they are holding and driving along merrily having ice cream or chocolate or something—one parent driving, the next one holding in the front seat. And, you see, in the

event of a sudden stop, in the event of an accident, that baby flies through the front and goes. And today, we strengthen the laws that govern this area so that parents and guardians are now under the law. They must fix certain seats, obtain certain equipment, ensure that it is properly tested and so on, so that the babies and the young children are protected.

We are about protecting children here, and that is why they have the problem with this, you know. [*Desk thumping*] We are not about abusing children, we are about protecting children. [*Desk thumping*] For many people in this society, people who pose as leaders, they are about abusing children. Yeah, they are about abuse. This is about protecting young children. [*Crosstalk*] I am not about “lap dance” and lap top. The Member for Caroni East is always giving me these ideas.

**Dr. Gopeesingh:** I am just asking.

**3.00 p.m.**

**Hon. Dr. R. Moonilal:** Because, you know you distributed—I think the Prime Minister distributed 95,000 laptop computers to the children. Mr. Speaker, it is the same children who they will have in the back seat without proper seats. So what is the sense you give them a laptop and then you crash and they cannot use the laptop anymore? This is not a lap dance we are talking about, it is a laptop. I know they are concerned. [*Interruption*] You know, you had your chance to talk—“oh God, yuh go geh more chance to talk, yuh jus cannot listen.” Mr. Speaker, so that I am very happy that the Bill provides the strengthening of the legislation for the children, and also, clauses 105 to 111 that deal with the differently abled persons, parking permits, and so on.

Mr. Speaker, I had the opportunity to read the contribution of other Members here in this debate and while some of those Members, you know, spoke on all types of extraneous matters, there are a couple of issues raised by Members opposite and the Member for St. Joseph, in particular, had a contribution on this matter, as, Mr. Speaker, he contributes on all matters. But in this matter, Mr. Speaker, the Member for St. Joseph in his contribution placed heavy emphasis on clause 224(7), which reads as follows:

“Subject to subsections (8) and (9), where an accident occurs involving a vehicle on any road, highway or public place and the person who was driving or attempting to drive the vehicle is unconscious, a constable may, on arriving at the place of the accident and having reasonable cause to believe that the person was driving or attempting to drive the vehicle—

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[HON. DR. R. MOONILAL]

- (a) while his blood alcohol level exceeded the prescribed limit; or
- (b) with a drug in his body, cause a sample of blood to be taken from the person for laboratory testing to determine whether the blood alcohol level of the person exceeded the prescribed limit or that the person had a drug in his body.”

He also referred to subclause (8), which provides:

“Where a sample of blood is required from a person under subsection (7), the sample shall only be taken—

- (a) at a hospital; and
- (b) by a medical practitioner.”

When he says, and I quote:

That “is where you run into the first problem, at the hospital or by a medical practitioner.”

There is indeed high condemnation of the various subclauses by the Member who condemned that, but, Mr. Speaker, let me refer him to the existing legislation at section 70D(1), which provides and I quote:

“Subject to subsections (2) and (3), in the course of an investigation as to whether a person has committed an offence under section 70A, a constable may require a person under investigation to provide a specimen of blood for a laboratory test if the person is unable, by reason of his physical condition, to provide a specimen of breath for a breath test.”

So, Mr. Speaker, further, I shall now proceed to subsection (5), which reads:

“For the purposes of this section and sections 70A, 70E and 70F, where any person is required to provide a specimen of blood, such specimen shall be taken only—

- (a) with the consent of that person;
- (b) at a hospital; and
- (c) by a medical practitioner or qualified laboratory technician.”

Mr. Speaker, a comparison of the provisions of the Bill, with that of the existing legislation, clearly reflects that there is indeed great similarity in both sets of



provisions. So, Mr, Speaker, not only does the existing legislation allow for the request by a constable at section 70D(1), but, Mr. Speaker, let us go to 70E(1), which reads:

“Any person who is under investigation in relation to an offence under section 70A and who refuses to provide a sample of blood for a blood test when required to do so under section 70D(1), is guilty of an offence and shall be liable-

- (a) in the case of a first conviction, to a fine of eight thousand dollars or to imprisonment for three years; and
- (b) in the case of a second or subsequent conviction, to a fine of fifteen thousand dollars or to imprisonment for five years.”

Mr. Speaker, I want to quote the Member in this contribution. He says, and I quote:

“In most countries, it could be done by”—another professional

What is the pronunciation of this word?—P-H-L-E-B-O-T-O-M-I-S. What is it?

**Dr. Gopeesingh:** Phlebotomist.

**Hon. Dr. R. Moonilal:** Phlebotomist. Mr. Speaker, one who draws blood. A drawer of blood, not “The Count”. Mr. Speaker, so my friend from St. Joseph alerted us to that, it could be done by that professional.

“...you do not have to wait for a doctor because if you have to wait for a doctor in our crowded casualty departments, you will not get a doctor. They have other cases to see about. So that is the first bit of” it—but not first bite of it—“can I use the word”—

Well, he went on into some unparliamentary language, but that is not a case. Mr. Speaker, given that his colleague, the Member for Diego Martin North/East, has showered so much praise onto himself for the existing legislation, I wonder if he is referring to his colleague as having drafted and enacted legislation that is indeed stupid. Mr. Speaker, I do not think—in fact, he could well be doing that.

The Member for St. Joseph goes further to ask, and I quote:

“...if”—the matter—“goes to the court, does the physician and”—the—“doctor who took this sample and did the certification...have to”—attend—“court... We would like to know. To tie up a doctor now in court.”

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[HON. DR. R. MOONILAL]

Mr. Speaker, the Member for St. Joseph—and I think it was unfair for the Whip to put him in that position because he was really not acquainted with the Bill. So, it was a bit unfair to ask him to speak on that, Mr. Speaker. He was not prepared, because it is in the substantial legislation that the Member for Diego Martin North/East likes to boast about. You see, Mr. Speaker, the Opposition's approach in this matter is really to prevent the Government from passing any far-reaching legislation—to prevent us from passing legislation that is revolutionary, whether it is procurement Bill, whether it is motor vehicles, whether it is insurance Bill, whether it is private security, whether it is other Bills to deal with crime; that is their objective. They just do not want the Government to pass this legislation because they feel, maybe, the Government will look good, and it will be part of an election year so they do not want the Government to look good. That is not their job, understandably, but, Mr. Speaker, we have a duty, and our duty is to bring the legislation, approve the legislation, and move swiftly to implement the same.

That is our commitment, because, you see, Mr. Speaker, if we do not do that, the very people who are complaining now will go outside on the platform and say, "They have been in power for five years and what did they do? Nothing. They promised us A, they did not deliver. They promised B, they did not deliver. They promised motor vehicle legislation, they did not deliver." That is it, and that is the conspiracy we are dealing with, but the Government will move forward. If you have amendments you bring it. If you do not have amendments, well, you can talk how much you want, but we intend to move forward with this piece of legislation.

And my friend from Laventille West, of course, made the case for the private car, PH, and so on. Now, my friend from Laventille West, I do not know if, in making the case for the PH drivers, he was contemplating any further employment that he may have to have after the next general election. [Interruption]

**Hon. Member:** There are plenty PH drivers in Laventille.

**Hon. Dr. R. Moonilal:** Oh, I understand there are plenty PH drivers there. I do not know if there may be new PH drivers coming along after the election. But, Mr. Speaker, the PH, of course, matter is already—it is against the law. I mean, the PH. So, Mr. Speaker, putting it in here and codifying it in this manner, and there is an offence to be committed, Mr. Speaker, it is already in legislation. And part (b) that he spoke about, 216(1)(b), deals with commercial vehicles, public service vehicles, rented cars, trailers, and so on, that are overloaded—we see this as well

on the roads. Mr. Speaker, that contributes to destroying the roads. You know what contribute to destroying roads a lot are these overweight vehicles and going on roads for which they are not permitted to use, but this is a country where somebody load up a truck and decide they could go through a trace. In fact, more than that, they are living in the trace so they park the truck on the road and block everybody else. It is a country like that, so that you have to deal with this thing in a very proactive manner.

You overload a truck, you overload a trailer, you have a commercial vehicle, it is not being used for the purpose for which it is registered and you think you can get away, but not so anymore. Strict laws we will have to introduce. Mr. Speaker, and with introducing strict laws and change, I told an interviewer recently, there can be no development without conflict. There will be conflict. When we introduced the breathalyser, a lot of people jump up and say—*[Interruption]*

**Mr. Imbert:** “How you mean you introduced the breathalyser?”

**Hon. Dr. R. Moonilal:** I was a Member of the Parliament. You do everything in the world. Yeah. Yeah. You do everything—I was a Member of the Parliament when we approved the breathalyser. You see, Mr. Speaker, he built a wall that collapsed, he built a stadium for midgets in Grenada. He did everything, Mr. Speaker, but Mr. Elias will deal with him.

Mr. Speaker, people were—breathalyser—smoking, when we passed legislation for that there was a lot of—*[Interruption]* Mr. Speaker, the Parliament of Trinidad and Tobago participated in doing that, tobacco legislation, we supported. I told an interviewer recently, you cannot have development without conflict, and we are developing Trinidad and Tobago with this legislation so you will have conflict. There are people who will disagree with the quantum of the fine, they will disagree on creating offences, they will disagree on where the building located, but you cannot have development if you do not have conflict.

Mr. Speaker, today, I reflected, Eric Williams marched to Chaguaramas to free Trinidad and Tobago; today, they are marching to imprison Trinidad and Tobago. Because, Mr. Speaker, when you are developing Chaguaramas—and the roads down there, the very roads we are talking about here—when you are developing Chaguaramas for business, economic opportunity, employment creation, income distribution, people march and protest. When they gave Pier whatever to Chin Lee they did not protest—when they leased it to Chin Lee. Today, there is a protest about Chaguaramas. That structure is termite infested, woodlice infested. T&TEC has said that they can do no work down there. Four million dollars a year to

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[HON. DR. R. MOONILAL]

manage a place that cannot be used, but, you see, they feel they own Chaguaramas Convention Centre like if it is Balisier House, but it is not Balisier House. It is for the development of the Trinidad and Tobago, and economic activity will take place, jobs will be created, income will be circulated there, Mr. Speaker—[*Interruption*]

**Mr. Deyalsingh:** Mr. Speaker, Standing Order 48(1), please.

**Mr. Speaker:** If you could connect your points I will appreciate very much, please.

**Hon. Dr. R. Moonilal:** Mr. Speaker, I want to tell you something. The Member for Chaguanas West talked about 700,000 cars on the road, and so on. When you develop an area like Chaguaramas, you will have more cars on the road, you will have more breaking of offences, traffic offences, road offences. When you develop economic zones it leads to greater cars, greater traffic, greater consumption of fuel. There will be more persons driving, more probability of offences under this legislation and other offences. It has to do with economic development. Surely you could see that, Member for St. Joseph. I mean, you are a man, you have tried several businesses before in your life, you would know about—well, you have tried several. You would know of business development and road use, and number of cars and traffic offences, involving parking, involving inconvenience.

Mr. Speaker, we are in the process of going out just now. First, we are completing the highway to Point Fortin, then we will move San Fernando to Mayaro. As you create this transportation network you have greater probability of offences, because more motorcars on the road, more users, more drivers, Mr. Speaker. [*Interruption*]

**Mr. Speaker:** Please. Is it Diego Martin North/East or is it Laventille West? Listen—[*Interruption*]

**Hon. Member:** Not me either. Not me either.

**Mr. Speaker:** Yeah, but we are getting feedback in this Chamber. I have noticed that, for instance, Members are using their iPads and their smartphones in a liberal way when it is supposed to be used for purposes of debates. I just want to advise Members that their iPads and their smartphones are supposed to be used for debates, for research, not for theatre. I am saying not for theatre. So, I just want to advise Members, whilst you have the liberty to bring your smartphones and your iPads, it is not to be used in the way that I have observed. Continue, hon.

Member.

**Hon. Dr. R. Moonilal:** Thank you very much, Mr. Speaker.

Mr. Speaker, let me get back to the Bill because the colleagues opposite may wish to distract me. Mr. Speaker, the Member for Laventille West raised the issue of clause 29 in the Bill, and I want to tell the Member, when in legislation you put a provision to have, for example, a representative from a Ministry, you do that in policy documents, you do that in law. You do not expect that if you are dealing with high-level policy matter, legal matters and so on, that you will appoint a representative from a Ministry, you will spell out and say, “The representative must be a State Counsel III, State Counsel I and Director II”. You have put a representative of a Ministry and that carries with it the quality of the representation. So you cannot put—you will have a transport board and a representative from the Ministry of Works and Infrastructure, and you expect that they will put the parking lot attendant to be the representative of the Ministry of Works and Infrastructure. You know, you have a board for health and you say a representative from, you know, the medical association, so they will go and pick up the janitor and put him on the board. You do not expect that. When you say a representative from a Ministry it carries with it, Mr. Speaker, the position. [Interruption] Well, look at you, they said a representative for St. Joseph and we got you. [Laughter]

**3.15 p.m.**

So, Mr. Speaker, clause 29 raises—I want indicate that—[Crosstalk] “Powers and duties of the Motor Vehicles Enforcement Officer”. We are so informed during our consultations this matter came up as well. The enforcement officers in the exercise of their powers and duties only under this Act. They are not police officers for the purpose of criminal law.

**Mr. Speaker:** Hon. Member for Oropouche East, your time has expired. Would you like to have an extension?

**Hon. Dr. R. Moonilal:** Yes.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Minister of Housing and Urban Development be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** You may continue, hon. Member.

**Hon. Dr. R. Moonilal:** Thank you very much, Mr. Speaker. [*Desk thumping*]

Mr. Speaker, I was saying in relation to clause 29 that the enforcement officers carry the duty only under this Act, and therefore, that reference to the police service is made—the immunities given by the written law for a member of the police service is for an enforcement officer only, pursuant to this Act. They are not a police officer in that sense, but they carry the immunity of the police service only to this particular Act.

Mr. Speaker, in clause 56(2), I just want to go through some of the issues raised—56(2). I think there was also some issue raised there as to the vision examination and so on. The Member had raised that, almost wanting to suggest that everybody who goes to renew a driver's permit, they say: “hold up, go by Value Optical and do a test”—so somehow, you know, Value Optical and other places.

What they mean here is that when you go to renew your licence there is a chart that they will tell you, listen go behind that chart and, you know, peer through this magnifying glass and read so you could ascertain that people are not blind when they come to renew their licence. They are not blind. So that—[*Crosstalk*] No. So that, Mr. Speaker, you shall submit yourself for a vision examination. So at the place itself, you will get the vision examination. But my friend from Laventille West did not see that, you know. He did not see it that way. So that it is not that the person has to go and line up by some business place and take a next day to go and test your eyes and get glasses and come back and so on. Mr. Speaker, in 26 we dealt with that—the suitable person.

The reservations being made as well—a bigger issue—have been raised here and, I think, it is a serious policy issue enough, but we are very clear on it—that issue of the driving after midnight to five in morning and the new driver vis-à-vis the experienced driver with him or her and so on. It has been raised by several speakers and we contemplated on it.

But, Mr. Speaker, as I said we are dealing with landmark legislation, new legislation that we will implement. If it is that in circumstances that we cannot predict—there is an illness; there is a near-death experience that you have to rush; whether it is a young lawyer; a young doctor has to rush to the hospital and so. If it is, as it is now, that they are held or charged for committing an offence, they have due process at the court of law, that they can explain to a magistrate: “Listen I am a doctor. I was responding to a call to get to the medical centre to attend to a

patient. I now got my licence last week.” And they will—you will consider it at that point—extenuating circumstances are permitted.

Now if the Member for Laventille West and others who raised this would like to contemplate an amendment, they can tender that. As I say, you can bring an amendment that seeks to, you know, tighten that particular issue to allow for what the legislation is seeking to do, to restrict these very, very young and green drivers on the road at that time—to restrict that. Because we do have some data. The legislation, the policy is data influenced. So that we do have some data to tell us about the crash on the road, the timing, the age of drivers and so on. The Ministry of Transport has been doing a lot over the years to ensure that we reduce fatalities on the road and accidents on the road. I think it is down, if I am not mistaken. The fatalities on the road are down, and significantly at that. We have been able to reduce that. Mr. Speaker—[*Crosstalk*]—yeah—and because of the laws.

This goes back to—and I do not want to say only for now. Because a lot of this legislation as well was dealt with by former administrations. The PNM administration dealt with it, and I believe under the UNC administration. We were also addressing this matter—yes—we were addressing under the former Attorney General. In fact, the former Attorney General who represented Tabaquite—who I understand is now the lead defence lawyer for the Leader of the Opposition who apparently fired Sen. Al-Rawi as his lawyer. But that former Attorney General had initiated some work in this area—when he was thinking clearly—he did initiate work in this area before he became the lead defence counsel for the Leader of the Opposition.

The Leader of the Opposition is not here but, you know, Mr. Speaker, just with one minute leave, I would just like to remind the Leader of the Opposition. You know, it was on Wednesday, October 21, 2009 in a debate on the Commissions of Enquiry Bill, when the Member for San Fernando East, you know, reflected on the former Member for Tabaquite and now the lead attorney for the Member for Diego Martin West, and he said and I quote:

“Coming back to the Member for Tabaquite, the method I saw existing between the Member for Tabaquite and the Member for Diego Martin West is a method that is not unfamiliar to me. I saw it in 2001 when it was used to bring down the Government... I know the mechanism,...”—[*Crosstalk*]

**Mr. Deyalsingh:** Mr. Speaker, I am on my legs with a Standing Order.

**Hon. Dr. R. Moonilal:**—“...so when I see it, I recognize the hand of the man I describe as ‘ il capo di tutti capi.’” [*Crosstalk*]

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

**Mr. Deyalsingh:** Mr. Speaker, I am on my legs with a Standing Order, 48(1).

**Mr. Speaker:** Member, I myself would want to sustain that. If you could connect it, I would appreciate it, please.

**Hon. Dr. R. Moonilal:** Yes, Mr. Speaker. I am complimenting at this stage the work done by former administrations on the motor vehicle Bill and I am saying that indeed former Attorneys General have worked on this, and the former Member for Tabaquite did do some work during the UNC administration in motor vehicles in this area. But I am also signalling a warning to our friends opposite that he was also described, Mr. Speaker, as “ il capo di tutti capi”—boss of all bosses by the Member for San Fernando East.

**Mr. Deyalsingh:** Mr. Speaker, Standing Order 48(1) [*Crosstalk*]

**Hon. Dr. R. Moonilal:** This man will not allow me to finish a sentence? Why are you so paranoid?

**Mr. Deyalsingh:** Standing Order—could you have your seat, please? [*Crosstalk*] Standing Order 48(1). [*Crosstalk*]

**Mr. Speaker:** All right. I am following. I will determine. Continue, please.

**Hon. Dr. R. Moonilal:** So, Mr. Speaker, in closing on this point, I want you to rest assured, Member for St. Joseph, that I do not want to carry on this point, but to indicate in closing, Mr. Speaker, that this “Ramley ” that we see today is not new, it goes back to 2009 and 2001. The “Ramley ” that we talk about is not a new formation. It is a known formation to destroy and as the Member for San Fernando East noted, they tried to destroy both the UNC and PNM, and today they are coming now to see if they can destroy the People’s Partnership. “But none ah dat!” You will not undermine and remove the People’s Partnership [*Desk thumping*] with “Ramjack- G”, with “Ramley ” or with any other “lee” that they are—Mr. Speaker, not even Bruce Lee can remove this administration in that manner. [*Desk thumping*]

So, Mr. Speaker, I move on because I know that my friend from St. Joseph wants to hear more of me on this Bill. I know he wants to hear more of me, but on another occasion I will speak more of “ il capo di tutti capi”. I will speak more of him on another occasion, but for now I will ask the Member for Diego Martin West and those to be very cautious when they engage legal representation in this way.

Mr. Speaker, they say “ de worse yuh case, is de bigger de lawyer yuh does



*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

hire”. [Laughter] So, on another occasion we will speak—we will speak of that on another occasion because they are very anxious for a Motion that—they are very anxious to hear of a Motion [Crosstalk] that we intend to file. Ah? So, they are very anxious to hear of that Motion, but today is not the day for that. Today is the day to reflect on the Motor Vehicles and Road Traffic Bill. That is what we are about today.

Mr. Speaker, in going through the Bill again, the Bill deals with several areas of great progress that we are making. You know, it will be a pity if at a moment like this, you know, in our history in this Parliament, given all that we have done, that if a Bill like this is sent to a Joint Select Committee where it will languish [Crosstalk], it will die. Mr. Speaker, you could have—if this Bill goes to a Joint Select Committee with Members of the PNM, it is dead on arrival. [Crosstalk] It is dead on arrival. There is no need to take a blood sample from this Bill. I want to tell you that.

This progressive Bill before us, if it goes to a Joint Select Committee, it is dead on arrival. We will never get back this Bill in time to approve it and to send it onward for approval in the other place and to implement this Bill. That is their objective. I must tell you that is their objective because they took about three decades and they could not do it—about three decades like the Mayaro Fire Station. They promised that in 1964. Eric Williams promised that. Today, we are outfitting the Mayaro Fire Station and building it. [Desk thumping] I was not born when Eric Williams promised that Mayaro Fire Station.

Today, we are going to open six police stations. They built one and a half when they were there for 10 years. We are opening six police stations. We are building the Oncology Centre, we are going to start construction on the Point Fortin Hospital, the Arima hospital. And as you build these things you require more roads. Mr. Speaker, you require better road network. You require more travel opportunities. Therefore, could you imagine you do all this development work, Invaders Bay, Chaguaramas with theme park, hotel, convention centre and so on, but you did not upgrade your motor vehicle legislation? Right? So have an archaic system for licensing, and you put development all over the country. You build highways all about and you have anachronistic legislation dealing with traffic, dealing with offences and so on; they go hand in hand. This is the development we speak of. This is development. This is development.

So when you have your zones, whether it is Chaguaramas for convention centre, theme park, entertainment, enormous job creation, Invaders Bay coming, Point Fortin as a hub, Mayaro as a great hub, you have to get legislation to

*Motor Vehicles (Amdt.) Bill, 2014*  
[HON. DR. R. MOONILAL]

*Friday, March 06, 2015*

support road users, traffic and strengthen legislation as far as possible. This, Mr. Speaker, is what they do not want to hear. They do not want to hear this. You bring progressive legislation. They say send it to a Joint Select Committee and kill it. Mr. Speaker, kill it. Go to a Joint Select Committee.

I took note of the speeches being made by my friends opposite. They can find not one fundamental policy issue. What they have raised are issues dealing with the operationalization of the Bill. Not the policy. In fact, they agree with the policy. All of them stood up and said we want this. This is good for us. We agree with the policy. Their concerns are on matters of operationalizing the Bill, but they will not bring an amendment—not bring an amendment. But they will say, go to a Joint Select Committee, so they could kill it there.

Mr. Speaker, I want to tell you something, this will not be a road fatality. This Bill will not be a road fatality. We intend to pursue. We intend to hold on to the wheel on this Bill and to ensure, Mr. Speaker, that before this Parliament is dissolved that this Bill is passed in its entirety. We may do it with amendments. We may do it with amendments. I cannot say that we will do it without amendments because if there are issues you raise and you bring forward the amendments, I mean, we are mature people, but they will not want us to pass the legislation. They will not.

So, we dealt with that matter of the young driver. We dealt with that matter of the blood sample which is in the substantive legislation as well. We dealt with the representative issue. We dealt with the consultation. Mr. Speaker, you know, every time you bring a Bill of great import, comprehensive—they say “yuh eh consult. So what yuh was doing for two years at the LRC and how much years before in Government?” We were calling in stakeholders. The documentation for this Bill could fill a warehouse. The amount of correspondence they have with stakeholders and this point and that point. But there comes a time when a government needs to do what a government has to do.

Mr. Speaker, I am proud today to stand in support of the Minister from Chaguanas East, the Minister of Transport. Proud to stand in support of this pioneering, landmark piece of legislation to indicate, Mr. Speaker, that it is progressive. It is what we have promised. We are going to now marry our physical upgrade to the headquarters for the authority with the passage of our Bill, and ensure that the drivers are protected, to ensure that citizens are protected, to ensure that we modernize the entire system of licensing in Trinidad and Tobago. Mr. Speaker, thank you.

**Dr. Amery Browne** (*Diego Martin Central*): Thank you, Mr. Speaker, for the opportunity to contribute to what we view as a very serious and important debate for the citizens of Trinidad and Tobago, and I hope during my contribution I could help assuage and erase some of the trite points that were made by my—and inaccuracies—that were made by the Member for Oropouche East, who seems to treat every debate as an opportunity for humour and rancour.

Mr. Speaker, the scenario on the roads of this country is a very serious one. All of us as Members of this House use the roads. Our family members use the roads and the citizens of this country, in my view, are in constant danger when travelling in motor vehicles.

**3.30 p.m.**

Mr. Speaker, the scenario on the roads of this country is a very serious one. All of us as Members of this House use the roads, our family members use the roads, and the citizens of this country, in my view, are in constant danger when travelling in motor vehicles. The scenario is truly horrific. We see manifestations of rage on our nation's roadways, of anger, of disrespect, of hostility, and we see many persons using motor vehicles as weapons, almost, to project power and anger at other individuals. Sometimes we would wonder if it is that persons have a lack of power in their personal lives or in their homes or in their workplace, because when they get behind the wheel of a vehicle it is a projection of anger, rage and power, and that has cost us many lives. We even have a dear colleague, a Member of this House, who recently lost her dad to a road traffic fatality, and our hearts remain with her in these trying times.

So, this is not a debate really for jest and just empty humour as we heard just now. This is very serious business. We see there is talk of young people and reference—I think, Mr. Speaker you referred to theatre in one of your interjections, but a lot of people in this country say that some of the movies that our young people are looking at, like *The Fast and Furious*, and so on, are really being played out on the streets, because persons with vehicles are ill-equipped to cope with those speeds and are trying to drive like they are seeing their stars and their heroes driving in that manner and it really is a very serious issue.

We are also confronted with a lack of enforcement in this country, and we could bring a million pieces of legislation tomorrow morning, that does not automatically result in a safer environment for our citizens and our children, because the enforcement scenario is so weak, almost non-existent. We have a flouting of road rules right outside the Parliament—and I have articles to

*Motor Vehicles (Amdt.) Bill, 2014*  
[DR. BROWNE]

*Friday, March 06, 2015*

demonstrate that—and even in front of the police.

Mr. Speaker, when we have visitors, if you have a visitor from the United Kingdom, they are bewildered when driving down the highway to see our drivers overtaking police cars at enormous speed comfortably. Because, in the United Kingdom if you see a police car on a highway you would see a long line of cars behind it, everyone trembling and afraid to pass the vehicle. In Trinidad and Tobago, anything appears to be anything. We know about the road deaths. In the last several decades we have had thousands of road deaths in this country, and as we know we are approaching maybe a million vehicles at some point in the future.

But, I listened to the Member for Oropouche East, and you have to give jack his jacket—to coin a phrase—he generally is viewed as a good debater but, unfortunately, I listened to him today and he has never been less relevant and less interesting than he was in his contribution today. [*Desk thumping*] And, well, very inaccurate. It was a very loose contribution and one would think that—[*Interruption*—yes, his contribution was “more loose” than Destra’s most recent song. [*Laughter*] He failed to explain the fact that the draft of this Bill has been sitting on the desk of the Minister of Transport for years.

**Mr. Imbert:** Five years.

**Dr. A. Browne:** Five years. But he presented it as urgent work, and this is important land-breaking, life-changing, et cetera, et cetera, but five years this thing has been sitting there and we have now, on the eve of an election coming and trumpeting that this is going to change and make everybody safe. But some would say better late than never.

He also made an astounding declaration that our roads are safer now than ever before, and I saw he consulted with the Member for Chaguanas East, who knows better, and to be fair to the Member for Chaguanas East, he gave a sort of equivocal shaking and nodding sort of response. He knows he was talking absolute—can I say nonsense? He was talking through his hat.

**Mr. Imbert:** What about the child seat?

**Dr. A. Browne:** Hold on, we would come to that. So, our roads are safer than ever before. But, Mr. Speaker, if you would permit me, just two days ago in the *Trinidad Express*, we have the facts as opposed to his—the planet Moonilal, sorry, planet Oropouche East—[*Laughter*—25 per cent increase in pedestrian road deaths, more citizens are dying in 2015 while on foot compared to the same

period in—on the roads, 25 per cent increase.

**Mr. Deyalsingh:** But we are safer?

**Dr. A. Browne:** I do not know who is safer—25 per cent increase in pedestrian road deaths. So, I do not know if this is cause for any celebration or anyone to rest on their laurels or pat themselves on their backs and, it could be that the Member was being very selective in how he interpreted safety on the roads. But if our pedestrians or those who cannot afford a fancy motor vehicle, like some other citizens, if their safety is not of concern to us in this House then we are probably in the wrong business. I am directing that to the Member for Oropouche East.

He also boasted that in this Bill, for the first time, we have legislation for children's car seat. Imagine that, Mr. Speaker. On the *Hansard* record, well recorded by the staff of the Parliament—[*Interruption*—yes, and he kept repeating that, it is now enshrined in law and so on, but, Mr. Speaker, I worry sometimes about these Members on the other side. You know, we consume various beverages, but even Kool-Aid, you talk about political Kool-Aid, the Member for Oropouche East seems to have been confused by his political Kool-Aid and is making claims that cannot be the substantiated in reality, at all. Because, if you check the laws of Trinidad and Tobago, since February 2010, right here in this House. Mr. Speaker, you remember that we passed—so, he wants to talk about landmark and revolutionary, that revolution occurred long time ago under a PNM administration, to make our children safer. [*Desk thumping*]

And every policeman knows this. Every parent knows this. In this country unless it is in the law a lot of people tend to be loose about it. That is why PriceSmart is selling car seats like hot bread right now, not waiting on this Bill to be passed. Since 2010, it is the law and the policemen check vehicles. They have checked my vehicle already. Is your son not properly restrained in a car seat?

**Mr. Deyalsingh:** So he does not know that?

**Dr. A. Browne:** That is the UNC's approach, throw a big net and—he basically claimed all legislation ever passed in this country.

**Mr. Deyalsingh:** He claimed breathalyser.

**Dr. A. Browne:** Well, yes. He has claimed everything. Totally inaccurate, but thank goodness we have informed Members on this side who will set the record straight each and every time they try to mislead the citizens of this country. [*Desk thumping*]

*Motor Vehicles (Amdt.) Bill, 2014*  
[DR. BROWNE]

*Friday, March 06, 2015*

Mr. Speaker, but I do not want to get too hyper political on the issue, because I started saying it is serious business, and there are some things about this Bill that, at least when you look at the section headlines, they are encouraging. There are some things that are encouraging, but let us be frank, the establishment of a Motor Vehicles Authority is not anything but based on sound PNM policy that has been well established in Trinidad and Tobago, [*Desk thumping*] so let us not fool ourselves.

Every Member of this House would know that the licensing office is in a total mess as we speak. I was there just last week, it is a horrible situation. We have had good transport commissioners, I do not hold them in any way personally responsible, but the system has not been working and there has been a lot of exchange with Nova Scotia, all of this before 2010, building up and establishing a platform on which we should have workable, sensible legislation at this point. We have had a number of contributions on this side that have raised serious doubts on everything this Minister has presented thus far.

So, I was talking about some of the good things in the Bill. The establishment of a Motor Vehicles Authority is a good development. I talked about the licensing office is in a mess. Back in the day you would hear whispering—when I got my licence a few of my colleagues or peers would have said, you know, they bought their licence. It was a secret back then and it was the exception. Now, Mr. Speaker, it is the norm, and these young people are proud to say they paid for it. So, we need change and I am happy that at least that aspect of the policy has been accepted and furthered. But it has to be done right, and just change without doing it the right way sometimes we would be taking a step backwards, and there are elements of this Bill that we view as completely unworkable. So, while the headline might be fine, the devil is in the details, and our citizens would be no better off, and I will give some examples of that. Again, the devil is in the details.

Mr. Speaker, the other good thing I would want to say about this Bill and credit to the Minister in this regard, is that it really attempts to treat with persons and drivers who have physical challenges, and that is very important. We have many persons with medical challenges and physically disabled persons living and working among us, and we need to take them into account at every stage. But, with regard to the differently abled, I do not think the Minister has recognized that disabilities are created every single day, and some of them are created by the chaos on our roads, and I have seen these PH drivers, which are not addressed in this Bill, causing complete mayhem on the streets, and I would think as a Parliament and certainly as the Cabinet, that needs to be addressed with great

urgency, and I fail to hear the explanation as to why this Bill has not treated with that particular scenario.

As it stands now, Mr. Speaker, anytime any vehicle can stop abruptly in front of you, and Members know what I am talking about. Sometimes it is a private car, a station wagon, a panel van, a pickup truck—mash brakes, picking up a passenger. I see our good citizens at the side of the road and they will flag down almost anything now, because their minds have been numbed to the fact that you need to have an H for a hired vehicle, and almost any vehicle you see them flagging and who stops, stops.

**Mr. Indarsingh:** They flagged you down? They flagged you down?

**Dr. A. Browne:** Yes, yes, yes. Because, that is the lawless environment. What I am saying is that causes accidents. There are consequences to this environment and that needs to be addressed, and that leads to an increase in disability at times. So, the caring for the differently abled is not just in a few clauses, but is in addressing the overall picture of mayhem on our roads.

I also listened to the Minister when he was presenting the Bill and he did go through some of the clauses and so on, and he said he was initiating, I believe he said a revolution in road safety, and he talked up the Bill and himself quite a bit. I do not know, maybe that is fine, but I think we need to acknowledge a few basic facts if we are talking road safety in this country.

I view the three most important pieces of legislation—certainly in recent history, have been the breathalyser legislation, the seat belt legislation and the prohibition of the cell phone use in motor vehicles, and the record will show that it was the PNM administration that brought the breathalyser legislation and passed it in this Parliament; [*Desk thumping*] it was the PNM Government that brought the seat belt legislation and passed it in this Parliament. [*Desk thumping*] Well, it was someone who is not a member of the Government, who, when he was there, brought the prohibition of cell phone while driving legislation. So, I am not too sure why the UNC would be crowing at this particular point, when you look at the key legislation that has helped to address road safety, and that is basically the reality, so I want the Minister to be aware of that.

I want to go through a number of clauses in this Bill that gave me some additional difficulty. I heard the Member for Oropouche East, he started by claiming that he was going to respond to specific issues raised in the debate. He failed to do that and I think that was quite obvious. I want to start with clause 9 of this Bill, because we have a lot of work to do during this contribution. Clause

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[DR. BROWNE]

9(1):

“The Authority shall exercise its functions and powers in accordance with any special or general directions as may be given to it by the Minister from time to time.”

Mr. Speaker, I am quite concerned about that phrase. “...any special or general directions by the Minister”—“The Authority shall exercise its functions and powers in accordance with”—that. Because when you look at the immunities associated both with the members of the board of the Motor Vehicles Authority, clause 13 says it:

“A member of the Board shall not be held to be personally liable for anything done, permitted to be done or omitted to be done in good faith in the exercise of his duties under this Act.”

When you look at the immunities of the enforcement officers that by proxy the Minister will be controlling via these special or general directions, any special or general directions, what you basically are establishing here, if you take it to the full extent it is a potential tonton macoute, where a Minister is giving any special or general directions to enforcement officers who have immunities just like police officers. That is not acceptable under a UNC Government, it is also not acceptable under a PNM Government, or any decent administration in Trinidad and Tobago. I am very concerned about that nexus and that connection between a Minister’s direction and persons, enforcement officers, who have such broad powers and immunities, certainly at the level of the board and as well at the level of enforcement on our streets. Then the question arises, if there is an issue that a citizen encounters with one of these enforcement officers, do they seek the protection or complain at the Police Complaints Authority? Where do they go?

We heard the Minister of National Security stumbling, fumbling and bumbling when asked about the Comfort Police patrols, and where do citizens go for recourse if they feel aggrieved by the actions of one of those officers who were doing those duties? The same would apply here—well, we will see what the answer is in that regard, but that is a genuine concern that I have.

**3.45 p.m.**

Mr. Speaker, moving right along to clause 10(2), and I think that has already been addressed, so I will just reiterate briefly in terms of a board:

“The Board shall consist of nine persons appointed by instrument in writing by the Minister...”



And again the Member for Oropouche East was begging for an amendment when he fully well knows that this is an unworkable clause, because he himself has addressed similar issues in past debates while in Opposition. If the law specifies the board consisting of nine members, the law does not establish a quorum at all. Then it simply says that if you do not have nine members you do not have a board. I have heard no response on this issue thus far during the debate. I think it is a fundamental and important one. Someone is sick, incapacitated abroad in an accident, or something else, then you really do not have a functioning board, and then the authority's work can be compromised. I do not think that is good law-making, Mr. Speaker.

Moving right along to clause 29. Clause 29:

“The Registrar and any Motor Vehicles Enforcement Officer shall, in the exercise of his powers and duties...under this Act, have the powers, authorities and privileges and shall be entitled to all the immunities given by any written law from time to time in force to any member of the Police Service.”

Again, reinforcing the concern that what we really have is very powerful officers on our streets guided by a board of a Motor Vehicles Authority which takes any special or general directions from a politician serving a Cabinet.

This is unprecedented, Mr. Speaker. It does not apply to the police service, but you take all the powers and immunities of the police officers, give it to these individuals who are thusly connected to the Minister of Transport and the Cabinet of Trinidad and Tobago. I do not think this is acceptable, and the Member for Oropouche East was begging, why should this go to a Joint Select Committee? But you have fundamental issues. He asked for issues of policies. That is a clear issue of policy that has to be accounted for to this House and the people before we can proceed.

Mr. Speaker, moving right along. Let us look at clause 115, and again the Member for Oropouche East fell into serious error as he is wont to do. Clause 115, and this is where the child's car seats come into play—and I know the Member for Couva North has her car seat or car seats—

**Miss Ramdial:** Baby on board.

**Dr. A. Browne:** Exactly, baby on board sign and everything. Clause 115, Mr. Speaker:

“The driver of a vehicle referred to in”—this—“section...shall—

*Motor Vehicles (Amdt.) Bill, 2014*  
[DR. BROWNE]

*Friday, March 06, 2015*

- (a) not, without reasonable excuse, drive his vehicle while there is in the front seat of the vehicle a child of”—less than—“five years of age...”

Meaning basically, a child less than five cannot be in the front seat. Fair enough. And there are other clauses that are quite good standing on their own.

But, Mr. Speaker, if this law is to be complete I really feel the Minister has to clarify why there is no exception clause in this Bill for public transport vehicles and for taxis. In other words, it is not in place in this country for taxis to provide child car seats or for private citizens to walk with child car seats and put them into a taxi when travelling to work or to school and so on. But, according to this law, the prior precedent in law, where there is an exception clause which makes it very clear that such vehicles are exempt from those considerations, Mr. Speaker, that has to be treated with, explained and the Minister has to deal with that. I see that as a gap and an error in this particular law.

Moving right along, there is a lot, and I know we have shortened the time. Clause 107, I have another concern here, Mr. Speaker. Again on the face of it, this looks good, and there is some good in it as well.

“The Authority may issue a differently abled parking permit to a differently abled person where a qualified medical practitioner certifies on”—a—“form that the applicant is a differently abled person...”—et cetera—

To sum it up, Mr. Speaker, we have a new entity called a differently abled parking permit. That is a First World step, that is good. That is good, I am happy about that, and there are many differently abled people who will be very happy. But, Mr. Speaker, this is a real life problem and that is for this certification, there are many disabled persons who struggle with medical practitioners on a daily basis, in terms of being properly facilitated, processed, examined and certified as disabled. I think because there is going to be a huge rush and demand for this type of certification we are going to expect even more problems at our medical facilities. Is this expected to be done at public health facilities, in the private sector? You know it is very expensive and not all disabled persons have the money.

So, I am requesting some special service or provision to take care of the assessment of these differently abled persons. Just throwing them at the existing health service with the waiting times and all the other issues is not going to do the trick because sometimes when you go into these facilities you have to wait a very long period of time and you are lumped with many other patients who have a

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

variety of complaints as opposed to a special service or a special line or desk to treat with that assessment. Otherwise we will be inconveniencing the disabled even more than we might be conveniencing them with this new provision. So I am saying that out of personal experience as a practitioner, I think we need some special consideration in that regard.

There is another point I wanted to make there, but in the interest of time I am going to move on as well. I do not know, Mr. Speaker, I did not see any provision in terms of footwear and driving. Now, it might seem a little bit facetious but we have persons out there driving with slippers. I have seen people driving with boots, gardeners, good people as well, but you are driving with rubber boots and all sorts of other things.

I myself, about a year ago, was in a head-on collision. I wrote off my Nissan X-Trail, just after dropping off my son and wife at home for the first time. We had stayed two weeks in Chase Village. Yes, it seems to be a tradition, went by the in-laws, I dropped them home for the first time at her house and as I left home heading to Port of Spain, head-on collision. You know what caused that accident? A lady had just come from a spa and she had gotten a pedicure and they gave her these separator things. I do not know what it is, and she was driving her vehicle with that between her toes and so on, foot got stuck on the “x”, slammed into me, wrote off my vehicle. Thank God I was not seriously hurt. Just a jaw injury. And those are the consequences.

So this sort of laissez-faire environment while we may have made some progress, there are some other things that really need to be addressed. So I just wanted to say that, you know, footwear is also a cause for death and injury at times and we need to pay some attention to that.

Mr. Speaker, we had a lot of talk about blood in this debate already, but I cannot allow it to pass without adding my voice of concern on clause 165. Let us take a look at what that says. No, clause 224. I am sorry, clause 224. It is a big Bill, Mr. Speaker. Right, clause 224, and this is the issue of blood, and it is quite clear, you know. If you look at subclause 8:

“Where a sample of blood is required from a person under subsection (7), the sample shall only be taken—

(a) at a hospital...”

**Mr. Imbert:** After an accident.

**Dr. A. Browne:** Right, after an accident. You immediately, Mr. Speaker, are in a struggle there, because not all accidents lead to injury. So the only reason this person may have to end up at hospital is for this purpose of sampling, not for any other assessment. And we know the reality at hospital. These persons will end up in casualty, Mr. Minister of Health. That does not seem right, because we are not specifying a health facility, hospital. I mean, I do not know if the Minister of Transport, if he consulted with others, he did not consult with the Minister of Health. Our hospitals are not equipped to treat with these provisions. You know the number of accidents that occur every day, Mr. Speaker? Few of them, a small percentage of them result in admissions to hospital. That already is a challenge for our doctors. You adding all of this sampling to that pool, everyone is going to struggle. And then to add to that, the law specifies:

“...the sample shall only be taken—

(b) by a medical practitioner.”

**Mr. Deyalsingh:** Correct.

**Dr. A. Browne:** Now, Mr. Speaker, this is obviously done by someone foreign to health practice in this country, because medical practitioners in only a minority of instances draw blood, only in a minority of instances. So unless you do not have a medical student present, you do not have a phlebotomist present on the ward or in the unit or you do not have a nurse phlebotomist, which we have many trained and highly qualified nurses that draw blood routinely in our health service, they will not be able to assist in this process at all, because someone had the bright idea of being this specific.

The areas where they needed to be specific, they are very “loosey” and the areas where they need to be very, very specific they were not. And the areas where they should not have been this specific—so you are asking for policy issues, you are asking for amendment, but some things are obvious. And we have medical doctors on the other side nodding their head. Guide your colleague at times, come on.

All right, so there is another one about the newly licensed drivers, but I think that was already touched on to some extent. But, Mr. Speaker, this Bill is far from perfect, and given the lofty aspirations described by the Minister and his colleagues, even during this debate, I think it would be a disservice to the citizens of Trinidad and Tobago. It would be a disservice for our road users and even to

the future staff of the Motor Vehicles Authority if the Government attempts to force this Bill through in its current form.

The Parliament has the appropriate facility, the appropriate structures, to assist the Government to get this right for the sake of the citizens of Trinidad and Tobago. But even when we do that without the right example being set by us and leaders and policy makers in this country to the citizens on these very roads we will struggle. I do not want to get too specific.

I remember growing up, Mr. Speaker, driving in my dad's car out of Diego Martin in heavy traffic, a tradition in Diego Martin on mornings. We would see, I am not going to say what administration the person was a part of, a senior person in this country hitting that shoulder in a Nissan Laurel every morning driving at high speed, and we would shake our heads and my parents would say, you know, you know who that is and so on, and that is an example of just the wrong example. [*Crosstalk*]

**Dr. Khan:** It was Keith?

**Dr. A. Browne:** I know you are curious. It was not you. I do not think you ever lived in Diego Martin, Minister of Health. And I encountered, Mr. Speaker, a *Trinidad Express* article saying exactly that, talking about wrong example. Here is the title, September 23, 2014:

“MPS, soldiers, police break traffic lights.”

That is one little thing we have not addressed at all is, who will guard the guards. The same people we are looking to enforce these laws are also breaking the laws.

MPS, soldiers, police”—officers—“break traffic lights”.

It is a Ria Taitt article in the *Express*. Mr. Speaker, it goes on in detail, these so-called exemplars and leaders in society:

“...are among those breaking traffic lights according to the camera monitored by the Works Ministry, Works Minister Suruj Rambachan...”

He talked about the Ministry was about to establish a project and so on.

““We had done a pilot survey using red light enforcement at Wrightson Road traffic lights and you would be amazed to know how many people break the red lights there, including members of Parliament”—right outside the Parliament, you know. We passing laws.

“members of Parliament, police, the Regiment and so on...””

*Motor Vehicles (Amdt.) Bill, 2014*  
[DR. BROWNE]

*Friday, March 06, 2015*

Mr. Speaker, this is a serious problem. Right now when we are on the roads, anyone who is on the road right now is in danger, in serious danger. We have to start with the right example. And, Mr. Speaker, that is something that I would want—

**Mr. Speaker:** The speaking time of the hon. Member for Diego Martin Central has expired. Would you want to guide—

**Dr. A. Browne:** Yes, thank you, I will.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Diego Martin Central be extended by 15 minutes.

*Question put and agreed to.*

**Dr. A. Browne:** [*Desk thumping*] Thank you, Mr. Speaker. I am not going to use all my time on this point, but I think it is a very important point, the fundamental value of example, especially to the same young drivers we are providing for, and inexperienced drivers we are now providing for in this new law.

**4.00 p.m.**

Mr. Speaker, I recall when I got my first vehicle, a used Nissan Sunny—very happy with the car—driving along Wrightson Road one evening coming home from church, actually, and a souped-up Audi slammed into my car, wrecked it. [*Interruption*] I will tell you the area. I will tell you about that—wrecked it. Everyone went to the police station. There were witnesses who saw the accident, who also came, out of concern, to the police station—Traffic Branch.

Mr. Speaker, a report was made. The witnesses said this Audi driver had been drag-racing for miles. People came and saw the accident after it happened and came and made a report. They know this car. It had been drag-racing for miles, all of that detailed in the police report.

You know, afterwards when the case had matured, the report had changed. None of that information was there: diary pages missing; chaos in Traffic Branch. This was some years ago, Mr. Speaker, and I never understood what had transpired. It turned out that the Audi driver was the son of a millionaire garment magnate in this country.

Over 10 years later, I was working in a clinic doing blood tests for individuals. People who go to rehabilitation facilities are sent for blood testing, and I saw a

gentleman come in and he looked vaguely familiar, and he said, well, he is assigned to rehab and he has to do his syphilis and HIV tests and so on. We did the tests and I started chatting with him. You know, Mr. Speaker, it turned out to be the very police officer who had taken the report in that police station and was doing the investigation and was involved in those changes. And you know what happened? It turned out he had been addicted to substances for a very long time in the police service, and therefore, was not the kind of—and finally getting assistance. But there is a little karma in that because he ended up in front of me for assistance.

**Dr. Khan:** “Yuh shouda take out a few page.”

**Dr. A. Browne:** No, I treated him very, very well, and I hope he is doing well today. But, Mr. Speaker, the point is, sometimes we are relying on people out there to guard us and enforce these laws at the end of the day and they are not fit or competent to do so.

So that issue of competence and example starts right at the top, right here, and goes right down to the end of the chain, and if everything is not in place our citizens remain vulnerable. We could fool ourselves; we could not fool ourselves, but, you know, I have lived and experienced some of this myself. No, I am not accident-prone. Everyone who is driving motor vehicles is going to get into some kind of accident or distress at some point. That is the level of lawlessness out there at this time.

So, Mr. Speaker, I think I have given some experiences that have grounded my contribution. I have given some examples in this Bill, including policy issues that the Member for Oropouche East asked for, specifically, and I think, in total, the contributions on this Bench have demonstrated that this Bill, while there is some merit; there is some foundation; there is some good in here, it is unworkable as it stands. Our citizens deserve far better.

The stakes are very high on the roads and I am encouraging the Government—I am cannot force them to do anything. I am encouraging them, appealing to them, to ensure that we, together, do the work that is needed. We have expertise on this Bench—tremendous expertise and experience—in the form of the Member for Diego Martin North/East, and others; Member for Laventille West as well, even the Member for Laventille East/Morvant I am sure will contribute. Then we all have our life experiences that can help to make this Bill as good as it can be because that is what the citizens deserve. There are fundamental issues that have not yet been addressed by Members on the Government side. I am hoping during

*Motor Vehicles (Amdt.) Bill, 2014*  
[DR. BROWNE]

*Friday, March 06, 2015*

the rest of this debate that is done, or in the Joint Select Committee we can get it right.

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

#### INTERNATIONAL WOMEN'S DAY

**Mr. Speaker:** Hon. Members, first of all, I seek the leave of the House to deal with a matter before we continue our debate, and that has to do with, as we all know I think it is Sunday—Member for Port of Spain South? Sunday is International Women's Day and I wanted to take the opportunity to invite the House, before we break for tea, to take the opportunity to put on record our respective tributes to the women of the world and the women of Trinidad and Tobago on that very important occasion, International Women's Day. So I am seeking leave of the House to address that question at this time and then we shall continue. Do I have the leave of the House?

*Assent indicated.*

Okay, in those circumstances, I will then call on the hon. Prime Minister to bring greetings on this occasion. [*Desk thumping*]

**The Prime Minister (Hon. Kamla Persad-Bissessar SC):** Thank you very much, hon. Speaker, and may I thank the Parliament staff, and your good self, for circulating these flowers. I see all the female—

**Hon. Member:** It came from Hazel Brown.

**Hon. K. Persad-Bissessar SC:** Well, my Deputy Speaker indicated it was distributed by the staff. But can we thank Hazel Brown and the network of NGOs. This year, Hazel Brown, in fact, will celebrate—[*Desk thumping*—] at a conference being held especially in her honour, her sterling service to the people of Trinidad and Tobago. So let me begin by thanking Hazel Brown for all her work in the field—[*Desk thumping*—] in the sphere of promoting women and the development of women in Trinidad and Tobago.

On Sunday, March 08, 2015, we will join with the global community to commemorate a very significant day which we all recognize—International Women's Day—to all women and girls in our island-state and thank them for their contributions in building our society. I want to specially thank those women who have cleared the path for us to become leaders and those many civil society organizations relentlessly advocating for the rights of women and girls. It is because of them that on Sunday we can be proud of our many accomplishments in



this sector and in this field.

Hon. Speaker, we may want to make recognition of the fact for the first time in the history of our country, we have a female Chief Whip sitting on the Opposition Benches, [*Desk thumping*] and, of course, on this side, a first female Prime Minister in our country.

This year, the celebration is even more special because it represents the 20<sup>th</sup> Anniversary of the signing of what is deemed the road map for Women's Empowerment and Gender Equality—what has been termed the Beijing Declaration and Platform for Action. That document was signed by 189 governments worldwide and provided a global framework for action. It identified the 12 critical areas of concern and the strategic objectives and actions to be undertaken by governments, intergovernmental and non-governmental organizations—as I say, signed by the 189 countries and this year represents the 20<sup>th</sup> Anniversary of the signing, of this very important Beijing Declaration and Platform for Action.

That platform was developed in full recognition that women face various barriers in their quest to achieve gender equality and women's empowerment. Many women worldwide encounter obstacles related to their family status, employment, health, including infectious diseases, poverty and several other factors, and so, to this end, the platform calls on governments to address, amongst others, the following matters:

- the persistent burden of poverty on women;
- the inequalities, inadequacies and unequal access to education and training;
- the inequalities, inadequacies and unequal access to health care and related services;
- violence against women;
- the inequality between men and women in the sharing of power and decision-making at all levels;
- insufficient mechanisms at all levels to promote the advancement of women;
- the lack of respect for, and the adequate promotion and protection of the human rights of women; and.

*International Women's Day*  
[HON. K. PERSAD-BISSESSAR SC]

*Friday, March 06, 2015*

- the persistent discrimination against and violation of the rights of the child.

So 2015 is a time for us to highlight our achievements, recognize our challenges and chart a new path forward to reduce those obstacles standing in the way of global and national development. The UN's theme for 2015 is a clarion call for all state and non-state actors to remain focused as we pursue the vision of a world where women's empowerment and gender equality becomes a reality.

The UN Secretary General, in his 2015 International Women's Day message, noted that more girls have attained more access to more education than ever before, [*Desk thumping*] and, of course, Trinidad and Tobago was found to be the third nation in the Commonwealth world, best placed for a girl to grow up— young women to grow up. [*Desk thumping*] The number of women dying in childbirth has been almost halved. More women are leading businesses, governments and global organizations. The UN Secretary General lamented, however, that, and I quote:

“...the gains have been too slow and uneven and that we must do far more to accelerate progress everywhere.”

The Secretary General also made reference to the levels of violence experienced by women and girls and the need to expand opportunities for women in politics, in business and beyond. He is of the view that, and I quote:

“We need to change mind-sets, especially among men, and engage men in becoming active change-agents themselves.”

In examining the SG's message, I cannot help but reflect on what has been the achievements and challenges for us here in Trinidad and Tobago, and what are those strategies which we must now engage in as we seek to build a society where men, women, boys and girls have equal opportunities and access in national development.

We can note that over the last two decades over 25 per cent of our Parliamentarians were women and, in fact, that data has shown that women continue to be very successful at the local government elections with the 2013 election figures standing above 50 per cent of women being successful. [*Desk thumping*]

*International Women's Day*

*Friday, March 06, 2015*

We have seen significant achievements in the field of education with female enrolment at the tertiary level exceeding that of males. So we have more women enrolled at tertiary level education than that of males. That, too, is cause for concern, because whilst the women move forward, we must make sure that we keep our men and our boys standing side by side to go forward together. So, yes, we are happy for the achievements we made in education by women in the fields, in the jobs, in the opportunities, but we must also ensure that opportunities are created for our boys and that the environment is such that the boys will also participate—the young men and men.

Under the stewardship of female leaders we have seen where several initiatives to improve the lives of women and girls were undertaken. I would like to highlight some of those at this time.

We pledged in our manifesto to champion the elimination of all forms of discrimination against women. I would like to inform this Chamber and the national community that after many years of non-submission, my Government was able to submit to the United Nations body, the fourth, the fifth, the sixth and seventh periodic reports on the Implementation of the Convention on the Elimination of all Forms of Discrimination Against Women. [*Desk thumping*] That is a historic achievement.

Recognizing that interventions have to be made both at the strategic as well as the practical levels, it was necessary for my Government to ensure that there was equity in the distribution of the financial resources allocated to various Ministries. In this regard, we were very happy that we were able, through the support of the Commonwealth Secretariat, to begin deepening the process of gender-responsive budgeting and with effect from the 2015/2016 budget submissions, we anticipate that the submissions from the various Ministries will include gender-responsive budgeting initiatives. [*Cell phone rings*]

Another area has been with respect to violence against women, as indicated by the Secretary General, and that remains a very major challenge. I do apologize, hon. Speaker, with the phone, and no disrespect to Members of this Chamber and to your good self.

I am saying, violence against women, as indicated by the SG of the UN, remains a major challenge not just for us here but in the global community. We have pledged to strengthen the relevant pieces of legislation which includes the Domestic Violence Act. I remember, hon. Speaker, in an initial incarnation that I had cause to work with the NGOs and others in the first UNC administration, under

*International Women's Day*  
[HON. K. PERSAD-BISSESSAR SC]

*Friday, March 06, 2015*

former Prime Minister Panday, to strengthen the domestic violence legislation, but we need to go further, and so, we have committed to so doing.

**4.15 p.m.**

You will be aware we have passed recently several pieces of legislation to improve the lives of our girls and boys, and the work on strengthening domestic violence legislation has started. Several consultations have already been conducted and shortly the relevant documents will be prepared and forwarded to the Ministry of the Attorney General.

Addressing domestic violence we say must be multipronged, and as a result of Government working with the support of UN women, we have conducted a baseline review of the situation of domestic violence in Trinidad and Tobago and we are currently engaged in the development of a national action plan in ending or ameliorating gender-based violence, sexual violence. Work is well advanced in the development of a domestic violence data registry to support this implementation action plan, and I want to pay tribute to our Minister of Gender, Youth and Child Development, Minister De Coteau—[*Interruption*]

**Mr. De Coteau:** Right here.

**Hon. K. Persad-Bissessar SC:**—for the work—yes, Minister De Coteau, [*Desk thumping*] the hon. Member for Moruga/Tableland for the sterling work he has been doing in the Ministry of Gender, Youth and Child Development. So, these are some of the areas as we battle the problem of domestic violence.

Yet further, Government, in recognizing the challenges faced by women in accessing services, will be establishing two one-stop shops of services for women. One of these, hon. Member for Port of Spain South, will be located in Port of Spain and the other will be located in San Fernando. These centres called “Women City Centres”, the services are aimed at educating women on their rights and providing support service in respect of health care, entrepreneurial training and domestic violence. This project is being undertaken in partnership with the Inter-American Development Bank and will be on stream in this fiscal year, and work will commence.

Government is continuing to support many initiatives for improving the lives of women and boys, men and girls through training programmes or baby grant initiative. Specific programmes are targeting men and boys—as I said, we must

*International Women's Day*

*Friday, March 06, 2015*

not leave them behind—and many other strategies, of course, which we will share in due course.

I want to highlight a significant achievement, a promise that I had made whilst in Opposition, and that was to establish a national commission on women's empowerment and gender equality. I am very happy to see that we have kept that promise and achievement—[*Desk thumping*]*—to establish a national commission on women's empowerment and gender equality, and this will serve as an advocate on the rights of all women.*

Mr. Speaker, there are many other initiatives, but I think if we become too comfortable we will be doing a disservice to those women who have cleared the way for us to experience these benefits. Again, we want to thank all who came before us for their work and their contributions, the women of our nation. I wish to implore that all become involved including men and boys. We cannot achieve gender equality and equity without that of our brothers in our society. Let us all work together in eliminating all forms of discrimination against women.

In closing, I salute all those mothers, grandmothers, aunts and so on, the women and girls in general, and urge you to enjoy this very significant day in the lives of women, worldwide. I wish all, hon. Speaker, through you, a very happy International Women's Day and I thank you. [*Desk thumping*]

**Mrs. Joanne Thomas** (*St. Ann's East*): Thank you, Mr. Speaker. On behalf of the Members on this side, as well as the People's National Movement, we extend greetings to all women of our twin-isle of Trinidad and Tobago on the occasion of International Women's Day.

Women make up the foundation of any family, any association, any nation. The struggle to achieve the deserved recognition is an ongoing process, but with our determination the glass ceiling will soon be broken. The People's National Movement is a party that recognizes the work of women in the party, and evidence of this can be seen right here in this House in the percentage composition of the Members on this side: 50 per cent women, 50 per cent men [*Desk thumping*] as well as our Chief Whip, the hon. Member for Port of Spain South.

We salute all women of this country, in particular our single mothers, [*Desk thumping*] who manage their homes all on their own. Your strength is more than deserving of special recognition. Women of T&T, we applaud you and we join with others in wishing you happy International Women's Day. [*Desk thumping*]

*International Women's Day*

*Friday, March 06, 2015*

**Mr. Speaker:** Hon Members, may I join with the hon. Prime Minister and the hon. Member for St. Ann's East, in bringing greetings on the occasion of International Women's Day which is to be celebrated on Sunday, March 08, 2015. Observances each year present an opportunity to celebrate women while calling for greater equality. However, this should not be a one-day undertaking, but rather an objective that should be continuously strived for as the 2015 theme says, we "Empower Women"—we—"Empower Humanity".

The Parliament, the legislative arm of the State, has a key role to play in advancing the mandate for greater equality. We have to do our part to remove the impediments to women's political participation. The exclusion of women from the decision-making process limits the possibilities for entrenching the principles of democracy in a society, hinders economic development and discourages the attainment of gender equality. As of January 2015, Trinidad and Tobago is ranked 36th among 190 countries in the IPU [*Desk thumping*] world classification of women in Parliament.

In the House of Representatives women account for approximately 29 per cent of the seats and 20 per cent in the Senate. Yes, there is room for improvement in terms of representation, but nevertheless we value our peers and celebrate their contribution. In the history of Trinidad and Tobago, women have held and continue to hold positions of prominence. Today, a number of key positions within the Parliament are held by women and we celebrate this.

Currently, we have a first female Prime Minister; [*Desk thumping*] a first female President of the Senate; [*Desk thumping*]—no, I should say not the first female. The first Muslim female of the Senate; Deputy Speaker; Chief Whip, Member for Port of Spain South; [*Desk thumping*] and, of course, we have the Leader of Opposition Business in the Senate; [*Desk thumping*] we also have a woman who is a coordinator of the Independent Bench; and, of course, we have a woman who has been leading the House of Representatives at the administrative level, the Clerk of the House, as well as the Clerk of the Senate. We all have to do our part to ensure that the future of our girls and women is equal, just and rewarding.

As the United Nations Secretary General noted, when we unleash the power of women we can secure the future for all.

Thank you. [*Desk thumping*]

*International Women's Day*

*Friday, March 06, 2015*

I think it is a good time for us to suspend and have tea. When we return at 5.00 p.m. the hon. Member for Fyzabad will have the floor. This sitting is now suspended until 5.00 p.m.

**4.25 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2014**

**Mr. Speaker:** We need 12 Members to form a quorum. The hon. Member for Fyzabad. [*Desk thumping*]

**Mr. Chandresh Sharma (Fyzabad):** Thank you very much, Mr. Speaker. As I join this debate, I want to quickly reflect on a few minutes of what I have been witnessing in this House. The intention of Government, as always, is to bring good legislation that adds value to the lives of people, and this is what this Government has been doing for the last five years. The Opposition has its constitutional responsibility and part of that is to object when necessary, but not all the time. It is wrong for the Opposition to object when good legislation comes. It simply does not make sense. It being an election year does not mean that you will just object and keep objecting.

Mr. Speaker, as we observe International Women's Day, the statistics in Trinidad and Tobago will show that 6 per cent of accidents that lead to deaths on the road are women drivers. Only 6 per cent, and I want to congratulate all the women drivers in Trinidad and Tobago. [*Desk thumping*] One of the global challenges today is motor vehicle accidents all over the world, the United Nations, United States, the UK, India, Africa, China. They all are required to deal with this challenge. As a result, legislation that will incorporate education, that will incorporate best practices, is being sought out more and more here in Trinidad and Tobago, and currently under the Minister of Transport and the Government as a whole, because it is a collective effort to find ways to reduce motor vehicle accidents.

Now, we have been enormously successful in many, many ways. In fact, when you look at the statistics while road accidents continue globally—and the United Nations, in fact, has embarked on a global campaign to reduce deaths resulting from motor vehicle accidents, and one of the things we are doing here in Trinidad is making sure that we engage. So that this talk by the Opposition of not consulting is very incorrect, and that the previous Minister of Transport, the Member for Fyzabad, and the other Ministers, this consultation took place on

*Motor Vehicles (Amdt.) Bill, 2014*  
[MR. SHARMA]

*Friday, March 06, 2015*

many occasions with all the stakeholders, including Tobago. So that is the first thing we have to be crystal clear that consultation has taken place. Certainly, at all times more consultation can help, but you have to draw the line to make sure you bring legislation as well. We have also engaged in many instances all the stakeholders.

**5.05 p.m.**

For instance, Mr. Speaker, for the first time, under this Government in the history of Trinidad and Tobago, Carnival being part of our history, we were able to get together with the Alcoholic Beverage Dealers Association and all the promoters of fetes to make sure that we included a sober room, and we saw significant improvement in that area. So, we went out to the fetes and started to communicate, to get people involved because we understood the importance of it. More than that, Mr. Speaker, we went to the schools and made sure—we found school children being very good police because when a school child tells the parent, the mother, “Mummy, you cannot be on the cell phone and be driving”, mum listens; “Dad, you cannot be having a beer and driving”, papa listens too. So it is important that we found very creative ways of engaging the entire Trinidad and Tobago. In fact, we have been doing so well that other countries are looking at us.

Mr. Speaker, some of things that were raised by the Opposition—and you know, as a long-time legislator here, why would the Opposition purposely attempt to mislead the country when the evidence obtains in front of us all? For instance, they questioned the quorum, that there is no quorum, but the legislation says:

“(8) The quorum for a meeting of the Board shall be seven members.”

This document was circulated to all of us, it is also in the public records. So that for the Opposition to claim that there is no quorum, well, it demonstrates where it obtains.

Mr. Speaker, the question about the hospital has arisen and the Member for Diego Martin North/East—I think he was being comical, perhaps he is best at that—he said—he is talking about a police officer:

“He stops you on the road. ‘he say—boy you smelling of marijuana’...Take a blood test.”

But what does the legislation say? The first instance, what is a hospital in the public domain? A hospital is any public institution which will include health



centres. And under the current Minister of Health, we have health centres which are opening for longer hours now. So that in any part of this country, you can access that test. Who is to conduct the test? They said a medical doctor. Well, if it is to be conducted at a hospital, it means any person who is authorized at that hospital to offer that kind of aid. The certificate, of course, will be signed off by the doctor and I think the Member for St. Joseph asked the question: would that doctor be required to come to the court? Well, that is a silly question to ask because the certificate is accepted in the court, has been accepted on several occasions in the past and this obtained since 2007, so it is not new in this context.

I will read what it says:

“‘hospital’ means an institution which provides medical or surgical treatment for”—its patients—“in-patients or out-patients and includes a...”—lab.

“‘preliminary drug test’ means a procedure by which a specimen of sweat or saliva is obtained and used for the purpose of obtaining, by means of a device of a type approved by the Minister under section 224(18), an indication whether the person to whom the test is administered has a drug in his body;”

So the legislation has been with us for a long time and very effective.

Mr. Speaker:

“223. (1) Where a constable has reasonable cause to suspect that a person—

- (a) has been driving, attempting to drive or in charge of a vehicle on any road, highway or under public place—the constable may, subject to subsection (5), require the person to provide a specimen of breath for a breath test or submit himself to a preliminary drug test...”

This has been with us since 2007. The Opposition went at pains to embarrass themselves. I am not sure if they were trying to score points. This is not the way to score points. You see, one of the requirements of a legislator, a Member of Parliament, when we come here, before we start our sitting, we say a prayer asking God to lead us and to make sure that we subscribe to the best practices. The Opposition certainly did not demonstrate that or in this debate at all.

Mr. Speaker, I want to walk Members through the existing legislation as it obtains at 70D(1) and this, again, as I remind us, is 2007:

“Subject the subsections (2) and (3), in the course of an investigation as to whether a person has committed an offence under section 70A, a...”—police

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. SHARMA]

officer—“may require a person under investigation to provide a specimen of blood for a laboratory test if the person is unable, by reason of his physical condition, to provide a specimen of breath for a breath test.”

So the law is very, very clear. It goes further. Where?

“(b) at a hospital; and

(c) by a medical practitioner or qualified laboratory technician.”

Is the Opposition, through the Member for St. Joseph and the Member for Diego Martin North/East, saying “they cyah read and understand simple English?” Why are they embarrassing themselves? And why are they insulting the intelligence of the country? This is since 2007. Let me repeat it:

“(b) at a hospital;”

And a hospital, under the laws of Trinidad and Tobago, is any public place that you obtain medical care because all medical practitioners are licensed to provide medical care. You must be registered under the laws of Trinidad and Tobago to be a medical practitioner. It goes further. By whom?

“(c) by a medical practitioner or qualified laboratory technician.”

That has been with us for all these years. We have seen in this Parliament evidence where it was utilized in the past.

Let us go further, 70E:

“(1) Any person who is under investigation in relation to an offence under section 70A and who refuses to provide a sample of blood for a blood test when required to do so under section 70D(1), is guilty of an offence and shall be liable—” —to the following:

“(a) in the case of a first conviction, to a fine of eight thousand dollars or to imprisonment of up to three years; and”

This has been with us.

“(b) in the case of a second or subsequent conviction, to a fine of fifteen thousand dollars or to imprisonment for five years.”

So, I think the Opposition went at pains to suggest the Government is bringing bad legislation, but it is crystal clear what obtains, what is intended.

Mr. Speaker, as we go further, we have to look at some other areas. I want to remind us, 70F(2):

“For the purposes of any proceedings for an offence under section 70A, a certificate...signed by the medical practitioner that he took a specimen of blood from a person...shall, subject to subsection (3), be evidence of the matters so certified...”

The Member for St. Joseph, perhaps he was only interested in TV time, went on to say this differently but this is what the law is, it obtains.

Mr. Speaker, when a citizen goes to the hospital, before he gets to the doctor’s office, he may be required to do a number of tests. The doctor does not conduct the test, the doctor orders the test and he will certify it at the end. So you went for an X-ray or blood has to be taken or some other specimen, the technician at the hospital does it or a nurse, qualified and trained to do that, and then the doctor will look at it and then determine where to go. And if a report has to come, it comes from the doctor. The report does not say the blood was withdrawn by Nurse John and the X-ray was done by attendant X.

So the Opposition really is embarrassing this Parliament and embarrassing legislators all over. We were told earlier that we had international guests. What will they say when they see the Members of the Opposition conducting themselves in this way? It is a good signal to the national community that they are not ready for Government. “Dey cyah read English, dey cyah understand it, dey cyah explain it.”

Mr. Speaker, talking about young drivers. Of course, the accidents that we would have seen in Trinidad in recent times and in Tobago, the majority of accidents in which persons died were young drivers between the ages of 19 to 34 and, of course, the Government is concerned. One of the global best practices—and the Opposition did say that this legislation has been on the drawing board for a number of years. So, legislation in this country, coming through Ministries and through the LRC, is a process. So that when a Government comes in, it reviews the legislation that was already on the drawing board and which, perhaps, might be in the making, as we always do. So, for the Opposition to condemn the Minister for bringing the legislation, he is condemning the same persons who prepared the legislation. It is the same attorneys who work there, the same draft persons. They may change but the thinking is the same, and we also always look at best practices.

*Motor Vehicles (Amdt.) Bill, 2014*  
[MR. SHARMA]

*Friday, March 06, 2015*

Mr. Speaker, the other area I want to touch on, the Opposition attempted to speak about delays. But, Mr. Speaker, we saw where the Opposition, in Government, brought in legislation that took 34 months, if I remember correctly, 34 months. We brought legislation that took five months. This is a global best practice. I am sure Members are familiar with it. But if required, I could identify it.

So here, Mr. Speaker, let me remind ourselves. The Opposition raised the question about speed guns. This legislation regarding speed guns was introduced in the Lower House on February 21, 2014. The Bill was debated in both Houses and assented on September 2014, a mere five months. This is a global best practice. Let us look at the PNM's conduct as it relates to the breathalyser. The Bill was introduced in the House on October 04, 2006. You know when it was assented, Mr. Speaker? On November 16, 2009; 31 months later. So the Opposition is in no place to speak about time. If you are looking at time, best performance, you are looking at the Government under the People's Partnership.

Mr. Speaker, as indicated, the question of the PH drivers was raised and we know what the law provides at this time.

Mr. Speaker, the Member for Diego Martin North/East—and the records of the *Hansard* will show:

“The Minister is introducing...for the first time, a provision where a constable can order...”—him—“to take a blood test.”

All the Opposition Members seem to be dancing to this one.

“But you know how he is doing this? He stops you on the road, he say—boy you smelling of marijuana...”

And what clause 220 which defines a “preliminary drug test” means a procedure by which a specimen of sweat or saliva is obtained” and this is under clause 224(18). What does 223 say?

“Where a constable has reasonable cause to suspect that a person—

(a) has been driving, attempting to drive or in charge of a vehicle on any road, highway or other public place—”

So the law is very, very clear. The intention is not to punish without due process. The intention of the law is to reduce accidents. It is to obtain best practices. We have this concern that there are too many accidents and we said, “Okay, we have to work on it”.

**5.20 p.m.**

Mr. Speaker, what else has the Government been doing? Well, if you are thinking of improving drivers' ability, you would make sure that the conditions of the roads are also improved. For the first time in the history of Trinidad and Tobago, you are seeing roads across Trinidad and Tobago being taken care of. In Valencia you would have heard of it, in Diego Martin, in south, all over the country, you see signage, more and more signage. So no longer persons driving in this country have to suddenly stop to look for a sign, which may result in an accident.

You are also seeing across the country for the first time, and which has been again, noted by international visitors to Trinidad and Tobago, the number of police vehicles and community security help as well. So again, that is reducing—you would have seen the number of police officers on weekends, where lots of people seem to be out, partying and other things, making sure that we do not have drivers under the influence. You would have seen reading the newspapers, the number of persons appearing in the courts within hours, and being charged where found guilty. So again, you are seeing the Government making sure it is taking a holistic approach to this issue.

Mr. Speaker, I wanted to touch on Part IV of this Bill. The Motor Vehicles and Road Traffic (Enforcement and Administration), Chap. 48:52 and what are we seeing here? Clause 60 of the Bill provides for the award of penalty points in relation to the particular offence committed. The clause further provides for suspension or revocation of a driver's licence owing to the amount of points awarded to the holder of the licence.

This provision affords the Authority the opportunity of improving our road safety, by prohibiting reckless drivers from continuing to drive on our roads. Mr. Speaker, this is a global best practice, and this too would have been obtained from national consultations. So not only did we consult, we also looked to see what was working in other countries.

Mr. Speaker, Part V, Financial Provisions. The Motor Vehicles Authority would be able to make financial decisions without having to report to the Permanent Secretary of the Ministry of Transport.

The draft Bill provides for accountability and transparency of the MVA, as it relates to financial matters. There will no longer be the case where approval must be sought from the Ministry to conduct each financial transaction by the MVA. This process is indeed time consuming, and may result in undue delays. So, again,

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. SHARMA]

you are seeing more and more, we are engaging what we expect to be best for all.

As some indicated, there had been lineups, but having been at the Ministry of Transport previously, and currently what obtains—all our licencing offices, we have done work, every single one, Arima, Port of Spain, San Fernando, Chaguanas, Point Fortin and in Tobago as well. And today, you can go in that licensing office and get your licence renewed within minutes, and as some in here—it seems as if the PNM has a bad spell. Wherever they go in the public service, they are delayed for some reason, they get bad service, and all the other citizens are being treated well. [*Laughter*] “Dey blight. Dey say dey go in de licence office, dey hah to wait three days. Dey go in de hospital”— [*Interruption*]

**Miss Cox:** “Wat kinda statement is dat?”

**Mr. C. Sharma:** Come with me, I will take you the next day. “Dey go in de hospital, dey hah to wait 4/5 days”, but everybody else is able to obtain health care, able to be treated at the licensing office—certified copy—Mr. Speaker, globally, motor authorities or the departments of motor transport and so, have challenges with records. It is not new to Trinidad. If it is, that you have 700,000 plus vehicles, we are moving from manual system, trying to put it on the computer system. It takes time.

We have been looking at the Nova Scotia model. They too had challenges. They did not “geh up ah morning” and had everything in a particular way. So again, with training and the way the law is, a licensing officer—you cannot put a temporary licensing officer, because that person does not have the authority to sign documents. So again, you have to go through that process. So again, the officers are working well. Certainly, better can obtain, like in every other service, and nationals of Trinidad and Tobago are working towards that.

When persons go to work, oftentimes you hear the PNM saying, “dey doh work, de system doh work”. The system is manned by nationals of Trinidad and Tobago; citizens. Is the PNM suggesting, the Opposition, that these people go to work and “doh want to perform”? Certainly not. They are all citizens, they are all mothers in this country and fathers, they are breadwinners, they want to go out there and do a good day’s work. Certainly, there would be some days of challenges, but normally all the officers are helping.

Part of the effort to reduce cars on the roads, to reduce the traffic, we have introduced the water taxi, which works very well, and that takes close to 400 vehicles off the roads. e-Government is more and more. Today you can get your

birth certificate and a number of other certificates within minutes at local offices. You do not have to come into the city anymore. So again, the Government is looking at it across the board, and legislation always must be in relation to other actions of Government. This is not in isolation. This is not in a vacuum.

Mr. Speaker, the other matter I wanted to treat with, Registration and Certification of Vehicles. These are clauses 77 and 78—provide for temporary permits and in transit permits. Mr. Speaker, before I proceed in this, I wanted to make an observation. I thought it was very unkind of the Member for Diego Martin Central to suggest that the norm in Trinidad and Tobago is “yuh could buy yuh licence”. That is very unfortunate to hear from a Member, and a professional at it.

Let us quickly walk through the requirements to get a motor vehicle licence. You must have age 17, where you get your learner’s permit. So that is the first thing you obtain. It is a process. You cannot bribe for that. Then you have to do the motor regulations. You purchase a booklet and you study it. After that you get your driver’s appointment, and you go with a driving instructor. The licence conducted is by two officers on two separate occasions at the licensing office, on the roads of Trinidad and Tobago.

So for the PNM to be saying that the norm is to buy “yuh licence” in Trinidad, is unkind and it is attacking the licensing office and its officers. We must not be allowed to stay in the public record as if that is it. Again, I come back to the point, the PNM in Opposition, finds fault with every single thing and find everybody else not working well.

This would allow individuals the opportunity to apply for and obtain individual permits in relation to vehicles brought into the country. No longer would there be a need to engage the services of a wrecker to breach the law by borrowing a dealer’s number plate from an established dealer.

As you know, returning residents can now bring in their vehicles, with very little hassle. Since this Government came into being, more and more citizens of Trinidad and Tobago who were living abroad, found it inviting to come back here, attractive to come back here to work and to live and to school their kids. In my own instance, my niece has returned to Trinidad to school here, her two young children. And I am sure there are lots of professionals coming back. It is a beautiful country to live in and the Government is at work, engaging as many as possible. If you could—want to leave the United Kingdom and the United States and Canada to come back here, means to say the Government is doing something

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. SHARMA]

good. I am calling all the citizens to continue to lend that support. I am calling on the Opposition to stop being so negative. They could not attract anybody to this country, you know, in Government and out of Government.

Clause 86 provides for the registration of vehicles for differently abled persons. This, again, is a first. Where was the PNM? Would they say this is bad legislation too? Do they have things against the differently abled persons? This is a first, for within our society and is geared towards restricting discrimination, and empowering the mobility amongst differently abled persons. How did we arrive at this? Again, through consultation—a Government that cares and loves people. You know as legislators, our only stock in trade is people, and we must do everything in concert to add value to people's life. The legislation here demonstrates that. And if you listen to the PNM, they dislike everybody in this country. [*Interruption*] Say again?

Clause 87 provides for the registration of antique vehicles. This type of vehicle can now be registered, and the value of the vehicle certainly would be determined.

Mr. Speaker, clause 93 prohibits the driving or operation of a vehicle on the road or highway, unless licence plates have been issued by the Authority in relation to that vehicle. That is important. That is the security of the country again. So, licence plates are to be issued only by the Authority. These plates will—[*Interruption*]

**Mr. Speaker:** Hon. Member for Fyzabad. The speaking time of the hon. Member has expired. Are you interested in an extension?

**Mr. C. Sharma:** I think I should.

**Mr. Speaker:** The question is that the speaking time of the hon. Member for Fyzabad be extended by 15 minutes.

*Question put and agreed to.*

**Mr. C. Sharma:** [*Desk thumping*] So, Mr. Speaker, of course, the Opposition will not support the extension of time, [*Laughter*] because they are not interested in good legislation.

Mr. Speaker, you know, we were talking about drivers and conduct of drivers, Monday night—I want to share an example with the national community. Monday night I was invited to a meeting hosted by the Member for La Horquetta/Talparo, thousands of persons were there at a high school and, of course, they came with their motor cars, a lot of young drivers, highly disciplined. Of course, if you go in



a school area, there will not be enough parking, but you should see all these drivers, parked very carefully, incident free.

In fact, earlier today, I got an invitation from the Member for Moruga/Tableland to attend a meeting in his area on Monday night, and I am sure that same thing where thousands of persons—of course, my good friend in the Opposition had a meeting in Marabella on Wednesday night. Well, apparently, they went down there by rail, because there were no motor cars. [*Laughter*] No motor cars whatsoever.

Mr. Speaker, I want to give some other bits of information, because the point I want to make sure we leave here with today, that the Government has brought legislation, it is in keeping with its mandate to improve the lives of citizens of Trinidad and Tobago, to improve safety, security. This legislation will also lend support to that. We have also looked at the statistics available to us. We are concerned about persons crossing the streets, and you are seeing more and more effort to treat with that, to encourage persons crossing the streets to cross at the areas so indicated, and to make sure where possible, to use the assistance of the police, because we are very concerned about that happening.

**5.35 p.m.**

We have seen where there is an increase in accidents. The highest number of fatal accidents along the Beetham Highway was recorded last year. Of course, these are persons who just run across the highway, and we are very concerned about that.

We are also very concerned—and some persons have raised this—as you know, all motor vehicles over a certain age have to be inspected, and that is the law of the country where you obtain a sticker to demonstrate that the vehicle is fit for the road. We are asking owners of vehicles to subscribe to that to make sure your vehicles are checked—during the rainy season, in particular, your tyres are fit for the road. You do not need to be stopped by a police officer. You can go to the tyre shop and there is a scientific method of measuring the tyres to know whether they are roadworthy; your wipers. So, safety at all times.

The intention of young drivers doing a defensive driving course is in their interest, because this is another best practice. We are finding more and more—a number of companies and insurance companies give you discount. One person raised, who is going to pay for it. Well, to be a better driver if it requires you a few dollars then you should certainly invest in that few dollars, but the return for it is that you will be a safer driver on the road. The chances are that you will not

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. SHARMA]

get into an accident but, more and more, the insurance companies will give you a lower premium, so the savings will return to you.

Mr. Speaker, we have also seen the question of foreign-used vehicles. At some point in time, persons may have raised the question of the quality of the vehicles, and we are making sure those vehicles meet the standards to be roadworthy in Trinidad and Tobago. Again, that is making sure we are keeping with the spirit of the legislation. We are not only saying that you must have, the Government is making sure, through the Bureau of Standards, the Ministry of Transport, and the Ministry of Trade, Industry, Investment and Communications that the cars come into this country, both new and used, meet those legal requirements.

So, Mr. Speaker, this legislation is very important. I am very convinced that it does not require to go to a joint select committee. Any other issues can be dealt with at the committee stage. I want to suggest that all of us support this legislation. Thank you very much. [*Desk thumping*]

**Mr. Jack Warner** (*Chaguana West*): Thank you, Mr. Speaker. Thank you very much, Mr. Speaker. You know, I had planned not to make any comment on the contribution of the Member for Oropouche East, because of late everything here is a joke, it is humour, it is trivia, and I make the point again and again, I have no intention of going down to that level, but when the Member spoke about Chaguaramas, a march, which I took part in this morning—hundreds of people from Chaguaramas—and he says the march from Chaguaramas is to imprison Chaguaramas, that makes absolutely no sense. What the Member for Oropouche East did by making that statement was to show a complete and blatant disregard for history, and equally, completely a lack of knowledge about Chaguaramas and its history.

If he believes that by giving the beachfront to one business organization and financier, and giving the northern side to two contractors is in the nation's best interest, I want to tell him, Mr. Speaker, that in 1941, the Americans had a lease for that territory, and Dr. Williams burnt that lease in 1960 and said he would take it back. I was there for that. I give notice here today that, symbolically, the party that I represent, the ILP, will burn all the leases given to Chaguaramas and shall work aggressively until those leases have been either annulled or rescinded.

Nowhere at all in our history should eight acres of choice land, at less than \$93 a square foot, be given to two contractors, two businessmen, by this Government. Nowhere at all, Mr. Speaker, should a gate be put down at 10.00 p.m. that blocks a public road and prevents people from going to or from Chaguaramas.

Planters' crops have been bulldozed; small businessmen have been forcibly removed except one, Treasure Queen, Captain Basil Joseph, and I must sit here and listen to the trivial nature in which Chaguaramas is being treated and a march. I want no part of that. So, that is all I would say because, obviously, from his contribution he was ill prepared, very vacuous statements and so on, making joke and throwing fatigue; ill prepared, and I want no part of that.

Chaguaramas is too important for this country, this nation, for two businessmen to take the north and one to take the south for lands that we marched for. We marched for Chaguaramas with Dr. Williams in 1960, and today we marched from Chaguaramas to the Parliament to take it back from the businessmen who were given it very secretly. I say enough about that, and we shall symbolically burn those leases as a political party in the ILP, and work aggressively to have them rescinded or annulled.

Mr. Speaker, I listened to the last speaker, the Member for Fyzabad and, again, I was totally dismissive of what he said because he did not even make much sense. Imagine, he is talking about a meeting in Brazil, last Monday night, where cars were properly parked—there was incident free—and he is saying that a Bill that is being debated at this point in time contributed to that. What madness is this? [*Crosstalk*] “The Bill eh pass yet”, but the Bill caused parking last Monday night in Brazil to be incident free. What lunacy is this? And I must come here and dignify that by making some comments on it. I have no intention of doing so. This is too important. And, therefore, what for me is important is: why did this Bill take more than four years to come here?

Mr. Speaker, I was the first Minister of Works and Transport under this Government. When I went there, the draft had been completed, and except for two commas and four full stops, it is the same Bill, the same draft.

**Mr. Imbert:** Tell him that. Tell Cadiz that.

**Mr. J. Warner:** The same draft. I do not have to sit to simply debunk something because it is the PNM. That was there. When I went there, the former Minister of Works and Transport, the Member for Diego Martin North/East, had completed the Maraval Roundabout, two weeks after I opened it. What did I do? I invited him to come there and sit at the head table.

**Mr. Imbert:** And I came.

**Mr. J. Warner:** And you came. And I invited him to speak and you spoke.

**Mr. Imbert:** And I spoke.

**Mr. J. Warner:** Because in those days that was how Ministers behaved, ethically. Not when you take a PTSC bus and come to Felicity and do not invite the Member for Chaguanas West. But that is what they have been known to do today. Is not everything the PNM did is bad, and what they did that is good, acknowledge it. They started the Diego Martin Highway, I continued it, others take the fame today. The PNM began the Aranguez Interchange, I finished it, others taking the fame today.

The Member for Diego Martin North/East began the Grand Bazaar Interchange, I was there when it was completed. I give him his credit. I did not stop it. The only interchange that they had solely under their purview was the Curepe Interchange, and this country is ashamed to even talk about that. Scandalous! Scandalous, Mr. Speaker.

So, therefore, I must sit here and sit down and take this Bill as if this Bill is a creation of the People's Partnership. Utter nonsense! This Bill is an inheritance of the PNM and, particularly, the Member for Diego Martin North/East. [*Desk thumping*] Everything the PNM did was not bad. In fact, this very building, this very building that we are on here today, we could not be here if it was not for the PNM. What is the big thing about that? But because they did it, it must hang in abeyance.

Even the highway to Point Fortin, that is a PNM initiative [*Desk thumping*] which I continued. The very contractor, OAS, was the one that they selected, the Member for Diego Martin North/East. The very same terms and conditions that I carried out, because it was the correct thing to do, but because it is PNM, you take a Bill that was passed four years ago and put it in the box, possibly under your bed, and you come here today to gallery about a Bill and so on and so on.

So, the question therefore is, why did this Bill take more than four years to reach here and, worse yet, to come here as an imperfect Bill? I will show you how just now. They did not change a single thing. What is even worse, when I was Minister of Works and Transport, I met an agreement between the Government of Trinidad and Tobago and Nova Scotia setting up a new MVA to do the exact thing—I am talking about June, 02, 2010. I went there. It was there—between the Government of Trinidad and Tobago and Nova Scotia to set up this new MVA.

Mr. Speaker, at that time, almost all the work had been done already. The actual design of the MVA headquarters had been done. And, in fact, that building, those headquarters were supposed to be originally at Mount Hope—[*Crosstalk*] I

know what I am telling you. I am giving you your credit. I do not have to hide—for a figure of \$20 million. When I went there I felt that the Eastern Main Road would have caused more traffic jam and so on, I put it in Chaguanas West, in particular, Caroni, Frederick Settlement, where you have some of the worst highways built to imprison a whole village, but I would come to that just now. I put it there. The figure moved from \$20 million in Mount Hope when I was there to \$50 million in Caroni, and today \$232 million, the same headquarters. Talk about that. And who it is given to? SIS.

The entire budget for this whole MVA was \$239 million. Do not ask me? The records are there. “What they do?” They take 232 or 239 and give it to one contractor to build a building that when I was there was costing \$50 million, one year after, \$232 million, and you are coming here to talk about the MVA and “gallery” and so on. That is what the public has to know. That is what they have to know.

Furthermore, when I went there, I met a cadre of staff being trained by the Barrington group, Barrington Consulting Group. That staff had been trained and was left by the former Minister of Works and Transport, the Member for Diego Martin North/East, Colm Imbert. I left the staff and I encouraged the staff to move quickly. The Barrington group was the group selected by Nova Scotia to implement the new system. In fact, Nova Scotia said, quite firmly and quite frankly that only the Barrington group would be allowed to use their software. [*Crosstalk*] But I am talking the truth. All this “gallerying” here, they do not have a clue of what is happening. The Barrington group, Nova Scotia said, was the only agency to implement their system. Today, Mr. Speaker, there is no contract between the Government and the Barrington group.

If this Bill were to be passed today, right now, the Barrington group has no contract with this Government. They have some hodgepodge documents that do not form a contract. Tell the public the truth! Tell the public why there is no contract now with the Barrington group. Tell them!

Mr. Speaker, it was also envisaged that the new system would have been shared electronically in part with the police, thereby assisting them in crime prevention and detection, especially with regard to number plates. I met that there. Columbus did not bring that today in this Parliament, I met it there, and it was work which they did before I came. I felt it was good and I did not change anything.

*Motor Vehicles (Amdt.) Bill, 2014*  
[MR. WARNER]

*Friday, March 06, 2015*

**5.50 p.m.**

Mr. Speaker, in fact, when I saw what was left there, I then held several meetings with the then Commissioner of Police, Dwayne Gibbs, and talking about when these plates come, and a chip will be in it, and what will happen and so on. I was thrilled, Mr. Speaker, thrilled. I met a suite of services which had to be implemented, and that included vehicle registration and the establishment of seven licensing centres. Seven, Mr. Speaker. I met seven centres to be licensed. That was four and a half years ago. Mr. Speaker, I approved all. Where were they? Scarborough, Tobago; San Fernando; Arima; Penal; Port of Spain; Chaguanas and Rio Claro. That was in 2010—June 2010, and the Member for Oropouche East comes here—“well, leh meh doh say anything.”

I want to find out, if your Government working for you, and if that is “your Government working for you”, why the Government did not work in 2011, 2012, 2013, 2014? But with three months to go or less, the Government working for you on the MVA. “Who fooling whom?” Mr. Speaker, I will tell you what happened, you know. The Prime Minister, in her wisdom, or lack of it, separated Works from Transport, which, of course, I tell you, I researched the whole Caribbean—I said this had to be madness. At the time I had the Member for Oropouche West, who was working there as a junior Minister at the time, and we had a very good relationship—she was there in everything. Everything I say here she could condone. She was there at every meeting I had on the MVA. She was not kept out. There was no secret board meeting. I never had one board meeting in secret without her. So she understood what I was doing.

Mr. Speaker, when I was there we sent the PS and the TC, the Transport Commissioner, to Nova Scotia for a meeting. We were so close with the MVA, after four and a half years we come here with a Bill to fool the people. What happened, Mr. Speaker? The Prime Minister separated Works from Transport, for reasons I will give on the platform in the next three months. But let me say, the first Minister of Transport then was Sen. Devant Maharaj; what did he do, Mr. Speaker? Mr. Speaker, I am saying for the records, he did such things in which he believed there would be a beneficial interest. I will tell you what I mean. Mr. Speaker, this very Bill, the then Minister of Transport, Devant Maharaj, gave it to Jagdeo Singh, attorney-at-law, to review for millions. What we are doing here, Jagdeo Singh got millions to review it. That is his record.

Mr. Speaker, when I left I had almost purchased the first licensing centre at Arima, BK’s Hardware. When I left I told them, “Look, cut the deal quickly

because the price is right”. Twenty-eight million dollars and his ministerial colleague accused him of taking kickback. Mr. Speaker, two years ago they bought BK’s Hardware, to use as a licensing centre in Arima. Two years ago nothing has been done, it is still there parked up. “Who fooling whom? Who is fooling whom, Mr. Speaker?” And they come here and they posture. You paid \$28 million and nothing has been done. Not a single thing at that centre. Millions spent on licensing centre, millions spent on Jagdeo Singh. Deals upon deals were made. They even attempted to bring back rapid rail but the deal fell through.

Under that Minister, Mr. Speaker—[*Interruption*]

**Dr. Rowley:** I want you to repeat that.

**Mr. J. Warner:** They also tried to bring back rapid rail but the deal fell through, and I will say it on the platform. “I doh want no parliamentary protection to say dat.” I will say that on the platform.

Mr. Speaker, I go further to tell you under that Minister, PTSC got for the first time—a contractor got a licence to import buses for PTSC. Who got it, Mr. Speaker? SIS. That was his function, Mr. Speaker, and then you saw another reshuffle, as so many others, and then the Minister put there was the Member for Fyzabad. Well. Well. I checked the records of that Member of Parliament for 20 years, I cannot find a single achievement of his. I used to say, this come like molasses going uphill, and then you put him in Transport and nothing has been done. Nothing has been done.

Mr. Speaker, so then you move, another reshuffle again. Next one, and you take, of course, the MP for Chaguanas East, who was, of course, in Trade in the beginning and then in Tourism, and then they say, “Well, listen, where to put him?” They cannot find nowhere else to put him, put him in Transport. So he is now in Transport and coming here to posture as this great Bill, and Minister after Minister talking here and saying how great thou art for a PNM Bill. How great thou art for a PNM Bill, and I must sit down here and I must take this? If I did not have some smelling salts I would have puked.

Mr. Speaker, and you know that Member for Caroni East, the Minister of Transport, what is his claim to fame besides playing “mud mas” for J'Ouvert? [*Interruption*]

**Hon. Member:** Chaguanas East.

**Mr. J. Warner:** Chaguanas East. Sorry. My apologies. Chaguanas East. What is his claim to fame? What is his legacy, Mr. Speaker? Mr. Speaker, you know his

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. WARNER]

legacy? His legacy is that you have more PTSC buses off the road now than on the road. His legacy is that he is doing his utmost, together with Minister Gerald Hadeed, doing their utmost to remove the CEO from the airport, Hayden Newton, to put somebody who is not qualified. I mean, Hayden Newton got four interviews, four different people, passed all, the most qualified, and they want to move him to put the hand-picked maiden who is not qualified. *[Interruption]*

**Mr. Imbert:** “Doh make joke?”

**Mr. J. Warner:** “Ah ha?” But I am keeping that one open. I will walk all over this country, Mr. Speaker, for that, because this level of injustice must stop.

Mr. Speaker, last Thursday they had a meeting in the Airports Authority and only board members, and the Minister’s instructions were to fire Hayden Newton and to fire Lucas Mark. *[Interruption]*

**Mr. Imbert:** They fired Hayden Newton?

**Mr. J. Warner:** Yes, the acting CEO, the most qualified in the country.

**Mr. Imbert:** Fire him? *[Interruption]*

**Mr. J. Warner:** Yes, fire him. You see. Four times he has been interviewed and four times he has been blocked, together with the Deputy CEO of FCB. I will deal with him another time. And, therefore, the same thing happened to David Bartholomew at PTSC. That is his legacy, but what is the legacy for the MVA? What is the legacy for the country with regard to the MVA, Mr. Speaker, besides trying to frustrate Hayden Newton? I put on record here, that will happen over my dead body. It cannot happen, but I will say more about it another time.

Mr. Speaker, I want to ask myself, what really is before us today? What can we say of this Bill after five wasted years? Time does not allow me to go through all of the Bill, but I will go through some of it, and you will see the kind of disorder that we have before us today to pass as an MVA, a Bill. That four years and a half, your Government working for you in the last three months. Working for you—“work fellas, work”.

Let us take this Bill, Mr. Speaker, let us go to page 16, 10(c). Mr. Speaker, you know what is bad? I listened to the Member for Oropouche West regurgitating exactly what she said four and a half years ago, and I watched her, I said, “Miss, you said so four and a half years ago, word for word”, but I empathize with her because I too know her days are numbered. The same thing we said, number



plates and chip, and what it means and so on, exactly the same thing.

Mr. Speaker, page 16 of the Bill, 10(c), they are going to pick a board; the board, of course, shall have nine persons, six under different categories, and they have also a representative from the Ministry of Transport, and (c):

“a person representing the public’s interest;”

I ask myself, who is that person? Kirk Waithe? Anil? Who is the person of public interest? What kind of qualification you have for a person of public interest? The Chamber of Commerce? *[Interruption]*

**Hon. Member:** The owner of Hyatt.

**Mr. J. Warner:** The owner of Hyatt? Well, the owner of Hyatt is the Member for Oropouche East, you know. *[Laughter]* *[Interruption]*

**Hon. Member:** SIS.

**Mr. J. Warner:** Oh, SIS. Oh, yes, well I could understand. SIS, *[Inaudible]*, that is all right, but that is the question: why? Who is the person? It is not there. Mr. Speaker, if you go further on page 24, clause 24:

“...the Registrar shall be appointed to hold office for a period not exceeding five years and shall be eligible for reappointment.”

Mr. Speaker, but you have no Deputy Registrar. You have none, so if he falls sick or goes on leave, who you could ask, Mr. Speaker? You know what is even more painful for me, Mr. Speaker?—is that the Registrar has functions which are spelt out for him and you have a microcosm of this in the police service with the CPs, you have it of course in the fire service, and, therefore, they had examples of what to do, but nothing has been done.

Mr. Speaker, they even had before the Transport Commissioner, Ruben Cato, he has all the institutional knowledge for the MVA. He worked that right through during the PNM days and my first two years. He went to Nova Scotia several times. Mr. Speaker, they went so far as to extend his pre-retirement, to buy it out, and so on, for six more months, and they diddled and daddled, and today he is home and there is nobody in that Ministry with the institutional knowledge to carry this MVA through. Nobody. *[Interruption]*

**Mr. Imbert:** They send him home.

**Mr. J. Warner:** Well, sure, they sent him home. They have a guy called Clarke in Works, right, but Clarke has nothing to do with that. Nothing to do with

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. WARNER]

that, Mr. Speaker. From day one, this man had all the knowledge but they dilly-dallied, I am saying, and for two years did nothing. Mr. Speaker, the question therefore is, who will guide the process? If he passes this Bill now, who will guide the process? But, again, this is an illusion to give the people the impression that they are working, your Government working for you. Your Government bamboozling you. Right? That is what is happening, Mr. Speaker.

Mr. Speaker, I want to talk here about the local staff. To this day, Mr. Speaker, there is no local staff being trained by Barrington or anybody else to run this MVA. None, Mr. Speaker. None. Mr. Speaker, if you go on page 24—24(1), I am saying here that there needs to be a Deputy and three or four assistants. You are supposed to have one in San Fernando, one in Tobago, one in Arima, and one in Chaguanas, and these Deputy Registrars, therefore, will be able to have some degree of continuity when the Registrar goes away.

Mr. Speaker, on page 168, clause 224(18), they say:

“The Minister may, by Order, approve the device to be used for the”—measuring of a person’s alcohol in their breath, and so on.

By which order? Which order? “The Minister may, by Order”, whose order? Which order? Nobody knows. Has to be a secret order, that order has to be. Mr. Speaker, on page 169, clause 226(1)—I heard it being said just now by the Member for Fyzabad. Again, everything for them is facetious, you know. Clause 226(1):

“Any person...who refuses to provide a sample of blood for a laboratory test when required to do so...” shall be, of course,—“liable under...offence”—and so on.

The person has to provide a blood test, it is compulsory, Mr. Speaker.

### **6.05 p.m.**

Mr. Speaker, I am saying that our Constitutional lawyers will have a field day on this particular clause because you cannot force one to take a blood test. But time will tell. I know, of course, that in time to come a lot of lawyers will have a field day with this Government, and this would be small by comparison.

Furthermore, Mr. Speaker, they said, of course, you have \$8,000 or three years’ imprisonment for alcoholic driving. What the person needs is rehabilitation not incarceration. Therefore, I am saying, what you have done here is to kill an ant with a hammer. Three years behind bars. The person is an alcoholic—needs

rehabilitation.

Mr. Speaker, what you can even do is suspend the person's licence, put them in a rehab centre, and when they have recovered and certified, then of course, you could take them back in, so to speak.

In clause 228(1), it is said here—228(1)—that the licensing officers—what they are called now are enforcement officers—they are supposed to manage the Act. But throughout the Act these officers have responsibility, but no authority. Only the police has that—constables, as they call them. Licensing officers have lost their authority, but they have the responsibility to manage the Act, but they have no authority, Mr. Speaker. They cannot arrest. They cannot ask the driver to take a breathalyser test. No enforcement officer in this Act, no licensing officer could make an arrest. They could make one now. No licensing officer could ask any driver under this Act to take a breathalyser test. They can do so now, and therefore, they are taking away all the power from the officer. I am saying, this is absurd. This is absurd.

Mr. Speaker, page 205—page 141, clause 205—they talk here about the red light system. The red light system. Let me read it for you—205, the red light system. You see, this is not child's play, you know. This is not child's play at all because at the end of the day—page 141—this is serious business. Page 141, it is here. Right? Mr. Speaker, clause 205(b) they talk about:

“a vehicle being used by a prison officer in the lawful performance of his duties...”

All I am saying, if he leaves to come to work, is that not lawful? If he leaves to come to work, Mr. Speaker, is he not lawfully performing his duties? What they should have said here, it should be a vehicle owned by the State or a vehicle—  
[*Interruption*]

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Chaguanas West has expired. Member for Chaguanas West, would you be interested?

**Mr. J. Warner:** Yes, Sir.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the Member for Chaguanas West be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** You may continue, hon. Member.

**Mr. J. Warner:** Mr. Speaker, once again I would like to thank my colleagues on this side.

Mr. Speaker, the Commissioner of Police is now the person to certify persons with respect to red lights. I am saying, that is for the Traffic Management Branch. I will go quickly.

The Bill is silent on the construction of street garages, or of people obstructing the free passageway with building materials, gravel, sand and so on. They build their homes and they block the streets, and a wide street becomes narrow because they leave their sand and gravel there for months. Nothing is said about that. Nothing said about street garages. What is even more absurd is the fact that at present there are private garages all over the country. The present Bill makes no mention of that. The question is, why? Moreover, how will the people who are examining the vehicles, who manages them? Who manages them? Nothing at all said about that. And they come here and they regale the Minister of Transport who, of course, excels in mud mas in Chaguanas.

**Hon. Member:** Mr. mud mas.

**Mr. J. Warner:** Mr. mud mas. And I tell him of course, how great thou art. How great thou art. Mr. Speaker—[*Crosstalk*] Yes. Sure. Sure.

Mr. Speaker, why are persons over 65 discriminated against and not given their licence for a normal period of time? The Licensing Authority still has the power to revoke one's licence for whatever reason, and therefore, I see it as highly discriminatory, particularly for me, that a person over 65 cannot have their licence in a normal period. I am saying, if the person cannot drive for whatever reason, the Licensing Authority has the power to revoke that person's licence. And therefore, this is discriminatory and this, too, is absurd.

Mr. Speaker, you have a situation also where no permit, no permit—the licensing officer cannot arrest anybody or proceed by summons for anybody for giving false information. Even if the false information is his name and address, the licensing officer has no authority. Those were the responsibilities which he had and which he has now. This Bill has sought to emasculate the licensing officer. This Bill has taken away all their powers. This Bill has made them toothless bulldogs, so to speak, and therefore, there is nothing here for which one can be proud, not even the construction at Caroni.

Mr. Speaker, at Caroni they are building a construction—they are building the MVA headquarters. If you see how the people of Frederick Settlement have been treated. They cannot even cross the road. A village that is over 65 years—total disregard for the people in Frederick Settlement. In La Paille, one side cannot go to the other and the other side cannot go to the other side. Nobody has concerned themselves about that. I am saying, you have to take—what is even worse is that these are the people who have been most faithful and most loyal to the People's Partnership—those are the people. I had to go there last Christmas to demonstrate with them to get some minimal work done. Mr. Speaker, this cannot make sense. It just cannot make sense.

We have a big crime problem and if this had been passed four years ago, we would have made a dent on crime, as far as garages, as far as lawbreakers are concerned. Therefore, for me, as the first Minister of Works and Infrastructure, as the person who met this Bill almost totally prepared by the Member for Diego Martin North/East; as the person who met the Barrington Group from Nova Scotia; as the person who met a system in place; all we had to do was to run with it. It would have taken us less than two months to put it in train, but because it was done by the PNM, the Member for Diego Martin North/East—no, it cannot be done.

Therefore, there is no way this Bill gives me any comfort. I am in no way comforted and I have no intention whatsoever of supporting it. I thank you. [*Desk thumping*]

**Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann's West*): Thank you for the opportunity to make a contribution to this Motor Vehicles and Road Traffic Bill, 2014.

Mr. Speaker, the Bill is a voluminous piece of legislation, over 200 pages if we include the Explanatory Note and the arrangement of clauses: two hundred and seventy two clauses and 11 Schedules. When he laid this Bill in this honourable House about three weeks ago, the hon. Minister stated that it was so long, that it contained so many clauses that he was unable to read all of it. I was surprised that he should have said this because this very important Bill comes under the purview of his Ministry, and passing of this Bill will confer upon this Minister sweeping and overarching powers.

Because of these sweeping and discretionary powers that this Bill will give him, I think it contains some very wearisome—some very worrisome, sorry—governance issues. Having said that, I would like to refer to Part II of the Bill

*Motor Vehicles (Amdt.) Bill, 2014*  
[MRS. MC INTOSH]

*Friday, March 06, 2015*

before us which speaks to the establishment, functions and powers of the Motor Vehicles Authority, and I should like to draw particular reference to clause 6 that speaks to the establishment of the Motor Vehicles Authority, and clause 7 subclause (1) that refers to the functions of the authority. I quote:

“There is hereby established a body corporate to be known as “the Motor Vehicles Authority” hereinafter referred to as “the Authority”.

7. (1) The Authority shall be responsible for the registration, inspection, certification and classification of all vehicles and the issue of driver’s licences and for such other matters as are assigned by this Act.”

And they go on defining all the different duties, Mr. Speaker; I should not go there. But I should now like to refer to clause 10 with particular reference to subclauses (1), (2), (3), (6) and (7) that treat with the board of directors. Clause 10 subclause (1) says:

“10. (1) The Authority shall be governed by a Board of Directors, who shall be responsible for performing the functions of the Authority.

(2) The Board shall consist of nine persons appointed by instrument in writing by the Minister as follows:

- (a) six persons each having special qualifications or experience in one of the following areas:
  - (i) finance;
  - (ii) law;
  - (iii) automotive engineering;
  - (iv) motor insurance;
  - (v) traffic engineer; and
  - (vi) business representative;
- (b) a representative of the Ministry responsible for transport;
- (c) a person representing the public’s interest; and
- (d) a representative from the Trinidad and Tobago Police Service.

(3) The Minister shall appoint a Chairman and Deputy Chairman of the Board from among the persons appointed under subsection (2)(a).”

Mr. Speaker, this Bill gives the Minister unfettered discretion regarding the functioning of the Motor Vehicles Authority. With the passing of this Bill the powers of the executive functions and operations of the Motor Vehicles Authority will be vested in the Minister who will then become responsible for appointments, revocation thereof, and the general direction of the board.

In other words, the Minister will now have the power to hire and fire members of the executive authority as he deems fit. I should like to reemphasize clause 10 subclause (2) which states that the six persons who will be appointed on the board, they will require to have special qualifications or experience in one of the following areas that I just read out, Mr. Speaker. Furthermore, subclause (3) states:

“The Minister shall appoint a Chairman and Deputy Chairman of the Board from among the persons appointed under subsection (2)(a).”

That is from those six persons. I would like to ask, Mr. Speaker, why qualifications or experience? Why not a combination of qualifications and experience? So that the authority can get the best people with the requisite expertise and competencies necessary for such important positions in which decision making could significantly impact the lives of the citizens of this country.

One is left to wonder, Mr. Speaker, whether the board will end up with a chairman and/or deputy chairman and members who might be qualified and not experienced or vice versa. One has to wonder whether this will augur well for the effective and efficient functioning of the authority. I have to ask the question: why is the Minister watering down the criteria for selection to the board? Who or what is the Minister planning to foist upon the unsuspecting populace through his appointment of his board, his chairman, his deputy chairman, and subsequently, as we shall see, his CEO? Is this paving the way for another Resmi scandal? Have these persons already been earmarked, Mr. Speaker?

**6.20 p.m.**

Mr. Speaker, this is a very dangerous precedent since over the past four and three-quarter years that this UNC Government has been in office, it has been clearly demonstrated that it is incapable of divorcing itself from the bane of cronyism and nepotism that characterises its approach to governance, and this has had a very deleterious effect on the operations of many of our state corporations.

*Motor Vehicles (Amdt.) Bill, 2014*  
[MRS. MC INTOSH]

*Friday, March 06, 2015*

I should like to turn my attention to section 4, subsections (1), (2), (3) of the parent Act that speak to the appointment and accountability of the Transport Commissioner, that is the Licensing Authority, and I quote:

“(1) The Transport Commissioner is the Licensing Authority and shall be charged with responsibility for the registration and inspection of all motor vehicles and issue of driving permits and such other matters as are assigned to him by this Act or any Regulations made thereunder.

(2) Notwithstanding anything to the contrary in this Act, any reference to an Assistant Transport Commissioner, Automotive Licensing Officer, Motor Vehicles Inspector, Motor Vehicles Officer and Motor Vehicles Supervisor is a reference to a Transport Officer and the functions or powers specified in relation to such Officer shall be performed by a Transport Officer.

(3) Transport Officers shall be under the direction of the Transport Commissioner”—this is in the parent Act—“who may assign such officers as may be necessary to such localities and to perform such duties as he directs for the purposes of the Act.”

So, we have the clear lines of responsibility, clear lines of reporting, clear lines of accountability under the parent Act.

Mr. Speaker, it can be easily deduced that under the parent Act the Transport Commissioner is an independent career public servant responsible for all transport officers and their functions under his purview. He is not a politician, he is not the CEO that they appointed under this Bill, a CEO who is appointed by a board which is appointed by the Minister, and this would serve this country well to have a career public servant, an independent public servant in this position, because he would not be beholden to any political party nor will he be beholden to any Prime Minister and therefore he will not be bound by political agendas.

Mr. Speaker, under the parent Act the Transport Commissioner would have been able therefore to dispense his duties and responsibilities with impartiality, without fear or favour in the best interest of the populace in all matters falling under his remit. But under this Bill, I have to question whether the CEO who is the counterpart in this Bill of the Transport Commissioner in the Act, whether the CEO who is appointed by the Board—I have to say again, which has been appointed by the Minister—will be able to execute his duties and responsibilities with that same degree of impartiality and justice. Mr. Speaker, this is a question that we all have to ask because of the high degree of political interference that



characterises the operations of our state enterprises and Government agencies.

I should now like to examine clause 21, subclauses (1), (2) and (3) of the Bill, in respect of the appointment of the executive management and other staff of the Authority, and I quote:

“The Authority shall appoint a suitably qualified person in each case to be—

- (a) the Chief Executive Officer; and
  - (b) the Registrar of Motor Vehicles.
- (2) The Authority shall, subject to the approval of the Minister, fix the qualifications and experience and the—
- (a) salaries, allowances and other terms and conditions of service of the offices specified under subsection (1)(a) and (b); and
- (3) Subject to subsections (1) and (2), the Chief Executive Officer shall, with the approval of the Authority employ Motor Vehicles Enforcement Officers and such other officers and employees as may be necessary for the efficient administration, management and performance by the Authority and its functions.”

Mr. Speaker, the Minister has the final authority. Nowhere does it say that he is acting on the advice of the Board or he is acting in consultation with the Board. The Board actually has to seek his approval. You are talking about an Authority that is governed by a Board, and this Board is being appointed by the Minister and this Board will in turn, with the Minister’s approval, appoint a CEO, a Deputy CEO and a Registrar of Motor Vehicles and other senior executive, and in my opinion this imputes an element of collusion and political interference.

Mr. Speaker, we see over and over that the Minister in this Bill will be responsible for the appointments and the revocation thereof, and also for the special direction of the Authority, and we have to be very wary of this; very wary indeed, because of the potential for political interference in these areas. Look at what is happening in terms of political appointees and political interference in all our state enterprises and Government agencies. We have to be very wary since such a move will only place the governance of the Authority in an uncomfortable and precarious position where the Executive is subject to the uncertainties, vagaries, potential abuses and compromises of political agendas.

*Motor Vehicles (Amdt.) Bill, 2014*  
[MRS. MC INTOSH]

*Friday, March 06, 2015*

This Bill is opening wide the gate for mischief and misconduct, especially given this particular administration's propensity for wrongdoing in public office. Over the past almost five years since this UNC Government has been in office the national community has witnessed some of the most vulgar and obscene allegations of nepotism, cronyism and corruption that one could ever imagine. These political transgressions have given the hon. Members on this side of this honourable House grave cause for deep concern, and so we have to be extremely careful how we allow this UNC Government to tinker willy-nilly with legislation that has the potential to empower any Minister to engage in unwelcome acts of nepotism, cronyism and corrupt practices.

In addition, I want to ask, why is the Minister seeking to appropriate unto himself powers such as approving the criteria for employment, salaries, allowances and other terms and conditions of service for the positions of CEO, Registrar of Motor Vehicles, Motor Vehicles Enforcement Officers and employees of the Authority. Why is the Public Service Commission or some other suitably qualified body not given this responsibility?

Indeed, it is passing strange that this UNC Government is moving in this direction in an election year. Why now? What are the benefits? But I should demonstrate why this Bill is purporting to grant to the Minister such wide and sweeping discretionary powers. And, in doing so, Mr. Speaker, I should like to examine Part III, clause 22 of the Bill that speaks to the employment of persons for a specific task, and I quote clause 22:

“The Chief Executive Officer may, with the approval of the Authority engage persons on contract to perform specific tasks that the Authority considers necessary for the performance of its functions.”

Mr. Speaker, if the CEO is beholden to the Board which is beholden to the Minister—because the Board was appointed by the Minister—who is beholden to his party and Prime Minister, then it stands to reason that these special contracts will be awarded to persons without the necessary independent scrutiny and proper oversight and will lead to rampant corruption such as selection without merit of party loyalists and sympathizers.

Furthermore, let us look at clause 23 subclause (1) that treats with the Chief Executive Officer, and I quote:

“Subject to subsections (5) and (6), the Chief Executive Officer shall hold office for a period not exceeding five years and shall be eligible for reappointment.”

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

And the same obtains for the Registrar of Motor Vehicles, and I quote clause 24 subclause (1):

“Subject to subsections (6) and (7), the Registrar shall be appointed to hold office for a period not exceeding five years and shall be eligible for reappointment.”

One must pay attention to the fact that the contracts to be awarded to the CEO and the Registrar of the Motor Vehicles are five-year contracts, and this UNC Government is in its last and final year, and if those incumbents are not removed for cause—for example, misconduct in relation to their duties and responsibilities or physical or mental inability to perform the functions of office—these appointments will have the potential to entrench in office, party loyalists who may be quite capable of subtly frustrating and undermining the efforts and policies of the successor administration, and we know who the successor administration is, the PNM.

Mr. Speaker, I cannot support a Bill that is purporting to repose in the Minister such wide and discretionary powers, especially over the appointment of the Board and other senior Executive Officers. As the Chief Whip and Member for Port of Spain South will say, this Bill is fraught with loopholes or lacuna, fraught with lacuna for political interference, nepotism, cronyism and it seeks to entrench party hacks in positions for which they are not suitably qualified and which they do not adequately deserve.

Mr. Speaker, I should like to examine one more clause, and that is clause 210 that speaks to the parking of vehicles and one-way roads, and I really want to concentrate on the parking of vehicles, and I would like to quote clause 210 subclause (1):

“The Minister may by Order—

- (a) prohibit or regulate the parking of vehicles on any road or highway; or
- (b) prohibit the driving of any vehicle on any specified road or highway otherwise than in a specified direction.”

And subclause (2):

“An Order made under this section may prescribe, in respect of any contravention thereof, a penalty not exceeding a fine of three thousand dollars or imprisonment for three months on summary conviction...”

*Motor Vehicles (Amdt.) Bill, 2014*  
[MRS. MC INTOSH]

*Friday, March 06, 2015*

Mr. Speaker, indeed, there is a lot of illegal and indiscriminate and inconsiderate parking throughout the country, and there is need for legislation to effectively address this untenable public transgression. Since my assumption as Member of Parliament for Port of Spain North/St. Ann's West, I have been battling this problem of parking in my very constituency. So, I would welcome legislation in this regard, because in the absence of appropriate and adequate legislation, the police seem helpless to resolve this problem, especially in residential areas where no parking signs are not in effect.

My constituents often complain about drivers who park their cars indiscriminately and inconsiderately on either side of the road. Especially, we have very narrow streets in Belmont, that occurs. We have Riverside and North Road in Cascade. North Road is a very steep road and people park on both sides of the very narrow road—and Simon Valley Road in St. Ann's, that is another problem, and on Cipriani Boulevard, it is a problem for the residents who live in that area because the inconsiderate parking impedes the free flow of traffic along these routes.

But, Mr. Speaker, despite my repeated pleas to the police authority verbally and in writing, the situation remains unresolved much to the discomfort of many of my constituents. Sometimes the residents cannot access their homes because cars are parked in front of their gates, or they block the road. In many instances ambulances cannot access homes to pick up the sick to take them to hospital, and the fire brigades they cannot negotiate their way along the roads because cars are parked on either side, and this is a problem especially in the dry season where we have fires on the hills, and fire brigades have been known to have had to turn back or try an alternate route, and all of this because of the indiscriminate and indiscreet parking, and I should say, unlawful parking.

Mr. Speaker, while this Bill is purporting to impose heavy penalties for offenders, we have \$3,000 or imprisonment for three months on summary conviction. But the problem is, the Bill is devoid of regulations—well, we have not seen them, at least I have not seen them—that will spell out and define the circumstances under which parking would be illegal and liable to a fine or conviction. So, I am anxious to know whether this Bill would effectively treat with the issue of indiscriminate and inconsiderate parking, especially in residential areas, for example in Cascade and in St. Ann's, Cipriani Boulevard, et cetera, and in Belmont so that the lives of many of my constituents who are negatively affected by this parking issue could return to some modicum of normalcy.

**6.35 p.m.**

Mr. Speaker, the Bill is purporting and I quote, to:

“prohibit or regulate the parking of vehicles on any road...”

But we have to accept that in Trinidad and Tobago we are facing a horrific traffic problem, part of which is a lack of space allocated for parking and this contributes to the general traffic congestion especially in the cities and in the heart of the boroughs. It is a veritable nightmare to travel into the city, and I will speak of the City of Port of Spain where I often frequent the city on a normal work day to conduct business and to have to look for a place to park.

Mr. Speaker, if I cannot get someone to take me and drop me off, I cannot go because there is nowhere to park. If I have an appointment I will be late because I make circles and circles and circles and there is nowhere to park. And the wreckers are very busy, very, very, active and very busy. But sometimes they wreck vehicles that are legally parked on the correct side of the road as indicated by the traffic signs, yet still they remove these vehicles. And this happens very often in the city and its environs.

People who park on Maraval Road and in Woodbrook are often the victims of illegal wrecking. That has not been addressed in this Bill. I recall an incident, Mr. Speaker, because I was there, I was in a building next door, where an off duty police woman parked legally on the correct side of Maraval Road for that day as the sign indicated and she had her vehicle wrecked. But while it was being towed away people ran to call her, and she ran out of the business place, and she started to argue with the wreckers and she showed them her police badge and immediately they released her car and replaced it right where they found it.

Mr. Speaker, but that was all well and good for her and it was her right. She was not doing anything illegal. But what about the innocent victims who have recourse to no such powers, who do not have such powers or such recourse, what are we to do? I read in the *Guardian* newspaper dated February 28, 2015, an article entitled “PoS Mayor stops wreckers” in which his Worship the Mayor of Port of Spain, Alderman Raymond Tim Kee, addressed this issue of indiscriminate wrecking. And I would like to read it, Mr. Speaker, because it endorses and underscores exactly what I said.

“Continued blatant abuse by wrecker operators, ignorance of the law by police, and the resulting trauma on citizens are some of the reasons why the use of private wrecking services have been discontinued by the Port-of-Spain City

*Motor Vehicles (Amdt.) Bill, 2014*  
[MRS. MC INTOSH]

*Friday, March 06, 2015*

Corporation.

Port-of-Spain Mayor, Raymond Tim Kee, speaking in an interview with the T&T Guardian yesterday, clarified the corporation's recent decision to stop the mass wrecking in West Port-of-Spain, which the corporation has jurisdiction over.

According to Tim Kee, indiscriminate wrecking is something of the past...

...Tim Kee announced that wrecking in West Port-of-Spain had been discontinued effective Carnival Friday (February 13).

He said that this was a result of complaints being made to the corporation by the public on a daily basis. He said even members of the Police Service and the councillors have complained that wreckers were guilty of removing legally parked cars.

‘What I believe in’—he said—“is fairness, the human interest. If one innocent person will be saved from this, especially if he or she was not in violation of the law, then this initiative has served its purpose. It is traumatic”—said the mayor who—“sympathising with those who had been wrecked, although they had legally parked their vehicles”—and they came out thinking that their cars had been stolen.

Because they know they did the right thing and then they came out, “Where is my car? Somebody stole my car.” No, they wrecked it.

Mr. Speaker, I would like to commend His Worship the Mayor of Port of Spain, Raymond Tim Kee for this bold and courageous initiative.

**Mr. Speaker:** Member, can you indicate what newspaper?

**Mrs. P. Mc Intosh:** This is the *Guardian* newspaper on Saturday February 28, 2015. Sorry, Mr. Speaker.

**Mr. Sharma:** What page?

**Mrs. P. Mc Intosh:** But I did say. Mr. Speaker, I did say, I read in the *Guardian* newspaper on February 28. Probably you were asleep. However, I would like to commend His Worship the Mayor, Raymond Tim Kee for this bold and courageous initiative. It demonstrates his compassion, understanding and resolve to make life more comfortable for his fellow citizens. Mr. Speaker, this is how the PNM treats people. [*Desk thumping*]

Mr. Speaker, I also read in the *Guardian* newspaper dated March 01, 2015, another article entitled “Underground parking, laser guns for PoS says Tim Kee” in which His Worship made reference to proposal submitted to this UNC Government since 2012. You see, Mr. Speaker, they could bring this Bill now, but since 2012 a proposal was made to this Government to ease the parking congestion throughout the country. And I would like to quote from that article, a short quote.

“...there is a proposal”—this is Mr. Tim Kee speaking here, I am quoting him—

“...there is a proposal which is in the possession of the Government for parking...not”—parking—“meters, but the outcome and purpose is the same. Instead of having”—parking—“meters we are talking of barcodes which would be affixed on the windscreens or hanging on the rear view mirror of a vehicle.

The traffic wardens will use laser guns to scan and get an appreciation of how long a motorist has been parked for which a fee would be paid to the City Council.

This is a more state-of-the-art device...In effect, motorists would be purchasing parking time and we would be guided by the ministry as to how many streets...these devices”—would—“be operating.”—on. “It will be phased in gradually and eventually. I hope the entire city would be served in this regard.”

But he did say, Mr. Speaker, “he find that it taking” too long.

Yes, Mr. Speaker, it is taking too long, because the recommendation, the proposal was submitted since 2012, and this was done by the former Mayor of Port of Spain, when he was Mayor then, Louis Lee Sing, who had submitted to the Ministry of Transport and to the Ministry of Local Government a proposal for a state-of-the-art system to ease the parking situation throughout Trinidad and Tobago, especially in the cities.

Mr. Speaker, this system proposes the creation of parking zones that could be utilized by motorists at a fixed price prorated according to demand for parking in the specific area. Payment would be by way of topping up a small electronic device in which a barcode is installed. This topping up could be done at a variety of outlets in the same way that one tops up a phone card, Mr. Speaker. A barcode is installed in the device which could be easily hung on the window of the car on the driver’s side, on the windscreen, the rear-view mirror, et cetera.

*Motor Vehicles (Amdt.) Bill, 2014*  
[MRS. MC INTOSH]

*Friday, March 06, 2015*

Mr. Speaker, look, Mr. Speaker, [*Member shows the House a device*] I have one such device in my possession. Easy park. I have this device in my possession. It is simple, it is small, an electronic piece of equipment and inexpensive unit of technology.

**Mr. Cadiz:** So why you do not do it?

**Mrs. P. Mc Intosh:** Why we do not do it? Because we have put the proposal to you, since 2012. Very easy. And, Mr. Speaker, the traffic warden will be in possession of a small laser gun, as Mr. Tim Kee said, and he or she could scan the device to determine whether there is sufficient money on the unit to validate parking in the specific area. If not, the warden could then issue a ticket, but people will know where they can legally park, and as long as they have money on this little instrument there would be no hope or no expectation that their car will be wrecked. And if they do not have the money on, if they are parking illegally, well then they will get a ticket or the wheel of the car could be clamped.

Mr. Lee Sing had observed this state-of-the-art system when as Mayor he had travelled to Israel, and this high tech system, Mr. Speaker, is used in various parts of the developed world. It is used in Germany, in China, USA, England, Belgium, Russia, Brazil, India and of course, I just said Israel. This high-tech system has many benefits. It regulates all parking. It does not incur the infrastructural cost associated with the installation of parking meters where you have to dig up the road and run lines, et cetera, to the parking meters. It provides a revenue stream for the municipalities that would manage the system.

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Port of Spain North/St. Ann's West has expired. Hon. Member, would you want to guide—

**Mrs. P. Mc Intosh:** Yes, Sir.

**Mr. Sharma:** For her to read.

**Mr. Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Port of Spain North/St. Ann's West be extended by 15 minutes.

*Question put and agreed to.*

**Mrs. P. Mc Intosh:** [*Desk thumping*] Thank you, Mr. Speaker, thank you colleagues. As I said, Mr. Speaker, as I was saying, the high-tech system has many benefits. It regulates all parking. It does not incur the infrastructural cost associated with the installation of meters. It provides a revenue stream for



municipalities that will manage the system. It results in an increased business activity for business, especially in the hearts of the cities and the municipalities, and I know this Government likes to talk about the ease of doing business, well, that will encourage and make doing business easier in these very busy areas.

Apart from that, Mr. Speaker, it creates employment. You have the traffic wardens, you have the persons that clamp the vehicles, you have the persons who work in the top-up shops, you have persons who perform all the other activities associated with the operationalization of this state-of-the-art equipment. It also reduces traffic congestion and last but not least, Mr. Speaker, it eliminates the stress for motorists.

Since 2012, I have to say again, this detailed and comprehensive proposal has been sitting on the desk of the powers that be in the Ministries of Transport and Local Government and nothing has been done about it. And they say this Government is working for you. This Government is working for who?

**Mr. Sharma:** You.

**Mrs. P. Mc Intosh:** Certainly not the travelling public of Trinidad and Tobago.

Mr. Speaker, the question is, what has this UNC Government done about the creation of parking facilities? And I have to refer specifically in the City of Port of Spain. They are hurriedly bringing this monstrous piece of legislation to this honourable House, but if they so care about people, if this is a Government that is working for people as they like to claim, then I ask, Mr. Speaker, what has this Government done about the creation of parking spaces in the City of Port of Spain. And the answer is nothing. Absolutely nothing, zero, nada, zilch. I am not just talking about parking areas; I am talking about parkades.

Rather, it is the PNM Government that constructed two of the most significant parking facilities in the City of Port of Spain. The one at Riverside Plaza—*[Crosstalk]* the corporation does not have the money to do a project of that magnitude, the one at Riverside Plaza and the Parkade at the Government Campus that has been left to languish by this uncaring Government just because it is a PNM project. And the PNM constructed these two parking facilities to ease the discomfort and the stress of the travelling public especially the motorists.

But, Mr. Speaker, wait until we bring the rapid rail that they could not bring. They talk about we cannot implement, wait until we bring the rapid rail. I just heard from the Member for Chaguanas West that they tried and failed, but we

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MRS. MC INTOSH]

shall bring it. And that is why they are maligning it. They are jealous. [*Desk thumping*] Nothing but jealousy, Mr. Speaker, and that is why they are seeking in this Bill to give the Minister overarching discretionary powers to hire and put in position, key senior positions, personnel who have the propensity to frustrate and undermine the efforts of the People's National Movement.

Mr. Speaker, we shall bring a transportation system that will revolutionize the entire transportation system of Trinidad and Tobago and which will guarantee the travelling public greater safety, greater comfort, and much less stress. You see, the People's National Movement is a government with a vision for our country, a government that truly cares about the people of Trinidad and Tobago. Mr. Speaker, I thank you. [*Desk thumping*]

**6.50 p.m.**

**Mr. Speaker:** The hon. Member for Arouca/Maloney.

**Miss Alicia Hospedales** (*Arouca/Maloney*): Thank you, Mr. Speaker. Mr. Speaker, I am just going to make a very small contribution to this debate.

**Mr. Sharma:** Good.

**Miss A. Hospedales:** Okay, Member for Fyzabad, behave.

Mr. Speaker, when I took the opportunity to go through the Bill, I actually looked through the definition section to see if there was a definition with reference to vision testing and what type of vision testing is actually done. The reason that was done, the Bill before us actually makes reference to the fact that a person who is applying for a driver's licence, or somebody who is seeking to renew his or her driver's licence, must take a vision test.

The vision test that is normally taken is a test to determine whether or not the person can actually read signs from a distance or at close range. There have been concerns that were raised in the past, and I think I needed to raise the concern again with reference to testing persons for colour blindness because most times we kind of push that aside and think that, you know, a person who is colour blind would be able to see a traffic light if it is red, if it is on amber or if it is on green, and would be able to avoid an accident in the event.

So the issue of colour blindness is a real issue because if you were to really understand the magnitude of the problem, you would realize that there are different types of colour blindness. Say, for example, one individual may see a

traffic light that appears—well, we may see a traffic light that is red, but a person with one type of colour blindness may see the red light as dark or black. So even in terms of seeing the green light they may mistake the green light for a yellow light or a red light.

What they have found in terms of research is that persons with colour blindness, especially, are responsible for a number of accidents because when we are looking at a traffic light that is on red, they may see something that may be on amber, or they may see an amber light, or maybe even a white light, and they would go through the traffic—the red light, and as a result cause an accident.

What I am asking, Mr. Speaker, is that as part of the requirement with reference to vision testing, that they include colour-blind testing or—I do not know the name of the assessment in particular, but at least there is an assessment for colour-vision defects. I think it is very important that that becomes a part of the actual tests that are being done with reference to determining whether people get a licence or do not get a licence.

What many researchers have indicated is that there is need in the event that it is determined that somebody has a defect in terms of colour blindness, that there be certain restrictions that could be set on them in terms of either driving only in the day as against driving at night; staying away from the highways. You know, there could be specific restrictions that would be set on them. Mr. Speaker, having an assessment to determine whether there are colour defects, it will reduce some of the accidents that have been occurring because it is not just about alcohol or drug use, but colour blindness is a real issue that is facing our nation and is, according to research, a major cause of accidents on the roads.

The other thing I want to raise is with reference to clause 10(4). We are told that—and clause 10 makes specific reference to the Board of Directors. In subclause (4) we are told that:

“The Chairman may at any time resign from office by notice in writing addressed to Minister, and any other member of the Board may resign from office by notice in writing addressed to the Chairman.”

Mr. Speaker, when I read this, I found it to be so strange because in clause 23, actually, in subclause (5) we are told that:

“The Chief Executive Officer may resign from office by giving one month’s notice in writing, addressed to the Chairman of the Board.”

And in clause 24(6) we are told that:

*Motor Vehicles (Amdt.) Bill, 2014*  
[MRS. MC INTOSH]

*Friday, March 06, 2015*

“The Registrar may resign from office by giving one month’s notice in writing, addressed to the Chairman of the Board.”

So there is a specific requirement of one month’s notice to be given by the Chief Executive Officer, by the Registrar, and what I found so strange was that the Chairman, which is a very important position in this particular Authority, and the members of the board can resign at any time. They say:

“The Chairman may at any time resign from office without giving one month’s notice...”

And I found that to be so strange. So it is important that the Minister, in looking at this Bill again, seeks to remedy this particular situation because I cannot understand the Chairman could come and give notice today, may resign at any time, come and give notice today and just leave, and members of the board can also do the same.

I think that this particular clause 10(4) needs to state that at least one month’s notice is given. I think that is fair in terms of industrial relations practices and human resources practices, et cetera, that at least one month’s notice be given. So I would ask the Minister to take another look at that particular clause.

Mr. Speaker, the other concern that I would like to highlight is the fact that with reference to the disclosure of interest there is no penalty for non-disclosure, and I think this particular issue comes up over and over again with reference to the appointment of persons on boards and, you know, the fact that people sit on boards and the reality is sometimes they do not disclose, and if people are aware that there is a penalty for non-disclosure it acts mainly as a deterrent. But when there is no penalty whatsoever, they would sit there silently and say nothing, and, you know, it is in my estimation, a cause for concern because of the fact that you can have somebody there who has an interest in a particular thing that is occurring with reference to the arrangement of a contract or the undertaking of a transaction, and they just say nothing because there is no penalty for not disclosing their interest in that particular thing. So I would like the Minister to tell us whether or not there is going to be a penalty attached for the failure of persons on the board to disclose their interest in a particular arrangement, for a contract or with reference to the undertaking of a transaction, et cetera.

Mr. Speaker, the other thing I want to highlight briefly is another concern of mine, and I would like the Minister to just briefly explain to us the rationale behind military personnel being exempt from requiring or having a driver’s

licence. When I read this I was a little taken aback and I wondered exactly what the rationale was, what was the reason for this because the reality is that through the Licensing Authority at least people become aware of the requirements that are needed with reference to driving on the road, et cetera. We gain basic information. Normally it is information that is provided to us that you eventually learn over time, based on the fact that you go out on the streets and you drive. The more practice you get is the more familiar you get with the regulations, et cetera.

But when you tell me that military personnel do not need to have a licence, do not need to go through the regular processes that a normal citizen would have to go through, I say that is a major cause for concern and the Minister needs to explain to us what the thinking was behind this. Why exactly have you all made such a rash—in my estimation—decision and made such a drastic change. So I would like him to explain that to us.

Another thing I want to highlight is with reference to the fact that in the learner's driver's licence, the requirement for a learner's driver's licence is that the person would take a vision test, and I also think that there is need for a hearing test as well, and a fitness test because most times we think that young people or persons who are now applying for a learner's driver's licence, they have good hearing, but the reality is that some people do not and they may not be able to properly hear when an ambulance siren is behind them, when somebody is tooting their horn, et cetera, and as a result of that, they may also be causing accidents on the road.

So I am just recommending that hearing tests be included as a requirement for persons coming to apply for a learner's licence, and even in terms of renewals as well because sometimes you may start off as a young person, you may have gotten your licence as a young person, but then as you grow older in age your hearing decreases and as a result, I think that for renewals they need to have a hearing test and even mental and physical tests attached to that.

So I hope that the Minister is listening to us and that he will ensure that, you know, it is not just about vision testing but at least the hearing testing, the physical test, the mental test, all of those things are included. Because if you connect the dots, if someone is colour blind, that is a cause for an accident; someone does not hear properly, it is a cause for an accident; someone is, you know, mentally ill to the point where they are unable to function, that can be a cause of an accident. There are so many factors that cause an individual to drive improperly on the road and eventually be the cause of an accident.

*Motor Vehicles (Amdt.) Bill, 2014*  
[MRS. MC INTOSH]

*Friday, March 06, 2015*

Mr. Speaker, the other thing I noticed is the fact that in clause 223 reference is made to breath test and preliminary drug test, and then clause 224 speaks to the breath or drug analysis, but then it goes to clause 228 that speaks to the rehabilitation of someone who was to be found either—you know, the alcohol levels would have superseded the limit as well as they would have failed a drug test.

Clause 228 requires that that person be ordered by the courts in that instance to go to a drug rehabilitation facility or a facility where they can be treated for alcohol addiction. I just want the Minister to ensure that clause 228(2) is made a little clearer because it says that:

“Evidence of satisfactory rehabilitation required under subsection (1)(b) may be provided by the body approved by the Minister to whom responsibility for health is assigned, that conducted, directed or prompted the alcohol rehabilitation programme attended by the convicted person.”

Remember, the person is not just—the person may have attended an alcohol rehabilitation programme or a rehabilitation programme for some other type of drug use. I think that the Minister just needs to go and make this subclause a little clearer to ensure that it captures other types of drug use. It is not just about alcohol rehabilitation, but the rehabilitation of persons addicted to other types of drugs as well, and I hope he would take the time to just make the relevant changes where that is concerned.

**7.05 p.m.**

Mr. Speaker, I just want to raise one more thing just before I close. On page 157 of the Bill which speaks to fees and duties, (9) speaks to the “Issue or Renewal of Differently Abled Parking Permits”, and I am asking the Minister: why \$100 for the differently abled, when \$40 is the fee that is required for the issue or renewal of hired drivers’ permits? So, I really want the Minister to indicate to us the rationale that resulted in the disabled community paying a higher fee and the hired drivers paying a lower fee.

Mr. Speaker, I would just like to close and say thank you. [*Desk thumping*]

**Mr. Fitzgerald Jeffrey (La Brea):** Thank you very much, Mr. Speaker. Before I get down into the meat of this debate, I wish that the Member for Fyzabad had spoken before the Member for Tabaquite because the Member for Fyzabad

indicated how we are supposed to treat public servants. We heard from the Member for Tabaquite. He made a strange statement where he tried to compare the licensing officers in Chaguanas with those of Point Fortin. Point Fortin is too close to La Brea for me to allow the Member for Tabaquite to get away with this thing.

He indicated that some driving school in Chaguanas would bring learners to Point Fortin to get their driver's permit. Mr. Speaker, I find that is very offensive because it means two things: one, it is either that the licensing officers in Point Fortin "does take bribe" or, two, that they are incompetent. And I say listen, reverse that impression because those licensing officers in Point Fortin, I happen to see them so regularly that their competence is at the highest level and I know that their integrity is beyond question. So I wish to put that on the table because that is not correct to vilify or to insinuate anything sinister about the licensing officers in Point Fortin.

Mr. Speaker, I want us to remember that May 11th—because there is a rush with this legislation. If you listen to the Member for Oropouche East who was making this pronouncement about 100 houses, HDC units, every week, there is a rush to put out 2,000 houses before the election, and Monday May 11th, I understand, is the date for the general election. Sorry for letting that out of the bag. So there is a rush to get through all kinds of legislation and so on, and that is why—[*Interruption*] "You eh sure to go no wey. So keep quiet."

When we look at this Motor Vehicles Authority, I want us to bear in mind the whole structure of this Motor Vehicles Authority. You have a Minister, and let us say that Minister is "Sat-inspired" or "Sat-directed", I say so because we know that—I remember not too long ago the former Member of Parliament for D'Abadie/O'Meara had given to the Member for Siparia a tongue-lashing for retaining Mr. Look Kin and Andrew Jupiter in the Ministry of Energy and Energy Affairs because they were said to be members of People's National Movement. We have heard that from time to time that once you do not belong to the UNC, "Dog eat yuh supper". So you could just imagine that you have the "Sat-inspired" or "Sat-directed" Minister, he has to appoint a board of nine members, six of them—and listen to this, each of them on some special qualifications or experience.

Mr. Speaker, we had a nice experience with the SSA when Resmi Ramnarine jumped over 17 persons above her and became director of the SSA. We see it with Dayanand Birju, we see it with Omar Khan and company. We "cyar" take that for granted. Tell us what is the minimum qualification that is required to become a

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. JEFFREY]

member of the board. Is it finance, is it a bachelor's degree, a master's, a PhD? Tell us. Do not just put it down there as special qualifications. Experience—is it that you must have six months, one year, two years, three years, five years? Tell us—[*Interruption*]

**Mr. Sharma:** A long piece of—[*Interruption*]

**Mr. F. Jeffrey:**—how much—you “hush yuh mouth, boy”. Mr. Speaker, I want your protection.

**Mr. Speaker:** Yes. I will offer you protection, but, please, do not tell another Member of Parliament to hush his or her mouth. If it is anything, seek my protection and I will guide the Member who is disturbing you. Okay?

**Mr. F. Jeffrey:** Yes, Sir. Thank you, Mr. Speaker. Thank you. So we are talking about in terms of the amount of experience. Is it in a time frame, or is it at a particular level? We need to find out what that is so we can make a judgment. There must be some transparency in terms of what is required.

We heard about the whole question about a person representing the public's interest, and really and truly we want to find out who is making that selection. Who is the person that will be making that selection? And that is extremely important. We heard about the members of the board, that the Commissioner of Police would select the representative, but we heard about the others, how you could revoke their appointment. How could the representative from the Commissioner of Police, his position, be revoked?

Mr. Speaker, I cannot let this get away because I remember—I will come back to the board, this MVA authority—the Member for Tabaquite and the Member for Oropouche West, they somehow or the other have us in stitches, because in the first instance the Member for Tabaquite had indicated so many things about saving lives, saving lives and saving lives, and I want to find out if he is interested in saving lives, we have some very dangerous situations on our roads. We have dividers from Nestlé come right down to Paria Suites, and those dividers do not have proper reflectors. I have seen on numerous occasions vehicles crashing into those dividers and it will not be long before some fatality occurs, and I am saying here and now, that it is high time that we put proper lighting on those roads and make sure those reflectors and so on and dividers are indeed functioning properly. I could tell you, Paria Suites junction in La Romaine, the vicinity of Bamboo and Nestlé on the Churchill Roosevelt Highway, Green Acres intersection and Cross Crossing in San Fernando, the dividers between Bamboo junction in La Romaine



and Gulf City are those that come readily to mind.

Mr. Speaker, if we are really talking about road safety, then we also have the need to talk about our pavements. Since this UNC Government came into power 720,000 more vehicles are on our roads, and I could tell you from that Southern Main Road, from Aripero come right down the road to Vance River, they do not have proper pavement and many of our children have to walk in the road to go to school. It is high time that we look in terms of putting proper pavement to save the lives of the future men and women of Trinidad and Tobago.

Then they went on to talk about the Prime Minister. The Member for Tabaquite mentioned that the Prime Minister was being a principle-centred leader and she is the one to do the right thing, and I am saying this, if she could do the right thing I hope that pretty soon she would announce the date for the general election because that is the right thing she should be doing right now.

**Hon. Member:** You just said it.

**Mr. F. Jeffrey:** That is the right thing.

**Hon. Member:** But you just—[*Interruption*]

**Mr. F. Jeffrey:** I just—make it official. I am saying so, but she must tell you.

**Hon. Member:** “No, but you done tell we.”

**Mr. F. Jeffrey:** Very good.

The Member for Oropouche West spoke about the removal of the coat of arms on the official vehicle of the Prime Minister as leadership that this country deserves, but I guess she had no choice because she has been transferred from her position of influence to elsewhere.

Mr. Speaker, I want to put on record that if you want to talk about leader, from 1962 to 2010, and that goes from Eric Williams, to George Chambers, to ANR Robinson, to Patrick Manning, to Basdeo Panday, put all of them together, none of them have used up the national security helicopter as much as our present Prime Minister. And if we are talking in terms about leadership, we are talking here now about saving money, because to take the national security helicopter to go down to Palmiste ever so often is a waste of public expenditure. There is a house, a Prime Minister’s residence that we should use and so on, and we need to understand the importance of that whole thing. [*Interruption*]

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. JEFFREY]

Mr. Speaker, we are talking about—[*Interruption*] You all brought the Prime Minister into the debate, so “leh we” talk about it a little while. You see, you talked about the quality of the Prime Minister in your debate. You all opened it up and I want to put on the record that the whole question of flip-flopping was very evident on your side, the 5 per cent cut, the state of the emergency, and we talked about all the “gates”: the \$3,000 pensiongate, Resmigate, prisongate, FIU-gate—[*Interruption*]

**Hon. Member:** Emailgate.

**Mr. F. Jeffrey:**—Invader’s-gate, emailgate, Westgate as well. All these are things that you all should remember. So when you are talking about the quality of leader, just remember that on our side our leader could stand scrutiny. Okay? Just remember that. Just remember that! Just remember that!

Mr. Speaker, I just want to come back—let me leave that out a little bit and let me come back on the Bill because we have plenty things here to talk about. The appointment of this board for the Motor Vehicles Authority is really a cause for great concern because that board is the board that will select the CEO and the Registrar of Motor Vehicles. The CEO, through the instructions from the board, he will appoint the Motor Vehicles Enforcement Officer, other officers and employees of the Authority, as well as he has the power to hire a person on contract. Now, the Member for Laventille West spoke about 760,000 vehicles on the roads.

**7.20 p.m.**

Mr. Speaker, that Motor Vehicles Authority would be a very huge Motor Vehicles Authority that is going to be employing many, many people and so on. And I believe that that Motor Vehicles Authority is, really and truly, another party group of the UNC Government. [*Laughter*] Another party group. So that is the whole thing, to try to see how many people you could employ just as how you all giving those 100 houses every week. It is an election ploy. That has nothing to do in terms of improving the efficiency on our roads.

Mr. Speaker, we notice that one of the things that is important for us to look at is how they are going to remove the members of the Board and it is mentioned in clause 10(6)(f):

“misbehaves in office or brings his office into disrepute or for any other sufficient cause.”

Very nebulous.

“...for any other sufficient cause.”

What is the sufficient cause that you are talking about? Tell us. Okay. You need to specify and let us know.

Then, Mr. Speaker, we are told in clause 12 that:

“The members of the Board shall be paid such remuneration and allowances in respect of their office as the Minister may approve.”

You have to sing for your supper, “eat ah food”, because the Minister is the one who will determine your remuneration package and your allowances. And I cannot understand why is it an important body as the Motor Vehicles Authority, why is it not the President making the appointment of the board? Why is it the Minister? And it is only for one reason. So that the biasness could penetrate straight down to the roots of the organization.

Mr. Speaker, they talk about the Board, the CEO, the Registrar, the officers and the employees of the Authority having immunity and they tried to justify that immunity recall to the police service, but the Minister does not appoint no police officer; the Minister does not appoint the Commissioner. What is happening here, the appointment is politically-driven and therefore, to give those employees immunity is a travesty of justice.

Mr. Speaker, we are told that the Chairman, notice for a meeting in clause 14(2):

“...shall be given to each member in a manner approved by the Board.”

But, in subclause (3):

“The Chairman shall at any time convene a special meeting of the Board to be held within seven working days of the receipt of a written request...”

Why for the special meeting, you have to have a written request and for the ordinary meeting, that is not necessary? I would like to find out why. It does not sound good. It does not sound good at all, at all.

Clause 16(1):

“The Authority shall appoint a suitably qualified person to perform the functions of Secretary to the Board...”

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. JEFFREY]

Why in heaven's name, Mr. Speaker, we cannot be told what "suitably qualified" means? Throughout this entire Bill, that description is coming up, "special", "suitably qualified", "specially" and so on. Why can we not be told exactly what these qualifications are? Because, they know, Mr. Speaker, they know exactly what they have to look for. Tell us! Tell us what qualification is required, a minimum? Right. Do you have a Masters? A Bachelor's? A diploma? A levels? Tell us. We have plenty people outside there looking for jobs, and you have a moral obligation to let the population know about the taxpayers' money, the spending of the taxpayers' money.

Then, we heard in clause 17(2):

"A committee appointed under this section shall consist of at least one member of the Board together with such other person, whether members of the Board or not, whose assistance or advice the Board may..."—require.

Let us forget the member of the Board, but the other members of the committee, who—are they operating free, gratis? Are they to be paid? How much are they going to be paid? Who determines that figure? I think, again, we need to know exactly about that.

Similarly, in Part III, the Staff of the Authority shall consist of—I mentioned that:

"...suitably qualified person...in each case...—

- (a) the Chief Executive Officer; and
- (b) the Registrar of Motor Vehicles."

Suitably qualified, again. I do not know in a country like Trinidad where the level of education is so high that we cannot specify what qualifications you are looking for. "Something wrong." Something is wrong. And I get the strange impression that if you do not belong to the UNC, your chances of getting employment with the Motor Vehicles Authority is zilch. "And I ent talking bout no COP because them eh existing, right, ah talking bout the UNC. If yuh do not belong to the UNC, dog eat yuh supper", and there is good reason for putting that Motor Vehicles Authority in Frederick Settlement; very good reason.

Mr. Speaker, Motor Vehicles Enforcement Officers, other officers and employees of the Authority, they too, their package is subject to the approval of the Minister. Good God! What happens if that Minister, which is quite likely to be politically tainted, what is going to happen? Does it mean that when the UNC has

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

its rally, if they do not wear your T-shirt and come out, you could be out of a job? Does it mean that?

**Miss Ramdial:** Come on, where are you going with this?

**Mr. F. Jeffery:** Frederick Settlement. [*Laughter*]

**Miss Ramdial:** Stop discriminating, in Frederick Settlement. Stop doing that! Do not do that.

**Mr. F. Jeffery:** Yeah, you all did it with the Siparia Erin Road, you all did that. They tell us—[*Interruption*]

**Mr. Indarsingh:** What are you leading to? What are you trying to imply?

**Mr. F. Jeffery:** “Practice wha yuh preach.”

Mr. Speaker, in clause 23(6):

“The Chief Executive Officer may be removed from office only for cause, including misconduct in relation to his duties or for physical or mental inability to perform the functions of his office.”

What is excluded? Because we heard about just cause “including”, so therefore, there are other things that are not mentioned, tell us. What are the other grounds apart from his conduct, et cetera, that is in the mix? Tell us.

Similarly, the same thing goes for the Registrar, he:

“...may be removed from office only for cause, including...”

Very scrumptiously placed. And again, you know the whole question of the Registrar and the Motor Vehicles Enforcement Officers, they enjoying immunity and I do not see the justification for that at all.

Similarly, I do not know why we do not have whistle-blower legislation, because in clauses 32 and 33, I really want to read that so we could understand what we are up against with this Motor Vehicles Authority. In 32(1):

“Every member of the Board or officer or employee of the Authority—

- (a) shall at all times preserve and aid in preserving confidentiality with regard to all matters coming to his knowledge in the performance of his duties; and
- (b) except for the purpose of the performance of his duties or under legal obligation, shall not at any time communicate any confidential matter to

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

[MR. JEFFREY]

any person nor permit, unless under legal obligation, any person to have access to any records in the possession, custody or under the control of the Authority.”

Let me just jump to clause 33:

“A member of the Board, officer or employee of the Authority shall not be held personally liable for anything done, permitted to be done or omitted in good faith in the course of performing his functions under this Act.”

Mr. Speaker, there is a reason for that. You see, we know that in the function of this Motor Vehicles Authority, there is going to be a lot of discrimination that will be practised, and therefore, any employee in the Motor Vehicles Authority who dare squeal out, he is in for some trouble. Because we see here \$10,000 fine, imprisonment and of course, loss of employment. So better, therefore, to keep yourself intact, keep quiet.

Our former Minister of National Security learned that the hard way. He saw something going wrong and “he go and talk”, and for that, “dey bust he throat”. So anybody who is going to work for the Motor Vehicles Authority needs to understand what they are playing with, and I am saying enough is enough. This legislation here must not go separate from whistle-blower legislation. We are to protect people “who see wrongdoing and not keep quiet”. This Government is trying to silence people so that all the wrong things that they are doing could go away without any problem at all.

And we need to understand because in clause 35 says quite clearly that:

“The funds of the Authority shall consist of—

- (a) such sums as may be appropriated by Parliament for the use and operations of the Authority;”

It is no Minister’s money. It is no funds that belong to any political party. It is the State funds and therefore, we have a moral right to know how the funds of the State are, indeed, spent.

Mr. Speaker, in clause 42(1):

“The Authority shall cause to be prepared within three months after the end of each financial year—

- (a) a report setting out the activities of the Authority of the previous financial year; and

(b) financial statements...”

What happens if the three months pass? What penalty is in store for the Authority? And then in (2):

“A copy of a report under subsection (1) shall be forwarded to the Minister and shall be laid in Parliament as soon as possible thereafter.”

What do you mean by “as soon as possible”? Three months? Six months? Nine months? A year? Two years? Because we know we have the experience in this Parliament here of things being brought to the Parliament very late and therefore, we need to have some protection in that scenario.

Mr. Speaker, I turn to Part VI, Issuance of a Driver’s Licence. Clause 49(1)(b):

“there are no more than two passengers including a driving supervisor occupying the vehicle while it is being driven or operated by the newly licensed driver;”

So, no more than two and I ask the question: what happens if it was three? What is the rationale for not having three persons? What is the rationale for not having four? “But yuh put down inside dey two.” What is the reason for that? You must tell us the justification for that limit. I have read a number of motor vehicle Acts in different countries and I “ent see that one yet” about this two passengers.

Mr. Speaker, then we are told that this driving instructor—[*Interruption*]

**7.35 p.m.**

**Mr. Speaker:** Hon. Member! Hon. Members, the speaking time of the hon. Member for La Brea has expired. Would you like to have an extension?

**Mr. F. Jeffrey:** Yes, Mr. Speaker.

**Mr. Speaker:** Hon. Members, the question is that speaking time of the hon. Member for La Brea be extended by 15 minutes.

*Question put and agreed to.*

**Mr. Speaker:** Before you continue, hon. Member, there is a Procedural Motion. I will ask the hon. Minister move a Procedural Motion.

#### PROCEDURAL MOTION

**The Minister of Transport (Hon. Stephen Cadiz):** Mr. Speaker, in accordance with Standing Order 15(5), I beg to move that this House continue to

*Procedural Motion*  
[HON. S. CADIZ]

*Friday, March 06, 2015*

sit, to continue debate on the Motor Vehicles and Road Traffic Bill, 2014 and the debate on the Trade Marks Bill, 2014.

*Question put and agreed to.*

**MOTOR VEHICLES AND ROAD TRAFFIC BILL, 2014**

**Mr. F. Jeffrey:** Thank you very much, Mr. Speaker. [*Desk thumping*] In clause 49(1)(b), it indicated that:

“...no more than two passengers...”

But we are also told that:

“the newly licensed driver shall not drive or operate the vehicle between the hours of midnight and 5 a.m. unless accompanied by a driving supervisor who must occupy the front passenger seating position of the vehicle and be the holder of a valid class 5 driver’s licence for at least five years;”

So I ask the question, between 12 midnight and 5.00 a.m., the driving supervisor must be in the front seat with the newly licenced driver.

[MADAM DEPUTY SPEAKER *in the Chair*]

I am asking the question, from 5.01 in the morning to 11.59 in the night, is it that the driving instructor could sit in the back seat?—because between 12 and five, he must sit in the front seat with the driver. I am saying, between 5.01 and 11.59 p.m., is it okay for the driving instructor to sit in the back seat, because it does not seem that there is anything here that says, he has to sit in the back seat, all right—that he must be in the front seat. So he has that leeway. I am saying, tell us why it is from 12 to five in the morning, that the newly licensed driver, not only that he must have the driving supervisor, but he must sit in the front seat from 12 to five, “and we eh hear nuttin” about outside of that—tell us. Tell us, and we want to know what is the justification in that scenario.

Secondly, Madam Deputy Speaker, the driving supervisor must have a driver’s licence for at least five years, okay? I am asking the question, what does that mean? I know many people with drivers’ licences for 20 years, 25 years, and the last time they drove was when they had that driving test. Could you imagine somebody like that giving instructions to a newly licensed driver? We have to find something else, because it makes absolutely no sense to put in that five years there, and not have some further clarification there. It just does not make any sense. So find something else to put inside there because “it eh holdin’ water”.



Clause 60:

“A driver’s licence issued under section 49 shall be suspended for a period not exceeding six months where the record of the holder of the licence as a driver or his conduct or habits as a driver establishes that it would not be in the interest of public safety for him to hold a driver’s licence or that the person is not competent to drive or operate a motor vehicle.”

I ask the question, Madam Deputy Speaker, at the end of that six-month period, is there an evaluation done? Or, at the end of the six months, he just goes back to get his thing evaluated? Is that the case? Similarly, if I could go back to the driving instructor, okay.

The driving supervisor has to be with this newly licenced person. Is there a periodic evaluation report to be submitted by the driving supervisor to the Motor Vehicles Authority? “Dat eh there. Dat eh there at all.” So, if I have somebody who is sleeping in my vehicle, “I now geh my licence”, and this person is always sleeping in my vehicle and so on, “dem eh know wha happenin’”, okay? I am saying, what should be happening is that some kind of evaluation report should be submitted to the Motor Vehicles Authority by the driving supervisor.

Secondly, Madam Deputy Speaker, when you give—somebody passes a driving test, somehow or the other I believe that person should be competent to drive, “dai why de person geh licence”. You know, you have your learner’s permit and “den yuh went and do yuh test and yuh pass”. I am saying for heaven’s sake, if the person is not competent to drive, “den doh grant dem de licence”, all right? “Make sure yuh do de ting right.”, because it seems as though this is going to be tears, right?—because first and foremost, as I mentioned that period of five years with a driver’s permit, and “yuh eh sure if de person” driving at all, it does not really help us at all. So I want us to look at that and to make a review in that scenario.

Madam Deputy Speaker, I want to recommend strongly eh, because this is a very important piece of legislation, and I really figure that it should go before a joint select committee, but anyhow, “leh we see wah happenin’”.

Madam Deputy Speaker, in clause 250, here it again:

“The Minister shall appoint the following persons as members of the Appeals Committee:”

“Yuh see power dah Minister hah, boi? He hah power for de Board, for de CEO, de registrar, the Motor Vehicles Enforcement Officer, coming dong de road, and

*Motor Vehicles (Amdt.) Bill, 2014*  
[MR. JEFFREY]

*Friday, March 06, 2015*

now de Appeals Board.” Now you could just imagine somebody who is politically tainted with all that authority? “Crappo smoke we pipe in dis country.” You see, we must guard against that, because after May 11—[*Interruption*] when the People’s National Movement holds the rein of power, I guess, with the whole question of the change in Government—[*Interruption*]

**Mr. Cadiz:** “What happenin’ on de 11<sup>th</sup>?”

**Mr. F. Jeffrey:** What is going to happen? “Yuh was sleeping or wat, eh”?

**Mr. Indarsingh:** What will take place on May 11<sup>th</sup>?

**Mr. F. Jeffrey:** “Oh, yuh eh going back, eh?”

**Mr. Indarsingh:** What will take place on May 11<sup>th</sup>?

**Mr. F. Jeffrey:** “Yuh frighten or wat?”

**Hon. Member:** “You going back?”

**Mr. F. Jeffrey:** Madam Deputy Speaker:

“The Minister shall appoint the following persons as members of the Appeals Committee:

(a) an Attorney-at-law of at least seven years’ standing; and

—and “ah giving dem ah tick for dat”, very good. So the attorney-at-law with at least seven years’ experience; that, very good. Well, “leh we go by de others”.

(b) four persons, each with knowledge and experience in matters relating to at least one of the following:

- (i) land transportation;
- (ii) medicine;
- (iii) automotive engineering; or
- (iv) industrial relations management.”

Why we cannot be told what the knowledge and the experience that are required, Madam Deputy Speaker? We need to understand that this far-reaching legislation—and for the good of this country. I do ask, let us do the right thing, all right? If as you say, election is not May 11<sup>th</sup>, then we have some time. “Put de thing before ah joint select committee”, and let us “geh de thing right”, but if election is on May 11<sup>th</sup>, I guess you have no choice.

I thank you, Madam Deputy Speaker. [*Desk thumping*]

**The Minister of Transport (Hon. Stephen Cadiz):** [*Desk thumping*] Madam Deputy Speaker, well, we have heard from the other side, and we heard what a great Bill this is. We heard from the other side what a complete waste of time this Bill is. We have heard from the other side that this Bill is very unnecessary. We have heard from the other side that this Bill is totally unnecessary because during their tenure, they already wrote all the answers for Trinidad and Tobago. Therefore, it really is an Opposition, those on the other side, obviously are very, very confused—as to when they see a good Bill, they do not know how to deal with it.

They do not know if to really and truly say, this is a good Bill or it is not a good Bill. They are all over, from the Member for Diego Martin North/East, we just heard the Member for La Brea. Well, the Member for La Brea is “ah seerman. He predicting election and all kinda ting so”—but he said strangely enough that it is a good Bill. So what really and truly is going on, on the other side? We have constantly—nearly every single speaker on the other side made references to clauses in this Bill, saying that there was no quorum, when there is a quorum. You know, it is amazing that they would come here and want to debate this Bill, without even picking up the Bill to read it properly, and understanding what this Bill is.

The issue with this Bill, Madam Deputy Speaker, is, it is a game changer for Trinidad and Tobago. This is landmark legislation finally coming to this Parliament. This is a Bill that is going to change the way in which we do business in Trinidad and Tobago. It is going to change the way in which we manage our road system in Trinidad and Tobago. [*Interruption*] It is going to change the way in which people get something that is as responsible as driving a motor car, of how to drive properly on the roads of Trinidad and Tobago. Madam Deputy Speaker—[*Interruption*]

**Madam Deputy Speaker:** Please! Please! Allow the Member to speak in silence.

**Hon. S. Cadiz:** You see, the Member for Diego Martin North/East—[*Interruption*]

**Mr. Imbert:** You will not be here.

**Hon. S. Cadiz:**—is concerned that the People’s Partnership Government is bringing a Bill that the PNM should have brought in 1962, that is how far back this

*Motor Vehicles (Amdt.) Bill, 2014*  
[HON. S. CADIZ]

*Friday, March 06, 2015*

Bill should have gone. The Licencing Office as we know it on Wrightson Road was built in 1951 and absolutely nothing or very little was changed in the way in which we run our motor vehicle system in Trinidad and Tobago up until recent times. And give Jack his jacket, not that Jack, but the other jack, the Member for Diego Martin North/East, give that jack his jacket, where I believe in 2007 with the Breathalyzer Bill and what have you—and that was where the changes started, okay? But look how long it took for them to even recognize that the road system in Trinidad and Tobago, that the management of motor vehicles in Trinidad and Tobago needed changing. Even so, the Member for Diego Martin North/East comes here and says, what about the speed detection devices? How long we took to bring it, and to do this, and to do that? We took five months.

**Mr. Imbert:** You took five years!

**Hon. S. Cadiz:** Five months to do it—[*Interruption*]

**Mr. Imbert:** Five years!

**Hon. S. Cadiz:**—and yet still, when he brought the Breathalyzer, how long did that take? It took three years for them to bring the Breathalyzer Bill and to have it proclaimed, three years.

**Mr. Imbert:** One month!

**Hon. S. Cadiz:** He has the gall to come and stand in this House and say “we taking so long. We here five years and we taking so long to do dis, and so long to do dat.” We took five months to bring the electronic speed detection device here.

**7.50 p.m.**

So, really and truly, when you listen to the other side, you really wanted them to come here and talk to the people of Trinidad and Tobago, and talk to the mothers and the fathers and the parents of the people who have been killed on our roadways; to come here and talk sense and make sense out of a situation that is very dear to nearly every single person in this country, because when your daughters and sons are killed on the roadways, when they are mauled and mangled, but all they want to do is to come here and say: “Waste ah time, waste ah time”. Well I could tell you who is the real “waste ah time” inside of here, but I would not go into that area.

So, Madam Deputy Speaker, when we go through, and we look at each contribution from both sides, I must say I really want to congratulate the Minister

of Works and Infrastructure, the Member for Tabaquite, the Member for Oropouche West—[*Crosstalk*]

**Madam Deputy Speaker:** Please, please, Members, please.

**Hon. S. Cadiz:**—the Member for Fyzabad. All these Members who spoke on this side have really and truly put the Bill in its proper perspective, and then when we have to listen to the other side go over and over and repeat the same thing that the other Member from the other side said—we had the Member for Port of Spain North/St. Ann’s West—I believe the Port of Spain City Corporation has always been under the control of the PNM, and the Member for Port of Spain North/St. Ann’s West wants to come here and blame this Government for not having a proper parking system in the city of Port of Spain. What absolute nonsense is that, Madam Deputy Speaker? What absolute nonsense is that? You could not do it since 1962. Okay? You have remained in charge of the Port of Spain City Corporation, and you want to come and blame this Government for a parking situation in the city, because you say the Port of Spain City Corporation, “ha no money”. How come they have no money? You all have been running that since 1962. [*Crosstalk*] “Since 1962 yuh running that.” [*Crosstalk*]

Well, let us not even talk about what the Member for Diego Martin West is contributing these days, because if we start to talk about what the Member for Diego Martin West is contributing these days, well we might be here until about two o’clock in the morning for all the kinds of contributions he is creating on Cipero Street and his new-found friends—the new PNM family is what they are being called. [*Crosstalk*] Madam Deputy Speaker, really and truly, I think this Bill deserves for us to really and truly concentrate on what the good—the real value of this Bill.

I want to start, Madam Deputy Speaker, with the issue of young drivers. Let us start with the young drivers and what this Bill is going to do for young drivers—17 years old and they put you behind a vehicle weighing 2,000 pounds or something like that, this big junk of iron and you are 17 years old. Now, many people here got their licence many, many, years ago. We all learned to drive with our parents or with an elder brother or whatever it is. That is how we learned to drive and, therefore, being 17 years old, you really and truly do not have the experience to really and truly go out on the roadways of Trinidad and Tobago now.

When I got my licence, the Churchill Roosevelt Highway was two lanes. Now it is four lanes, one way in some parts; it has overpasses. The highway to go to San Fernando, the same thing. That was a single highway. I think the Member for

*Motor Vehicles (Amdt.) Bill, 2014*  
[HON. S. CADIZ]

*Friday, March 06, 2015*

Point Fortin would remember driving up behind an old truck on Pointe-a-Pierre hill, driving about two miles an hour to go up the hill. We all remember that.

So, in those days when they had very few motor vehicles on the road, you could drive at three o'clock in the morning; there was nobody on the road, and now there is not any time you drive on the roads where there is not heavy traffic. There are multiple lanes; there are overpasses; there is a road network very, very different to what was there many years ago and, therefore, the laws of this country and the way in which we operate on our roadways, that has to change, and that is what this Bill is about. This Bill is about bringing—if you want to bring the road system into the 21st Century, then the regulations and the laws pertaining to operating on that road system have to be with the 21st Century and not the type of system that we have now.

I mean everybody complains. You hear them complaining about Wrightson Road—going down to Wrightson Road—and how archaic the system is. Of course it is archaic, because the laws have not been changed. I am not going to say that it is those on the other side who did not change the law. The fact is the laws were not changed. That is the fact and, therefore, this People's Partnership Government, recognizing its responsibility, we are bringing this Bill here to change that and to make meaningful change to a system that is old, archaic, tired and corrupt. There is everything wrong with it, and that is what we are doing here. I did not describe the Diego Martin—anyway.

So, when we talk about the young drivers and we talk about the issuance of a driving permit for young people, yes it is going to be a little onerous and a little different to what stands today, where a young driver, 17 years old, would take one year as a novice driver and that would give that person enough time to get accustomed to the roads. During that period, Madam Deputy Speaker, if that person wants to drive at certain hours of the night—and we are recommending between midnight and five o'clock in the morning—that person is accompanied by an adult driver, an adult driver holding a permit for five years, and that is being done all over the world. That is not only for Trinidad and Tobago. The sole reason for that is until you can get accustomed to driving at night, driving during the day, driving on the multiple lanes, et cetera, et cetera, a young driver going out there, they need additional supervision, and hence the reason we are proposing that, and it is not onerous.

A 17-year-old driving for one year with an adult driver in the passenger seat, as you said—somebody said in the passenger seat—no, the Member for La Brea was

*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

saying that—but there is nothing wrong with that. To have a young driver driving for the first year where there is going to be zero alcohol in their system, there is absolutely nothing wrong with that.

I remember hearing the Member for Diego Martin North/East going on and on about cough syrup and one set of nonsense, coming here trying to justify to the people of this country that it is okay for a 17-year-old—it is against the law, Madam Deputy Speaker, to sell alcohol to a 17-year-old. It is against the law. The legal drinking age in Trinidad and Tobago is 18. This is from the Ministry of Health, Office of the Chief Medical Officer:

Dear hon. Minister,

Please find enclosed a copy of Canada's drunk and impaired driving laws.

I want the Member for Diego Martin North/East to listen to this because he is the one who came here and said no other country in the world does this.

Please note that Canada has in place a three-tier system of sanctions depending on the level of the blood alcohol content as follows:

1. 0.00—

I believe that is zero. I do not think you could get more zeros than that:

—BAC, which is the blood alcohol content level, for young and novice drivers.

So this is not something that Trinidad and Tobago just jump up and say, “We are going to penalize young drivers.” I mean, the mothers on the other side, all of you who have children, 17 years old going out, you really and truly want to agree with the Member for Diego Martin North/East that it is absolutely no problem for that child to be out there drinking at age 17 years old and driving your motor car?

**Mr. Imbert:** Standing Order 46.

**Hon. S. Cadiz:** Absolute nonsense.

**Mr. Imbert:** Let me see the Standing Orders there please. Not true. **Hon. S. Cadiz:** So, Madam Deputy Speaker—[*Interruption*]

**Mr. Imbert:** Not true.

**Hon. S. Cadiz:** We are not buying that at all. We are not prepared to buy that. That is not something that we are going to amend this Bill with.

*Motor Vehicles (Amdt.) Bill, 2014*  
[HON. S. CADIZ]

*Friday, March 06, 2015*

When we look at the police statistics of the age of drivers at fault between 18 to 24 years, 18 per cent of the total number of fatal accidents that occurred in 2014 was in that age group. So it is something that has to be done. You speak to Arrive Alive and ask them what are their recommendations. Speak to Arrive Alive!

**Mr. Imbert:** Madam Deputy Speaker, Standing Order 48(6), he has imputed improper motives to me. I never said that I am condoning alcohol use for young drivers. I never said that! He is imputing improper motives to me. He should withdraw it and apologize.

**Madam Deputy Speaker:** Member for Chaguanas East, the Member for Diego Martin North/East thinks that you are imputing improper motives—*[Interruption]*

**Mr. Imbert:** I never said that.

**Madam Deputy Speaker:**—and if you are, I want to ask you to withdraw the statement please.

**Hon. S. Cadiz:** Thank you Madam Deputy Speaker. Well, I would just ask that when the Member—*[Interruption]*

**Hon. Members:** Withdraw!

**Hon. S. Cadiz:** Withdrawn.

**Mr. Imbert:** Standing Order 48(6), Madam Deputy Speaker. He is imputing improper motives.

**Madam Deputy Speaker:** Member for Diego Martin North/East, Member for Diego Martin North/East—*[Crosstalk]* Member, I am asking you to withdraw. The Member thinks that you are imputing improper motives towards him, so I am asking you to withdraw.

**Hon. S. Cadiz:** Madam Deputy Speaker, on your instructions, I would withdraw, but I would also ask the Member for Diego Martin North/East to go and tell Arrive Alive what he thinks about 17-year-old people driving, drinking, and tell the nation what he thinks about it. Okay? Let him go and tell them. The young people of this country have to be protected, they have to be protected, and when we look to protect them we are going to enact laws that are going to make it safer for the people of this country to drive on this road. So, that is why we are



*Motor Vehicles (Amdt.) Bill, 2014*

*Friday, March 06, 2015*

saying zero blood alcohol level in a juvenile driver; zero blood alcohol level.

With the new fines that were introduced for drunk driving—I know the Member for Diego Martin North/East is going to fly up in the air just now and say he is the one who bring the drunk driving legislation. Fine, I do not have any problem with that. That is what a Government is supposed to do—not a problem with that. When we increased the fines just before the Carnival period—*[Interruption]*

**Madam Deputy Speaker:** Please, please, Members. Members, allow the Member to speak.

**Hon. S. Cadiz:** When we increased the fines from \$8,000 to \$15,000 and then from, I believe, \$15,000 to \$22,000, Madam Deputy Speaker, there was not one single road fatality over the Carnival weekend. Imagine that! Not one single road fatality. The people who were going to all these parties and fetes, and what have you, organized their designated drivers. They organized maxis, okay?—and, therefore, the culture in Trinidad and Tobago has to change.

Madam Deputy Speaker, before I continue, I would just like to say that in accordance with Standing Order 50(3), I beg to move that the debate on the Motor Vehicles and Road Traffic Bill be adjourned.

*Question put and agreed to.*

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

**Madam Deputy Speaker:** Hon. Members—Member for Diego Martin North/East, are you speaking to me?

**Mr. Imbert:** No, Ma'am.

**Madam Deputy Speaker:** No. Well then I want to ask you to allow me to speak in silence.

#### TRADE MARKS BILL, 2014

[SECOND DAY]

*Order read for resuming adjourned debate on question [February 20, 2015]:*

That the Bill be now read a second time.

*Question again proposed.*

**Madam Deputy Speaker:** Those persons or those Members who would have already spoken: the hon. Prakash Ramadhar, the hon. Mr. Terrence Deyalsingh. *[Mr. Ramadhar on his feet]*

**Mr. Imbert:** You are talking again.

*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

**Mr. Ramadhar:** Madam Deputy Speaker, I am winding it up. [*Crosstalk*] No, no, Sorry.

**Madam Deputy Speaker:** Is there any Member?

**Mr. Imbert:** Of course. [*Crosstalk*]

**Madam Deputy Speaker:** Member for Point Fortin, please. [*Crosstalk*]

**8.05 p.m.**

**Mrs. Paula Gopee-Scoon** (*Point Fortin*): Thank you. [*Interruption*] But you never gave us a chance. [*Desk thumping*] Thank you very much, Madam Deputy Speaker. This is a very, very important Bill and I do not think enough has been espoused on it that the Minister should be so anxious as to gloss over it and move on such an important Bill. Minister, you surprised me there. It is a very, very important Bill. But let me just make some comments, firstly, on the Minister's presentation. Just two comments on that in particular. He said that the Bill is modelled primarily on a modern and progressive Singapore Trade Marks Act, and he did say that, and I agree that Singapore would more than likely have up-to-date legislation. Indeed, we have followed Singapore in terms of many policies and programmes and structures, and that kind of thing.

It is a model nation, but I do not agree that the Singaporean legislation should have been taken wholesale and plunked into our legislation. I am saying that it might be good legislation. I have no doubt in my mind. I am not criticizing the model that has been brought to us today, but we are a small economy. We are different. We are a small economy. We would have our differences. We would have our peculiarities and, therefore, it is the reason why we have asked and we have recommended—the previous speakers did in fact say—that this should go to a joint select committee, and I am saying that upfront.

So I am saying, Singapore legislation, not bad, because we expect good things from Singapore, but I am saying we have our own uniqueness in Trinidad, and, therefore, we need to look at it closely. We need to ensure that the legislation is fine-tuned. We are saying that it can go to a joint select committee; it does not have to be for a long period or so. We can be very clear if it is they want to pass the legislation quickly, two sessions, three sessions, where you would have the experts present, and I think that will be enough for us to clarify any situations in there where we have concerns.

We want to avoid loopholes and technical glitches, and so on, because this is legislation that we want, but it is also very, very technical, and I do not know that there is anybody in this House who is fully au courant with this legislation. The Minister—the Member for St. Augustine is laughing, and he would have presented, but I am sure he is not 100 per cent au courant with this legislation, which is voluminous. I think it is about 140-odd clauses, and it is technical. I am telling you that. It is a difficult piece of legislation, and therefore, I am saying, let us sit, let the experts come, let us do it over, just two or three sessions, which could be done in the matter of 10 days, Member—in a matter of 10 days, and then we can let this pass.

Madam Deputy Speaker, if you reflect, and it may have been brought by us, but I cannot remember, but the Patents Act, the Copyright Act, somewhere around 1995, again, we passed those important pieces of legislation and what happened? We were obliged to make amendments soon enough thereafter, and I am saying, let us avoid this and let us look at it closely. No doubt it cannot be passed tonight. They do not have the requisite three-fifths which is required, so what is the point of the Minister getting up. They do not have it, then we might as well go to joint select within the week and discuss it and iron out, and so on, with the experts. You know, just a few meetings required.

Then the other point which the Member spoke of is that of consultation. Again, he spoke about WIPO, that is the World Intellectual Property Organization, having a tremendous role to play with this piece of legislation, and he did say that he sought to engage a number of stakeholders, he said that, but my own view is that perhaps he did not engage the wider members that he should have. And my point about that is that intellectual property extends to a range of issues, and I am talking about agricultural, health, education, and so on. I am not sure that even civil society was engaged in the consultations with the stakeholders. So that I am saying that even the business people—and this is about protecting business persons, this is about protecting consumers as well, and, therefore, business persons should have been consulted. I do not think any of the business sector, members of the business sector were in fact consulted on this.

So, I mean, it is in WIPO's interest to be heavily involved in this, because WIPO is in fact benefiting substantially from this, and financially as well, because all of the applications, even though they may be done for and on behalf of persons in Trinidad and Tobago, all of these applications have in fact to go to Switzerland. So that WIPO is the one—whereas before, the process would be largely done here,

*Trade Marks Bill, 2014*  
[MRS. GOPEE-SCOON]

*Friday, March 06, 2015*

this is not the case. It is now being done in Switzerland and they are benefiting, hence their involvement. But I am saying that the consultation should have been much wider.

Another matter with regard to consultation is that I think the legislation should be subjected to a proper parliamentary scrutiny. We have a long parliamentary tradition in Trinidad and here we are making great effort and spending large sums to be truly effective as a Parliament, we are modernizing Parliament in the way we do business, but here we are, great and important legislation, but we are not spending the time as Parliament to scrutinize the legislation which is before us. So that I am saying, Madam Deputy Speaker, that we cannot let this thing pass easily with what the Minister wanted, two speakers and he is ready to wind up. Not as important legislation as this is, there must be parliamentary scrutiny.

We are appointing all of these committees to effectively scrutinize what goes on in Parliament, yet still, here we are, and we are not spending any time at all on proper consultation and scrutiny by the Parliament. So, I am saying that this must in fact go to a joint select. In principle, we want this legislation to be passed but there must be scrutiny. There must be more public engagement. The justification is that trademark law influences social norms and the way consumers shop, the way producers sell and the way rival traders compete. So that law is part of a social context, we cannot leave out public engagement with legislation like this. Right. This trademark law, it seeks to shape consumer and producer behaviour and, therefore, engagement is key. Right.

I do not know that there was public debate, even with the Ministries. I do not know that all the relevant Ministries were consulted at all. Again, the only—and this is so important, here we are adopting the Madrid Protocol for the first time, there is only one territory in the Caribbean that has adopted the Madrid Protocol and that is Antigua, and I am saying to you, did you consult with Antigua? Did you find out what are the loopholes? What kind of issues and problems that they have in implementing now that we have a totally new system, the Madrid Protocol? You have not given us, you have not convinced us that you thoroughly looked at all ends of it to make sure that we have proper legislation before us—that is before going forward.

So, Madam Deputy Speaker, here we are talking about intellectual property rights, one specific one, which is we are dealing only with the Trade Marks Act, but, at the same time, it is about intellectual property rights, and it has become so important and so necessary because there is growing business in international

*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

trade. So that significant profits are generated from the licensing of IPRs, the intellectual property rights, and, therefore, intellectual property rights' owners are wise to invest time and resources to implement protection strategies and enforcement programmes, and, in so doing, to avoid any misuse and infringement of their rights by third parties, and to avoid the risk as well of confusion, and to prevent others from defending their unauthorized use of their trademarks and other intellectual property as well.

So that it is the increasing globalization of business which has led to the harmonization of intellectual property laws and policy, and the objective is to have consistency in operation and the application of IP laws internationally. So that we have been a member of the Paris Convention for the Protection of Industrial Property, there are 175 countries that are members and we have been a member, I could not remember the year, and that in itself had established an international regime governing intellectual property rights, and at least it had established minimum standards for protection, but with this Bill we are in fact going beyond the minimum standards of protection, which we have had with the Paris Convention.

The Minister spoke about the TRIPS, the trade-related intellectual property issues, and I would not go over that. He also led some discussions on the Madrid system, which is the Madrid agreement signed in 1891, and what is important to us now, which we are importing to our local legislation, the Madrid Protocol, right, and that has gone beyond the Paris Convention, in that it entitles owners of a pending application in the country of origin, that is, let us say you have applied in Trinidad and Tobago, to extend their rights to other countries which have adopted the Madrid Protocol. So, it goes far and above the Paris Convention. So that this Bill is important in that it is very important that businesses and persons of particular interests are able to register their trademarks internationally—*[Interruption]* Madam Deputy Speaker, there is a lot of—I know it is not a sexy Bill, but I just seek your—it is not a sexy Bill by any chance, yeah, but I am just seeking your protection.

**Madam Deputy Speaker:** Members, Members, please allow the Member for Point Fortin to speak in silence.

**Mrs. P. Gopee-Scoon:** Is that a topic?

**Madam Deputy Speaker:** The noise is really coming from on this end here. You may continue, Member for Point Fortin, please.

**Mrs. P. Gopee-Scoon:** Thank you, Madam Deputy Speaker, and as I was saying, this is not a sexy Bill, and this is why you would find people would not have an interest and there is nothing that you could do about it, but it is absolutely necessary and we must talk about it.

So, we are saying, the reason for registering a trademark internationally is to preserve your rights of a very much valuable asset, and the Minister went into what those assets may have been like and he gave examples of doing so. So that in so doing, in registering your trade mark internationally, you do in fact have a tool by which enforcement would be made possible or else there can be unauthorized and uncontrolled use of your trade mark, which is what you would want to protect. So you are given an exclusive right to use the work and an exclusive basis for infringement claims as well. So that this whole business of trademark registration is a very, very valuable tool and it is in fact used as an asset, and you would realize that companies actually use trademarks to collateralize loans, and it actually can be sold and it also can be licensed to third parties as well.

So that a company would therefore want to examine and determine the countries in which they will wish to do business, and, of course, they would want to think ahead as well because there is a process and a time and a procedure for registering internationally as well. They would want to examine their expansion strategy as well in order to decide where they want to in fact establish a trade mark, where they wish to establish this right. But if it is, for instance, that the market that they are going into is very small and only modest sales are expected from it, you would find that that business person may not find it necessary to seek the protection, but the actual protection will in fact begin within our country.

So, the Minister had spoken about the importance of the trade mark and the rights attached to trademarks, and so on, and I do not know that he spent a lot of time on it, but just for the sake of the information to the public, what can be protected through a trade mark? You are talking about words, groups of words, phrases, a name, a brand, or something like that, a symbol. I mean, Madam Deputy Speaker, logos, and that kind of the thing. The trade mark itself refers to trademarks and service marks. So, it is not just about items and goods, it is also about a service which also can be registered as well.

So, this is something, as I said, it is very important, as you would realize, for business in particular and in fact I could compliment the Minister for coming here

today with the legislation. I mean, he did not do it at record speed because he himself had alluded to the fact that it did begin under the People's National Movement as well, but he did not do it at record speed but at least it is here, and it will help us to be in conformity with the leading nations internationally as well.

**8.20 p.m.**

So, the Bill—it is defined in the Bill as a:

“...sign capable of being represented graphically and which is capable of distinguishing goods or services...”

The operative word there is “distinguishing” because all that is required that a trademark is registrable is that it is distinguishable. In other words, it is distinctive. That is all I think simply that is required by the legislation.

Madam Deputy Speaker, these trademarks are all around us, and some of them are registered and some of them are unregistered. In fact, what we would call the unregistered ones are in fact common law trademarks. In other words, they are trademarks because by the very token of it, it is distinguishable, it is distinctive. So they are trademarks and they are recognizable by the consumer and the public. But the point about it is, it is not necessarily—has not been registered and therefore, it is referred to as a common law trade mark.

So if you ask anybody—as I said, it is all around you, and if you ask anybody in this country about what is the most recognizable trade mark in this country, they would probably say, it is the balisier flower. If you ask them what is the most recognizable trademark, they will say it is the balisier flower and that it is the symbol of the PNM and, in a sense, it is a trade mark of the PNM that the population associates with good governance, good government and integrity in public life. So that is an example of a symbol that is a common law trade mark because I am not sure that in this neck of the woods political parties have in fact been registering names and so on. Right? But it is very well—all of these trademarks, even these political trademarks are very well embedded in people's minds and so on. As I said, they are all around us. It can be assigned to businesses and, in fact, it refers as well to services.

I looked at clause 2 and it says:

“References in this Act to a trade mark include any trade mark which relates to a service that is ancillary to goods or services dealt with or provided in the course of trade by a person, whether or not the service is provided for money

*Trade Marks Bill, 2014*  
[MRS. GOPEE-SCOON]

*Friday, March 06, 2015*

or money's worth.”

So political parties do in fact—whether or not the balisier flower and other symbols and signs used by political parties are registrable, they are in fact trademarks because they provide a service.

I searched, Madam Deputy Speaker, in other jurisdictions to find out whether or not political signs and symbols are to be protected and are protected at all in any jurisdictions, and I came upon this article in India: “India: An Overview Of Rights Involved With The IP Assets Of Political Parties”. It is a very, very interesting article. It said that:

“The 16th Lok Sabha elections”—which were—“held in 2014 in India have experienced a wave that has moved people from almost all the sections and age groups of the society”. So that—“Gone are the times, when discussing politics was considered as an affair only elders can entertain and youth were generally considered...” So that—“The social media and internet has been flooded with political posts and tweets since”—the—“past few months.”

It went on to say that:

“...political parties in India have emerged as a brand...not only”—with—“slogans but themes and memes, names, posters, advertisements, jingles, anthem...” and so on.

So that all of these things have been used like brand names for campaigning and for promoting their political parties. With the advent of all of this it enters the mind and you have to question the protection of the intellectual property rights of political parties with regard to these assets. I will tell you why I brought that up. The article continues to say that:

“There are plethoras of IP rights involved with the protection of intellectual assets...”

These will include all of their slogans and taglines, posters, domain names, et cetera.

I bring this up, Madam Deputy Speaker, because there is a political organization—and I cannot even call it a party—that has been using state funds to popularize a trademark to the benefit—and I say a trademark, I use the appropriate word—of the parties that comprise the People's Partnership. I draw



*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

your attention—it has been written of in the newspaper, and I am sure, Madam Deputy Speaker, you would have seen the advertisements by the National Gas Company promoting happiness, with the letters PP. I brought up the discussion about political symbols and political parties being service oriented and I am bringing to the attention the ad by the National Gas Company using the PP trademark. It is there in the word “happiness”.

The country understands PP to mean People’s Partnership, and there it is emboldened, in bold print, distinctive with a little emoticon underneath it suggesting a smiling face, Madam Deputy Speaker, and that is what is portrayed within this NGC ad. In other words, the PP symbol is being used in the NGC ad.

Now, we would all know that the National Gas Company, I am sure enough they have been in the press lately over some issues which I could speak to and, of course, which will be spoken of in other fora. But the National Gas Company is a state-owned enterprise which nowhere in its mandate or in its mission or in its vision statements has any responsibility for producing happiness. The NGC is responsible for producing many things, but one of the things that it is not responsible for producing is happiness. So, I do not know where this ad has come from with this PP installed within that name “happiness”.

I checked on the Internet and I looked at the vision statement for the National Gas Company because I am concerned about this common law trademark which they have used, and which is causing great confusion among the people of this country. It says their “Vision Statement” is:

“To be a valued partner in the global energy business.”

There is nothing in there about happiness. Their “Mission Statement” is:

“To create exceptional national value from natural gas and energy businesses.”

There is nothing in that about happiness. Their—

“Core Values and Guiding Principles

- Integrity
- Trust
- Profitability
- Customer Focused
- Employee Success and Well-being

*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

[MRS. GOPEE-SCOON]

- Highest Standards of Technical Efficiency
- Highest Global Standards of Health
- Safety and Environment Preservation
- Good Corporate Citizen
- National Interest”

All of this, Madam Deputy Speaker, and I am seeing absolutely no happiness.  
[*Crosstalk*]

The Minister, the Member for Oropouche East is asking about the relevance of this. I am speaking about the common law trademark “PP”. It is a common law trademark which has been inserted into the word “happiness” in the NGC ads and I am saying it has no right to be there. Twenty million dollars have been spent using this PP trademark within these NGC advertisements. I am saying it is wrong. It is bold. It is reckless that you should be using state funds with a common law trademark installed within. That is the effect of it—meant to confuse the population. There is nothing in that advertisement which spells NGC. That advertisement is about happiness.

As a matter of fact, if you checked—I took the time to check the office for the Register of Trade Marks—right?—the property office for the Register of Trade Marks which falls under the Member for St. Augustine and the Ministry of Legal Affairs, and I could find no trademark assigned to NGC for the word “happiness”. Here they are promoting happiness. It is not in their core values. It is not in their vision statement or mission statement, but here it is being used, NGC spending \$20 million to promote happiness. And the closest thing that I could have found was “open happiness” which is a trademark of Coca-Cola. This is what it is. Coca-Cola has the right to use that “open happiness” until 2019.

So that you are not only—NGC is not only attempting to use state funds for party promotion purposes, but they are in fact stealing from Coca-Cola, and I would not be surprised if some kind of enquiry or so should come from Coca-Cola with regard to the use of their “open happiness” trademark. I am concerned about that.

The point about it is I think it is utterly absurd and wrong that the trademark PP should be used in these advertisements. I think it is very political in nature. I think that you are coming here now and promoting this legislation and you are making a

*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

mockery of legislation when you have done something like that. Right? Because this is a blatantly wrong and corrupt exercise by the National Gas Company, Madam Deputy Speaker.

So you know, I am really concerned about—this is just another Bill that is being brought to the House again, and it is being passed, yes, but I do not know that the Government is serious about upholding it because I am really very, very concerned with the facade of that advertisement using the PP trademark for the purpose of political—fooling the public politically, Madam Deputy Speaker. I think they have made a mockery of the legislation which is before us.

I will tell you something, I remember that there was a legal opinion on a similar matter written by someone who is now a senior counsel and who was acting at the time for a client of the UNC. That letter was dated April 29, 2010. Madam Deputy Speaker, it was the Member for Siparia and she was extremely critical of the advertising campaign undertaken by the PNM. This is what the opinion—I am just taking an excerpt from the opinion. It said that:

The timing and frequency of these advertisements and the appearance of the said website...

—because this NGC ad is also on a website. It is also in the newspapers in full page ads as well. The Member for Siparia in her legal opinion said that:

The timing and frequency of these advertisements and their appearance of the said website is significant.

“...none of these advertisements expressly advise that they are paid political”—announcements and—“The question clearly arises as to whether the expenditure on these frequent political advertisements aired in the immediate run-up to a general election...paid for by public funds are being lawfully and properly incurred for a legitimate purpose and not for party political advantage.”

That was the letter written by the Member for Siparia to the Auditor General. I am saying—is “hypocritical” a parliamentary word? I am not sure—but it is very hypocritical of them to come here using the PP trademark. [*Crosstalk*] It is not “statutorized” but it is a common law trademark, and it is really hypocritical of the Government to come here and espouse this piece of legislation and at the same time they are clearly using state funds for advertising themselves at a time just before an election campaign. I am really concerned about that.

*Trade Marks Bill, 2014*  
[MRS. GOPEE-SCOON]

*Friday, March 06, 2015*

But I go to the Madrid Protocol, which is a significant part of this legislation. As I had said before, what it does is it allows one to gain trademark protection in multiple jurisdictions resulting in significant cost savings and so on because you can actually file it through the IP office in Trinidad and it goes to the—I had said before—to the international bureau of WIPO.

**Madam Deputy Speaker:** Hon. Member for Point Fortin—

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

**Madam Deputy Speaker:**—would you be requiring additional speaking time?

**Mrs. P. Gopee-Scoon:** Yes, please.

**Madam Deputy Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Point Fortin be extended by 15 minutes.

*Question put and agreed to.*

**8.35 p.m.**

**Mrs. P. Gopee-Scoon:** Thank you, Madam Deputy Speaker, and thank you to my colleagues. The question I am asking about the Madrid Protocol, yes, we had signed a previous bilateral agreement and we are therefore bound to introduce the Madrid Protocol into the legislation, but at the same time the question we have to ask ourselves is, really, have we examined in detail the cost benefit of the Madrid Protocol.

I am saying yes we are bound but at the same time you have to examine the cost benefit of the Madrid Protocol and inserting it into our legislation and, yes, on the one hand I would think that we are putting ourselves into a more advantageous position than we were in as a Member of the Paris Convention, but, we still have to ensure and we still have to be convinced, and I am not sure that the Minister had done that, that our existing rights are not abrogated. The whole point about it is that I am not sure the new procedures that are laid out here are in fact workable, and I do not think that the Minister has taken the time to explain to us the new procedures. I am not sure if he is familiar with it himself, and indeed, my colleague, the Member for St. Joseph had raised the question about, I think it was section 5, I believe, and at that particular procedure which he felt was not workable in terms of timelines. But, again, we have not been convinced by the Member for St. Augustine.

Again, I am concerned about the regulations. He did not speak to the regulations. They are not before us obviously and I do not think they have been done as yet,

but the point is you have to give us certain assurances of what we can expect in the regulations. We do not want to leave surprises up to you at all, and we want to know that the regulations have been prepared and they have been seen by all of the experts again. As I said, you have to give us the assurances that you have gone through, you have spoken with Antigua, and that very clearly the system is working, the procedures have been fine-tuned. That is the kind of message that we want coming from you.

And, the other thing is, we would want to know that the local IP office in the Ministry of Legal Affairs can in fact cope with this Madrid Protocol, because this is supposed to now—we are now supposed to see an influx of all of these trademark applications, and the question must be answered, you must convince the population that the IP office can in fact cope with this influx of IP business and, as I said, it is very, very important that we avoid the technical glitches and so on. And, as the Member said, the whole question of fees and the timing of the payment of fees as had been raised, given that, I believe that the fees must be paid on the same day that the application is made, but given the timelines of other jurisdictions, countries that may be four hours ahead or so, I am not sure if that is workable.

Again, all of these technical issues can in fact be ironed out and solved at a Joint Select Committee, and this is the reason we continue to recommend that it goes there. I want to emphasize to you that in establishing this piece of national legislation and in conforming to the relevant international treaties and agreements, government matters, you matter and your positioning on it matters, both in your capacity and in your character, and in your behaviour in terms of ensuring that there is adequate policy that supports this Bill as well.

And again, there must be the Government expertise on the IP issues as well. There must be the administrative competence. I am not sure that the administrative competence is there. You did not even speak about the persons who are in charge of the IP office now and whether they can cope with this, but we want to know that quality persons are there, not necessarily a lawyer, but a superior administrative personnel fit, in fact, for running such an important—at an international standard. So, we must have the ability to maintain control of these national IP offices. Concerned about the technical expertise, as I said, concerned about it, you must convince us about the technical expertise as well. I do not know if the IP office is fully computerised, that you must advise us as well. But, institutional strength, you know this Government is characterised by very weak public administration and in the same way that you are plagued with corruption

*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

[MRS. GOPEE-SCOON]

and instability, we are concerned about the institutional strength when it comes to such an important office, which, as I said, must be of an international standard.

So, the whole question is, are you ready for this, Minister? Is your Ministry and the national IP office ready for this? As I said before, you can bring the Singapore legislation, I am sure it might be quality legislation, but we have our own national needs and priorities which we must pay attention to, and which must sit in a broad policy framework, which you have failed to inform us of as well. We do not know anything about the policy surrounding this Bill and where it fits. You know, you are plunking the Bill here, but the policy is just not there.

So, again, Government capacity, do we have sufficient technical IP capacity as well? Are you coordinating this with your diplomats aboard in their offices as well so that they are abreast of the IP services that you are now able to do in Trinidad and Tobago? You have not addressed as well whether or not there are any intellectual property commitments as part of our Caricom Community Treaty arrangements, perhaps through the Revised Treaty of Chaguaramas. I am not sure but you need to let us know about that.

So, I am saying that this is something that we would wish to support. However, we are not at all pleased, given the highly technical nature of it, and the seriousness of it. We are not satisfied that enough has been done to convince all of the population, all of the stakeholders, that it is foolproof and that we are ready, and all of the offices are ready as well, and that all of the loopholes are out of the way. We do not want to have to come back here and do a whole number of amendments.

So, I am saying that Trinidad and Tobago, we would say on this side that we would join with you in saying that we want to be part of and we must be part of this development with regard to global rules for IP protection. We would want to be a part of it, but, I mean, this must be seen in a context. There must be a long-term strategy towards promoting a more balanced pro-development global IP system. However, there must be an appreciation of our own needs, and both qualitative and quantitative as well. But, again, it must be built into policy out of which we will have more suitable legislation.

Our laws must support at all times our national agenda and goals, not a wholesale importation of our legislation of other countries. Yes, we can mirror strongly, but it must always support our national agenda and our goals, not the wholesale adoption as you have done here today. So, building policy on the whole, which you have failed to do, I think, or you have failed to advise us, is a

multidimensional task, and all stakeholders—I repeat—must be a part of this exercise, industries, civil society, they would have an interest in this Trade Marks Bill as well. It is not solely about business.

And all of the academic analysts as well, UWI and so on, all of the Government Ministries that are impacted by the IP reform; all of them, health, education, culture, musicians, artists, scientists as well. So, this is a very—as I said, it is difficult, it is technical. I have gone through it myself and there are some areas that I myself need some explanation on. And, I can very well understand their rush. It is a political season; they are rushed, they want to tick the boxes to say that we have done this and we have passed this and so on, but, not this time, not with something like this, not in this form. In other words, all it may take is two to three sessions, as I said before, I keep emphasizing, but, at least, at the end of it we would have good law that measures up to an international standard.

This is about globalization and this is about performing at a level with other countries in terms of promoting the intellectual property rights. But the point about it is, it must be tailored to Trinidad and Tobago, and I am not happy that the Minister and his Government have not seen the benefit and the value in going to the Joint Select Committee to iron out the possible kinks and let us end up with good legislation.

Thank you, Madam Deputy Speaker. [*Desk thumping*]

**The Minister of Land and Marine Resources (Hon. Jairam Seemungal):** Thank you, Madam Deputy Speaker, and please permit to join in this debate, the second reading of the Trade Marks Bill, 2015, which was laid in the House on the last occasion by the Member for St. Augustine and the Minister of Legal Affairs and Minister of Justice.

Madam Deputy Speaker, as I listened to both speakers from the other side and their contributions with respect to this Bill in particular, and two points stuck out, and let me put into perspective as to where we are and what transpired, so persons who will be referring to the *Hansard* for review when interpreting this particular piece of legislation, can in fact understand what is happening.

Madam Deputy Speaker, on the last occasion the Member for St. Joseph spoke, I think, for his full time of 45 minutes, and two points he made in particular, which I feel need to be repeated so we can then dwell on these points for a bit, for clarification more than anything else, and please permit me to quote from the *Hansard* of February 20, 2015 at page 100, and this was the Member for St. Joseph in his contribution, and I quote:

*Trade Marks Bill, 2014*  
[HON. J. SEEMUNGAL]

*Friday, March 06, 2015*

“This is a Bill that has 140 clauses of a highly technical nature—highly technical. The language in this Bill is language used by the practitioners in a very small circle that exists in Trinidad and Tobago, and I want to state from the onset, two of the practitioners I have spoken to have not seen this...Bill.”

And he went on to call the names of some of these practitioners, which I would not want to repeat.

But he also said that 50 per cent of four practitioners—so 50 per cent of all the practitioners in Trinidad and Tobago did not support the Bill. He spoke to two practitioners, out of four he referred to in his contribution, and he said that 50 per cent of all the practitioners did not support the Bill. He also said later down in this contribution that, and I quote from page 121 that:

“We will lose a serious opportunity to protect our local entrepreneurs.”

I was wondering, Madam Deputy Speaker, if he was referring to the practitioners whom he seeks to protect, and he spent the majority of his contribution speaking about the protection of these four practitioners in particular, all of whom he said specialized in intellectual property.

Madam Deputy Speaker, one wonders then who is he or who are they trying to protect? Is it the poor man on the street? Or is it those practitioners who would lose wealth by the coming into effect of this proactive piece of legislation? This is not the first landmark piece of legislation that was brought into this House by the Member for St. Augustine. You would recall that the Member also brought into this House an amendment to the births and death Registration Act. He brought that Act into this House and we passed that Act, and they said the same, whether or not we have the ability or the public servants have the ability to deal with the impact of this particular legislation, because at the time I recall it was over 400,000 persons—[*Interruption*]*—*300,000 persons would have benefited from this piece of legislation. So they thought that it would have been an influx, a rush, to register and change their birth certificate. And that piece of legislation is one in which you can insert now your name or the name of the individual on the birth certificate.

**8.50 p.m.**

Madam Deputy Speaker, I have the record here as of June 13, 2003, and it stands at 8,974 insertions that would have been done on the birth certificates. What that piece of legislation, Madam Deputy Speaker, out of the 300-plus



*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

thousand, 8,974 persons came forward and were interested in having their names inserted into the birth paper in which they were effected. So there is no mad rush; not because you bring a piece of legislation before this House, there will be a mad rush by everyone to get involved and have it done at the same time.

So I am wondering what is the worries about, whether or not the public servants, and when you speak ill of whether or not we can handle in Trinidad and Tobago, a country that is leading in the entire Caribbean, and may I say the Western Hemisphere, in terms of technology and where we are in manpower, and a country that has some of the best qualified persons and we have individuals of high calibre who can manage and take charge of these types of work, Madam Deputy Speaker, in that there would be no mad rush. So I am wondering why is it that both the Member for St. Joseph and the Member for Point Fortin are worried about whether or not the public servants can in fact manage the changes that will come with this piece of legislation.

Madam Deputy Speaker, the Member for Point Fortin, apart from calling for this piece of legislation, and it is like a mantra for them now, joint select committee, joint select committee, everything now is a joint select committee, like they are unable to read. I am wondering the competence of the Members of the other side who would debate in this House, they are unable to read and understand simple pieces of legislation. And this legislation is really the same Act with some improvements, and that is an Act that is over 60 years on the books. It is nothing new. The Act came into effect just around 1955, before Independence. And it is not a difficult Act, and the Member for St Joseph said that it is practitioners who generally use the Act. But what we have done, we have also simplified the Act, so the man on the street can also benefit from this. And when you look at the Member for St. Joseph contribution, in particular, who really dealt with protecting the interest of four law firms—*[Interruption]*

**Hon. Member:** What!

**Hon. J. Seemungal:** Four law firms which he—not what! He looked at the interest of whether or not to protect four law firms, two of which, in particular, he was very concerned about, and it is in the *Hansard*, February 20, 2015, you can go and read it. It is not what! He is looking at the interest of whether or not these law firms will lose money. So it is nothing to do with the man on the street—*[Interruption]*

**Dr. Browne:** Madam Deputy Speaker, point of order, Member, please. Standing Order 48(6), he is going a little too far imputing improper motives—

*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

**Mr. Imbert:** Oh my goodness! You doing that?

**Dr. Browne:**—against the Member for St. Joseph.

**Madam Deputy Speaker:** Member, I want to ask you to stick with the Bill at hand, please, so we can proceed with the business of the evening.

**Hon. J. Seemungal:** Thank you. So, Madam Deputy Speaker, let me just put that into perspective. Two things, one, whether or not consultation occurred for this Bill, and two, what is the cost of actually registering, and who will seek to benefit and who will lose on this new Act that replaces the old one?

The first one, Madam Deputy Speaker, is that this is not a new piece of legislation. This piece of legislation has been in the making for the last 10 years. For the last 10 years since 1996 when the Madrid Protocol came into effect and there was an amendment right after that in 1997 with respect to the Trade Marks Act, since then consultation started taking place with respect to this particular Bill and to bring Trinidad and Tobago up to speed with international standards.

Madam Deputy Speaker, the IP office consulted every single firm or individual that they needed to consult with respect to this particular legislation, because this is a very important legislation. It helps our local entrepreneurs, it helps our local designers. and we learned—the Member for St. Joseph also said, we learned from the steel pan. We learned from that time if we had—and the Member for Mayaro would bear into this as well, being a musician himself—, if we had protected that piece of instrument called the steel pan, we could have then had Trinidad and Tobago benefiting from the steel pan itself.

But, Madam Deputy Speaker, we wanted to make sure that this entire Bill itself is crafted around international standards and we wanted to make sure that when we put this legislation in place that we would have good legislation. So it took almost 10 years, it spanned over various administrations. The Member for Point Fortin, I am sure, would have been involved in some aspect of this because as foreign affairs Minister you have to make the contact with the various bodies—the IPO, WIPO and these things—so that you can then go and sign up with the international treaties, so that you can have now the next process or the next step which is bringing the legislation to Parliament so we can join and be part of this international treaty.

So, Madam Deputy Speaker, as far as the consultation goes we have consulted, the Intellectual Property Office has consulted sufficiently on this matter. We have

*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

allowed enough time. This is not a piece of legislation which we got up “vaps” one morning and say, we need to bring this piece of legislation. This piece of legislation is one that the general public in particular—so it is not something for election, the general public in particular may not even be aware or may not even know of some of these things that the IP office does and how they can move to protect their own patent or how they can move to protect their own trademark. But this is not a piece of legislation that was rushed, it took time and it went through several heads at the Intellectual Property Office at the Ministry of Legal Affairs, and today we are laying in Parliament a piece of legislation that will help all of our citizens and, in particular, it will help with respect to the cost that is involved in the registration.

Let me look at some of the advantages that this piece of legislation, in particular, I will spend a few minutes on the advantages. One of the main advantages and one of the main reasons for bringing this piece of legislation is really about the—[*Crosstalk*]

**Mr. Imbert:** Nobody is interested.

**Mr. Peters:** “Da is what yuh feel.” We are listening, “not all yuh”.

**Hon. J. Seemungal:** That is okay. The people who are interested in this piece of legislation will be reading about this many centuries to come, because this is a piece of legislation, I am sure. would not need any or many amendments even in the future.

So, Madam Deputy Speaker, it will be historic, it will be something that I am certain practitioners like myself will be reading and trying to interpret. [*Desk thumping*] It may even reach the court and they will come back to read the *Hansard* of today to understand what is happening.

So I will just spend a few minutes on the Madrid Protocol and put it in proper perspective, the advantage of it so the layman on the street will understand what it is about and they will understand how you can save in terms of the registration, and then I will spend a few minutes looking at some of the sections that we kept from the old legislation into the new legislation and what are the various sections that span across the two legislations.

So, Madam Deputy Speaker, this Bill, in Part VI of this Bill, [*Crosstalk*] Madam Deputy Speaker, please, Part VI of this Bill really speaks about our entry into or codifying our entry, our assent to the Madrid Protocol. And what is this Madrid Protocol about? This Madrid Protocol is an international registration for

*Trade Marks Bill, 2014*  
[HON. J. SEEMUNGAL]

*Friday, March 06, 2015*

trademarks which is governed by two treaties, and one of them is really the Madrid Agreement and the second is the protocol relating to the Madrid Agreement.

Now, the Madrid Agreement came into effect in 1891, that is over 100 years now, you know, 1891, and the Madrid Protocol came into effect, was concluded in 1989, some 100 years later and it was implemented in 1996. So what this does? Let us look at what is the objective of this Madrid Protocol and the entering and assenting or signing up to the Madrid Protocol. There are two objectives, one of which is to facilitate the protection of trademarks and service marks internationally, and two, since an international registration is equivalent to a bundle of national registration, the management of that protection is made much easier.

So these are two main objectives of the Madrid Protocol. But let us look at some of the advantages, and the advantages are the most important aspect of what people really need to understand and they would not be confused by both the Member for St. Joseph and the Member for Point Fortin when they are reading and trying to understand this legislation. So let us look at the advantages.

One of the main advantages is that geographically an applicant using the Madrid system can apply for protection of his mark in 92 territories by filing a single application in one language. And he can either file in English, in Spanish or in French. So here is it, he can come to a single office and he can file his application in one language in a single territory.

Let us understand what this is. Currently there are 92 countries that comprise of this whole—93, well now it is 93, but there are 93 countries that have signed up or are a part of this Madrid Protocol. And what it is, Madam Deputy Speaker, let me just outline a couple of them for you. We have countries like Albania, Algeria, Austria, Belgium, China, Colombia, Croatia, Czech Republic, Denmark, Egypt, the European Union, Finland, France, Georgia, Germany is there, Iceland, India, Ireland, Italy is there, Japan, China, Mexico, Monaco, Netherlands, New Zealand, the Philippines, Poland, Portugal, the Republic of Korea, Singapore, Spain, Turkey, the United Kingdom, the United States of America.

These are countries, these are some of the 93 countries that are part of this union of countries that form—that all have assented to the Madrid Protocol. And what does that mean? This is where you look at cost. Let us understand what happens now and you will understand what will happen after this legislation takes

effect.

Presently, Madam Deputy Speaker, if you want to obtain protection, for instance, in Japan. So you have an invention, you are very happy about that, you are very proud. A little fella from Talparo, a young fella from Talparo, he wants protection under this trademark or he wants protection or he wants to have protection by patent for some invention that he would have done. Currently, in the current legislation, he will have to seek an attorney. So he will go to Port of Spain, and, as the Member said, he will look out for one of these four, or he may take any of the other 400 or 500 attorneys that there are in this country all of whom were trained equally, some of who were in the Hugh Wooding Law School and some of who would have practised outside.

#### **9.05 p.m.**

All of us would have learnt to register these IPO or intellectual property protection. We all learnt equally together. So it is not just four. So the first wrong and mischief the Member for St. Joseph was making was that there are only four people who know about this thing. A Hugh Wooding Law School year-one student knows about registration of trademark. It is nothing too big. You can go and register your trademark over the counter. You do not need an attorney to register that for you. And apparently it costs just about \$3,600 to register a trademark over the counter, but when you go through all the big fellas, or the big firms that you have, I understand that it may cost up to \$30,000 to do a single registration.

That is what it costs. The little firms charge between \$10,000 and \$20,000 to register one in Trinidad and Tobago, and the larger firms may go from \$20,000 to \$40,000 and \$30,000 and \$40,000 to register one mark in Trinidad and Tobago. Now, these firms would have to make contact with another firm in Japan or they may send a junior—if they want to run up the cost—to travel. He goes to Japan. When he reaches Japan, he will spend hotel fee; he will spend airfare to go; food, drink, luxury. It is lawyers. I mean, “we eh goin for nuttin less than ordinary”.

So he will spend all of that. “Time he finish up there”, that single mark in Japan may run him to \$100,000/\$150,000. And plus, he has to pay across there. So that is fees, plus fees across there. Then to go to Japan he may spend two days travelling and then he has to spend a week, and transportation in and out. Then he will now have to pay for translation because you can only register, internationally, trademark in three languages. You can register in English, Spanish and in French, and in Japan, you will have to pay for the translation across there as well.

*Trade Marks Bill, 2014*  
[HON. J. SEEMUNGAL]

*Friday, March 06, 2015*

So when you look at an individual making an invention and he may have the best invention in his hand—

**Mr. Partap:** A coffee grinder.

**Hon. J. Seemungal:** It may be a coffee grinder, or a coffee eliminator. We can look at that. Or a caffeine eliminator. But he has this coffee eliminator from Talparo that he would like to have protection over. He does not even know if he will make money because he knows coffee in Talparo may not be the best quality. They may not have the best quality coffee up there, so he may not know how much money he will be making. But this young man, because he knows the Japanese or the Chinese in particular, may take his invention and make millions of dollars out of it, he may want to have the protection there. So he is looking at upper—with just two countries: China and Japan, he may be looking to spend at least \$300,000 for that protection and he does not even know if he will make money off the coffee machine—the coffee eliminator.

So this is what the big firms would like us to do. They would like us to not pass this legislation so that they will continue making money and they will continue making millions of dollars on our poor citizens who have to go to the bank and take a loan and then continue paying that loan for the rest of your life, not even knowing that you can make any money off your invention. That is what this legislation is about, Madam Deputy Speaker.

So this legislation will eliminate the travel from Trinidad to anywhere, the hotel accommodation, the transportation, all the other fees that you would have incurred—the translation fees in Japan and China. Here you can go to the IP office in Trinidad, and I am told with about \$3,500 per country, and you can register your trademark, your patent, right here in Trinidad with one single application in one language, and you can use English as we are in Trinidad, and you can then pay the country fee for any other country that you want within the 93 territories.

So you would not have to pay Japanese translation fee, Chinese translation fee, Italian translation fee, Africa's translation fee, India's translation fee. All the other fees that you would pay otherwise now, you would not be paying those fees when you go to these various territories. That is the main advantage, and that is why they would like to not have this piece of legislation on the books, so that the few firms that are making the money now will continue.

One of the other big changes that this legislation brings with it is that it now paves the way for an electronic registration system. So just how you have the companies registry online, you can then go online and register your patent, register your trademark and obtain the same protection. So in other words, the little fella who invented the coffee eliminator in Talparo would then be passing through the newly paved road from Brazil to Talparo—it is well-paved now; a brand new bridge as well. So this is something that we are really—when a Minister brings a piece of legislation, he brings as well, throughout—all of us in the Government work together so that we will put in place enough systems, not just the system of the registration, but the system to make the lives of all our citizens much easier.

So when he leaves Talparo to go into Port of Spain, he can then—also Madam Deputy Speaker, is that every single child in the school now has a laptop, so he can stay home and he could access the Internet by his brother, sister, or son's laptop which they received—over 96,000—from the Ministry of Education. He can stay home, go online, pull up the Intellectual Property Office website and he will be able to register this particular trademark online. So most of the work would already have been done at home. You do not have to beat traffic to go into Port of Spain but it will be done at home when you have this electronic registration of the trademark.

That is a very fundamental shift with respect to how we are doing business, and this is what they do not want. They want to send it to a joint select committee, so the joint select committee will end up like the procurement Bill. We will be a joint but we will end a joint by ourselves and looking over the piece of legislation by ourselves and they will call it a joint select committee and we may end up coming back here with little or no amendments.

Madam Deputy Speaker, that is a very significant change to the legislation as it is currently. The other part of it, even though you want to register in all of these various territories, you will have the advantage of having one single registration, as opposed to what occurs now because what occurs now, you have to register in Trinidad and Tobago, and whenever you want the protection of all the other territories, you have to go there and register there as well, and meet their country's demands there as well.

**Madam Deputy Speaker:** Hon. Member, your speaking time has expired. Do you require additional time?

**Hon. J. Seemungal:** Yes.

*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

**Madam Deputy Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for La Horquetta/Talparo be extended by 15 minutes.

*Question put and agreed to.*

**Madam Deputy Speaker:** Member, you may continue.

**Hon. J. Seemungal:** Thank you, Madam Deputy Speaker. So that is the big advantage with respect to this Madrid Protocol and joining in the Madrid Protocol in particular.

I just want to spend a few minutes with respect to some of the changes that would have occurred between the current legislation and this Trade Marks Bill. This is really geared towards the practitioners who will be looking at this piece of legislation to help them to interpret as to the various sections that made the various changes.

When one looks at the Bill and you peruse the entire Bill, you would notice that there are many of the clauses that occurred in the old Act really came across to the new Bill but with some modifications. The language is much easier; it is easier to read and understand and also it was broken down a little more so that we can then have a better interpretation and a better understanding of the Bill itself.

So when one looks, for example, the period of opposition to a mark, in the current Act it is section 21, but in the Bill itself it is clause 14 that deals with that whole principle with respect to the period of opposition to the mark. So it is in clause 14, and also the draft regulations in regulation 27. The Member for Point Fortin was asking if the draft is ready. I understand the draft is ready and the draft will also be laid in the House very soon. But regulation 27 of the Trade Marks Rules of the Act also deals with this point of the period of opposition to the mark.

Madam Deputy Speaker, the international exhaustion of trademark rights, now, the current legislation—the current Act—does not address exhaustion to the trademark rights. But in the current Bill, clause 30 of the Bill deals with this whole concept of international exhaustion to trademark rights. And it is very instructive that we look at that new piece of legislation that is placed in clause 30. When you look at the Act itself, the current Act, it does not deal with anything that facilitates electronic filing of a trademark application, and that is what I spoke about a short while ago. But one of the biggest and fundamental changes here—and you can find it in clause 5 of the current Bill before us—you can find that section that deals with electronic filing of a trademark application.



I am going through because I want to just get through some of these so that persons can understand where the changes really took place. With respect to the ground for refusal of the registration or mark, section 10 to 13 and section 13 and 14 of the current Act deals with that ground for refusal. But under the current Bill itself, clause 8 deals with the criteria for removal of—this discretionary rule itself was removed and now you have an absolute rule.

So you have now, codified, absolute grounds for refusal, and I would not want to go into it because it is very lengthy. I had planned to go into it. But some of these, for instance, where we talk about the mark that “does not satisfy the definition of a trade mark”, the mark that is descriptive in nature can be disqualified if it is designated of a kind and quality or intended purpose that may have geographical origin or other characteristics. For example, you have carpet shampoo and you have a capital “C” and a capital “S”, but, really, for the carpet shampoo, it is a common “c” and a common “s”. So it is really that capital “C” for carpet and capital “S” for shampoo—and then you have a common “c” and a common “s”. It is the same thing that occurs with respect to car insurance service, or hotel service. Those are things that really now are codified so you could understand beforehand, through the legislation, what the mark itself can be disqualified for.

Also, Mr. Speaker, for example—[*Interruption*]

**Hon. Member:** Madam Deputy Speaker.

**Hon. J. Seemungal:** Madam Deputy Speaker, the mark that comprised, for example, shapes that result from the nature of the goods or it is against public policy, it is prohibited in law. So now you have a whole series of grounds, absolute grounds that can lead to refusal, but it is codified now, well-defined in clause 8 of the current Bill.

**9.20 p.m.**

Madam Deputy Speaker, the Act also speaks of infringement with respect to registered trademark. In the current Act, sections 5 and 7 and also section 71G deals with it, but in the current Bill you can turn to clauses 28, 29, 32 to 37 to look at this whole infringement aspect with respect to the registration of trademarks.

The current Act, for instance, does not specifically define the terms of infringing goods, or infringing material, or infringing articles for instance, and in the current Bill you can find that in clause 35 where they are given now a definition for infringing goods, infringing materials and infringing articles. It is all

*Trade Marks Bill, 2014*  
[HON. J. SEEMUNGAL]

*Friday, March 06, 2015*

spelt out very simple and very clear in the current Bill that we have before us.

We also have with respect to the registration of trademarks as objects of property. In the current Act it is dealt with under sections 69(2), 68, 27, but in the current Bill itself it is dealt with in Part III with respect to clauses 38, 39 and 40, and also clause 43 when you are referring to the registered trademark as object of property. Now I am using this language so that the lawyers who they refer to can really understand them as well and they can go and read. Those who said that they were not consulted, we do not want them to lose any sleep over it and this is why I am taking the time to go through it.

Madam Deputy Speaker, with respect to licensing of trademarks, sections 27 to 31 of the current Act deals with that, but under the new legislation, which is the Bill before us, it is Part IV of the Bill, and it is really dealt with in clauses 44, 45, 46 and 47. In these clauses, you can read about all of the effects and what is required in terms of licensing of a trademark, and that is one of the main and fundamental parts of the legislation.

Madam Deputy Speaker, the use of signs on the Internet is something very new to this whole concept of registration, and this is a very important aspect of this Bill. I am sure practitioners would want to read clause 48 and, in particular, 48(2), which deals with this new dimension to intellectual property because of the Internet and all the values that brings with it. Madam Deputy Speaker, how much more time do I have?

**Madam Deputy Speaker:** You have up until 9.29 p.m.

**Hon. J. Seemungal:** 9.29 p.m., okay. So, with respect to this new legislation, clause 48(2) and, in particular, 48(2), deals with this registration of marks with respect to use of the Internet and how it can be infringed in particular.

Now it is very, very instructive to note that the offences under this Bill are captured into several sections and, for instance, the offence with respect to unauthorized use of trademarks, under the current legislation it is captured in section 66A, and under the new legislation it is captured in clause 49. It will be instructive to note, for an infringement or counterfeiting of a trademark the fine now is \$250,000 and imprisonment for 10 years. So we really want to protect our local citizens, our local craftsmen, our local musicians, our local entrepreneurs, our local designers, and this is what we are about, protecting our regular ordinary citizens.

With respect to section 66C, Madam Deputy Speaker, it speaks about falsely representing a trademark as registered under the current legislation, section 66C, but under the new Bill it is really clause 50 and, again, the fine is \$250,000 and imprisonment for 10 years. Another offence is section 66A(3) which deals with:

“A person...—

- (a) who makes an article specifically designed or adapted for making copies”—copies of—“...registered trade mark...”

So when you go and copy an entire mark it is now captured under clause 51 of the current legislation and, again, the fine is \$250,000 and imprisonment for 10 years.

With respect the section 66A, again, an offence, we are speaking here about where persons who registered a trademark, falsely applied or committed an offence; again, in this case the fine is \$250,000 and imprisonment for 10 years. Madam Deputy Speaker, you will also be interested to note that clause 53, again, is where you have false entry on a registry or make or cause to be made in the registry a false entry as well.

So these are some of the main clauses that practitioners would really like to look at, especially with respect to this legislation. It is a fundamental shift from the existing legislation, but it is good law. It is keeping up with international standards, it is helping our people to save money. When now you are spending up to \$20,000 and \$30,000 to register a mark, you can go yourself, and the intellectual property I can tell you, having spent some time in the Ministry of Legal Affairs myself, is well capable of handling all the influx.

As a matter of fact, the registration via the Madrid Protocol alone, last year they made over \$1.3 billion which was shared among its members. One point three billion, not million—\$1.3 billion and the income derived from that was shared among its members. So when the Member for St. Joseph spoke about Apple registering in Trinidad and we will lose income, we will not lose income. It is the same cost that the State will charge, the \$3,500, that is all we will get. The rest of it, the other \$50,000 to \$100,000, goes to the few practitioners who would not like to see this Bill go forward.

So, Madam Deputy Speaker, I want to congratulate the Member for St. Augustine on this landmark piece of legislation, and like the other legislations that he would have brought forward to this House, I think that Trinidad and Tobago is now poised to be a force in the international market.

Madam Deputy Speaker, I thank you. [*Desk thumping*]

*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

**Madam Deputy Speaker:** Member for St. Augustine, Minister of Legal Affairs.

**The Minister of Legal Affairs and Minister of Justice (Hon. Prakash Ramadhar):** Thank you very much, Madam Deputy Speaker. Let me just indicate upfront that if we were to believe certain things said without the truth being observed, we would be left in a far poorer place. Let me also thank my colleague, the Minister of Land and Marine Resources, for taking the time to go through in a large part many of the clauses of the Bill.

By the very nature of legislation, especially long legislation, 140 clauses, and in relation to other legislation that we have, it is impossible to go through each and every clause, and that is why one does not bring legislation and put it on the Parliament's table the day it is to be debated. This legislation was in fact filed in this Parliament and put onto the website in early November last year. This was communicated to the practitioners—I understand from the Intellectual Property office, IPO office—and the stakeholders; and the legislation was emailed in fact to the stakeholders in the society. So, to say that there was no consultation, really, is to avoid the truth that there had been consultation for almost a decade on this matter, but a decision had to be taken. A time had come where we either acted or allow things to go into abeyance without any improvement.

Madam Deputy Speaker, as a result of which, we took the decision to come forward with this after consultation with all—and I repeat, all of the relevant stakeholders in the society. But to hear my learned friends, to have heard the Member for St. Joseph, you would really believe that what is true is fantasy and what is fantasy is true. He had the audacity to come before this House and indicate that having read an article in *Newsday*, I think it was February 18, 2015, he formed the view that there were four practitioners of intellectual property in the nation and he gave that as fact, and then based an entire conversation that having spoken to two out of that four, that they had objections, that something was terribly wrong with this legislation.

Madam Deputy Speaker, you heard my learned friend speak that there may be hundreds of practitioners and potential users of the system, but what we do know is that there are at least 20 recognized firms—20 at least—one of whom is his colleague who sits in another place, but I shall not go there. The point I am making is that the perception created by the Member for St. Joseph and speaking with a sense of authority and dignity, one would be readily minded to accept what he said was true, but let me put for the record that it was not. He gave the impression also that the issue of the Paris Convention, that is the benefits that we

*Trade Marks Bill, 2014*

*Friday, March 06, 2015*

would have engaged and enjoyed for all the period, and that Apple having filed here because we are governed by the Paris Convention—Mr. Speaker, thank you.

[MR. SPEAKER *in the Chair*]

By signing on to the Madrid Protocol, that it would abdicate and erase all of the benefits of the Paris Convention. Nothing could be further from the truth. What this does is that it builds upon that foundation of the Paris Convention, puts a new layer of modern law that is so important and required—[*Interruption*]

**Hon. Member:** Member for St. Augustine, which would you recommend?

**Hon. P. Ramadhar:** It is both. They do both, and let me make the point because apparently, you know, sometimes it is so simple that we avoid the simplicity of the thing.

The Madrid Protocol does not remove your rights that you have under the Paris Convention. It just puts a modern layer, a necessary one, and we have heard repeatedly said in this Parliament that it now allows for electronic filing. It also allows for something that was never recognized before—for the filing of a trademark for scents, once it could be put into paper; and with the technology of chemical chromatography, that is also now possible and easier. The issue of trade marking a sound, and I use the example of the Intel—you know, I cannot reproduce it here, but we all know that sound Intel Inside, and you hear that sound, that too is trade markable now. It was not and is not under the old law.

So, Mr. Speaker, these are the things that trouble me a lot. When a Member of this august House could stand here and say, look, the pilot of this Bill has not told us what are the deficiencies in the law, and therefore why it has to be replaced, I made it very clear on the record that it is not a matter that things were so bad that it had to be replaced. What we said, and if you will permit me to read it:

“While we feel satisfied that the present system in place at the IP Office has been and continues to function efficiently, we are also satisfied of the need to bring about enhancements that will make the system even better and even more relevant to today’s users.”

Apart from which, Mr. Speaker, the bringing, or the accession, or the signing on to the Madrid Protocol, as my friend—and I want to congratulate the simple and easily understood manner in which the Member spoke, that it could be understood by anyone, and we believe in this Government that whenever we bring law it should be to the benefit of all of society, but particularly that it is put in such a way that it is understood by members of the society so that they could take

*Trade Marks Bill, 2014*  
[HON. P. RAMADHAR]

*Friday, March 06, 2015*

the benefit of the law.

And to hear of all the savings that we can make, not just in money but of time and of convenience, and a whole new dynamic idea that you, wherever you are, whether from the constituency from which my learned friend has come or from Tobago or from Cedros, that you too have property that you can protect anywhere in this world with a simple application. It empowers you to start thinking at a different level that I do not need only to use my hands but I could use my mind and my intelligence, and create wealth and protect that wealth throughout this world.

**9.35 p.m.**

I had made the statement and I shall repeat it here that sometimes an idea can change this world, and we need to engender that in each and every one of us as we sit here, as we leave here, as we proceed home, you just do not know what may come into your mind, what idea that God may send into you, that could really make a change. And therefore, it is that environment that we want to create and to express now that the future of mankind is based not just on labour, not just on brawn, but on brain and we need to protect that. But let me not go down that route now, there will be many other occasions for me to speak to that.

But I think it is important for us to recognize the misstatements that passed here for debate. When I heard my friend from Point Fortin, she was doing pretty well, you know, arguing almost reasonably and then she was completely derailed from logical thought when she arrived at a position of some advertisement of PP from NGC and then contradicted herself, almost with a guillotine effort, by suggesting that she checked the registry and there is no trademark registration for PP, but yet we are using a common trademark in an advertisement. So to have to bear to repeat that in this House really is an insult to one's intelligence. There is no trademark for it but yet we are being accused, this Government is being accused of using a trademark in an advertisement by NGC. But I would not really want to trouble you as much with that because we have grown now accustomed to that sort of droppings from the lips of the Member for Point Fortin.

Go back to the Member St. Joseph, because I repeat, there is a trademark I have observed that truly belongs to the PNM. You know what the trademark is?

**Mr. De Coteau:** Neglect.

**Hon. P. Ramadhar:** No, no, there is that too. But they have a form and fashion in the Parliament that I have now used an acronym, they “MORDD” you, M-O-R-D-D. Do you know what they do first? They misrepresent what you say, they misrepresent and misinform the nation, they obfuscate the issues and almost on every occasion refer matters, or suggest that it be referred to the Joint Select Committee for no other purpose than to put it as a morgue really for it to stay there and die so it does not become law as we have seen the efforts in procurement. They then discredit the Motion itself by going into the process. You have heard repeatedly this issue of non-consultation when, in fact, the truth is that there was tremendous consultation over the years. They discredit the content of the Motion by going into sections and I want to give this one example. And he used the term, that when he had spoken to these few friends or whoever they are, practitioners that they were aghast of clause 5(4). Do you know what it is all about? Clause 5(4) says when you make your application, you have to pay for your application.

When I made enquiry as to why this has now to be put as clearly as it is, is that there is a tremendous mischief and abuse that has been taking place by the very practitioners that they will put in an application and not pay, so tie it down for a bit. Not just for a bit, sometimes for an extended period because there was no time frame within which they had to pay, and when they had sorted their business out elsewhere, come back and say, “We are no longer interested”. So you did not get the money but they got the benefit.

The Intellectual Property Office—and I want to compliment them. They have some of the brightest young and most dedicated servants to the nation [*Desk thumping*] and they were led for many years by a grandmaster of intellectual property, Ms. Mazina Kadir who is now retired, who has the respect of the international bodies and international practitioners, [*Desk thumping*] a tremendous resource to this nation and she has imbued into her because she created—well, let me not say, she did not create it but she participated in creating because it was the hon. Member for Siparia as Minister of Legal Affairs who had given life and breath into the Intellectual Property Office of Trinidad and Tobago, to the extent that it is so recognized that Apple uses here as a first port of call.

And there was a mischief and a wickedness suggested that because we now move into this new regime that we would lose the benefit and that Apple may very well go and fish elsewhere. Nothing could be further from the truth. Section 5(4), the aghast of these lawyers, according to the Member for St. Joseph, is about fixing a mischief of abuse. So if they are aghast by it, well, then keep on gasping ,

*Trade Marks Bill, 2014*  
[HON. P. RAMADHAR]

*Friday, March 06, 2015*

because we are intent on removing abuse of the systems that are available to the people of Trinidad and Tobago.

I want to say, my friend hit a very raw nerve but a truthful one when he suggested that a lot of the objections that may have been channelled through the Member for St. Joseph is all about the money. I have a written record, a letter, from one of those firms saying that we should not sign up to the Madrid Protocol. And you know what the main contention of it was? One of income.

But when I speak to the wider practitioners and the wider stakeholders, it was very short-sighted because, indeed, when this thing gets running and we are fully prepared—and I will take some time, maybe not now, to express the level of detail and preparation over the years because we do not start like others, you know. Like when they want to buy OPVs, they do not have crew for it, they do not have anything for it. Spend the big money upfront, park it up and wait to fix it. What we have done for the last several years, and I congratulate the IPO, is that we have already put in place the mechanisms, we have hired the staff, we have put in the administrative mechanisms, the electronics, and ready just to press the button once this becomes law. So these are the preparatory things that we have done.

So, Mr. Speaker, I see my friend rising.

#### ARRANGEMENT OF BUSINESS

**The Minister of Transport (Hon. Stephen Cadiz):** Mr. Speaker, in accordance with Standing Order 50(3), I beg to move that the debate on the Bill entitled An Act to repeal and replace the Trade Marks Act, Chap. 82:81 and to provide for the law relating to trade marks and related matters be adjourned.

**Mr. Speaker:** You are moving towards the Adjournment of the House?

**Hon. S. Cadiz:** No, just for the adjournment for this particular debate.

**Mr. Speaker:** No, but are you moving towards the Adjournment of the House?

**Hon. Members:** Yes, yes, yes.

**Mr. Speaker:** Is your next item or your next move—[*Interruption*]

**Hon. S. Cadiz:** Yes.

**Mr. Speaker:** Yeah, well go ahead, you do not—[*Interruption*]



**WRITTEN ANSWER TO QUESTION****(Question No. 41)**

**Miss Marlene Mc Donald** (*Port of Spain South*): Mr. Speaker, before the House is adjourned, there is a matter that I would like to raise with you because I would like your intervention.

Mr. Speaker, today, the Member for Oropouche East indicated that Question No. 41 to the Attorney General, a question by the Leader of the Opposition which was due for answer since November—since December of 2014, and he had indicated that it will be circulated during this particular session. Mr. Speaker, this question has been outstanding for, well, almost three months now. I am now invoking Standing Order 29(13) requesting your intervention to write to the Leader, the Member for Oropouche East, with respect—or to the particular Minister which will be the Attorney General, as to the reason why this particular question is not being answered. And each week I stand and ask about this particular question and it is certainly not forthcoming. So, therefore, under Standing Order 29(13), I ask for your intervention, please. Thank you.

**Mr. Speaker:** All right. Member for Port of Spain South, the Speaker shall write on behalf.

**Miss M. Mc Donald:** Thank you, Mr. Speaker.

**ADJOURNMENT**

**The Minister of Transport (Hon. Stephen Cadiz):** Mr. Speaker, I beg to move that this House do now adjourn to Friday, March 13, 2015 at 1.30 p.m. and it would be the intention of the Government to debate a Bill entitled An Act to amend the Bail Act, Chap. 4:60 and to continue these current debates here.

**Mr. Speaker:** Hon. Members, before putting the Motion for the adjournment of this honourable House, may I inform hon. Members that at a sitting held on Friday, February 27, 2015, the hon. Member for Diego Martin North/East raised a matter on the Motion for the Adjournment of the House for the response of the hon. Minister of Planning and Sustainable Development. I now call on the hon. Minister of Planning and Sustainable Development to respond to the hon. Member for Diego Martin North/East.

*Adjournment*

*Friday, March 06, 2015*

**Use of Building at Long Circular Road  
(Resultant Traffic Congestion)**

**The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie):** Thank you very much, Mr. Speaker. The Motion brought by the hon. Member for Diego Martin North/East had to do with the traffic congestion that will result from a decision of the Ministry of Planning and Sustainable Development to approve the use of a building at No. 129 Long Circular Road in Maraval for the operation of the school and that is the Arbor School.

You would recall, Mr. Speaker, Members of this honourable House, that on August 29, 2014, I was compelled in a way to write to Mr. Phillip Hamel-Smith, one of the directors of the school, to indicate clearly that the Ministry and the Town and Country Planning Division had every intention to deny planning permission for the continuing of work to construct and to complete construction of the school.

Now, that denial to operate a school was precisely because the owners of the school did not have any permission to proceed with construction of a school, and in the absence of planning permission from Town and Country Planning, their application, although received, was not approved and, on that basis, we asked them to desist.

Now, the Minister of Planning and Sustainable Development is authorized through Part III, section 11(1) of Town and Country Planning Act to and I quote from the Act:

“...grant planning permission either unconditionally or subject to such conditions as he thinks fit, or may refuse permission.”

So you can grant, you can grant with conditions, you can refuse.

**9.50 p.m.**

Section 11(3) further states and I quote again:

“The decision of the Minister on any application made to him under this section shall be final.”

So that makes discretion a very important thing in the making of a decision. It makes due and deliberate consideration a very important matter, in exercising that

kind of authority. Under section 11(3) of the Town and Country Planning Act, 35:01, it is the Minister who is empowered to make the final decision. He may take advice where necessary, including the advice of stakeholders and interested parties, but it is in the end his responsibility to weigh the inputs and make the final decision. The fact, therefore, that the Director of Highways advised against something is only one consideration, and his opinion, with all due respect, is not binding on the Minister.

Having said that, I want to say that although the letter read by the hon. Member for Diego Martin North/East to support his case, was from the Director of Highways, there is also in the Ministry of Works and Infrastructure, a traffic engineer, and the Director of Highways is not necessarily a traffic expert. The Traffic Engineer is, in fact, the person whose business it is to look at the issue of traffic, separate and distinct from the development [*Interruption*] of the highway.

The only reason I am saying that is because the hon. Member for Diego Martin North/East raised the question of expertise, and suggested that the Minister had no expertise to go against the recommendation of the Director of Highways. So, I want to say that it was not an assumption of expertise on traffic management that had to do with my decision, but a deliberation on facts that were pertinent to the case of which the opinion of the Director of Highways was only one element.

Now, in the matter of the court case—because this matter found itself in court, and is still before the court—Justice Devindra Rampersad in his ruling on this matter ordered the following, and I quote from the proceedings of that case:

That the defendant pursues its application lodged with the Town and Country Planning Division on August 14, 2014, which the court will note, would be perused without prejudice to its defence in these proceedings.

The Minister of Planning and Sustainable Development on February 05, 2015 [*Interruption*] granted conditional approval for the retention of the existing buildings for institutional use only; namely, a school and related facilities following an application made on August 14, 2014. In making this decision to approve this application, the Minister considered the following:

- 1) The site which is 129 Circular Road, Maraval, was used in 1966 as the Cipriani Labour College prior to the 1969 Act, which is the Town and Country Planning Act.

*Use of Building*

*Friday, March 06, 2015*

[SEN. THE HON. DR. B. TEWARIE]

- 2) The college vacated the site in 1971. At the time of proclamation of the Act, the school was the established use for the location site.
- 3) No application was approved by Town and Country Planning Division, for any development on the site subsequent to the Act coming into force.

Which means to say that the only thing that ever existed there, was the labour college, the school.

- 4) The property was sold in 2002;
- 5) The letter from the Director of Highways dated August 06<sup>th</sup>, referred to consideration of approval being rescinded, prior to any application being received, assessed or determined by the Town and Country Planning Division, as an application was submitted to the Town and Country Planning Division on August 14, 2014. As such, there was no approval to rescind.

So this letter of objection [*Interruption*] came to the Town and Country Planning Division, Mr. Speaker, before the application for permission came to the Town and Country Planning Division. I will not speculate on the matter because I do not want to get into that at this late hour. But how did he know that they were going to make an application and had an opinion before the application came? [*Continuous crosstalk*]

- 6) Existing policy permits full commercial use south of Long Circular Road.

How could you have full commercial use south of Long Circular Road, and you have an arbitrary line and a different policy for north? Long Circular Road serves both as a connector and collector road, similar to Tragarete Road and Western Main Road, where full commercial uses are permitted. Residential development existed previously along every one of those main roads.

Over time, based on the growth of the population, and the resultant need for goods and services which were not met within those developments, stripped commercial development was permitted to service the wider commercial communities in and around those main roads. I want to say, when all of this was going on, I was not the Minister. When all of this was going on, this administration was not the Government. Also considered—so, I am simply making the point that I met this reality, and I would, therefore, have to deal with the world as it is. Also considered and accepted, was the traffic management plan proposed by EDFAM, which was completed by LF Systems Limited, [*Interruption*]

which report was led by Dr. Rae Furlonge, a transportation expert, who is known to have provided traffic management advice to the Ministry of Works and Infrastructure and to NIDCO.

The approved traffic management plan proposed to mitigate the potential impact, includes the following, and all of these are relevant:

- the drop-off and pick-up points will not—  
—because the Member referred to this in his presentation on Friday.
- the drop-off and pick-up points will not include entry or exit on the Champs Elysees Road—will not;
- provisions have been made for a driveway that accommodates 30 cars in a waiting pattern, to ensure that no parking or waiting take place on any adjoining public roadway. [*Interruption*]  
To ensure the above, parents have been briefed and two traffic wardens have been engaged to manage the traffic flow throughout the exercise;
- if in the unlikely event, more than 30 cars are in the waiting mode, any additional cars will be directed to continue and return when they can be accommodated on the site;
- two drop-off zones have been developed on site to ensure that the pick-up and drop-off activity is handled with utmost dispatch;
- car parking has been provided on site for all teachers and visitors.

In other words, they will be accommodated around the school.

- additional parking has been secured as the need arises, from the adjoining car park as well as on the church compound, opposite the Long Circular Road;
- pick up times in the afternoon have been staggered. There are four different pick up times to also minimize bunching of traffic;
- parents dropping off and picking up children, have been briefed to enter and exit the compound in a manner that minimizes the need to cross the traffic flow on Long Circular Road.

Example, in the morning all leave and travel east, since Boissiere Village is one way, and traffic seems to move very smoothly at that hour. To go west, one will have to go about the Kentucky roundabout and then head west:

*Use of Building*

Friday, March 06, 2015

[SEN. THE HON. DR. B. TEWARIE]

- in the afternoon, the opposite applies; all go west to avoid the build-up of traffic in Boissiere Village area;
- all pick-up cars will be equipped with windscreen signage, indicating the name and class of each child to be collected. Via video cameras, early note of their arrival in line, will be shown to ensure the pick-up works smoothly;
- remote drop-off and pick-up points, will be offered to parents of other children for which a shuttle service will operate to and from the school.

The Minister has to take into account the relevant factors, and has to take into account, inter alia, the role and function of Long Circular Road, the land use pattern and what the planning policy is for the area. [*Crosstalk*] While having regard to the concerns of residents, which are particular to the area, this has to be balanced against the wider community interest, government policy—including government policy to promote education as a major pillar of development.

The grant of approval by the Minister of Planning and Sustainable Development, does not, in fact, negate the need to obtain other necessary approvals. In fact, the notice of grant of planning permission to develop land, subject to conditions, is dated February 05, 2015. Note 3 states:

- 1) Grant of planning permission indicates only, that the development permitted has the Minister's approval for the purposes of the Town and Country Planning Act.
- 2) This planning permission could be lawfully implemented, only if you satisfy the requirements of all other laws applicable to the implementation of the development permitted and grant of planning permission is not necessarily an indication that you would be able to do so.

**Mr. Speaker:** Hon. Member, how many minutes in your—

**Sen. The Hon. Dr. B. Tewarie:** I just have two pages.

**Mr. Speaker:** Hon. Minister, please. You are allowed 10 minutes to respond. Given the behaviour on the other side, it does not appear that there is any interest in you pursuing any further. So I would ask you to circulate the rest of your statement.

Hon. Members, there is one matter that qualifies to be raised as a Motion on the adjournment of the House, which was filed by the hon. Member for Diego Martin Central. I will now call upon the hon. Member for Diego Martin Central to raise his Motion. Hon. Member for Diego Martin Central, please.

**Primary Schools  
(Intake of Students)**

**Dr. Amery Browne** (*Diego Martin Central*): [*Desk thumping*] Thank you, Mr. Speaker. I will try to be as brief as possible. We debate on various issues from time to time, and we hear the complaint that sometimes it appears disconnected from the real lives of families out there.

Mr. Speaker, there are many families with small children in this country who experience genuine horror in getting those children into primary schools in Trinidad and Tobago. These are schools that the taxpayers have built, and continue to pay for. They fund the teachers, fund the principals' salaries, the utilities, et cetera, but that horror is continuing and in some schools it appears to be getting worse. It is really a total and complete nightmare in some areas. Most citizens have no clue about this, because some of us do not have primary school aged children, but we still have to be concerned about the experiences that some of our families are faced with. We have to be our brother's keeper and our sister's keeper, especially us in this House.

**10.05 p.m.**

Now, I do not have any primary school-age children, but this issue was really brought starkly to my attention by the babysitter who takes care of my infant son because she has a five-year-old that she is trying to get into a nearby primary school, and she was able to share with me some of her distress.

Mr. Speaker, the registration for many of our primary schools begins around the month of January. Now, this is for the term that starts in September, so that is a huge gap in terms of time. Some of the parents are saying that it is more difficult to get these children into a nearby primary school than to get into university. It is really a surprisingly difficult process that some parents face and, clearly, many poor families would prefer a primary school that is close to them—within walking distance. It is really a heavy burden to know that there is a school nearby—government or government-assisted primary school—and there is so much difficulty in getting the child into that school, and sometimes you would end up having to take a taxi to get to school. [*Cell phone rings*] You know I will get an

*Primary Schools*  
[DR. BROWNE]

*Friday, March 06, 2015*

extra minute for that.

**Hon. Member:** La Brea.

**Mr. Speaker:** All right. Continue, please.

**Dr. A. Browne:** Yes, Mr. Speaker, this is serious—and sometimes, you know, the parent would have to then take that taxi with the child, and you end up with over \$1,000 in some cases, additional expenditure, when there might be a primary school within walking distance or within a reasonable proximity to the family.

So registration begins in January. In many schools, a notice is placed on the school's notice board informing parents or prospective parents of attendees or parents of prospective attendees, when to come in to register, but some of the schools and principals seem to put some very bizarre hours. So, in some schools, they would give you like 5.00 a.m. In my babysitter's prospective—5.00 a.m.—these parents are expected to turn up to the primary school on a weekday morning to register their child.

So they come there with the required documents—immunization record, birth certificate and a utility bill, and then they realize that they are not really registering on that day at 5.00 a.m., they are forming a line outside the school compound—it is still dark, Mr. Speaker. In one case it was raining—over 100 parents lined up outside the school in a very unfortunate manner. Some of them they have nobody at home to babysit so they bring their children with them at that time forming this line, and then around 5.30 a.m., a staff member comes out and says: “Well, we are not registering today, we are just giving you the forms and the forms are limited.”

So, about 50 to 60 forms are given out—all these other parents, well they just have to go elsewhere, abandon the thing—but a form does not guarantee you a place in the school either. So, you are then told—you are given a day by which to submit the form. In some cases, it is within two days you fill out the form and you submit it.

The parents are told that if you get through to get an interview, we will write you a letter, you will be notified by mail. If you do not get through with a visit for an interview, you would not be notified at all. So that leaves a lot of these parents just speculating, unsure, uncertain and not knowing whether or not to go and register at another school, and some of them end up, multiple overlapping, just trying to ensure that they get into a primary school, as I keep saying, within



reasonable proximity of the family's home. So that in itself is a nightmare, and then they get into the interview process.

I would want the Minister in his response to really clarify some of the criteria, what guidelines—how are these principals—is it a *carte blanche* or is there some structure, because it appears to some of the parents that it is really a very open process.

So, Mr. Speaker, you have hundreds of parents sometimes turning up, and I am not even describing the so-called prestige primary schools, because you know we have “prestige” everything in this country. That is how our society seems to work. It is even worse there, and sometimes they are told, off the bat, “do not even worry to come because we have no room for you.” This kind of system or lack of structure encourages myth and rumour—and I am not here to spread any of those, but there is a perception among some parents.

Mr. Speaker, this has gotten so bad that there are now meetings, like cottage meetings, in preschools—frustrated parents gathering and trying to share strategies or tips: how you getting your child into this school or that school. There is the perception that it matters if the parents went to the school, if daddy has a big job, because they ask those questions, and so parents who may not have a high-level job form the impression that these things matter, and principals might be selecting based on who might be able to help the school well in the future or not. All of these things are very relevant, and I am very concerned about them. I am hoping the Minister could shed some light. I am not blaming him for any of this, personally, but this is something I feel we really have to treat with.

So, I have given you a little bit of a sense of where this thing—about the limited forms, the interviews, lack of proper notification—and really it appears that this entire process is inequitable. It is dehumanizing, it seems to be unfair and, in my view, it is unacceptable. I had some discussions with the National Primary Schools' Principals Association and they shared this concern. This is the principals' association, so they know there is something wrong, and there is some further action that can be taken at a higher level to help address this challenge.

I know the Minister is good with statistics—he likes to stand up and talk about who built what schools, and he is building schools—but I am not sure that is going to cure this problem, because even if we have a thousand schools, if we have principals appearing to pick and choose and then subjecting parents to those kinds of conditions just for the off chance of getting in, I think we would struggle. So, I hope the Minister understands what I am getting at here. There is too much

*Primary Schools*  
[DR. BROWNE]

*Friday, March 06, 2015*

uncertainty for these families and, as I said, there have been meetings. I know the National Parent Teacher Association, there is some awareness out there. I was not aware until this was brought to my attention. How do these schools make these decisions? How is that decision really made?

The taxpayers fund these schools, even the government-assisted primary schools. What are the criteria? Does religion matter because we are talking issues of equity? Does the legacy of who went—parent or grandparent—to the primary school, does that matter really? Does the job of daddy or the job of mummy matter? Those are things that I would like clarified.

Mr. Speaker, sadly, as the young lady reported to me, some parents in that long line were overheard to say—make comments like: “You know, I would be willing to pay \$3,000 to short-circuit this thing and get my child into the school.” In a highly corrupt society like ours, I get worried when I hear things like that, because it suggests that maybe in some scenarios, people are paying money. I am worried when I hear those things, and that is something we need to—I know I am running out of time, Mr. Speaker.

So, I know this does not apply at every single school, and there are probably some good ones that are managing their intake very well but, in my view, this scenario should never happen at all to any parent at any school. We have come too far as a country for that.

I would like to know what the Ministry’s policy on this is, what the Minister’s views are because parents are experiencing nightmares out there. I am hoping, we as a Parliament, can do something to help. Mr. Speaker, this is a very sincere concern, and I am hoping the Minister would respond in kind. I thank you. [*Desk thumping*]

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Thank you, Mr. Speaker, and thank you Member for Diego Martin Central. I as well share your serious concern on this matter, and as Minister of Education, I have been posed with these difficult situations during my four and a half years I have been Minister, where parents across the country will call and indicate: “I am trying to get my child into school X. I live next to the school and I cannot get my child in the school”, and so it is a serious matter.

I have discussed this with the technical advisors and the Chief Education Officer, the Permanent Secretary, the Deputy Permanent Secretaries and even the

boards, and we have established certain criteria for selection of students: one, they must live within the area, within a radius of two miles around the school; two, they must have their immunization taken care of and fully done—well, of course, with the birth certificate. Those are the more important criteria, and they must be age five by September of the year that the academic year begins.

So, we have this problem on a yearly basis. I even went to the gym last week, and one of the gym instructors was telling me that he had to go to about three schools to line up for a form, exactly what you are saying. I asked him to give me the names of the schools, and so he had difficulty in one area and then he had to go to another area. I, myself, felt the pain for the parents.

I know that there are primary schools now if you want to get your child into that school, you have to register even before the child is born. And so, as Minister of Education, what can I do in the context of bringing equity, which is our watchword, and accessibility? But we are posed with the Concordat, and that Concordat exists from 1961. We have 18 denominational boards and they manage more than 320 of our primary schools out of the 455. The Government manages 135. They manage 40 out of the 125 secondary schools, the Government manages the other 85.

So you asked the question about the criteria, which I have given you—you must live within a radius of two miles; you must have your immunization completed and the child must be age five by September.

Now, some of these principals have gone on to give examinations for the children, which is against the rule of the Ministry of Education. They take in students outside of the area when the children inside the area within the radius should be accepted before the others outside. What do you do, Mr. Speaker? The question is, I have the responsibility and the accountability, but I do not have the authority.

So I go to the CEO, the supervisors: why is this anomalous situation existing? Then the Chief Education Officer has to call himself, and instruct the principal that this child resides here, and it is important that you consider this child, and then they would tell you they do not have place, they cannot take the child because the class is full. Now, how do they determine whether the class is full? Well, a little statistics is important for this as well—17,000 children have to go into primary school now at the moment, and we have 455 primary schools. So, that is about approximately 40 children at an average per school. We allow a school to have about two classes' intake, so they can take up to 60. The principals

*Primary Schools*  
[HON. DR. T. GOPEESINGH]

*Friday, March 06, 2015*

cannot say that they do not have enough teachers because they are fully staffed.

We have almost 8,800 teachers in primary schools and one teacher—it is 126,000 children, so 8,000 teachers, it is about 1:14 to 1:15, better than the global standard of 1:28 teachers. In schools that only have about 50 or 60 children where there should be about four or five teachers, we have a minimum of seven teachers. So, there is no excuse whatsoever for a principal saying: “We do not have enough places in the school”, but what compounds the situation, as educators know—we have a number within the Parliament here—some of the schools do better in the SEA exams, so the parents now know these schools are doing well, so they rush to get their children into those schools, and those from outside of the two-mile radius or three-mile radius use the lobby with the principals to get their children in against the rules.

When it is brought to our attention we go for some degree of disciplinary action, but what disciplinary action, Mr. Speaker? The country heard 600 teachers are before the Teaching Service Commission. They meet twice a month, half day, part-time, one teacher disciplined out of 600. Principals: they work hard, they work very diligent, but there are some who, you know, do not conduct the business of being a leader in the school with the degree of equity and fairness as they should be doing, and then the church issue comes in, the denominational boards.

### **10.20 p.m.**

So, children of a certain religion or religious faith will possibly get in before another. And this is a board school. So, it is a board school. The board schools, the board chooses their principals, they choose their teachers, and if the Ministry wants—we have 68 vacancies now in secondary schools and all are board schools, and you cannot go and put a government teacher in a board school because they say, we are not accepting the teacher. So our hands are tied, the disciplinary process, then the question of money.

The Chief Education Officer and myself have told all principals, you ought not to take any money from any parent or any child whatsoever. It is in the Education Act. They charge \$1,000 for registration fee, \$1,500, where are these poor children getting the money from? It is against the law and there is a fine.

So, Mr. Speaker, the answer to that, my distinguished colleague from Diego Martin Central, is that we will continue to work with the denominational boards, we will continue to work with the principals. Whatever instance a case of inequity

*Primary Schools*

*Friday, March 06, 2015*

or lack of equity and accessibility comes up, we try to deal with it from the Ministry, and I myself have had to intervene on more than about 200 occasions during my span as Minister of Education. But something has to be done about the Concordat; it cannot be allowed to continue as it is because it gives an inequitable issue to the education system. So I am glad that you brought it up, and this is something that we may have to consider as a House, subsequent to this in the future. Thank you, Mr. Speaker.

**LEAVE ON ABSENCE**

**Mr. Speaker:** Hon. Members, before I put the question, I have received communication from Mr. Patrick Manning, MP for San Fernando East, who has asked to be excused from today's sitting of the House. The leave which the Member seeks is granted.

*Question put and agreed to*

*House adjourned accordingly.*

*Adjourned at 10.23 p.m.*