

SENATE

Wednesday, May 13, 2020

The Senate met at 10.00 a.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

URGENT QUESTION**Rio Treaty****(Violation of)**

Sen. Wade Mark: Thank you, Madam President. To the hon. Prime Minister: In light of a recent statement issued by the US Embassy that this country violated the Rio Treaty by allowing the Venezuelan Vice-President to land here, has the Government initiated discussions with the US with a view to averting any repercussions?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, [*Desk thumping*] the hon. Minister of National Security is scheduled to respond to this question. I am respectfully asking that it be deferred later in the sitting. He is on his way. Thank you.

Madam President: So the Urgent Question is deferred until later in the proceedings.

WRITTEN ANSWER TO QUESTION**Decriminalisation of Marijuana****(Details of)**

122. Sen. Paul Richards asked the hon. Attorney General:

Having regard to the recent decriminalisation of marijuana, can the Minister advise as to the following:

(i) the number of persons who were convicted for the offence of the

- (ii) possession of marijuana between 2015 to 2019;
- (iii) the number of persons who are still on remand as at January 31, 2020, as a result of being charged with the offence of the possession of marijuana;
- (iv) the number of convicted persons who, as at January 31, 2020, have applied to be released based on the amended legislation; and
- (v) the number of convicted persons who have received a reduced sentence as at January 31, 2020, given that they had been convicted for other offences?

Vide end of sitting for written answer.

ORAL ANSWERS TO QUESTIONS

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, there are three questions on notice and the Government would be answering all three.

Delta Security Services

(Outstanding Payments)

91. Sen. Wade Mark asked the hon. Minister of Agriculture, Land and Fisheries:

In light of reports that Delta Security Services, which provides security at four natural tourist attractions, has not been paid for the past two years, can the Minister indicate when will the outstanding payments be made?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, the question refers to payments not being made to Delta Security Services for the past two years; Delta has not been paid for the past two years. Madam President, it is any period that Delta has been paid it is over the past two years.

Madam President, Delta Security Services provides services to the Forestry Division and let me go back. During the 2010-2015 period, as has happened before, Forestry Division was based in three different Ministries, at least three different Ministries. On account of that, on my appointment, the Forestry Division as part of this Ministry we inherited more than \$10 million in debt, some related to security services, some related to Internet and other things. And we have had to try to pay down that debt while paying what becomes due on a monthly basis.

So, Madam President, I would say since—well at least for the last year, over a million dollars have been paid to Delta Security and that has been in respect of current debt that was inherited and at this time just about \$380,000 are owed to the Delta Security Services.

But in response to the question directly, over the past two years Delta has been consistently paid in respect of current and previous debt and the Ministry is now working with the Ministry of Finance to deal with an outstanding liability in relation to the current period of \$388,000. I thank you.

Sen. Mark: Madam President, just for clarification. Can the Minister indicate whether the \$10 million he referred in his statement has been reduced to a mere \$380,000 at this time?

Sen. The Hon. C. Rambharat: Madam President, just to be absolutely clear, I said when I was appointed and Forestry Division formed part of the Ministry we inherited more than \$10 million in debt. Part of which related to security services, part to Internet services, part to outstanding travelling and subsistence allowances to forestry officers and so on. It is a series of things that we inherited.

In relation to this particular security provider to whom the question relates the current indebtedness is \$388,000, the Ministry having dealt with debt of \$1 million in the last 12 months. Thank you.

Sen. Mark: Madam President, can the Minister indicate whether debt owed for security services, travelling and subsistence, as well as Internet to other agencies that would have engaged this particular security firm remains outstanding, because he said that there were a number of agencies that were involved.

Madam President: But is your question related to Delta Security Services—

Sen. Mark: Yes.

Madam President:—which forms the basis of your question. Is that what you are asking?

Sen. Mark: Yes, Ma'am, thank you.

Sen. The Hon. C. Rambharat: Madam President, my colleague was the former Minister of Public Administration and was just, before your arrival, threatening to return to Government. I hope he does not. Delta Security Services does not provide Internet services and does not incur travelling and subsistence on behalf of public servants. They are security services provider, the type of person you see when you go to Caroni Bird Sanctuary there is a white booth, there are security officers stationed there, Delta provides that service.

So we have security services, Delta and other companies, Internet, Flow, Digicel, travelling and subsistence, forestry officers, public officers. We have dealt with indebtedness in all categories, including security services of which Delta is one of the providers. We have liquidated significant amounts of debt including \$1 million in the last 12 months and for the current period the bills that are due for payment amount to \$388,000 in with respect of which the Ministry is working with the Ministry of Finance in its normal way to relinquish this debt. Thank you very much, Madam President.

ARRANGEMENT OF BUSINESS

Madam President: Hon. Senators, I am going to revert to item 8 on the Order

Paper and I will ask Sen. Mark to re-ask the question.

URGENT QUESTION

Rio Treaty

(Violation of)

Sen. Wade Mark: Thank you, Madam President. To the Hon. Prime Minister: In light of a recent statement issued by the US Embassy that this country violated the Rio Treaty by allowing the Venezuelan Vice-President to land here, has the Government initiated discussions with the US with a view to averting any repercussions?

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam President. Madam President, I apologize for being a few moments late in arriving here shortly after. Madam President, I would like to use this opportunity to remind those listening that Trinidad and Tobago's position with respect to Venezuela has always been one of non-intervention and non-interference. This position was joined by Caricom, this position was taken by Caricom leaders including our Prime Minister to the United Nations. At the United Nations it was the Secretary General who informed Caricom and others that the United Nations recognizes the Maduro Government. At this stage and at all stages this administration has no horse in the race.

Furthermore, our relationship with the United States continues to be a very strong one. Our relationship with the United States is one grounded in that they are one of our most significant allies. In fact I just left a security briefing where we were discussing the recent drug find of \$663 million that was a partnership between Trinidad and Tobago and the United States.

The mischief that is continuing by certain persons in Trinidad and Tobago

and starting with fuel supply when that is explained, then talking about a plane and a manifest of a plane and now this, I would just like to put it on record that the United States continues to be one of our strongest allies. We continue to have open channels of communication with them. And furthermore I lay this caution that all that seems and all that they seem to be relying on here with respect to the Treaty may not in fact be as they believe it to be. Thank you.

Sen. Mark: Madam President, can the hon. Minister indicate whether the Government of Trinidad and Tobago is conscious of a statement issued by the United States Government concerning this country's violation of the Rio Treaty. Is the Government of Trinidad and Tobago aware of the issuing of such a statement by the United States Government?

Hon. S. Young: As I have said, Madam President, we continue to have open channels of communication. In fact, last week the United States Government's head and top diplomat in Trinidad and Tobago, that is, the Ambassador, not any under link may or may not be speaking to the media, the United States Ambassador had a conversation with me, as a representative of the Cabinet level of the Government, and there were other conversations had and there was no raising of the breach of any treaty. I have just put the position that all that seems and all that they seem to anchor their mischief in may not be exactly what they believe it to be.

Sen. Mark: Madam President, can the Minister indicate whether he is aware of the serious economic and trade consequences arising out of the breach of this Treaty for this country? And in that context, Madam President, whether the Government—

Madam President: It one question, Sen. Mark.

Sen. Mark: Is he aware of the severe and grave consequences for the economy of this country as a result of the breach of the Rio Treaty according to a statement

issued by the United States Government?

Madam President: Sen. Mark, I will not allow that question. We move on to question on notice. Sen Mark, your next question.

ORAL ANSWERS TO QUESTIONS

Family Planning Association

(Introduction of HIV Prevention Drug)

92. Sen. Wade Mark asked the hon. Minister of Health:

In light of the criticism by the Family Planning Association of the Government's decision to not support the introduction of the HIV prevention drug, Pre-Exposure Prophylaxis (PrEP), can the Minister indicate whether Government intends to review said decision?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, the question refers to the Government's decision to not support the introduction of HIV prevention drugs, Pre-Exposure Prophylaxis. I just want to respond firstly by saying that this is a policy the Government met in place, in fact when you refer to the period 2010-2012, the Ministry of Health policies on HIV post exposure prophylaxis policy it says, it is not the policy of the Ministry of Health to provide post-prophylaxis for casual sexual exposure. These patients should receive voluntary HIV testing and counselling.

So, Madam President, it is a policy that was inherited and that continues to be applied by the Government. Madam President, towards this end there are several options currently available to reduce the risk of acquiring or transmitting HIV and these include, the use of antiretroviral drugs to treat HIV where treatment is an effective preventative measure. Effective treatment leads to a markedly suppressed or undetectable viral load that cannot transmit HIV. To date 83 per

cent of all persons with diagnosed HIV infection receive sustained antiretroviral therapy and 87 per cent of all people receiving this therapy will have viral suppression.

Madam President, secondly, the use of condom and lubricants have been recommended by UNAIDS as it is highly effective in preventing sexual transmission of HIV. The Ministry of Health provides condoms free of charge at all health centers and treatments and care sites throughout the country. And thirdly, Madam President, the use of risk reduction counselling where partners practice safe sex, abstinence and faithfulness. The third element of what the Ministry of Health does in relation to dealing with the matter of HIV/AIDS. Thank you.

Sen. Mark: Madam President, may I ask through you to the hon. Minister, whether the Government intends to review its current policy on the matter on the review.

Sen. The Hon. C. Rambharat: Madam President, as I said the Government's current policy is the policy that was inherited from the 2010 to 2012 period and as indicated in the response the Government has continued with that policy and at this time there is no intention to review that policy.

Sen. Mark: Madam President, through you, can I ask the hon. Minister whether the Government intends to hold any discussions or meetings with the Family Planning Association with a view of addressing their concerns surrounding this matter?

Sen. The Hon. C. Rambharat: Madam President, the Ministry of Health and the Government as a whole meets with stakeholders all the time, there are ongoing relationships. The Ministry of Health is not averse to meeting with any entity and the policy has been in existence and as I said before the Ministry at this time does

not plan to review the policy.

**Office of Disaster Preparedness and Management
(Handling of December 2019 Flooding)**

93. Sen. Wade Mark asked the hon. Minister of National Security:

In light of public criticisms of the Office of Disaster Preparedness and Management (ODPM) as regard its handling of natural disasters, in particular the December 2019 flooding in the Penal/Debe region, can the Minister indicate how Government intends to address the issue of efficiency in the operations of the ODPM?

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam President. According to the information provided by the Chief Executive Officer of the ODPM, the organization is guided by the National Response Framework which has been enforced for many years under successive Governments. The framework is a unified approach that gives direction to how hazard incidents are managed in Trinidad and Tobago. Specifically, the NRF, the National Response Framework provides a tiered national disaster response system to be executed between two principle Ministries, namely, the Ministry of Rural Development and Local Government and the Ministry of National Security. To this end, the ODPM's response to the December 2019 flooding in the Penal/Debe region was in keeping with the established protocols.

Further, as the responsibility for managing the flooding incidents was never transferred to the ODPM, the question of inefficiency with respect to the organizations operations does not arise. In the aftermath of this particular flooding situation, the Disaster Management Unit of the Ministry of Rural Development and Local Government made the assessment that the situation was a level one incident,

which meant that it was localized and thus well within the capacity of the DMUs to manage.

To treat with the unfolding state of affairs the DMUs, the Disaster Management Units of the corporations apply their all of corporation approach which entail unaffected corporations lending assistance to affected ones all in keeping with the established protocols. ODPM requested whether any additional supported was needed and were prepared at all times to gather other first responder agencies within the Ministry of National Security. In this case the Trinidad and Tobago Fire Service, the Trinidad and Tobago Police Service with whom ODPM maintains constant communication.

Nevertheless, on morning of Wednesday the 11th of December, 2019, when the ODPM began receiving reports from these Disaster Management Units and did its own regional coordinating of flooding predominantly in parts of south and east Trinidad and in particular the Penal/Debe and Point Fortin Corporations, the organization, that is the ODPM, contacted these Corporations to determine what additional assistance was required.

However, the local DMUs indicated that no further assistance was required at that time and that they would contact the ODPM should the need arise. So the point is, Madam President, established protocols were followed, there are different tiers in those protocols. The first responders being the DMUs of the regional corporations did what they had to do. ODPM reached out to them, they said it was localized and they can deal with it. They had an all of corporation approach and at all points in time the ODPM kept in contact with them and at certain stages thereafter when the DMUs asked for their additional support on the Thursday, the ODPM went in as the coordinator and provided additional support, via the fire services, police service and that at certain stage the air wing of the Strategic

Services Agencies as well as the Trinidad and Tobago Defence Force.

Sen. Mark: Madam President, can the Minister indicate in light of the severe criticism that this organizational unit called the ODPM came under, would the Minister not agree that there is need for greater collaboration and sensitization as it relates to the corporation between the ODPM and critical stakeholders when it comes to natural disasters.

Hon. S. Young: Thank you very much, Madam President. Madam President, there is absolutely no acceptance that there was any severe criticism. If there was any criticism in particular from those on the other side it was completely unwarranted. Personally, since I have been the Minister of National Security we have gone through two sets of unusual flooding and at all times the ODPM has been the forefront of working not only with the regional corporations but with all other responders to natural disasters. We also went through in 2018 the earthquake, the 6.8 seismic Richter scale earthquake and that again ODPM was part of the whole coordination.

So the ODPM has been working, they have been working very efficiently, they have actually been out there, carrying out training with these regional corporations and there is, despite what those on the other side may want to portray, a very good working relationship between ODPM and all of the other bodies that respond to the disaster.

Sen. Mark: Can I ask through you, Madam President, to the hon. Minister whether there is any intention on the part of this Government to establish a legal framework for the operation of the ODPM in the future having regard to its critical importance in natural disasters that keep multiplying in this region and in Trinidad and Tobago.

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

Sen. Mark: Thank you, Madam President.

Madam President: That is it?

Hon. S. Young: Thank you very much.

DEFINITE URGENT MATTER

(LEAVE)

Inter-American Treaty of Reciprocal Assistance

(Breach of)

Sen. Saddam Hosein: Thank you very much, Madam President. Madam President, I hereby seek your leave to move the adjournment of the Senate for the purpose of discussing a definite matter of urgent public importance, namely, the actions of the Government which breached the Inter-American Treaty of Reciprocal Assistance also known as the Rio Treaty.

The matter is definite as it refers specifically to the visit of Venezuelan Vice-President Delcy Rodriguez on March 27, 2020, which the United States Embassy has confirmed is a breach of the Rio Treaty of which Trinidad and Tobago remains a signatory.

The matter is urgent given the statement by the United States Embassy on the ramifications of such a breach as stated in Article 8 of the Treaty.

The matter is of public importance because the actions of this Government has endangered long standing international relationships. The Government has also not been forthcoming with information about the purpose and deliverables for said meeting that would have justified the violation of the long standing treaty.

Madam President, I thank for your consideration of this critically important matter. Thank you.

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

Senators, I trust that I do not have to repeat all that I said last week in dealing with matters of this nature.

ARRANGEMENT OF BUSINESS

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, thank you very much. Madam President, in relation to written answer, in response to Question No. 122, that response has been circulated. Thank you.

MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL, 2019

Order for second reading read.

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

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

Madam President, it is a pleasure to stand before the Senate today to carry on the material and important reformation of the country that is Trinidad and Tobago. This reformation involves, firstly, a dynamic out of the box approach to the reform of the criminal justice system; secondly, an immediate attempt to save the lives of citizens who are users of the roads of Trinidad and Tobago; thirdly, to crush the element of criminality as it passes through the arteries and veins of our transportation routes in Trinidad and Tobago. That criminality standing apart from the criminal justice system; fourthly, to introduce new measures of technology to Trinidad and Tobago; fifthly, to manage the continuation of the roll out of judicial improvements in our country and sixthly and most importantly to assist the most vulnerable and disabled persons in Trinidad and Tobago as we carry on the human rights approach to law which we very successfully engaged in yesterday as we passed the copyright amendments and at this point permit me to say, and through

you to convey the gratitude of the Trinidad and Tobago Blind Welfare Association to us all for the passage of the copyright amendments yesterday. There is of course the miscellaneous management of harmonizing our laws, et cetera, and improving the certainty of law by removing the arbitrariness of some of the existing legal provisions.

The Bill before us, Madam President, is 27 clauses long. Those 27 clauses are divided into several subject areas. Firstly—and permit me because the time is short to dive directly into the legislation itself—we are treating with at clause 5, the concept of our number plates. So identification plates that are put on to all our vehicles which section 12 of the Motor Vehicles and Road Traffic Act requires us to manage. That is tied into section 24 and clause 24 of legislation which treats with the management of fraud—clause 24 which treats with section 90 of the Bill, forgive me, let me repeat that. Clause 5 and clause 24 treat with section 12 and section 90. They both relate to the number plate system in Trinidad and Tobago when a vehicle is deemed to be registered, what fraud consists of when you are managing the concept of registration for number plates.

The next aspect of the Bill, on a high level summary, includes clause 6. Clause 6 introduces a Part IIB and here is where we introduce electronic registration and tagging of plates. And I will come to that in a second, it is to birth the concept of radio frequency identification devices to every single motor vehicle in Trinidad and Tobago and critically it is to introduce e-registration and e-renewal. In other words then, electronic platform improvement.

Clause 23 is tied into clause 25. Here is where we remove the terrible vagaries of how darkly tinted your car is or not, ridiculous provision at law which resulted in one person at the Court of Appeal setting aside a magistrate's decision where that person received \$10,000 in fines for supposedly having their tint wrong.

That is only one small sliver.

10.30 a.m.

The real meat of clause 25 is the amendments to the regulation power that is provided in section 100 of the Motor Vehicles and Road Traffic Act. It is that regulation 100 that no other Government has sought to use. And regulation 100 is where we will allow the introduction of regulations to birth the radio frequency ID number plate system, like the RFI tag IDs, and critically and importantly, to introduce into law the requirement that our differently abled people have the legal priority for parking which they do not enjoy in this country at present. It is in that provision that we can also introduce in regulations the use of white canes for the visually impaired people, where white canes can be recognized as a symbol that road traffic users must manage.

I then point you, in a high level continuation, to clauses 8 and 17. Clause 8 is where we introduced the special monitoring devices for speed that is more than just the concept of a speed gun, and in clause 17 we introduced Part VB which is the whole regime of spot speed checking. Clauses 10 to 16 treat with the need to harmonize our laws with the Criminal Division that we created which includes the road traffic courts, and that obviously has some surgery to be done in how we manage the terms of law.

Clauses 18 to 23 take avail of the massive improvements that we have already operationalized with the Judiciary in partnership with the Licensing Authority, and the Office of the Attorney General, and the Ministry of Works and Transport, managing the rollout of an IT system referred to as TTJim. That software system allows us to remove the difficulties in filing, the number of days, the specifics, et cetera. That platform is up and running already, due to be proclaimed and come into the law in Trinidad and Tobago in its final form on May

26th—this month—2020.

Lastly we treat with the amendment to the schedules in clauses 26 and 27. So that is the high-level approach of how the clauses in this Bill coordinate with each other. Permit me to say that the Motor Vehicles and Road Traffic Act is an Act which was birthed by No. 42 of 1934. That came into effect in 1935. We are nearly 100 years close with this—a short 15 years off, of 100 years of operation of this law. And I would like to say that all other approaches to birthing the radical transformation of Trinidad and Tobago, criminal justice, criminality, human rights aspect, ease of doing business, all of them have failed in large part particularly when one considers that we spent a long time, particularly in the period 2009—2015, trying to create a motor vehicle authority. That motor vehicle authority in fact last came up before us in a Bill laid in November 2014 which was just a simple disaster Bill. Why? It was too complicated, it was too thick.

This Government, this Attorney General, came with the position of amending the law piece by piece and operationalizing it at the same time so that we can bring in the amendments. That is why, Madam President, we specifically brought three pieces of law to this Parliament. We did the Motor Vehicles and Road Traffic (Amdt.) Bill, 2017, where we introduced the red light camera system, the demerit point system, the fixed penalty reform. That was assented to August 31, 2017. We intend—Cabinet as already confirmed that this law will come into proclaimed form on the 26th of May this month. This particular law is directly relevant to the Bill before us. We, of course, did the Motor Vehicles and Road Traffic (Amdt.) Bill to treat with the registration between vans, Hilux, et cetera, their weight regulations, and all also to amend the speed limits in Trinidad and Tobago because after we introduced the speed guns in fact in 2016 and changed the culture of Trinidad and Tobago we had to adjust every road speed limit by a

scientific approach.

The last one is this Bill which this Bill, of course, brings forward, RF tag IDs, the spot light speed system, the amendments to fixed penalty positions, the human rights aspects in the regulations that we have introduced, et cetera, in the high-level points that I have already pointed out. So this law is a continuation of the massive amendments that we have done. Stick a pin. Justice is the most important thing in this country; killing criminality is important in this country; crimes are committed on the road of this country; deaths happen on the roads of this country by people exceeding the speed limit, et cetera. But when a robbery goes down, a kidnapping goes down, an event of crime happens, hardly ever does one jump onto a horse to make a speedy retreat or a bicycle. In fact, people will use a car, drive off in a getaway position, and then make their way. We want to track those positions, have a chance at amending our positions, introducing a number plate which has an RF tag ID feature which can identify when you pass a particular location, allows the concept of eyes everywhere, open source criminal reporting to reach Trinidad and Tobago by technological means. Instantly you convert the Judiciary's connection to the road traffic connection, to the Licensing Authority to the inspectors, to the officer on the road who has a handheld device, and instantly we are dealing with technology.

This is materially relevant to the Evidence (Amdt.) Bill. In the Evidence (Amdt.) Bill, which we are going to bring back to Parliament out of committee shortly, that is where we use evidence from technology so that a witness does not have to step forward, give live testimony, "I saw John Brown shoot Jane Brown". A CCTV camera on a red light mounted unit, on a spot speed mounted unit, can capture that evidence and we protect witnesses. Look at the case flow in the criminal justice system. You have heard me say this many times, 146,000 cases in

the Magistrates' Court every year, 43 magistrates in 12 Magistrates' Courts managing 146,000 cases. December 23, 2019, we removed 8,500 of those cases by decriminalizing marijuana. With the proclamation of the abolition of preliminary enquiries which is imminent, we will remove 26,000 of those cases. With the passage of this law together with the proclamation of the previous law that we have on the 26th of this month, we will remove 104,000 of these cases from the Magistrates' Court list. You know what that leaves us with? Forty-three magistrates, 12 Magistrates' Courts, dealing with 8,500 only.

Magistrates who are now district judges conducting the real work of criminal supervision as opposed to dealing with 104,000 magistrates' cases. Just a couple weeks ago we dealt with the Miscellaneous Provisions (Amdt.) Bill which I piloted. In that you will see that we have offered a 50 per cent discount for all fixed penalty cases that are in existence, and they number approximately 80,000 cases in arrears. Why? We need to break the backlog jam. When does that come into effect? On the same proclamation, we will be able to launch on May 26, 2020, this month, in removing nearly 80,000 cases in logjam. Madam President, what time is full time?

Madam President: 10.55.41.

Hon. F. Al-Rawi: Much obliged. So you are beginning to get the connectivity, you understand the location of this Bill alongside the other Bill. It is materially relevant to the criminal division arrangements that we created because we created a road traffic court, it is materially tied in to the Magistrates Protection (Amdt.) Bill which we just did, it is materially tied into the preliminary enquiries abolition, it is materially tied in to plea bargaining; all of the laws that this Government has passed in the last five years, all of them are interconnected 100 per cent, and that vision of interconnectivity is what has escaped almost every single Government in

the past. A vision was not created to connect the reform.

So let us go, Madam President, into the substructures that we are looking at here in the particulars of the Bill. I have already given you the high level review. Obviously this law will come into effect by way of proclamation; that is clause 2. I can tell you proclamation will almost be an urgent and immediate effect. Why? We have already put the pilot system into effect; we already have two spot speed cameras in effect; we already have the EOI and RFPs for the RF tag IDs completed; we already have the procurement processes nearly complete—they will be finished in a matter of weeks for the RF tag IDs—we already birth the judicial marriage with TTPost, with the inspectors with the Trinidad and Tobago police, with the Motor Vehicle and Licensing Division; we already digitized nearly one million records for cars and motor vehicle and licensing information.

All of this has been done already which is why on May 26th we can launch the U-turn system via my colleague, Sen. Rohan Sinanan's brilliant work together with the excellent technocrats and persons in the Ministry of Works and Transport, and at the licensing division. So this is no longer the old talk where you pass a law, you sit down on it, 20 years later you come to amend the law. For instance, sex offenders registry, that law was passed in the year 2000. Not a single person went on to the registry because it was just law that sat on the books, or landlords, et cetera. Gone are the days where you do not operationalize law.

We have done in clause 4 certain amendments to section 12. Section 12 is where you register a car once. You register a car once, it is tied in to the regulations as well. Section 12 of the Motor Vehicles and Road Traffic Act is tied into the regulations. There you only had to turn up, have your third party insurance, have the inspection, you get your license plate which is letters and numbers, and you are off. No, no, no. We are now requiring an amendment to the

law where you will not only register, but you will be required to re-register your car every five years, and your registration is no longer the alpha numeric number plate that somebody on the outside of the licensing division creates. No. Your registration plate is the property of the Licensing Authority. Permit me to stick a pin.

The reason why we are able to do all of this comes down to three simple clauses that we passed in 2017, 20A, 20B, 20C, and what did we do there? We created in those laws a conditionality position. In amending the law in 2017, we created a new Part II. We said that traffic violations would be done.

- “(1) It is hereby declared that compliance with this Act and other written laws relating to the use of vehicle on a road...holder of a driving permit is a condition of a driving permit.
- (2) ...hereby declared compliance with this Act...other written law relating to use...is a condition of the registration...the owner of the motor vehicle is responsible...”—which for matters—“...imputable by him.”

We, of course, allowed the owner to go behind the driver.

- “20B. The breach of a conditions specified in the Seventh Schedule”—is—
“a traffic violation...
- 20C. In proceedings with traffic violation...standard of proof is on a balance of probabilities.”

Those three simple clauses converted the excessive criminality in the Motor Vehicles and Road Traffic Act into road traffic violations. It allows us to birth the fixed penalty system going electronically, you get your ticket in the mail, you pay for it online, you do not have to go to court, you tell the court when you want to come by fixing a notice to contest, you use less resources in the court, you save

judicial powers, you clear up the system. Those three clauses, now sections in the law, are the springboard for this. And where we put the registration plate into section 12 we are saying now that is the property of the motor vehicle and road traffic licensing regime, you are obliged not to have anybody use it fraudulently, imitate it, et cetera, and then we will call you in and change out your number plates, and that a failure to come in is treated with by law as well.

So two things, one, we go forward with new plates for new cars that are registered or vehicles that are newly registered; and two, the million cars odd, some of which are derelicts and not on the road, they go in batches for renewals and that way we will clean up the registry because surely we do not have a million cars. Some of the cars that have been written off, some of the cars that have been damaged, some of the cars are no longer in use or ought not to be in use, they come off the system. So we have registration and re-registration. What we do with that is that we allow for the issuance of plates. We say the process that is to be had, we manage the re-registration process, the time frames, et cetera, and then what we do is we also in clause 5 say for how long your registration shall be valid and that is where the five years comes up, and then the process for re-registration comes up.

The new grounds for cancellation are introduced inside of there, but critically, clause 6 is where we get to the electronic registration of motor vehicle and tagging. Why? Thanks to this Government having succeeded in implementing electronic payments and e-Filing, which go live hopefully by the month of June, you will no longer need to traipse yourself down to the Licensing Authority. You can do it electronically, and therefore, the platform for electronic registration and electronic payment is introduced by clause 6.

Madam President, clause 6, of course, births the whole process of tampering, removal, et cetera, of the tags. That is where the RFIDs come in. It is a chip. It is

not a GPS. It does not track you on minute-by-minute basis. It is just like the United States system where you pass under a bridge and there is a SunPass clicker and you know that somebody has passed there. The information goes automatically to the Licensing Authority. Are you registered, who is the owner, is there any traffic violation outstanding? All of these things allow for real time monitoring as we treat with that.

Clause 7 is where we removed the obscenity of the tint, and the policeman thinking that is too dark and that indignity of people on the side of the road stripping the tint off their car and getting a \$10,000 ticket, that is gone because we marry it up into the regulation aspects. Did you say 10.53?

Madam President: 10.55.

Hon. F. Al-Rawi: Good Lord. Madam President, clause 8 and clause 9 is where we treat with the RFIDs in clause 8. Clause 9 is where we treat with—we are removing the references to speed devices and we are instead putting jammers and radar detectors as opposed to that because now we are beyond speed guns, we are into the devices themselves.

Clauses 10, 11, et cetera, as I referred to previously, is where we harmonize the Judiciary aspects for the Criminal Division, the definition of “Magistracy Registrar”, et cetera. Clauses 13 to 16 is where we operationalize the software that Trinidad and Tobago has received courtesy the Chief Justice’s ingenious approaches in the TTJim system. Clause 17 is where we introduced this new Part VB, the spot speed camera enforcement, and here I should tell you as a result of our speed guns road deaths are down 12 per cent between 2015—2019. We have had nearly some 94,000 speeding tickets issued. In fact, that will move into a higher level of compliance because it is so easy to go. When we deal with clause 17 and this new Part, spot speed camera enforcement, I refer you to everything that

I said in introducing the red light camera system. These clauses, the new section 79U onward, are almost word for word in parity with the concept and letter of law that we have in the system of red light enforcement positions. That takes you right the way down to clause 18.

Clauses 18 to 23 which treat with sections 81, 82, 85(1), 86, 87, 88 is where we harmonize the time frames and the specifics because we can now do this by software. The software is the TTJim system which is the software management system of the Judiciary because today under this Government the Judiciary's database is harmonized with the licensing database, is harmonized with the police database, and they are all in one handheld device that has already been publicly demonstrated, and therefore, we manage laws differently.

Madam President, clause 24 is where we repeal and replace the fraud aspects, it is tied in to clause 5 where we dealt with section 12. Here it is where we say that it is an offence effectively to have imitation plates and not managed the property of the Licensing Authority differently.

Clause 25. Clause 25 looks light and small. Clause 25 is where the regulatory power of section 100 of the Motor Vehicles and Motor Traffic Act brings life to RF tag IDs in their particular forms because devices must be managed by regulations. The same way we did for breathalysers and for speed guns, and for red light camera. Now we get the RF Tag ID regs. That process of procurement is being assessed right now. They are assessing the procurement so therefore those regs are almost immediately prepared. We have a draft up already, but very importantly for our differently abled people we are insisting that disabled parking for not—[*Interruption*]

Madam President: Attorney General, you have five minutes.

Hon. F. Al-Rawi: Thank you—only persons who are physically handicapped, but

for circumstances. If you look to subclause (b):

“(fa) parking for persons with a disability or other persons in special circumstances;”—the very aged, et cetera.

These people have dignity of a human rights level for the first time, and today Mr. Kenneth Suratt contacted me, asked me about the position of white canes for disabled persons, visually impaired persons, VIPs, and I have not yet responded to his message, but I can say now at this podium the introduction of white cane regulations for the visually impaired is easily parked under section 100 of the Motor Vehicles and Road Traffic Act.

Clause 26 amends the First Schedule. That First Schedule is the re-registration aspect. It springs obviously from clause 5 of the Bill, section 15(1), where you are treating with the re-registration every five years because, Madam President, you need to know if a vehicle is roadworthy in this country. It is unacceptable to have people’s lives at risk. Obviously this thing is a very minor thing. The renewal registration is just \$350. You have to have responsibility, you have to have insurance on the roads of Trinidad and Tobago.

Clause 27 amends the Seventh Schedule. The Seventh Schedule came to life when we were amending the 2017 version amendments to the law. It is tied in to section 20B that I referred you to already in that law. We are amending the Seventh Schedule now to add in the spot speed and other aspects beyond the red light camera enforcement, and here is where we treat with it. For instance, you see the reference to tint at section 5 of that, and we, of course, amend the Ninth Schedule, and also the Ninth Schedule is now to be supplemented by a Tenth Schedule, and the Tenth Schedule is where we introduced the devices that imitate registration plates, et cetera.

Madam President, this law is not textbook law. This law is radical. This

law is in operation already. The proclamation of the red light enforcement, demerits, et cetera, is the 26th of this month. The IT, the structures, the arrangements are there. This Bill before us is capable of immediate operationalization. I mean in a matter of months. Therefore, we will have adjusted the criminal justice system, crime and criminality, ease of doing business, electronic payments, Judiciary and IT technology. We will be taking off the dark matter from the register, meaning vehicles which are not in the one million they are written off, they are being perpetuated by way of fraud in the industry, of insurance management, et cetera.

This is radical work and I want to compliment my colleague the hon. Sen. Rohan Sinanan [*Desk thumping*] for an amazing job at the Ministry of Works and Transport, and in particular a technocrat by the name of Mr. Marvin Gonzales at that Ministry and his entire team; Mr. Piggott; the several commissioners who have been in line; and especially Master Christie Ann Morris-Alleyne, the Court Executive Administrator and the hon. Chief Justice Mr. Ivor Archie; and the Commissioner of Police Mr. Gary Griffith, for working as a single team so that all of the databases in this country work together. I look forward to the contributions of my learned colleagues, Madam President, and I beg to move. [*Desk thumping*]

Question proposed.

Sen. Saddam Hosein: Thank you very much, Madam President. Madam President, thank you for recognizing me to join this debate on an Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50. Madam President, a history of this Bill shows that there was a different form laid in 2017 on the 28th of November which included the spot speed camera enforcement. Then that Bill was allowed to lapse, and on the 11th of September, 2019, this session of the Parliament, seven months ago, this Bill was brought to this Senate in order for it to be debated as

Senate Bill.

Madam President, one has to question what is the urgency of this matter? And I ask this simply because this Senate has been sitting back to back. We got notice of this matter just late yesterday evening, and we are asked to prepare ourselves for this debate this morning in order for this Senate to have consideration of this critically important matter that is revolutionary according to the Attorney General. And while I was listening to the Attorney General I took some notes and he indicated that this particular piece of legislation is a human rights approach, and I welcome every single amendment to this particular piece of legislation that will bring some sort of relief to those disabled persons in our society. However, Madam President, what the Attorney General has failed to mention is that they conveniently remember these persons. I remember it was just last year employees of the Blind Welfare Association were protesting because they were not paid by this Government.

Madam President, you had traffic wardens in this country, last year, who are going to enforce this same particular piece of legislation that we are passing now who were complaining that they were not paid for about two months. And this is the human right approach that this Government is taking? Madam President, the Attorney General talked about the reform of the criminal justice system, but it is under this PNM Government that the criminal justice system was allowed to fall. Madam President, trials in this country take the same time as they took. There is no improvements in terms of trial times. Also you see Magistrates' Court in this country deteriorate. They are left to rot by this Government. Since the earthquake, you have the Princes Town Magistrates' Court closed. You have several Magistrates' Courts in this country housing two courts. You have the Rio Claro Court housing the Rio Claro Court and the Princes Town Court. You have the San

Fernando Magistrates' Court, a court that belongs in the constituency of the Attorney General, that has left to rot, that now the High Court in San Fernando has to house a civil court, the Criminal Assizes and the Magistrates' Court, and this is the criminal justice system reform that this Government is talking about? That is shameless, Madam President, for them to come and say this and boast of an achievement.

The Director of Public Prosecutions Office is remained understaffed. They do not have proper accommodation, but yet they boast about criminal justice reform. Madam President, all of these cases that the Attorney General indicated that will be removed from the court system, you know it is the same courts that run under capacity, understaffed, those would be same courts that would be allowed to hear these matters if somebody decides to challenge one of the citation notices. You have the Couva Magistrates' Court that houses a criminal court and petty civil court. That is complete—that is the reform that the Attorney General is speaking about?

Then, Madam President, when you look at the provisions of this Bill—I will get specific later down in my contribution—you will see that this particular piece of legislations adds a level of burden on the citizenry. So it not that they are going to create convenience for the citizens, but it also increases burden. That is in terms of the registration process of vehicles because once a vehicle is registered now according to Trinidad when this Bill is passed, that that person has to re-register his vehicle every five years, and on first registration you have to pay \$350 and then on re-registration you have to also pay \$350 again.

11.00 a.m.

Madam President, when you look at this Bill you see that the Attorney General spoke of interconnectivity of legislation. Interconnectivity, in terms of—

that you have electronic filing, e-filing, payment by electronic manner, you have now this spot speed camera enforcement.

Madam President, all of this interconnectivity that the Government is speaking about that they are going to use in order to reduce crime and the speed of the criminal justice system but yet today, crime is still at its highest, Madam President. Is that the achievement that you are boasting about?

Madam President, you then see that the Attorney General spoke of the proclamation at clause 2 of the Bill, he spoke of proclamation, and this is how ready the Government is. He spoke of a million records being digitized and I am sure that there are not a million vehicles in Trinidad.

But, Madam President, there are hundreds of thousands of vehicles probably in Trinidad—I do not know the exact figure, maybe the Minister of Works and Transport could provide us with that, but you are ready to proclaim this particular piece of legislation with two cameras, with two spot speed cameras. We have 1.3 million people in Trinidad, hundreds of thousands of vehicles but you have two spot speed cameras, but you are ready to proclaim this particular piece of legislation.

Then you hear that the RF tags are ready, the procurement process is almost complete. Well, Madam President, in the short time I had to do some little research in this matter, I came across some tender notices and these tender notices, Madam President, were issued by the Central Tenders Board and its design, build and implementation of a demerit points, fixed penalty ticketing, red light camera enforcement and spot speed camera enforcement software management system for the Ministry of Works and Transport, and this, Madam President, was issued on 12 July, 2018, and bids were closed on the 09 August, 2018. An extension was then given from the 09 August, 2018 to Thursday the 23rd August, 2018, a few days.

And yet we are now hearing this morning that that procurement process has not been completed so it means that there are no RF tags currently in Trinidad and Tobago but yet, they are ready to proclaim.

Madam President, imagine this Government was already issuing tenders without the legislation. Is this Parliament a rubber stamp for this Government, Madam President? Imagine you have no laws in place but you are issuing tenders for projects and software without the necessary legislative framework in place. The Attorney General always speaks about plant, machinery, people and law. Well, you were missing the law, Mr. Attorney General, respectfully, Madam President. And this is the contempt we see time after time by this Government in treating this Parliament, Madam President.

But, Madam President, this Bill, I had split it into three ways. One, the electronic registration, the introduction of electronic registration. Two, the electronic tagging of vehicles and three, the spot speed enforcement, Madam President. So three are elements of this particular piece of legislation and I will deal with the three. But first I would like to give some background.

According to the World Health Organization, Madam President, they found that approximately 1.35 million people— 1.35 million people, that is the population size of Trinidad and Tobago, die each year as a result of road traffic crashes. And between 20 to 50 million people suffer non-fatal injuries, with many incurring disabilities as a result of their injury. And the WHO went on to give a lot of background and statistics with respect to what are the risk factors, in terms of what would contribute to road traffic accidents. And the first one that they have, Madam President, is that of speeding and we as a Parliament, we previously passed legislation where we amended the speed limit on various highways and roads in

Trinidad and Tobago. And yes, we saw some level of reduction in terms of the number of accidents on the highways.

But, Madam President, there is also another element in which the WHO identified that would be contributing factors to road traffic accidents and it says, unsafe road infrastructure. And everyone knows, Madam President, in Trinidad and Tobago, how poor our roads are, the poor road conditions our citizens have to face on a daily basis.

I am reminded, Madam President, and I am quoting from a LoopTT article dated 22 March, 2018, which says:

“Moruga man dies in Barrackpore accident”

Nadir Salick of La Ruffin, Moruga, Madam President, he got into an accident while dodging a pothole and his vehicle came into contact with a truck, Madam President. And people will think that this story, Madam President, is something that we made up, but this is the reality in Trinidad and Tobago that our citizens have to face, that these roads, the conditions are so poor that they become hazardous for our lives and our health, Madam President.

Madam President: Sen. Hosein, at this juncture, let me just intervene to ask you to link what you are saying to the Bill because right now, it is getting a little hazy, so I need for you to be a little more focused.

Sen. S. Hosein: Madam President, I am dealing with the part of the Bill that deals with the speeding and the spot speed, in terms of the deterrence that are present in the legislation in order to address speeding, and I think we must look at Trinidad and Tobago because I quoted WHO to get a global understanding of the—

Madam President: So, Sen. Hosein, I understand what you have said so far. So spot speeding, you have gone to the conditions of roads and then you have gone off

now— you have gone a little way off from the Bill, so I need you to focus a little more on the Bill.

Sen. S. Hosein: Thank you very much, Madam President, I was just going to now go into my contribution as I was, in terms of bringing back the statistics to Trinidad and Tobago. Arrive Alive did some very good work and I must commend them, and I looked at the statistics, Madam President, from the reduction in terms of road fatalities. And in 2015, we saw that there were 146 road traffic accident fatalities; in 2016, there was 135; in 2017, there was 117; in 2018, 112; and there was a slight increase in 2019 to 121.

So it shows that yes, there has been a decline in terms of the number of road traffic accident fatalities. And, Madam President, we know—I am sure every one of us in this Senate would have known someone who may have been injured or lost their life in a road traffic accident, and I would not put this Senate through this in terms of calling names but, Madam President, we have to face the reality that our roads are a dangerous place in Trinidad and Tobago.

Now, this Bill specifically now also deals with one aspect of revenue collection in terms of the breach of the traffic regulations, and in terms of the spot speed and the breaching of red traffic lights and speeding, Madam President, this is a way in which we cause persons to act in a certain manner to deter them from acting irresponsibly on the road but also, Government raises the revenue through traffic violations.

And I have an article here, *Starbroek News* dated the 16th of September, 2019, where the Judiciary showed, Madam President, that a total revenue collected for a five-year period stood at \$170 million that were paid through traffic offences and violations. The number of tickets paid stood at 172,769. So you see the number of violations we have on the road compared to 289,140 tickets that were

handed out by law enforcement officers. And at the end of 2017/2018 Law Term, the Judiciary stated that the total number of new cases filed in the court were 165,154, of which 120,875 were traffic cases. So you see that the majority of the cases in the criminal justice system that were filed in the year 2017/2018 were traffic cases.

So, Madam President, I say this to show that we have a lot of errant drivers who will violate our traffic laws and our traffic regulations in Trinidad and Tobago, and yes, we must deal with them, we must deal with them. But, Madam President, we cannot just say the we are going to pass a particular piece of legislation when we do not have the infrastructure in place in order to properly deal and enforce what we are doing here.

So, I also looked, Madam President, at the Ministry of Works and Transport's website and it spoke of the red light camera system, and it was very detailed and I must say that the Ministry of Works and Transport, their website has been up to date with respect to this particular piece of legislation—[*Desk thumping*]*—*notwithstanding that the legislation has not received the approval of the Parliament.

But there was a pilot project, Madam President, and the pilot project recorded an average of 4,000 red light camera violations from one red light intersection, with an average total of 48,000 annual breaches at the said intersection. And I believe— if the Minister can correct me— I do not know if this is the camera that is located on Wrightson Road and, Madam President, that is one of the busiest intersections in terms of pedestrian traffic in Trinidad and Tobago. We have a lot of persons, especially blind persons, who will use that particular intersection in order to access— the Parliament used to sit there, we also have the water taxi services, Madam President.

So it shows that yes, we need to deal with this problem. We identified that there is a problem, 4,000 red light violations. One alone, Madam President, can take several lives, one red light violation. So yes, we have to deal with it.

And, Madam President, I was very happy that the Ministry would have done this pilot project and I would like the Minister of Works and Transport, maybe when he is contributing, if he is, to this particular piece of legislation to just give us some more insight in terms of the pilot project, and if the other camera that was set up— because there are two cameras the Attorney General said— whether or not that one was also used as the pilot project. I do not know if that is the camera that is located in the vicinity of where previously Flavorite ice-cream factory was, because there are cameras set up there.

Now, the Attorney General also indicated that this Bill will deal with that obscure issue of tint because the legislation, as it currently exists on our law books, leaves some room for some level of inconsistency, in terms of how do we interpret what is an obscure view in terms of—in a vehicle.

Now, I know when you go to any tint shop, Madam President, in order to install tint on a particular vehicle, the tint can be classified in terms of a percentage. There are varying percentages of tint and I just happened to speak to Sen. Rohan Sinanan over the floor and he indicated yes, that that may be the move in which the Government is taking in which to regularize the tint laws, in terms of what will be the legal percentage of tint that a person would be allowed to install on their motor vehicle.

Now, there is another part of the Bill, Madam President, that I wish to deal with and this has to deal with the RF tagging. Now, the RF tagging has existed in several jurisdictions all over the world and that happens to occur in countries, I looked at Canada, I looked at the United States, and I looked at the United

Kingdom. And, Madam President, if you would allow me, there was one article that I looked at that was a CNN article, and this is dated the 18th of July, 2013, and it is entitled:

“ACLU raises privacy concerns about police technology tracking drivers”

So what it says, Madam President, is that the police were recording the licence plates of passing drivers and storing that information for years with little privacy protection, and the ACLU refers to the American Civil Liberties Union. And, Madam President, they said that the police surveillance, after they reviewed, they found 26,000 pages of material gathered through public records in 600 local and state police departments in 38 states, and the District of Columbia.

And what they are saying is that the police was using these RF plates to track certain individuals, and there was not any protection available to these individuals. So that the police or any authority can, in fact, misuse the data which they collect with the movement of individuals.

11.15 a.m.

Now, when you have this RF plate working it means that on the person's vehicle there would be an electronic tag, and set up all over Trinidad and Tobago there will be the RF receivers. So once a vehicle enters into that vicinity where the receiver is, it means that that vehicle would be identified, and on that vehicle a person's personal information will now be available to the authorities based on whether or not they committed a traffic violation.

So I would agree that the number plate is of public knowledge, but what the literature has shown is that once the authority now is able to access your personal information then we would be entering some choppy waters in terms of privacy issues.

I have some questions which I would like to ask to be cleared up. Where

will this data be stored and who will have access to the data? For how long are we going to store this data, and what are the restrictions on the use of the collected data? In terms of the protection of citizens, can this data be used in terms of criminals for criminal investigation, and if it has to be used for criminal investigation is the police required to obtain a warrant before they can get this information? Because I would not like to think that the Government would have any authority, anybody accessing this information, especially the political directorate of the country. Because everybody would appreciate that there is that level of misuse that can happen because of the surveillance data that can be accessible by these individuals.

When you look at what happened in the United Kingdom, there is a body called the Information Commissioner's Office, and there was a complaint made by several non-governmental organizations with respect to privacy issues. And this was the same thing, because there was a small town called Royston and they made a complaint to the Information Commissioner's Office in terms of using these monitoring devices in their town. If you would allow me to read from the press release dated 24 July, 2013, it says:

“It is difficult to see why a small rural town such as Royston requires cameras monitoring all traffic in and out of the town 24 hours a day... The use of the ANPR,”—which means the—“[automatic number plate recognition] cameras and other forms of surveillance must be proportionate to the problem it is trying to address.”

So “after detailed enquiries, including consideration of the information of the Hertfordshire Constabulary provided, we found that this simply was not the case in Royston.”

We hope that this enforcement notice sends a clear message to all police forces that

the use of ANPR cameras need to be fully justified before they are installed. So there must be some level of proportionality when dealing with this. When you look at the Bill as drafted there are no limitations of restrictions in terms of the use of the information, Madam President. So that is one thing I would ask to be cleared up.

When you look at Canada, in Canada the Privacy Commissioner expressed concern that there is a growing police use of technology to spy on motorists. So these are real situations that occur all over the world, and these are countries that have more resources. They have more resources than us and their law enforcement is probably more expedient than ours. We have to learn from their experiences, because this is something new to our jurisdiction. So while it may all well and be good to have stricter enforcement on the roads in terms of detection for traffic violations and errant drivers, you have to have the protections available to citizens. Because if this particular piece of legislation and this collection of data is misused, it will be an invasion of privacy of citizens, and that is a serious issue that we need to have addressed in Trinidad and Tobago.

Because, Madam President, when you look at the attitude of this Government you would find that they have tried their very best to water down our privacy rights in this country. They have passed income tax legislation.

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

Sen. S. Hosein: I am obliged. They have passed interception of communication amendments, all in a manner we have seen that is very dangerous, in which they are trying to get all of the information from citizens, but when the citizens of this country ask the Government for information it is always about secrecy and dark clouds. So it shows the inconsistency and the hypocrisy of this present administration in terms of the way they deal with the citizenry, and the rights that

are available under the Constitution to all our citizens.

Madam President, we believe on this side that this Bill offers some level of enforcement in terms of road traffic violations, but we as a Parliament have to work harder in order to better this legislation, because there are certain provisions in the legislation that requires amending. There are certain protections that have to be included in terms of privacy rights and data protection rights in this country, because we have seen that our data and information in this country is not properly protected. We have a Data Protection Act that has not been fully proclaimed. These are the submissions that I would ask the Attorney General and the Minister of Works and Transport to consider, Madam President, and I thank you.

Sen. Hazel Thompson-Ahye: Thank you, Madam President. Forgive my long walk, not to freedom but to the podium. It is with pleasure that I stand here to contribute to this Bill entitled the Motor Vehicles and Road Traffic (Amdt.) Bill, 2019. The Explanatory Note of the Bill is, I paraphrase, to provide for the electronic registration system for all motor vehicles registered on the coming into operation of the Act and to provide for a system of speed detection cameras. I agree that it is rather innovative, and I will go through the clauses we would see what I mean.

Now the first amendment is to section 12 of the Act. I must say I would have preferred to have a marginal note which occurs in some places of the Bill, it is helpful. So clause 4 which amends section 12 speaks of the re-registration or renewal of registration of vehicles. It repeals subsection (3) and substitutes a number of sections:

“An owner who wishes to register or renew the registration of his vehicle shall—

(a) apply to the Licensing Authority in the form prescribed by the

Licensing Authority;

- (b) pay the fee set out in the First Schedule;
- (c) ...provide proof of payment...
- (d) provide proof that there is in force...a policy of insurance...”—and so on.

And on the Licensing Authority being satisfied that the provisions of the “Motor Vehicle Insurance (Third-Party Risks) have been complied with”, it will register the vehicle in the appropriate register and assign a unique identification mark and enter particular in the register and issue an affixed registration plate.

I have often wondered what the system is, because nowhere does it say for the allocation of registration numbers. What is the sequence? Is it a chronological one, or otherwise? You see, I have come across instances where there are particular numbers. In fact the attorney who presented me to the Bar, almost 38 years ago, always had one number for his vehicle, 69. His explanation was that was his regimental number because was a police officer, and I know that some people have as their number their birth dates. If it is that you can, in fact, have a choice of number to satisfy your urging for various things, then in fact this can be a source of revenue for the Government, that you request a particular number and you make a special payment for it. Of course you cannot request PM 1, and you know why.

Registration is very, very important because it identifies the vehicle. When you look at the Bill and it talks about the registration plates and so on, on the vehicle, it is very, very important the provision that says that you cannot in fact—
(5B):

“A person who without written authorisation from the Licensing Authority, makes or causes to be made, or issues registration plates for use on a vehicle,

commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years...”

This is tied also to another provision in the Bill, and it speaks about:

“A person who with intent to deceive—

makes or has in his possession anything resembling a registration plate or purporting to be a registration plate...”—and so on—

“commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.”

Now we know what happens. Your car is stolen and it may appear on the road with a completely different licence plate.

I remember some years ago my neighbour’s car was stolen, and by some quirk of fate it appeared in the garage to be attended to by the same mechanic who had worked on her vehicle. There was a different registration number, but because he knew the vehicle he was able to call her in, and they were able to call the police in and the story had a good ending, she was able to recover her vehicle despite the wrong number plates. So this question of having number plates on the vehicle which identifies the vehicle will always be important.

There was another case that I recall where someone’s car was damaged right in St. Augustine by the supermarket. So she came out of the supermarket and there was a damage to her vehicle. On the windscreen there was a note, and that note was a registration number. Because that registration number was there, she was able to go to the licensing office, find who was the owner of the vehicle, and show up at the person’s door. Now, the driver of the vehicle when she saw her and she was told what she was about, her first response was, “How yuh find me?” So the person who was the good Samaritan who had seen something and said something, and you were able to follow up the registration number, which is very important,

that was of great assistance.

So the Licensing Authority has the authority, and it continues, although it is not printed here, but it is still a part of the legislation that you can supply to any person applying for a copy of the entry on the register on the payment of a prescribed fee, providing you show that you have a reasonable cause for requiring such a copy. So you can go and get a copy of someone's particulars, and you would be able to tell who the owner of the vehicle is. So that is a very useful provision in the legislation.

This Bill also provides for re-registration of a vehicle. So you register it and then you have a provision for re-registration. When you look at the provision you see that there is a time period. There is no time period, but you are told that you are going to be warned by publication in the *Gazette* and two newspapers in daily circulation requiring you to present your vehicle to the Licensing Authority to have an electronic tag affixed to it.

I am sure we will remember what happened when there was a time period for inspection of vehicles. I would ask that in putting or fine-tuning the regulations that we allow sufficient time and have sufficient places and so on so that persons can go and register their vehicles. It makes no sense putting a short period of time, and then what you find happening is that the places, you have long lines and people are all, you know, there in droves, and then you cannot do it in time and you have to extend the period, and extend the period, and extend the period, and then some people still have not complied. So it must be a reasonable time having regard to what needs to be done.

The electronic registration of motor vehicles and tagging is extremely necessary. It will go a long way in solving crime. We have had many instances of stolen vehicles. We have had many cases of people being taken away in their

vehicles. So when you have this electronic reading device, and you have the electronic tag, and you have someone who gets into a vehicle and the person is driven away, then it will help to a large extent in having, not only the vehicle recovered, but in saving the life of that person. [*Interruption—device sounds off*]

Madam President: Senator, just one second. I think we are all aware of the rules that apply to when we are in this Chamber. So whoever has that device going, could you please take it off. Continue, Senator.

Sen. H. Thompson-Ahye: Thank you. So that electronic tag that is encrypted and embedded with an electronic security code that is unique to the vehicle. It provides a link to the registration information contained in the registers under section 11(1) in respect of that vehicle, and is capable of producing an electronic record of the information on the registers, when the electronic tag is read by an electronic reading device. Each vehicle is going to be fitted with that electronic tag. So it is an offence for a person if you use or cause or allowed to be used by another person a vehicle that does not have an electronic tag affixed to it. If you remove or destroy an electronic tag, unless authorized by the Licensing Authority, or you tamper with or otherwise interfere with the proper functioning of an electronic tag. On summary conviction the fine is \$25,000 and imprisonment for three years.

What happens if it is done on more than one occasion? Perhaps the regulations can make provision for that, because we tend to be a rather stubborn people. The same thing with regard to putting the tint on the vehicle. Sometimes the police officer takes it out and then again the person puts it back again. So we need to look to see if the crime is committed successively that the penalties can be increased.

The provision for cancellation of registration is one that worries me, because when we put legislation on the books we always have to make sure that it is

something that works, something that makes sense. So that if somebody is complying with the necessary prerequisites of the law one expects that the authorizing body or the responsible body will also do their part. So you have a system here in this law for registration for a period of time. So after five years you have to reregister. Is it in all cases that is going to be practical? I will tell you why.

I had occasion to take a vehicle abroad. I took the vehicle abroad for over five years. All the necessary prerequisites were complied with. All the payments were made and the car was shipped. But because it was a European car and where I was working at the time there was no provision—I mean, there was great difficulty in getting parts. I said, you know something I am going to bring the car back to Trinidad. So I brought the car back to Trinidad, went through all of the things. All the hoops they made me jump through. I am not athletic, but I did jump through all the hoops and complied with all of the regulations.

So I was waiting for the new registration number and, Madam President, to my surprise, after days of up and down at the licensing office I was told, “You know we never took the car off you know. So you could just put back your number and go your way.” I mean, it really is mind boggling some of the things that we have to go through in this country. So that if you have a system in place make sure that it works. Make sure that when people comply that, in fact, you are also complying, so that people are not frustrated by trying to do the right thing.

I would like to thank you. I think you know my predilection. So I would like to thank the drafters for tidying up in clause 16 the untidiness in the Explanatory Note, because I can no longer say that the grammar needs to be corrected, because you caught it in time, which is:

“Clause 16 of the Bill would amend section 79Q by deleting the words ‘at

the date, time and address specified in the citation notice’ and substituting the words ‘at the date, time and place or method, as notified by the District Criminal and Traffic Court.’”

So of course I had a difficulty with the prepositions and so on, but it has been fixed by putting, “or in the manner notified by the District Criminal and Traffic Court”. So I thank you for whoever was responsible in that legislative committee for tidying up that error.

The spot speeding camera enforcement—we have seen the cameras and it really is causing a shift, a change in behaviour. It has been said that you put the laws in but people do not change behaviour, in fact, behaviour has been changed with the seat belt law. And now when people see that camera by Wrightson Road, and when we were in the other place, and you reach by Hyatt and you see the various cameras people are alerted that they must, in fact, slow down; so it is helping. Because we know the pain and suffering.

Sen. Hosein spoke about people losing relatives and so on, and friends to motor vehicle accidents. Madam President, 28 years, eight months and 21 days ago I lost my mother in a road traffic accident, and it is still very much something that I remember. So anything that can improve how we drive on our roads, and of course fixing the roads as well—so that the Minister has come in for some praise for some of the things he is putting in the legislation. We hope that he will also be dealing with fixing the roads as well.

With regard to parking for disabled persons, or parking for persons with a disability or other persons in special circumstances, really and truly I thought it was part of our law, because in many places I see disabled parking and I see the places empty. When I do see someone going into that park, I say I am going to stand here and I am going to see if that person who comes out of that car is

disabled in any way. Of course my family members say, please do not get involved. But sometimes, just looking at the person, if that person has any common decency, and it has happened, they will withdraw and look for another park. So putting it in the law now is very welcome, because you see it all over the world. If we can comply with the law in different parts of the world, there is no reason that we cannot comply with the law here. So this is a very welcomed provision that we have put into the law here.

So there are many other provisions for sanctions, and they are all an advance in the law. I would ask that we please look at our regulations very carefully when we are drafting them, to make sure that they are practical, because many times we do things that are not practical for our society and our culture. I do not mean that we must comply with our bad habits, but that we must make sure that it is something that we can comply with and make the law enforceable.

So I thank the mover of the Bill, the Attorney General, for bringing this Bill to Parliament. I hope that the Licensing Authority that, in fact, has not had a good reputation in the past, that they will be brought on some kind of heavy manners to make sure that what needs to be done or what needs to be taken out to stop the corruption will, in fact, be put in place.

It is a long journey; this Act has been amended several times. In addition I must say too whatever we publish in the *Gazette* make sure that when we put it in the daily newspaper that it is prominent enough so that people can recognize what the law is. I have had occasion to be called over by the police because I drove up Caura Road at a time when I had no idea that the law had changed, and you could no longer go up Caura Road at a particular time. When I challenged the police they said that the law had been changed, it had been gazetted and it was nowhere else. So make sure that whatever you do that people are fully aware.

When I looked for the sign it was behind a tree, so nobody could have seen that sign that says do not go up the road. So again let us be practical in putting that law, whatever law, put it into operation. Because you cannot put a sign behind a tree and then subsequently you expect people to be able to see that sign or expect to see it in the *Gazette*. So please let us be practical, because in the main people want to comply with the law.

So I thank you for this Bill and I hope that not before too long it will, in fact, be implemented but with all of these safeguards that I have spoken of today. Thank you.

11.45 a.m.

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

Thank you, Madam President, and Madam President, I thank you for the opportunity to contribute on this Bill, and I am honoured to be a part—the Minister of Works and Transport at this time, in this Government, where in the history of this country, since our independence, this government would have demonstrated the commitment towards modernizing our road traffic laws and the licensing division over the last five years. This Government, Madam President, has indicated the importance of the Motor Vehicles and Road Traffic Act, to protect our citizens of this country. Madam President, the Bill that we are debating today may seem to be a simple Bill. It is 27 clauses, looking at four different areas:

- The new vehicle registration number plate system;
- a spot speed camera enforcement system;
- new regulations for the use of window film tints on motor vehicles; and
- a parking permit system for persons with disability and other special needs.

However, Madam President, we did not just pull this out of a hat and decide to come today, as Sen. Hosein tried to suggest, why now. This was a part of a journey that started a long time ago. I think 2009. And, what we were able to do over the last four and a half years, was to take up from a position that we found. What is that position that we found? Sometime in 2013 the then UNC Government took up the radars left by the previous PNM Government, to attend to the Motor Vehicle Authority. What happened then? In 2013 a bond was raised for \$300 million. Eventually they were able to raise \$345 million, and that money was supposed to be used to create the Motor Vehicle Authority and to modernize the Licensing Authority. Unfortunately, after \$320 million was spent we were nowhere closer to achieving the goal.

When we came in, and I was appointed Minister there were \$20 million remaining in that fund. That \$300 million at the time, \$345 million, was to create a head office and six additional offices, and to modern the Licensing Authority. What we ended up with was just a building in Caroni that could not be used at the time, and nothing was in place. What we set out to do with the \$20 million that remained was to try to bring, as close as possible, a modern licensing office in Trinidad and Tobago that could be on par with any developed country, and you would think with \$20 million that might be impossible. Because what we found is going forward a request for additional funding, in one instance \$165 million to build an additional building in Arima, and the entire process was shut down because of the lack of funding.

What we were able to achieve going forward was a planned system where we decided to open one office in Sangre Grande, upgrade our existing facilities, get the Caroni facility up and running and gradually upgrade all the services at the licensing department. What we were able to achieve in terms of the technology

and the improvements at the licensing office, was the centralization and production of certified copies in both Trinidad and Tobago. I remember coming into the Ministry and there was one office that you could have gotten a certified copy, at the financial buildings. And if you had a request in Tobago you will have to go to Tobago, you will have to put the request down on the boat, print it in Trinidad, and maybe one month after you get it in Tobago, and that happened throughout Trinidad. We were able to decentralize that and now you can go to one of six offices in Trinidad and get your certified copies immediately. You can even go online if you do not need a physical copy and check your information.

We implemented a new driver's permit with machine readable and state-of-the-art security features, introduced an online drivers' permit and verification system where citizens can immediately access through drivett.com verification on your driver's permit or vehicle registration records, all that is needed is a smart phone and a data service. We have introduced a new computerized and randomized system for distribution of our number plates to eradicate corrupt related and special numbers which citizens were prepared to pay bribes to public officers for special numbers. Yes, people were paying bribes at the licensing office to get those special numbers that was referred to by the previous speakers. Not everybody paid bribe, I must say, some genuinely got the numbers, but a significant amount had to pay bribes for those numbers. That no longer exists because there is a computer that generates the numbers, so nobody knows what number you get. However, and I will speak about that later on, the new RFID plates will allow you to get a customized number. Now you will be paying the State for it, so the State would get that money, but we would touch on that later on.

Madam President, we are near completion of the digitalization of all vehicle records at the licensing division which would soon make way for the rolling out of

more online services, especially the registration process of all vehicles. In other words, we are hoping that very soon, and we are actually doing a pilot project, once we open back from the COVID pandemic, where new companies, the new vehicles, salesmen would not have to come to licensing office, licensing office will be going to them, using technology. We have changed the regulation to allow light goods vehicles to undergo inspection at private garages around the country, thereby reducing congestion at the office sites around the country. And this was a bold move by us, because we had in excess of 150,000 light goods vehicles to inspect ever year. And with the best efforts, you could not even inspect 10 per cent of that. However, what we found is that a significant amount, maybe 75 to 80 per cent were getting the license stickers. And we were wondering if you cannot facilitate the inspection how on earth the vehicles could have the stickers on them? We have moved to destabilize that department, and what we did is that we allow the private garages to inspect them. So whereas before we had just three inspection bays in Trinidad, we now have in excess of 60 to inspect these vehicles.

We have established a new traffic enforcement center at the licensing division. This new unit will administer the new demerit point system, the red light camera enforcement system, the new fixed penalty ticketing system. This unit is staffed with a highly trained staff who were vetted thoroughly in a rigorous process by the Ministry of National Security before assuming their position. We have designed and deployed the U-turn software management system that connects TTPS, the Judiciary, the licensing division, the TTPost to allow seamless flow of information with the new traffic enforcement center, playing a lead role in administrating this system. Madam President, never in the history of Trinidad and Tobago has such connectivity among key agencies been accomplished. It is a first of its kind in the Caribbean.

We would bring into full effect the new demerit point system and fixed penalty system by May 26, 2020. We did delay this because of the COVID-19 pandemic. However, on May 26th it will be the law in Trinidad and Tobago. Very soon the country will witness the rolling out of a number of online services at the licensing division in light of the dramatic change to life, as we know it, due to the current global pandemic, the platform we have laid will allow the seamless business continuity at the licensing office division by allowing citizens to transact business with the licensing division without having to physically visit any of the sites. This is where we want to reach with licensing office. You only go to licensing office if there is a problem. Most of the services should be able to be done at home online. That is where we are heading. We also improved the physical infrastructure of the licensing division with the construction of a new licensing office in Guaico, soon to be opened, and we have improved the Arima licensing office, and very soon we will start the construction of a new licensing office in Arima. Not on the site that was purchased by the previous Government, but on land that belongs to the Ministry of Works. As a matter of fact, the land that we sold to the—that was bought by the Government then has been transferred to the AG office, and all this, Madam President, was achieved from the \$20million that remained from the bond. We saw information at the Ministry where they were going to apply for an additional \$300million to accomplish this.

Madam President, the Bill before us just has four areas, and if I am to go to these four areas, the first one is the—we call it the RFID, which is really the digitized number plate. That, as Sen. Hosein, spoke about the security aspects of it, and the protection of citizens' information, and I will leave that for the Attorney General to address. Sen. Hosein spoke about the procurement process and so, I think Sen. Hosein was a little bit confused. The Ministry did go out for several

tenders, one was the U-turn system; another was the RFID plates. And he also said that there were only two cameras in Trinidad. I think again Sen. Hosein is confusing the red light cameras with the spot speed cameras. They are two different types of cameras. What you have on Wrightson Road is a red light camera. If you go to El Socorro, you go down to the highway, you go to Trincity, you would see spot speed cameras, and we intend to ramp up these cameras, to have them in several locations, and with the technology now you can have both spot speed and red light on the same camera. We are looking at that as the technology changes.

What we anticipate with that system is that it will eradicate a lot of the crimes that take place with false number plates, because this new number plate system has embedded in it a chip that the law enforcement agencies can pick up a car and this would tell you if the car, as the Senator said, the colour of the car was changed. I do not think people understand that if you paint a car, if you change the original colour of a car you are supposed to report that to the licensing office. It is not a practice in Trinidad. So that information, the original colour of the car will be on the chip, and law enforcement agencies will be able to identify all the infringements on that car. You would not be able to just pull up in any shop, buy a number plate, put on the number plate, take it off when you reach home and put on another one. So this has a lot of law enforcement advantages to it, and what it will do it will help the licensing office on their registration.

We have in excess of 1.1 million cars on our registration, a significant amount of them may not even be on the road. As the Senator again said, a car left the country and it was not taken off the register. That was not supposed to be so. We found several cars with the same number plate on the register. This will eliminate all of that, and in terms of the inspection, why we said every five years?

You have to inspect your vehicle. You have to reregister every five years because you have to inspect your vehicle, so this reregistration now with the technology will be done just as you go for your inspection. So there is no challenge, and the system is set up in such a way that new cars registered will get the new system, and gradually will roll out on the existing cars, calling them in in an orderly manner, and when they go for their inspection.

Madam President: Minister, you have five more minutes.

Sen. The Hon. R. Sinanan: Okay. So let me just go to the other clauses on the Bill. Madam President, we had the tint and what was surprising to me is that in 2017 I spoke to one Transport Commissioner, and I asked him, how do you identify a tint which is too dark or too light? To my surprise he looked at me and he said, well I look at the inside and if I could identify if it is an East Indian or an African—these are his words—I use that and then I determine if the tint is good or bad. Immediately I called Mr. Marvin Gonzales at the Ministry and I said, “Ay, draft some legislation, this cyar continue, you cannot be subjective like that.” And going forward, we would have different percentage on your tint, and the Transport Commissioner has the authority to vary that if you have a personal—a problem, meaning health wise or for security reasons. And you can only tell somebody that their tint is too dark if you use a metre to measure it. So no longer would you have to be subjected to a police officer telling you your tint is too dark, and there is no way he can measure that. I was shocked when the Transport Commissioner told me that at the time, immediately we went to address that.

In terms of the parking, we had a lot of consultations with a lot of stakeholders, and we think the time is right now that we respect the differently-abled in this country. [*Desk thumping*] And we are not reinventing the wheel, this is in most First World countries we respect, and we feel in Trinidad and

Tobago now is the time to implement it. You would have to get a medical report, obviously, to access it, but once you access it, and based on the consultation we have, we do have the authority to vary the length of time you will have this disabled parking.

Madam President, I would have loved to have the original 45 minutes to talk on the Licensing Authority, basically, where we are going with that. Unfortunately, we are all limited to the 20 minutes. I just want to say that the systems we put in place here are not revenue earners. Road safety has nothing to do with revenue. It is about saving lives, and just before I came to the podium here I got a text from Ms. Sharon Inglefield, and her plea is that she would really welcome every sitting Member support this legislation, because this is not about revenues, it is not about putting pressure on anybody. This is about saving lives, it is about road safety, and it has a lot to do with security and respecting the differently-abled in this country.

Madam President, again I wish I could have gone on to say all the good things that are happening at the licensing office. We all accept the fact that the licensing office has been a place where nobody wanted to go, but I do not think we can stand here without saying to the staff at the licensing office that there has been no improvement. There has been a lot of improvements at the licensing office, and I am hope that we continue in that direction so that we can bring a lot more relief to the citizens of Trinidad and Tobago. I thank you.

Sen. Larry Lalla: Madam President, thank you very much for the opportunity to join in this debate for this Bill which seeks to amend the Motor Vehicles and Road Traffic Act. I think it is important at all times in the House when we do things we have to put it in perspective. So while Minister Sinanan was there speaking and rattling off all the things that have been done, that long list of things that he says

has been done, I messaged a friend in a WhatsApp group to say I am speaking next, and the friend responded, “Good, I hope tomorrow we have no traffic on the roads.” And that is the point.

You see, while we do all these things and make all these amendments—since 1936 this piece of legislation has been amended no less than 100 times, and while that has happened the traffic on our roads has gotten worse. So we are good at making amendments to the legislation, but we are very bad at dealing with traffic, and that is the real problem that is facing the public out there, Madam President. And I would ask, what has this Government really done about the traffic situation in the last four and a half years? I know Mr. Sinanan will want to jump up and say, well, look the Curepe overpass has been done, and the overpass is beautiful, I commend him on that job well done. The overpass is beautiful Mr. Sinanan, but not so quick, because on Sunday I went by my mother on Mothers’ Day, and I drove on the road, and driving on that piece of road is like driving on a trampoline. The car was jumping all over the place. It is the worse piece of paving I have seen on a new road in a long, long time. And I hope that if the Minister shares my view, he finds a way to have that corrected, because it is unsafe, and something has to be done about it.

Madam President, every day, of course during the non-COVID times, we have a mass migration taking place in this country, of persons coming north and persons going south, bumper to bumper traffic from as early as 4.00 a.m., 4.30 a.m., in the morning until all hours of the night. The effects of this traffic on citizens where they have to face three to four hours a day stuck on the roads is unacceptable, because the repercussions are many. It affects their mental health. People are stressed, people are tired. It affects their family life. People do not have time for their spouses. They do not have time to recreate. They do not have

enough time to spend with their children so that they could discipline them, that they could look after their homework. That they could have proper family bonding time. The traffic in this country affects our work productivity very significantly.

And you know, Madam President, at this time in our history when we can no longer rely on our oil and gas revenue as we once used to, this issue of lost work productivity as a result of traffic is very, very important. We need to pay attention to the fact that our ease of doing business ranking has been steadily falling, from 2010 where it was 81, in 2011 it went to 97, it came down in 2012 to 68, it came down in 2013, sorry, it went up 1 to 69, it came down significantly in 2014 to 66. In 2015 for some reason, I do not want to go into the reason, because I do not want to draw too much of fire right now, this is my first time back in this House for a while, it went back up to 79; 2016, 88; 2017, 96; 2018, 102; 2019, 105; and 2020, 105. So the Government has not been doing very well as far as the ease of doing business in Trinidad is concerned. And that is something very, very important.

Madam President: Sen. Lalla, if I may, the Act that we are amending is the Motor Vehicles and Road Traffic Act. But the Bill that is before us is very specific on certain aspects of that Act, and I would ask you to focus a little more.

Sen. L. Lalla: I am guided, Madam President, and I was just about to come back and say we need to focus on the issue of traffic because of lost productivity. You know, we have seen that speed cameras have been installed in many places throughout the country, but so far I am sure the public would agree with me that it is a joke, because while they are all over the place they are non-functional. So you have a situation where contracts are being given out, money is spending, someone is benefiting, probably laughing all the way to the bank, but not the public, because the public is deriving no benefit from the cameras which are non-functional.

When you pass by Aranguez on the highway you used to say the camera

flash, non-functional but it is flashing, serving no purpose. The flashing has now stopped and it is now dead, and we come into the House now to pass more legislation. The same thing with the speed guns. A lot of money is spent to equip the police service with the speed guns. And yes, at one point in time there was a lot of brouhaha, and they were all over the place, featured in the press very often, persons getting charged. Now it has died down again. So we are moving away from the speed guns it appears and now we are moving towards something else. Something else to spend money on, and not dealing with the real issue which is traffic. But the point is, that having failed to deal with the traffic problem, if, Madam President, we seek to further burden the public by finding new ways to take money out of their pocket, we need to do it in a way that is fair. I really hope, I really, really hope that this legislation is not a new way to take money out of the pockets of the public, because they really cannot take any more. It seems as though every day we are finding a new way to tax them either directly or indirectly. But if this new way to tax them indirectly is really going to be put into effect it must be done in a way that is fair.

And you see, the point is, eh, when you go on the Internet, Madam President, and you look, you would see that many cities throughout the world have realized that spot cameras is a way to raise easy money. A lot of money is raised very, very easily throughout the world using spot cameras. And if that is what we are doing, if the main aim of this legislation is to raise money, then I think we are being misguided, but again I say, if we are doing it we have to be fair. And I want to draw attention, and I am happy that the hon. Attorney General is here, to what is going to be sections 79AG and AI of the legislation. Because the point, Madam President, is that spot cameras have been recognized as not being foolproof. They do malfunction. If you go on the Internet and you do searches you will see that

that is a common problem with these types of cameras, and if one was to read what is 79AI at page 23 of the Bill one would see that in the Bill it is recognized that these cameras would malfunction. 79AI reads:

“In proceedings for a traffic violation under this Part, evidence of the condition of the spot speed camera or the manner in which it was operated shall not be required unless evidence that it was not in proper working condition or that it was not properly operated at the time of the...violation has been adduced.”

12.15 p.m.

So it recognized in the legislation that the camera might not be in proper working condition or may not have operated properly. But the question for the citizen is, if I am being charged for an offence and if I think I was not wrong and I am being improperly ticketed, the question is: How do you get evidence to show that the camera was not in a proper working condition or not operating properly as is set out in 79AI?

The point is, Madam President, if it is accepted that speed cameras make mistakes, and the legislation does that, is it fair to put evidence of possible malfunction out of the reach of the citizen? If this is done the aim then is really just to take citizens money rather than to be fair to the citizen.

Madam President, if the real aim of this legislation is to reduce speeding as was said by the hon. Attorney General and the Minister of Works and Transport, if the aim is to reduce speeding rather than raise revenue, as I am suggesting it might be, then you cannot make it impossible for the citizen who was not speeding to prove his innocence. You cannot make it impossible for the citizen to prove his innocence. To be fair, there must be some way that the citizen can access evidence to show whether the camera was operating properly or not and to show whether it

was malfunctioning. And you see it comes back to something the hon. Attorney General said in his opening and that is that this Government is committed to taking a “human rights approach to law and that justice is the most important thing”. Well if that is the case then the scheme of this legislation has to be revisited.

There must be a provision for the camera to be checked and certified and a record kept and preserved so that the citizen is able to access evidence to show whether the camera was working properly or not. And we do not have to look too far to find that. If we look at section 62 of the present Act, section 62(6B) in relation to speed guns. Section 62(6B) reads:

“Before using a speed measuring device on any day a constable shall satisfy himself that the device is—

- (a) in a satisfactory condition; and
- (b) properly calibrated so that it indicates speed readings within a limit of error not greater or less than two kilometres per hour of the true speeds

after which the constable shall enter into the device his name regimental number and the speed limit of the area where the speed check is to be conducted.”

So in relation to the speed guns we are imposing on the officer the obligation to ensure that the equipment is working properly and that information is preserved for the benefit of the person who may be charged. But we are not doing it in relation to the spot cameras.

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

Sen. L. Lalla: Very well. And that is something that needs to be looked at. Similarly, Madam President, in relation to section 20G which is found on page 10, there is an issue in relation to the gathering of the photographic evidence and its

preservation. And that is something that needs to be clarified. Perhaps when we go to the committee stage I would raise it with the hon. Attorney General. And, you know, importantly, yesterday when I sat here I heard the hon. Attorney General speak about the efforts that the Government has rightly committed to “digitizing” the work that the Government is to do and the citizens’ interactions with the State. And that is commendable and important.

But here in this legislation we are still speaking, as shown at 20E, at page 8 and 4(f) at page 4, we are still speaking about communicating with vehicle owners via the *Gazette* and two daily newspaper publications whereas when we go to 79AB at page 19, we are speaking about communication through email. The point is we are now in a modern age. Communication is very easy. People have email addresses. We should move away from this method of communication, this archaic method of communication of publishing in two daily newspapers hoping that people would see the information that is pertinent to them.

And I want to suggest, because I believe it was Minister Sinanan who raised the issue about personalized number plates. I think, as we find ways to look at other methods of raising revenue in the country, of course something is going to be very important, and that is branding Trinidad and Tobago. What is our brand and I believe so far an opportunity has been missed to brand Trinidad and Tobago via number plates. And we do not have to look too far to see how this is done. The United States, you see it in all the 50 States. So, for example, in Florida the number plate says, The Sunshine State, that is the brand for Florida; New York, the Empire State that is the brand for New York; Texas, the Lone Star State. What is Trinidad and Tobago’s brand? That is something we need to pay very important attention to if we are too capitalize on a very easy and important way to market who we are. Who do we see ourselves as in the eyes of the world? What do we

want the world to see us as? And I think that that is something the Ministry of Works and Transport would want to look at.

And just finally before I depart, Madam President, a short while it was circulated to us a proposed addition to the Bill, a section 26, to add a section 106A; in clause 26 to add a section 106A. And that seeks to bring the courts system into the working of the legislation. And it allows the rules committee to make rules with respect to and I have concerns with relation to (c). It says:

The rules committee may make rules with respect to—

(c) all other matters necessary to give effect to this Act.

Well I think that has to been error, because all things necessary to give effect to the Act is a matter of government policy and that power should be the remit of the Minister responsible for transport.

So in closing, Madam President—

Madam President: Sen. Lalla, your time has finished, has expired. Sen. Dillon-Remy.

Sen. L. Lalla: Much obliged.

Sen. Dr. Maria Dillon-Remy: [*Desk thumping*] Thank you, Madam President, for allowing me to join this debate on—Thank you for reminding me, you are not sure where to wear a mask and where not to wear a mask, Madam President. Thank you for allowing me opportunity to join this debate on this Bill, a Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50. The Attorney General identified some of the benefits of this Bill that would include saving lives, crushing levels of criminality in the division of transportation, introduction of new technology, managing the rollout of changes in the judicial system and assisting the vulnerable.

Madam President, there is enough reason to bring legislation like this to deal

with crime and criminality, specifically with respect to the use of vehicles. Recently a friend was called by the police and asked if she owned a vehicle with license plate so and so. This person was asked where was that vehicle? And she was able to say the vehicle is outside parked in my garage. And the officer said to her, your vehicle has been involved in a criminal activity several miles away from where that person lived. And she said, but how could it be? My vehicle is there and that was the result of her license number being stolen and being used in another vehicle that was being used for committing a criminal offence. So I am well aware of the issues that are right now plaguing us in terms of the use of vehicles for criminal activity and I do welcome a Bill like this.

Madam President, clause 4(3)(b) refers to assigning a unique identification mark to be carried on the registration plates of a vehicle and I understand that that unique—on the vehicle. Clause 4(3)(c) says:

“(4A) a registered vehicle shall have affixed on it, registration plate bearing the unique identification mark...”

My question is: How is this affixed? And is it that the plate cannot be detached from the vehicle? And I am not saying deliberately because there is an offence created if this is done deliberately but accidentally. Or if that plate is stolen, how is that being dealt?

Madam President, clause 6 the Bill introduces a new Part IIB entitled “Electronic Registration of Motor Vehicles and Tagging”. I welcome the new system of electronic registration and re-registration of vehicles. The Minister of Works and Transport however must ensure that the system that is put in place for the electronic registration must be well maintained and we must make sure that there is enough back up and redundancy in the system so that we would not be caught with issues relating to crimes being committed and they cannot be detected.

Because this electronic system that we have in place that we are placing so much dependence on would not be available for seemingly good reasons, like the system going down. In our situation that may be a seemingly good reason but it is not when so much of the system is tied up with this electronic system.

Madam President, I refer to clause 20G, subclauses (1), (2), (3) and (5) of the Bill. Unlike Sen. Saddam Hosein I too am concerned that checks and balances to ensure that a person privacy is not violated. The data gathered from this RFID system must be used only for what is intended. And, the Attorney General, we must be specific as to what that data obtained is to be used and not for anything else.

Madam President, I will also refer to clause 24(4), where it talks about that you have a liability for using a vehicle with a license plate that has specific things on it that will prevent the system from being identified by the electronic cameras. I am just asking, what would happen if I have a rented vehicle and I am not, let us say, savvy, with the systems that are put in place for the type of number plates? According to this Bill if I am using a vehicle like that, it may not be mine, I would be liable. And I would also ask, is this, the RFID system, would it also be attached—in other words the RFID system from what I understand the Bill said, it was on the vehicle, but the body of the vehicle can have the system in it. So if the vehicle, the engine and stuff like that is removed from the vehicle, how is the system, the ID system tied up with that?—the engine number and chassis number, et cetera. Madam President, also, if the vehicle is damaged, how is that going to be tied up with the RFID system with the license plate, et cetera.

Madam President, I am usually brief with my contribution and I would just say to the Attorney General that I do appreciate this Bill and I really do think that it has an opportunity for introducing very unique and important systems into our

management of the road traffic and the systems that we have right now. And I would welcome his contribution, feedback, during the committee stage. Madam President, I thank you. [*Desk thumping*]

Sen. Nigel De Freitas: Thank you, Madam President, for the opportunity to lend my voice in support to the Bill that is before us which is the Bill to amend the Motor Vehicles and Road Traffic Act, Chap.48:50.

Madam President, I think thus far what we have been hearing today in relation to this Bill is that most people in some form or fashion support what is before us, simply because of the potential for the huge impact that this Bill could have on something that is used by everybody above the age of 18 in Trinidad and Tobago, which is the road network and some sort of a vehicle once they have a driver's license.

Madam President, it has been said by other speakers before me that what the Bill treats with is really and truly, in a nutshell, the electronic registration and tagging and the use of spot speed cameras. What I would prefer to do in my contribution is begin by treating with some of the concerns and comments made by other speakers. One of the first ones made was by Sen. Hosein and subsequently by Sen. Dr. Dillon-Remy in relation to the privacy and the RFID tags that would be used in the license plates of vehicles. And what I would say to that is, as the human race and the planet moves forward with technological advances, we find that the idea of privacy in the manner raised by Sen. Hosein and Sen. Dr. Dillon-Remy is becoming somewhat less and less in that regard. And I use the example of smart phones which we all have.

One of the first things that you figured out once you acquire a smart phone is that a lot of the apps in that phone track your movement in a manner that is much greater than this RFID tag would on your licence plate. It is not something that we

think about but it is there, so much so that I have seen many warnings on social media indicating to individuals how to turn off the location services on their cellphone. And I am saying as much as the concerns raised would be valid for anybody, the fact is that we have been living in that world for quite some time now where you are dealing with privacy and how much privacy one really has. But is that a reason to not implement this Bill and to not implement something that has such a great potential to deal with criminality in Trinidad and Tobago? And I use the example of something that we have dealt with almost 10 to 15 years ago and which we have seen in the last year or so in relation to kidnapping.

I remember the story that was in the papers, I think it was last year or the year before, of the young mother that left home and the father making a plea for the perpetrators who would have kidnapped his wife to return his wife for the sake of his children. And the story went that she was kidnapped in her vehicle and disappeared without a trace. And when we look at this Bill and the clauses that speak to the use of RFID tagging, all that would have been required to solve that case would have been someone to have seen the number plate of the vehicle, the husband could have very well called the relevant authorities giving them the number plate, they would have been able to use the RFID tag and identify the last hit on the system as to where that vehicle was and that particular case might have had a very good outcome.

So I understand what Sen. Hosein is saying and I understand Sen. Dr. Dillon-Remy when you speak to the privacy that must be maintained when dealing with RFID tags and the ability to locate vehicles somewhere in Trinidad and Tobago. But we have to balance that with the positives versus the potential negatives. And in Trinidad and Tobago to me the scenario that I just outlined is a much bigger positive than the potential negative and concerns that you have raised.

Madam President, I want to respond to Sen. Lalla who spoke to this Bill and the fact that we should be speaking to productivity. And he indicated that with the kind of traffic that we have in the country which affects our productivity I just want to disagree with that to a certain extent. Why? Because to me for as long I could remember, up to the very last time I renewed my license, anything to do with licensing office, be it registration of vehicles, be it registration of new vehicles, be it registration or renewal of your license, that was a whole day event. You had to take a day off work. It did not matter if you went as soon the licensing office opened, you knew in the back of your mind that you would be spending an entire day in the licensing office just to get those things done.

And if you listened to the Attorney General in his piloting of this Bill, one of the things that he said was that this system that we are setting up is going to be able to move us in an online direction. And so I humbly disagree Sen. Lalla when you indicated that this would be a problem for productivity because we are still dealing with traffic. To me, I say here today that once we get the system up and running, that once we get it online fully and modernized, that productivity in this country will go up because no longer you will you have to spend whole day in the licensing office to do anything. You will be able to stay at home, in the morning before you go to work, probably while you are eating breakfast, online on your computer and re-register your vehicle. And because the foundation is being laid here today in the Bill, I go as far to say, hopefully, sometime in the future, you would be able to renew your license online and once that document is submitted online you can have that license mailed to you through TTPost.

So that the productivity that is lost because you are taking time of work to go to the licensing office to do any number of activities, because we are moving everything online starting with the electronic registration of vehicles that that

productivity will actually go up. So I humbly disagree Sen. Lalla with that sentiment that you are putting there.

Madam President, one of the major points that has come out today that this Bill is going to be able to do is to continually put a downward pressure on criminal activity that surrounds the use of the road network and vehicles in this country. Sen. Dr. Dillon-Remy just spoke to her friend having to deal with a particular issue directly related to duplication of license plates. We have heard in this Bill by speakers that have gone before me that the Licensing Authority is going to be responsible for license plates in this country, meaning that any kind of corruption that could have taken place, the ones that we have heard about and the ones that we have not heard about, we heard the Minister of Works and Transport speak to bribes. All of those things would be a thing of the past as it relates to the licensing division and anything to do with motor vehicles and the road network.

We will not have that issue anymore. So the downward pressure on criminality will be real, it will be effective, it will be consistent, and that is what we promised as a Government coming in 2015 that one of our mottos, one of our mantras, and one of the things that we will achieve is to ensure that we in every aspect eradicate corruption at all levels. And this Bill speaks to just one of those instances where we can do that. The electronic registration of vehicles that leads to the re-registration that will be taking place every five years, one of the things that does is that it ensures that the system is always up-to-date with the owners and the vehicles that they own. I have heard of instances with the old system where someone may sell a vehicle and of course we understand that transference needs to take place as laid out in a particular process at licensing division. But for some reason that process may be delayed.

And so you have situations where a vehicle is sold and the new owner of the

vehicle is not on the system registered as the owner of that vehicle. And what that re-registration does, every five years is that it ensures that situations like never occur again. And that is very important, because what happened to Sen. Dr. Dillon-Remy's friend when those license plates were duplicated or when you do not know who the real owner of a vehicle is that that person can engage in any kind of criminal activity in this country and is effectively hidden, because the only piece of information that the authorities have to go on is the license plate number which is attached to an owner who has nothing to do with the vehicle and the activities that that vehicle was involved in.

That is why this is very important today to understand that for some people they may be thinking, well that is just an extra step I have to go through now where I have to re-register this vehicle every five years. But the positive of that is very, very, good. And if I am to paint the picture of this entire system, Madam President, from the spot cameras to the electronic registration, to the tagging, it will go something like this. You purchase a vehicle, you register your vehicle using the new electronic registration system, the vehicle is tagged with a RFID, the License Authority gives you your plate; that is attached to you as the owner. All of the information is there. You encounter a roadblock a few weeks later. The police is able to use their electronic device, they read the tag; they know that Sen. Sobers, for example, is the owner of this vehicle. As the Minister of Works and Transport had alluded to, they know that the colour is blue, they are seeing that colour is blue, and they know that he is the rightful owner of the vehicle. If anything in that information is off they now have just cause to go further in investigations to question the individual driving that car.

So had Sen. Sobers, just using him as an example, got in his car stolen week after purchasing it and that person got stopped in a road block then the very

upgraded driver permit that was done several years ago, that we know that people cannot duplicate, when that person, if they have a driver's permit, gives it to the police officer the information on the tag versus the information the driver is giving does not match.

12.45 p.m.

So when Sen. Lalla speaks to, that this is about finding new ways to raise money, I again humbly disagree because with this system, which is perpetually enforced, meaning you do not need actual bodies all the time to enforce, it is perpetually enforced. It means that Sen. Sobers would not have lost the money he put out when he purchased the car. He will get his car back. And you have to think about it from that standpoint and I will go even further, Sen. Lalla, by saying—and I think everyone knows this. Surely, the Minister of Works and Transport knows this—that not everybody under the old system that gets a traffic ticket in Trinidad and Tobago, pays that ticket.

So it is not about finding new ways to make money but it is also protecting citizens' property so that they do not lose money, but more importantly, stopping leakages inherent in the system that have been going on for too long and in this economic situation that we are facing, these things are important.

Madam President: Sen. De Freitas, you have five more minutes.

Sen. N. De Freitas: Thank you, Madam President. So I will wrap up, Madam President, by saying that another positive of the Bill in front of us is one that has been said time and time again, the ability to change the behaviour of those that use our road networks and their vehicles on the road. We have NGOs in this country that speak to that time and time again, one of them being Arrive Alive, and because the system is perpetually enforced with spot speed cameras, with tagging, with everything else that the Bill speaks to, it means that people now have to think,

when they enter their vehicles, how they use the nation's roads.

No more drag racing, no more speeding. Another point, in relation to productivity, is that you now need to leave on time so that you are not speeding to get to where you need to get to. Because in conjunction with the other Bills that have been passed towards this, like the demerit points system, it means that you can leave Toco/Sangre Grande, go to Port of Spain and lose your licence before you get there. And it is not about a police officer stopping you, because there is a system in place that will see every light you have broken and demerit points will be racking up as you move along, and therefore, you have to think more carefully about how you use the road. As long as you change your behaviour, there should not be a problem and we shall have a system that works quite effectively towards the benefit of the people of Trinidad and Tobago.

Madam President, with those few words, I thank you. [*Desk thumping*]

Sen. Sean Sobers: Thank you, Madam President, for recognizing me to contribute to this Bill before us this morning. Madam President, let me first say that I do agree with many of the sentiments expressed this morning by Senators on all three Benches, that the road traffic situation within our country is a very serious one. It is one that would always and constantly require some degree of attention by the Government, by stakeholders, NGOs, in always trying to educate our population and educate our road users to be more responsible when they are utilizing the nation's roadways.

As a matter of fact, Madam President, as recently as this morning, within the *Guardian*, there was an excerpt from an article or an interview rather that was done by the head of Arrive Alive who called for more caution and responsible driving and actions of road users within our country. That even though we are being faced with this pandemic and that many persons, once they leave their homes to conduct

lawful business, should respect the laws and the legislation of the road, should respect other users on the roads, and even though persons may attempt to hustle to find themselves back at their homes, subsequent to conducting their lawful business, they should take their time so as to avoid getting into any serious accidents.

Permit me, Madam President, before I actually jump into the Bill itself to make two light comments. When we in Trinidad—whilst preparing for the Bill last night, I was questioned by an individual as to what we were going to be doing tomorrow within the Parliament, and when I informed the person that I was going to looking at something relative to the Motor Vehicles and Road Traffic Act, as comical as it may sound, the first thing that jumped out the person's mouth, "Well, of course, it is an election year." Anything to do with road traffic would require some degree of paving and they were seeing a lot of activity being done, so they linked the two and I had to correct them on that. But most specifically, I can comment with respect to planning, reviewing Bills that would come before the House, that in terms of conducting any type of research, I take my time. I speak to persons who I believe to be experts in the particular area or field.

And so, for me, albeit that this particular Bill would have been on the Order Paper for quite some time, it was a little bit disheartening to know that we had to rush, and review, and prepare to be able to present in a comprehensive manner for this morning because at the end of the day, the beneficiaries of these pieces of legislations that we treat within this august Chamber, the end users are ultimately the public. So I was a bit disappointed in a person who I consider or I jokingly refer to as "uncle Sen. the Hon. Clarence Rambharat". [*Laughter*] He knows that I often tell him that he is referred to by many other persons on the outside as the "uncle" within the Senate, you know, so I was a bit disappointed. But in any

event, I spent the time and I prepared, and so I am here.

So getting into the Bill itself, at page 4 of the Bill I looked at clause— which would be considered the new subsection (5B), and there is a penalty now being looked at for persons who may be in possession or persons who—actually the clause speaks to persons:

“...who without written authorisation from the...Authority, makes or causes to be made, or issues registration plates for use on a vehicle...”

—and that person would commit an offence. What I would have liked to see, and maybe consideration for an amendment to that particular clause, is that individuals who may very well be in possession of these plates without permission from the authority, they should also be caught by that particular legislation and be penalized accordingly. Because they may very well be persons who are farming out these plates to commit illegal activities, robberies and whatnot, and if the police conduct a raid on the home of an individual engaged in such activity and a licence plate is found, and he does not have permission to be in possession of that plate, he should find himself also being caught by the ambit of this particular legislation.

I also looked at subsection (12)— pages 4 to 5, and this deals with subsections (12) and (13), which deal with the registration rather of person who may be in possession of the old plates. So the plates that we all have affixed to our vehicles, it gives an instruction that persons would automatically have to have those plates re-registered with these new electronic plates. But in terms of reading the clause itself, I do not see that there is a time period instituted here for when those persons should change these new plates over, and I am thinking then that the cost as well too, we should consider the cost to be a bit minimal, at least less than what is prescribed at the back in terms of \$350, because there are many persons who still drive on our roadways with very old vehicles, and there may be persons

who may find it extremely difficult, one, to find themselves at the recognized or the registered places to have the plates changed over and the cost of itself is a factor that must be considered as well.

I looked at subsection (8) which is located on page 6, and this deals with a penalty—well, it speaks to a person who, after the five-year period, does not re-register with the authority itself. So it says:

“Where the registration of a vehicle remains expired for a period of more than thirty days from the date of expiry, the owner shall be required to re-register the vehicle in accordance with the requirements under section 12 and Part IIB.”

Under the parent legislation, section 15(3) actually prescribed a penalty in place for someone who operates a vehicle that may be considered to be derelict or damaged and should not be on the road. So it is not roadworthy.

This particular section, I think it would tie squarely into some of the comments made by Sen. De Freitas, wherein if you have an individual who may very well be on the road utilizing a vehicle with expired plates, after that period of time, that five years and 30 days, there should be a penalty in place or enforced to treat with that errant individual. The way in which this particular clause reads I am not getting from it that there is an actual penalty in place and juxtaposing the actual penalty that is in place under the parent legislation under section 15(3). So maybe at committee stage we can have a discussion about that as well. I also had an opportunity to look at page 8, which will deal with section 20E(4) which deals with some of the penalties as well to, but I wanted to specifically look at section 20E(6) and this deals with a person who fails to comply with placing the tag, the registration tag, the electronic tag on their vehicle.

So there may be persons who continue to drive with the older plates and they

have not switched to the electronic tag plates, and there is a penalty in place for that person here, especially after it is gazetted and whatnot. And when we read further down at subsection (5), it says:

“For the purposes of subsection (1)”—above—“the Licensing Authority may cause to be published in the *Gazette* and at least two newspapers in daily circulation in Trinidad...a notice requiring an owner of a vehicle to present his vehicle to the Licensing Authority to have an electronic tag affixed to it.”

And I am similar seeing that when we are considering that individual, it sounds to me that it is quite strict in terms of what it requires the individual to do, and I am thinking that it should be amended to include without— that the person who fails to comply without reasonable cause with a notice under subsection (5), because there may very well be instances where the individual may not be in the jurisdiction, the individual could be ill, he or she could be incarcerated as well to, and to have them pay this penalty, and they have a reasonable cause or an excuse for not so doing, could be very harsh.

I looked at section 20F as well too, 20F(2), which is lower down on that same page 8, and it deals with:

“The Licensing Authority may authorise a constable to carry and operate an electronic reading device...”

—my question is more logistics-wise where I am enquiring—I may not have heard the hon. AG in piloting the Bill, indicating how many of these devices we do have presently, the cost that was associated with these devices, and whether or not we had sufficient training for our police officers who will be utilizing these devices on the roadways.

I also looked particularly at section 20G and section 20H. Now, a lot has

already been said, I think, by Sen. Hosein and Sen. Dillon-Remy and also, Sen. De Freitas on these two particular clauses. Now, my understanding of this particular section is that there is a significant benefit to be had from these electronic IDs and the way in which the camera system would be able to pick up on the ID of the vehicle once it passes through a camera so stationed to do. And I agree with Sen. De Freitas that if there is an incident and a report is made, police officers can act in a real time manner to track the vehicle and possibly apprehend the individual who is committing an offence. This occurs in many of the states within the US.

As a matter of fact as well too, I am also aware that in some instances, let us say a crime has been committed very close to one of these cameras itself, an individual may have been involved in a shooting incident and there is no evidence at that point in time specifically tying the individual to the shooting incident, and some statements suggest that the individual may have been around that vicinity at nine o'clock in the morning on X day, the police can use the camera system to determine possibly if there was a violation that occurred around 9.05 on that particular day and they may very well be able to get an image showing this assailant being engaged in the shooting, and that picture could very well be used in evidence against the individual at a trial in a criminal matter. But my issue with 20G and 20H is actually it touches and concerns what Sen. Hosein indicated.

The procuring of the imagery itself, I think there should be some safeguard that is put in place. In the US—this system, in most states, is part of a national security database, wherein police officers can access the database to procure these images and utilize them accordingly, in the prosecution of offences or the search of a kidnapping, or a stolen vehicle, or even if they believe an assailant is committing an offence and they have the vehicle registration that the assailant is utilizing, they could procure GPS hits as to where the vehicle may very well be, in an attempt to

arrest the individual. But in all of those circumstances where the database is accessed, there is a safeguard. In some states it is as rigorous as having to procure a warrant before you actually utilize the database system and in other states, it is a simple safeguard test that the police officer, who is in charge of managing the access to the database, would simply require the investigating officer to say that an offence has been committed, an offence is about to be committed, or an offence is being committed.

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

Sen. S. Sobers: Yes please, Madam President. So that, I am simply wondering whether or not—because at the end of the day, this information, this data, is going to be used in any proceedings, and as I have just pointed out, it could be used in proceedings related to the red light traffic system, the system itself, as well as it could be utilized in other criminal proceedings against individuals involved in other illicit activities which I have no objection to on the face of things. But there should still be some safeguard put in place to ensure that the individuals who manage access to the database, do not arbitrarily utilize the system itself.

I also looked at page 19, and I guess we could touch on this as well too, or treat with it properly at the committee stage, section 79AB(b), and that deals with the service of the citation notice. So section 79AB(b) says that the citation notice can be served by:

“sending it by way of normal post or registered post to the owner at his usual or last known place of residence or business,”

Now when it comes to service of documents, there should be some proof that the document was in fact served and generally within civil proceedings as well too, we use registered post because there is a signature that has to be had and there is tracking that can be elicited from TTPost itself to demonstrate that the document

was actually served. But when you utilize normal post, there is no footprint to indicate that the document was actually served. So the person could simply say that they never received this citation notice and hence the reason they never paid the citation itself. So I would like that to be changed just to simply reflect registered post.

And when you read lower down at 79AB(2), it speaks to if the person address cannot be ascertained that you are going to have the circulation in the daily newspaper, and I agree with Sen. Lalla that we are in the 21st Century and we should be able to utilize electronic transmission through email. The difficulty is the way in which the particular clause reads. If you are not aware as to who is the resident of the owner, how are you going to procure the email address of the owner to actually send them this citation notice via an email? So that I think may be that particular clause, electronic transmission, should be shifted to part (b) in 79AB(1)(b) and should be removed from 79AB(2). Because if you do not have the actual address of the person, there is no way you are going to be able to ascertain the electronic email address of the person as well.

I also looked at 79AD(2) which speaks to the restriction—it speaks to the type of defence that a person could utilize in terms of defending this citation and it actually limits the defences that can be used by an individual when they file this notice to contest the citation, and I think it should not be a case where we actually legislate what type of defences persons could utilize in terms of furthering their own defence in their own matters.

There are many other comments that I have listed here. I would definitely raise them at the committee stage. I would like to end by indicating that I think, again, we should utilize any opportunity, subsequent to sober reflection, to lend our voices to encourage persons to operate responsibly on our roadways, and it matters

not how many times we come here to get it done. Once we are able, through legislation, to possibly save and preserve a life on our nation's roadways, it is something that should be commended, and I thank you very much, Madam President.

Madam President: Hon. Senators, the sitting will now be suspended and will be resumed at 1.45 p.m. On the resumption of the sitting, Sen. Deyalsingh will be the next Senator to speak.

1.09 p.m.: *Sitting suspended.*

1.45 p.m.: *Sitting resumed.*

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

Mr. Vice-President: Sen. Deyalsingh

Sen. Dr. Varma Deyalsingh: Thank you, Mr. Vice-President, for allowing me to partake in this debate. And I am seeing that this Bill comes after a series of other pieces of legislation which look to amend the Motor Vehicles and Road Traffic Act. So in the past we saw certain improvements that came that actually helped the country, things like, we looked at driving under the influence legislation for that, we looked at the demerit system, and you know you had improvements along the way, and from figures it showed we are in fact getting a decrease in the amount of road traffic deaths. So I am saying this Bill just comes as a cumulative effect in getting a benefit that is much needed.

But you know, Mr. Vice-President, I must say, as a society we seem to be fascinated by death. We tend to look at murders, accidents, people descend on the scene, they take video footage and send it out, and it is a sort of idea that you have persons, actually taking footage of victims who are crashed lying under the wreckage. Somehow it is a mentality I look at and I am seeing that those video

footage, when it comes out on social media, it actually brings pain to some of the relatives you have seen.

So it is like if we have some members in society are like—well, I do not want to say, but it is like corbeaux who wait for death, they descend, and they actually, instead of eating the body, they tape the body with video footage and actually disperse it. And this is something I am thinking it is regrettable, it affects the health of the individuals and their relatives.

And road traffic deaths and accidents also not affect just the relatives but it affects the whole economy because remember these victims go to hospitals, the cost of the ambulance to carry them there, the cost of the medical care, the system, the casualty officers, the doctors, all these are economic effects.

And when you look at the recommendations for the United Nations, they say that road traffic deaths actually are something that affect the developing countries to a greater extent. In these COVID times any dollar that we could save could count. So we have to look at the balancing act, are we spending more, or is it that, on the whole, the benefit would be there? Definitely the benefit will be there if any lives are saved.

And I am saying we have to congratulate Sen. Sinanan for the legislation that he put in place before. [*Desk thumping*] Also the fact that, you know, you had—your department launched, I think sometime last year, where, that department, the UTurn Management System was launched, and actually the system, newly established Traffic Enforcement Centre, TUC, was put into place.

So the plan is there, and I am thinking now, even though, we had some sort of improvement before where we had the demerit system, the cameras that we had before, that where we saw the red light cameras, and now, we are looking at adding two other things, the spot on cameras and also looking at the fact of registration.

Now, some people thought that the registration plates would somehow help kidnapping, somehow it would help crime, but you know—yes, if we use it and we can tag these things, I agree, but do we not have CCTV camera systems already existing in Trinidad which could have put a dent in that? So all the money spent on those cameras, somehow I did not see it creating a major effect. So I am hoping this, if the registration plates could now be somehow utilized, it would help aid a system, which I think was not serving the population too well. So therefore, when I look at this legislation and I realize, most of these road traffic deaths are preventable and we can prevent them with the legislation that comes into place.

And, Mr. Vice-President, when I looked at the figures in 2020, when we started 2020, you find in the first 10 days there were five fatalities. That scared me, but if you look back in the year 2019 there was around 118 deaths, but it was an improvement from the year before.

So therefore, slowly, we are getting a little better. In 2018 it was a 110, so we are getting better and this year obviously will be better because we are locked down for this period and we would not have had the activities that occur. Because most of the fatal road traffic accidents occur between 12.00 and 6.00 a.m. on weekends, eh, on Friday to Sunday, so therefore 50 per cent of all fatalities take place between a Friday and a Sunday. So it is like if we have weekends of deaths, and it occurs between 12.00 and 6.00, and one-third of all—and males account for a lot of it.

So therefore, if this piece of legislation could help, you will be saving the younger population, we will be saving these individuals who go out there. Because I have three sons, and eventually when my son tells me he wants to go out, the fear I get, the little anxiety—oh would he get in accident, would somebody hit him, would he come home safe? So that is a fear that we have and if this system helps

that it would at least bring comfort to a lot of the parents out there also. But you see, something I wanted to say, Mr. Vice-President, when you look at the fact that speed is a major cause of this, of road traffic accidents, and just recently the Government passed legislation to decrease the—increase sorry, the speed limit. When that happened I actually said but what is going on? You know speed is a problem and they are increasing it, would that cause more deaths? But the figures showed elsewhere so I had to take a back seat, but it did not make logic to me, but the figures showed there was a decrease.

As a physician I tend to follow the guidelines from the WHO, and I am saying WHO guidelines actually showed that the “Global status report on road safety 2018” launched by the WHO in December 2018 highlights, there is about 1.35 million road traffic injuries and now the leading killer of people aged between five and 29 years old. So it is a great burden and you see, the fact is that not everything the WHO prescribes I would say they are right, I mean I think they got it a little wrong and late when they prescribe the wearing of face mask too late. But a lot of their guidelines are formulated there to help countries and especially developing countries.

So I am thinking their guidelines actually, they give us some guidelines to see how we could reduce this. And because you see, the thing we have to appreciate is the fact that the price paid for ability is too high, because when it is going to be death and any death that you have is a death that could be prevented in places like this. The WHO global report actually showed that India counts for almost 11 per cent of accidents related deaths in the world, also followed by China and USA. But the developing countries have a greater economic burden. So therefore we have to target it and make that target right to assist us in this time.

And, Mr. Vice-President, recently even in Jamaica—I studied in Jamaica—we have these little mini vans carrying us, transporting us as students, it was overcrowded, they called it robots, a lot of those mini vans had tickets and they never paid them. But Jamaica recently had a meeting with a representative from the IADB, the Inter-American Development Bank, and at that meeting they actually had persons from all around the world kind of formulate some plans how we can help the situation there. And it was recommended, it was August, I think, in 2019, when they had that meeting and a few stakeholders came on board.

And the United Nations Secretary-General's Special Envoy on Road Safety—they have a plan by 2030, they would have to assist in trying to reduce this burden, and they were saying that 1.3 million fatalities make and 50 million seriously injured every year, it has become one of the world's most pressing developmental issue. And I am happy to say that our Government actually had a plan, called the National Road Safety Road Plan for T&T which included a national road safety policy and a national road safety work plan for the decade 2020 to 2030. So we have something looking on to the recommendations of the United Nations. And recently we had the United Nations come in and speaking to us about their strategic plan and we are a part of that. So we have a duty now to look at that, the UN's strategic goals because this was one of the United Nations' designated goals to bring down the fatalities.

When I look at the fact that we have in Trinidad problems, people mentioned problems with the roads and you may have some roads in need of repair, but according to this United Nations' plan, part of the plan is also, not just giving us better laws, better systems, but also better infrastructure, so again we have to—someone had mentioned there is a need to work on that.

Now, I want to mention the fact that certain individuals had mentioned the fact that this legislation brings in two pieces of things we want to do, the electronic registering, the RFID, and the spot cameras, spot speed cameras. And issues were mentioned about the privacy issues, Mr. Vice-President. I just want to bring in my two cents worth on this, where you find that, there was an article I want to read by Robert Sachs on Tuesday March 22, 2016, "American abroad", it was from *The World*, and he actually said there is something called license plate readers that police officers have, and they could read information about people passing with these to pick up information. And when he actually had to go to court to get the information that these police officers gleaned, he realized that it was not just information from the cars, it was a whole host of other information came. And he actually had to go in and try to see to get that legislation changed because he said he had looked at their information they got and he was able to, with a city council member, he was able to pinpoint exactly where this person lives, the area. Because according to what he saw 30 times they were signaling to this thing. So they can know where you are going, where you are, where you—if you have some friend outside you visit at certain times they can find out that, they can find out your personal information in this business.

So therefore one of the suggestion that persons made here is the privacy issues. So yes it has it good effects where, you can use that information to glean the roadway policy, traffic management, you could use that information for the ticketing system, you could use the information even when you—if you decide to have a toll system, that can come into place, parking, you can just going into Parkade now, you do not have to pay, you just drive in and it—so it is a lot of advantages. But you see, what he mentioned is this issue—he was thinking instead

of keeping the license plate information for years, only keep it for six months unless the plates are under investigation.

So this is a suggestion you may have to—and you may have to keep into account, and he said just because the Government has the ability to do that, in my opinion it does not necessarily mean that they should be able too, right. So therefore, we have to appreciate—you may have to take that into consideration. Also the fact, there is also another issue where the pass that they have, the easy pass that they have in the vehicles, that they call it “E-Z pass”, there is different, different names they call it, you find that it can be activated and read almost everywhere and therefore the concerns were also expressed by different authors around the world and expressed here in the Senate as we see.

2.00 p.m.

Mr. Vice-President, one thing I must say, you know, technology is something we have to look at and appreciate that things are getting better. We can reach out more, we can spy on people more as it is. But the idea of the technology is they have now reached a stage where they can actually use IA and look into cars to see if you have cellular phones. New South Wales is now looking into that. That could be a little dangerous if you could actually look at the car, get an idea that this is a cellphone, but the privacy issues there are horrendous. So these are things where technology can take us too far, but it is going to come. Something I have to mention, besides these privacy issues I just want to say that—

Mr. Vice-President: Senator, you have five more minutes.

Sen. Dr. V. Deyalsingh: Thank you. When I looked at the whole idea of having these spot cameras, there is something we call the “protection motivation theory” where you look at when people would see a risk and their behaviour would change. It was found that a lot of people—like in Trinidad we have a lot of kangaroos. I see

a lot of kangaroos. Not kangaroos in terms of animals, but a kangaroo effect, they come to the spot camera, you stop, you slow down and after 500 metres again you increase it. This is something we have to look out for, because this is something you could cause people behind to hit or even if we have to put other spot checks put it further ahead. So the kangaroo effect is something we have to look at, the research done on that.

I am saying when I looked at the Bill itself, I had not much concerns about it, except I think I looked at the issue of 79AK and 79AL, when they looked at the penalties, I am not seeing anything there about community service if you cannot pay the citation notice. I think that is something we may have to consider. Also I am happy that the effect of the tint issue is now being addressed. Probably further down the line, wrecking is a major issue that we may have to look how we could address that, because those are the issues that cause a lot of social distress.

The legislation itself, I looked at the fact that some Senator mentioned the procurement process. We have to be very careful in an election year if the procurement process is not there. It would cause confusion, a bacchanal, so we have to look at a proper procurement process if that is so.

I am saying the future should be good in the sense that if we have the technology and that can help us along the way, it will in fact aid us. There is technology now where they are going to plates actually like screens that could actually flash that if you are owing something, if you are in breach of insurance and all these things. So it is going a lot of ways, much further.

In closing I just wanted to thank the legislators who produced this. You know clause A actually looked at having the parking for disabled persons. But one thing I might ask to consider, Mr. AG, other individuals. My wife who is a gynaecologist asked me, in the United States in Florida there is parking for

pregnant females. So we may have to see if we could factor it in here. I know there are other things like age, but this is something we may have to look at because it exists in Florida.

So as I close I thank you for this piece of legislation. I think it is worth it to support it, and I think Ms. Sharon Inglefield has no sort of hesitation. It is for the life of people. We will support it, I will support it and I thank again the Sen. Sinanan for at least helping and pushing this out. Thank you.

Sen. Deeroop Teemal: Thank you, Mr. Vice-President, for the opportunity to contribute on this Bill, an Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50.

Mr. Vice-President, once again we see a piece of legislation being tabled in this honourable House in which the influences of technology is very pronounced. I think it is a step in the right direction, in that in whatever ways we can utilize technology to improve our effectiveness to make us more efficient, to reduce possible corruption and to make sure that we get value for money, is something that should be supported.

We heard from the hon. AG during his presentation, he took some time to inform us of some of the preparatory work that has been done already for the implementation of this particular piece of legislation. It was indeed quite an impressive list of preparatory work that has already gone into it. But in terms of the full operationalization of this piece of legislation I think we have quite a long road ahead of us. Particularly as we are speaking about the re-registration under this particular Act of almost—well the list says 1.1 million registered vehicles in Trinidad and Tobago, but that is subject to verification. But whatever variance there exists in that number, that exercise in itself, the re-registration exercise, is going to prove to be quite a tremendous task. We trust that the operationalization

of this Bill would have considered the sheer volume of work that is involved, and all of the systems, the resources and the facilities, training of human resources and all that goes with the operationalization would have been taken into account in the planning by the Ministry of Works and Transport, and in particular the Licensing Authority with regard to bringing this legislation, hopefully when it is passed, into a reality.

Mr. Vice-President, I would like to go straight into the Bill. Clause 4 which deals with amendment to section 12 of the parent Act. Section (5B) where it refers to:

“A person who without written authorisation from the Licensing Authority, makes, or causes to be made, or issues registration plates for use on a vehicle...”—et cetera.

Mr. Vice-President, in our country we have a proliferation of entities. In fact, when you drive around you would see a lot of signs up “licensing plates made here”. In the limited time we have had, I have been through this Bill in front of us, and I am still not sure in terms of whether these entities would be allowed to continue to conduct business as they currently do under this piece of legislation. Because basically anybody could go to these persons, get a number plate made of any dimension, with any style of lettering, designer style in some cases, and they themselves can affix this license plate under their vehicle. But what I am gathering from this particular piece of legislation, such generation of the plates and the affixing of the plates to the vehicle falls under the clear responsibility of the Licensing Authority. In such a case with these plate makers, so to speak, are we going to allow that to continue, or is there going to be some form of certification of such businesses to continue to ply their trade as they currently do?

Mr. Vice-President, I move to Part IIB, subsection (5) on page 8. This deals

with the notices that are to be put in the *Gazette* and at least two newspapers in daily circulation, where it requires the owner of a vehicle to present his vehicle to the Licensing Authority to have the electronic tag affixed to it. It goes on to say:

“A person who fails to comply with a notice under this subsection (5) is liable to a fine of five thousand dollars.”

I was just wondering, considering the humongous task that is in front of us with re-registration, when this notice is posted in the *Gazette* or newspapers, is whether the persons would have a time frame within which they can come in and get their registration done, because I am not sure that I have come across a time frame with that notice. I am suggesting that with the notice a time frame be allowed that would give persons a reasonable time in order to respond to the notice and make themselves available in order for the process to be actualized.

Mr. Vice-President, I am still on Part IIB of the proposed Bill on page 12, at section 20J where the registered owner is presumed to be liable for traffic violations. Because according to this particular Bill all violations that are made using the vehicle is that the owner is responsible, is liable for all of them. I am just thinking in terms of an individual's fine, but in terms of companies that rent vehicles, where you have rental vehicles varying in sizes of operations, some going into hundreds of vehicles being rented by companies, and then we have businesses with their own fleet. Such fleets could be fairly extensive for transportation, manufacturing and distribution companies. In such a case would all owners be liable for traffic violations that are done by the drivers of those vehicles?

I am particularly concerned about the rental vehicles, because in a case where a short-term rental is made, you know, somebody comes into the country or local rental, somebody rents a vehicle for just a day or two, a couple of days. The driver commits a violation under this Act and other traffic regulations Act, and

returns the vehicle. The owner is not aware that the violation was committed, signs off on it, gives back the refund to the person who has rented the vehicle, the deposit, and when the notice is actually received by the owner his avenue for recourse is taken away because he no longer has any contact with the person who rented that vehicle. So I express some concern about that.

In Part VB, 79X(3), for spot speed violations the proposed Bill allows for recovery from the driver by the owner. It says that the owner may recover from the driver whatever money that the owner has had to pay. But this only specifically pertains for spot speed violations. I am wondering whether it would apply to all other violations, whether the avenue for recovery by the owner from the driver would pertain to other traffic violations, or it is just only for spot speed violations as stated in Part VB, 79X(3).

Mr. Vice-President, I would like to go to section 17, Part VB, 79Z, that speaks about preparation of citation notices. Within that 79Z, subsection (3) of Part VB it says that:

“An Inspection Officer shall not prepare a Citation Notice unless he certified by the Commissioner of Police.”—good—“as trained to analyse and certify the authenticity of photographic images or video recordings...”

Now, Mr. Vice-President, I am asking about the training and certification of the inspection officers, and whether or not within the office, or within the TTPS, such training and certification skill resides, or whether or not this would have to be sought under service arrangements with private contractors? Because for this certification to be done by the Commissioner of Police, some form of training for the inspection officer, certified by a recognizable institution—otherwise if this certification is not recognizable it could lead to mischief by defence in a lot of cases where it is decided to contest the citation notice that is issued. Where you

get into the area of questioning the certification of the inspection officer.

Mr. Vice-President, under that same section 17, Part VB, 79AD, that deals with filing of notice to contest, and where the owner has 30 days to file a notice to contest, according to this particular clause. Within that 79AD, subsection (3) goes on to say:

“Notwithstanding the filing of a Notice to Contest...an owner shall be permitted to pay the fixed penalty specified in the Citation Notice...shall, thereafter, be removed from the list of hearing at the District Criminal and Traffic Court.”

I was just wondering whether this allowance here for the owner to come and pay after the Notice to Contest has been filed by him, maybe a change of mind or whatever it is, whether it leads to possible mischief by the owner as a mechanism for delaying payments on the part of the owner? Where he files this notice to contest just to buy time, and in such a case there is a waste of time of the court, because it has to go on to the listing. It is a waste of the inspection officer's time, and whether the owner should just do that, come and say, “Okay, I have changed my mind let me pay this penalty”, and walk away scot free without being penalized? Because it is a waste of the court's time and officer's time, and whether some fine should be attached to this and not just total absolvment from it?

Mr. Vice-President, in the same Part VB of section 79AG, subsection (d)—

Mr. Vice-President: Senator, you have five more minutes.

Sen. D. Teemal: Thank you, Mr. Vice-President. Where it speaks about the spot speed camera operating properly, because this has to be placed on the citation notice. Again, whether this provision allows for mischief in terms of questioning the accuracy and the condition of the spot speed cameras, and whether or not there

should be clear calibration or test certificates for every single camera that is being used in this exercise, and such certification or calibration certificates to be issued every six months or every one year. And that calibration certificate should be included in the list that goes with the citation notice as an attachment, so that room for mischief in the questioning of the suitability of the equipment is eliminated. And with the citation notice the inspection officer attaches as one of the requirements this calibration certificate of recent and relevant time period.

Mr. Vice-President, I go to clause 24, subsection (4), where it says:

“A person shall not—

- (a) use or drive vehicle with an identification mark...”—that is made with reflex-reflecting material...”—et cetera.

I ask the question, if the plates are being issued by the Licensing Authority, if they are the authority that issues, either directly or indirectly through certified plate providers, how come this particular clause here is relevant? Because then this particular clause becomes a bit redundant in my non-legal opinion.

Mr. Vice-President, in my remaining time, which is just a couple minutes I think, I would like to go to clause 26 in which it is outlined the registration fees for renewal of registration and re-registration of expired registration. I am just issuing a call that if special consideration could be given to senior citizens for exemption of this registration charge, because as we are fully aware senior citizens are exempted from charges due to renewal of driving permits and these things, and if by extension regarding registration of vehicles, that our senior citizens be granted this exemption.

With regard to clause 24, subsection (5) where it states that:

“A police officer or Transport Officer may arrest without a warrant any person who he has reasonable cause...”—for tampering with the plates and

all of those things as outlined in subsection (3).

I am just questioning, I mean, the power to arrest without a warrant for the tampering with your plates of registration and all of these things, why such a drastic measure, and whether or not the constable or the licensing officer should be given the authority to issue a charge or lay a charge without having to go to the step of arresting without a warrant?

Mr. Vice-President, I thank you very much for the opportunity to contribute.

Sen. Taharqa Obika: Thank you, Mr. Vice-President. Today we are tasked with amending the Motor Vehicles and Road Traffic Act, and there were several clauses in this Bill that as proposed leaves much questions to be answered.

The first question is whether the lives and livelihoods of those involved in the value chain that provide the licence plates—because the licence plates do not appear on their own, and one can imagine if a licence plate costs between \$300 to \$500 per plate as it is without RFID chits, you can imagine how much it would cost afterward. If we were to take an extrapolation from the Minister of Works and Transport indicating that there are 1.1 million vehicles on the nation's roads, and if you would take a fraction of these vehicles to now be using these new licence plates in the next year or two or three, it begs the question who is providing these licence plates? Because simple maths would say if they are more expensive, let us say at \$1,000 per plate, by 1.1 million users, you are talking about \$1.1 billion on the face of it. Who will be receiving these contracts? That begs the question.

The other question obviously would be whether the scores of workers, possibly in their hundreds, involved in tint installation, involved in licence plate distribution and manufacturing, did the Government consult these individuals? Did the Government seek to consult them before presenting this Bill that could destroy the livelihoods of these families, especially in this post-COVID period that

we are anticipating the opening up of manufacturing at the end of this month, the first week in June? I would say it is callous if the Government does not provide evidence that they have not only consulted with these categories of workers and small and medium enterprises, but they have provided a re-orientation for them, if not included them in the value chain. If they are to be excluded they have provided an avenue for them to continue earning so that families can start feeding themselves, post COVID-19 in that value chain. Put people first, that is the question. Have they done such? The answer would be borne out in time.

But we do not need time to see what has happened under this Minister regarding the issue of vehicle registration. That was a calamitous affair in our history. You had persons suffering, much man hours and woman hours lost. Productive time lost queuing up across the length and breadth of this country, because they simply felt that they should have crashed the time and the window for persons to fix their vehicles.

The Attorney General also made mention of vehicles being required to be roadworthy given this new regime, given the new RFID chits. But the question the population has, which is left unanswered is: Are the roads worthy of the vehicles of the citizens? Because clearly they are not. I have to travel from Point Fortin to come here, and it is the worst road on the planet that I have to travel on; the worst main road on the planet. And the fact that in five years this Government has failed to complete the surfacing of that portion of the highway to Point Fortin, shows that this Minister of Works and Transport is clueless or at least is disempowered by the Cabinet.

The next point that is important to look to has to do with clause 4 of the Bill. And before we even reach clause 4, you ask yourself the question: If it is that the plates are going to be the property of the Licensing Authority, we have seen how

inefficient the Minister of National Security has been in dispensing with passports for Trinidad and Tobago citizens, will we now suffer from an inefficient system of distributing licence plates? Once you bottle up a system and you choke it with bureaucracy and red tape, what you are doing respectfully is inviting corruption in the simple task of persons affixing a licence plate to their vehicle. Hopefully it does not fall into the allegations of corruption with the examples in Kay Donna.

Institutional fixes at Licensing—the Government made no mention, they spent no time in trying to see how all these sweeping changes which have to be operationalized at the level of the Licensing Authority, they did not demonstrate how the Licensing Authority was improved. We had the Minister of Works and Transport giving a history lesson, but nothing more than that.

2.30 p.m.

So I want to get to another very problematic issue and clause when you look at clause 4 subclauses (5)(a) and (b), which speak to the Licensing Authority and the publication of a notice in the *Gazette*, and I am sure the *Gazette* might be a necessary process, but we would skip that obviously because persons do not seek their information from the *Gazette*. And the only other opportunity for persons to catch where there are changes has to do with the circulation of articles in two newspapers, and I hear another Senator, an Independent Senator, pleading for the notice to be properly displayed. However, how many persons get their news in this country from reading newspapers? The percentage of news that persons obtain decreases by the day, and the pandemic bears that out. A press conference may be more effective in delivering important information, because it sharpens the mind of the population to a moment in time, and it can be accessible on different platforms at no cost.

[MADAM PRESIDENT *in the Chair*]

So therefore you do not have to purchase the newspaper necessarily because you are getting the broadcast by feature transmission. The Government should look at additional opportunities to educate the population. They should include social media platforms. Even if they do not want to list them by name, they should indicate at least two major social media platforms in the legislation. So that could be a recommendation to amend clause 4, that part that deals with the publication of the relevant notice. I think we need to get our legislative processes up to the time.

Now, there is another important thing. The Government is saying that they are here, we are here doing landmark work for persons with disabilities, and the Attorney General patted himself on the proverbial back from the Blind Welfare Association. But I wanted to say that just in February this year the Centre for Persons with Disabilities lamented that they need \$68million for work and that the subvention from the Government is woefully short, and they suffered break-ins in 2019 causing them to lose equipment and tools. And I am very familiar with the work of NCBD in San Fernando, and it saddens me to see that this is actually in the constituency of the Attorney General, for however long he may yet be the MP. I want to propose to this House the opportunity for forward thinking in our legislation. Whilst there was much talk about disabled parking spots at car parks, whether it be at malls, places of business and so on, and the use of them and the punishment for using or not having them available, there is an opportunity now within our towns, boroughs and cities in Trinidad and Tobago, wherever there is significant urban development, to have parking, as the city for Manchester has done, for persons who are earmarked with disabilities. They have a blue-badge system with parking bays across the country. So, we can look at a similar opportunity right here in Trinidad and Tobago which would the strengthen the spirit of this Bill, especially the parts that speak to differently-abled, bearing in

mind that much shopping and business activity occurs in places where there are no car parks, and therefore no differently-abled parking spots available.

Now, much of this Bill from clause 4 onward; section 20F, the electronic tag under clause 6, unique to the vehicle, provides link to registration, information, and so, much of this Bill speaks to the merits of electronic tagging, the radio frequency, the RFID chips and so on. A lot was said about the pros, but what is dangerous is when you are preparing for a deluge that you only focus on the fact that the crops will be nourished. You have to also focus on the fact that the floods can damage lives. Now, classifying FRID attacks and defences is important for us to understand how in fact we can be exposing our citizens, our institutions, our businesses to debilitating attacks potentially, and the range of attacks on RFID devices are many, too numerous to mention in this debate, that would render the benefits extolled under clause 6 basically useless. Because under clause 6 it speaks to an identification unique to the vehicle, provides registration information contained in the registers and so on, and capable of maintaining and supporting an electronic record. However, what it does not say is that unlike wired networks where competing systems typically are both centralized and host-based defences, for example, firewalls, that we all are familiar with, attacks against RFID networks can target the system's infrastructure in a decentralized manner.

So, I came across an article, and the reference for such an article is to be found in springer.com, published 29th of July, 2009. And basically it is a summary of research detailing RFID attacks and the ability for it to affect citizens. And one main impact that this can have, is impersonation. Impersonation. So whilst we may be comforted that the RFID chit provides us with such a unique identifier, what it does not speak to is the ability of the attacker to engage in this tag removal.

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

Sen. T. Obika: Thank you very much. So, the attacker can engage in tag removal which can be attached to another device. So simply put, they can take out your chip from your license plate, put it in a next one, or they can clone your chip, as persons who are involved in—who have been victims of credit card skimming can attest to, which is not difficult to clone your chip, and therefore you can have another person, another vehicle driving around as you, identified as if they were you themselves on the system, racking up tickets for speeding, for breaking red lights, for being involved in robbery, being involved in vehicular homicide, God forbid, simply because the system did not have a way to protect the unique identifiers behind these RFID chips.

So, the problem is now, we have heard much ado about the benefits. We have heard much about the sunshine, but what happens when there is a deluge of rain? So just to put on the record some of the attacks, because there are too many to mention, as I said. You have permanently disabling tags, tag removal, tag destruction, or kill command. You have temporarily disabling tags such as passive interference and active jamming. Okay? So the police officers may be equipped, waiting at the roadside, and then a criminal who just committed an offence that was picked up on the system at a different location can pass by without them having a clue as to who passed, because they simply depending on the device to provide them with the perpetrator. You can have relay attacks where they act in concert, cloning and spoofing with tagging attacks, attacks to the RFID itself, impersonation and eavesdropping. So privacy, which is a right that citizens enjoy, could be attacked.

Now, this Bill has merits, but I want to point to the demerits, or the potential demerits of the manner in which this legislation was brought, and the manner in which the legislation is presented. I want to reiterate that the jobs, the lives and

livelihoods of those persons who are waiting for the post-pandemic measures to change upon the ability of all manufacturing sector businesses to operate the first week in June, for the latest, many of them, some of them are involved in the value chain that would be impacted by this legislation. What measures are in place for those that are involved in the manufacturing of license plates? What measures are there for those involved in the tints? Because even when you look at clause 26 in the Bill it speaks to, because there is one clause that removes the ability of the officer, the constable, to charge based on the tint opacity, however, there is a clause later down on 25 that speaks to the ability of the Minister in the future to make regulations regarding shades.

So, therefore, there is no fix as yet, so we have to wait on some regulation that has to come in. How will this impact the ability of the police officers to fight crime? That again is something, I guess, may be remedied by the ability of the officer to stop and search. However, we need the regulations to be in place. And then again, what really do we have to protect each and every citizen who is now going to be tagged from impersonation? I think that is not spelt out in this Bill. It falls woefully short in that regard, and the Government has much work to do to improve the legislation to protect the citizens of Trinidad and Tobago. I thank you.

Madam President: The Minister of Agriculture, Land and Fisheries. [*Desk thumping*]

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, in passing, my colleague Sen. Obika mentioned that there are merits in this Bill. In passing. Unfortunately, he had not gone into any of them. I am quite shocked. He has been able to traverse loss of jobs, absence of consultation, roadworthiness, Kay Donna, post-pandemic payments, a wide range, never really descending to the merits, or, if there are downsides, the

real downsides of the Bill. I am quite surprised that a man of his age and experience, a man who has lived outside of Trinidad and Tobago, does not see the opportunities in this Bill. Maybe I would have excused other colleagues who may not be technologically savvy, may not have experienced electronic transactions, or those who may not have sat in this Senate for as long as my colleague did. So, I am quite surprised that young man from Point Fortin, not seeing the merits in this Bill in a manner that reserves 20 minutes of prime time in the people's Parliament.

The other thing, Madam President, is that I want to respond to my newly found nephew, Sen. Sobers, and everybody has a serious uncle, and I guess I am the serious uncle, so I want to tell Sen. Sobers that when we take the adjournment today I would say that on the next occasion the Government intends to deal with the Animal (Disease and Importation) Bill, thereafter with the Real Estate Agents Bill, and thereafter with the Registration of Deeds Bill so that he does not get upset with me when I do not give him advanced notice of what is for debate in the manner in which the Order Paper does, but saying that, I thank him for his contribution which was very supportive of the legislation.

Madam President, this Bill is multifaceted, and the hon. AG has been able to describe it. I would summarize it by pointing to five things: One is, it must have been very surprising to a lot of people that the AG's approach to improving the efficiency of the Judiciary rested in significant measures in dealing with traffic matters in the courts. Because it is more than 50,000 matters been added, and anybody who has been to the court, the Magistrates' Courts in particular, would know how it works. These long lists every day, 160 matters being called without a chance of action being taken on them, they spend a few hours in the early part of the day whittling down that list to just the few matters that would gain some attention, and those matters go two weeks hence, or a period hence, and reappear

and continuously appear, and it is not unusual for somebody to discover one day that the matter has been called 45 times. So, this legislation is really another element of reducing what has to be handled by the Magistracy in particular, it makes it more efficient, and allowing the resources to be focused on some of the things that really matter. And this puts us on the same footing as jurisdictions that have been doing this for a very long time.

The second thing, Madam President, is it attacks another part of the public service bureaucracy, problems that are endemic, and I do not need to go into them except to bring myself to the third point, which is to say where there are bureaucratic inefficiencies and problems with oversight, corruption flourishes. I do not need to say much than to say what the Minister of Works and Transport himself has said, that licensing office historically has been a place where you could make a deal.

The fourth point I say is, this is a very important crime-fighting tool. Madam President, if you read the newspapers, so many murders and so many other things are committed by persons in a white Tiida. One of the most dangerous things in the country now is to be associated with a white Tiida, and it reminds me of when we were growing up in Rio Claro and almost every crime report involved a man sporting a Rasta hairstyle, and I am happy to see that that hairstyle has become vogue and everybody wants it now. But it was associated in such a negative way. Well, the white Tiida is the new one in a negative way. The fact is that if we do not have control of licensing and registration, because if a vehicle is used in the commission of a crime, the false plates, one of the ways in which you can trace a vehicle to a crime scene and to a particular owner is through a reliable system of registration that is not limited to a number plate that is affixed by two screws with two "lil" bolts at the back of it.

So this is bigger than just the issue of people who are involved in a very credible way in producing number plates. It is one of the areas that would be affected, but other opportunities will be created, I am sure, in the modernization of the way in which the licensing system works. And the last point I would make in introducing is this issue of technology. Madam President, when I look at the Bill, the opening page of the Bill, clause 4. Clause 4, and this deals with the registration of the vehicle. And I see at 4(a) the words “apply to the Licensing Authority”, I am not thinking about 30 years, 40 years ago when you had to apply for a job by writing a letter, handwritten letter to somebody. “Apply” to me triggers electronic application, that you go on a website, and I believe it was Sen. Hosein who praised the website of the Ministry of Works and Transport. Well, “apply”, to mean a modern sense, means going on a website and being able to fill out a form electronically.

I see in clause 4 where the proposal is to amend section 12 of the Act, I see the words “pay the fee”, and Attorney General has been a champion of this thing called, electronic payment, because many times in this country, I have spoken many times about this in this House. The cost, the administrative cost of collecting a dollar for \$5 in the government service is astronomical. Maybe as much as \$1,000. Administrative cost. When you comply with everything set out by the Auditor General, the Comptroller of Account, in terms of security physical, in terms of the physical arrangement, in terms of being able to vouch, the triplicate system; I have spoken about that many, many times. So when I see the word “pay” used in this Bill, I am thinking about electronic payment. So electronic application and an electronic payment system that does not require you to go and line up in licensing office, and they have a limit now I understand, so if you are number 41 for the day you have to come back tomorrow. And if rain is falling and the place is

flooded you cannot go, the office close. During the pandemic period you cannot go. So that when I see “pay” I think of electronic payment.

When I see in the proposed (c), “where applicable provide proof of payment.” I think about an uploadable system where I have a pdf of a receipt that could be uploaded to the Ministry of Works’ website, and I do not have to go physically and take something down to the licensing office and line up and take half day away from work to just simply lodge a copy as a document. That is what I see. And when I see at (d), “provide proof that there is in force a motor vehicle insurance”, again, I do not see myself having the leave home, get to a photocopying machine, make a copy of the insurance policy, then get to licensing office in Princeton, in San Fernando, go into a line. If you are from Rio Claro as I am that is a whole day. That is a whole day. And when I see “provide proof” uploadable comes to mind, that I am able to take a smart phone, take a photograph, and upload it to a website, or I am able, in some cases, many of us have an app on our phone that allows us to take an image of a document and convert it to pdf and upload it.

Madam President, that is what I see, and that is what makes me very happy, because these are the things, I thought my friend would have, coming from Point Fortin, would have understood what people in rural communities have suffered for a long time, having to take an entire day to come into the city. It reminds me of the old days when the Chow family used to do cocoa and coffee up in Sangre Grande, and they would load up the horses and bring the cocoa down, and they take three days, then they overnight at the union club in Port of Spain and they do their business transaction, and they take another three days to get back up. People in rural communities have suffered at the hands of inefficient bureaucracies for a very, very long time. And it is not just rural communities you know, urban too,

because the time I have spent in Port of Spain living I have problems right on Long Circular getting Internet service sometimes. So, it might not just be rural communities, it is urban communities, and this is towards efficiency and making life easier, and I cannot see anything objectionable about it.

When I look at the proposed clause 4 again, and I see that we having a register of vehicles, I am thinking these are the words that come to mind. My colleague, Sen. Lalla knows, other colleagues who are familiar with that, when you think about register you think about that Red House and that vault with all those bound documents with deeds that you have to physically go and search. And I am thinking with register, it is electronic, it is searchable, and it deals with data-privacy issues. So there are things there lodged there that the public may have access to. You could do searches, and there are things that remain private as part of the person's transaction. And that is how I see this, Madam President. When I see unique identification, which is proposed, a unique identification mind. I think about the hon. Prime Minister, recently in the road map conversation where he latched on to a discussion involving former Senator, our former senatorial colleague Michael Annisette, about this issue of unique ID, and we know for those of us who have travelled and who have worked, and who in some cases lived outside of Trinidad and Tobago, we now in most countries where the taxation system, the collection of tax, the distribution of social services, handling of children in schools, and all those things within the government system works efficiently because it is triggered by a unique identification that allows for management, for accountability, for traceability, track-ability, and efficiency. So unique identifier to me points to—that is the type of language, and I think young people listening to this debate, because a lot of young people told me they were going to be following, they are attracted with them. They are latched on to this

because they understand what is being proposed.

Madam President, and I just want to make one more point on the issue of the technology, and that is to say what we all know. A lot of us has spoken about COVID. COVID has triggered interest in automation, wider use of technology, work from home and work at home. They are different, work at home. And I have said it before and I would say it again, I am amazed that my colleague Sen. West firstly got rid of the cabinet box, and so much disturbance would have been caused by that because of having each Minister having to provide 35 copies of a Cabinet Note by a predetermined time, and an old bureaucracy having to copy and put together and all of that, and a whole bureaucracy to pack it in the boxes and distribute it all over Trinidad, and we have gone—first thing was to go paperless and to go electronic via the iPad, and then secondly, COVID has forced us to meet—

Madam President: Minister, you have five more minutes.

Sen. The Hon. C. Rambharat:—in virtual meetings, and we have been very efficient in doing that.

Madam President, last week we dealt with the Miscellaneous Amendments Bill. In there we introduced an amendment to the Plant Protection Act, which deals with importation and import permits, where it was unfortunately a very well-written *Newsday* story with a bad headline that said, “Seeds do not require import permits.” I was very quick to correct that. Seed would require import permits. But I want to say, Madam President, on May 12th, the Ministry of Trade and Industry and the Ministry of Agriculture, Land and Fisheries finally launched the paperless system for obtaining import permits. And it may not mean much to many people, but all the farmers and even backyard gardeners, and people who have to import seeds and other things that they need for their agriculture, this is a

paperless electronic system, and the press release from the Ministry of Trade and Industry says that the whole process will be completed in three days. Madam President, when I came in as Minister it took as much as five years to get a packet of seeds into the country, as much as five years, and it was not anywhere three days. So we have moved from years to months, to weeks, to days, and we would eventually make it to hours.

Madam President, very quickly two things that really attract me, this issue of having— So, I got a ticket once in my life, and that is entering my hometown in Mayaro, and just as I was coming out of coconuts and approaching the town, a coconut fell and bumped—well this is my version—and broke my number plate, and as I drove 150 feet further and I approached the Mayaro Police Station there was a very young constable, as green as guava, and he stopped me and he pointed to the broken plate, and I showed him the piece that I had just picked up from the road, and he gave me a ticket. And it was a \$40 fine. The problem with it was that I had to pay the fine in Mayaro. This was Saturday. I had to pay the fine in Mayaro Saturday, or if I wished to contest to go in the Mayaro court. So one of the big attractions to me is in clause 15 where, if you do in fact wish to contest, and it is not just contesting and showing up, your name called to the court, you have to file a notice to contest, and that is the provision in clause 17, but it will be contested not where the offence—the violation occurred, but in the court where the matter is listed. And that is to me a very significant change.

3.00 p.m.

And finally, Madam President, consistent with what I said, clause 25, the new regulatory power of the Minister to deal with this issue of parking for persons who are differently abled, and to answer Sen. Dr. Deyalsingh's question about the clients of his wife, we are specifically putting after "disability", "persons with

special circumstances”. And I remember us discussing that language because we wanted to consider someone who was fully able but had children, or had other reasons, or had a temporary issue going on in their life so they cannot be classified as differently abled or anything, but something caused them to require special treatment because of special circumstances, and the regulation is intended to cover all of that.

So, Madam President, in answer to my friend, Sen. Obika, there is absolutely nothing to fear. I want to make one more point, Madam President, how much time I have, a minute? Thirty seconds?

Madam President: One minute.

Sen. The Hon. C. Rambharat: The issue of the radar, detector and the jammer, Madam President, the word “Waze” came to mind right away. And of course, some of us— I follow on social media— a lot of us want crime to be fought and for things to move efficiently and for us to be like Norway and Sweden and all those places, but those same persons would be posting on social media and saying, “The police here, the police there, the police there.” And even if I do not want to be told— sometimes I am on the road, I use Waze a lot and I am on the road, and there is Waze telling me, “Speed, something up in front, this and so on.” I do not want Waze to be telling me that, honestly. So this provision will deal with that and we would not be tipping each other off, and we will be doing what we should be doing on the road, observing the law.

Madam President, I thank you very much.

Sen. Wade Mark: Thank you, Madam President. Madam President, I rise to make my limited contribution. I hope that that will be the last time I will be speaking for 20 minutes and we will revert to our normal 40 minutes, each Senator. And I would like to say in this contribution, on behalf of the Opposition, that the

Bill that I am about to address seeks to amend the Motor Vehicles and Road Traffic Act.

Madam President, it is said that the road to hell is paved with good intentions. I would have liked if the Attorney General was in the Chamber, to ask the Attorney General, for him to inform us, as to the level of discussion and consultation that this Bill attracted because, Madam President, of the very serious provisions contained therein.

Madam President, we are advised that there are over 800,000 to 900,000 vehicles on the roads of our country and therefore, I would have liked to ask the Attorney General whether maxi-taxi operators and associations, along with “H” cars association, along with bodies and organization involved in the provision of transportation, would have been in or within his radar. I would have also liked to ask the Attorney General whether this matter was referred to the Law Association.

Madam President, what we are dealing with today is a very important measure and in going through this Bill, in the limited time that we were given, even though it was here before, I would say sometime in September, there are several provisions in the Bill that conflict with sections 4 and 5 of our Constitution, particularly the right or the rights of our citizens to privacy, and the enjoyment of their property.

Madam President, there are also several dangerous and draconian measures which, Madam President, may continue a trend that has started, that is, laying the foundations for the development of an electronic surveillance police state in our country. This is separate and apart from the punitive revenue raising measures and penal sanctions, which I will go into, Madam President, which appeared to be very disproportionate in their application. Many appeared to be arbitrary, whimsical and certainly not properly thought-out by the drafters of this piece of legislation

that is before us.

Madam President, I would want to deal immediately with the measures that are before this honourable Senate and I would not bore you with the irrelevant details of the sections that I am about to comment on, suffice it to say, I would just ask you to join me in looking at clause 4, (2A) of the legislation and what that is designed to do. And when we look at this particular provision very carefully, Madam President, I would have liked to ask the Attorney General to indicate to us whether in the renewal of one's registration of one's vehicle, when we are told, Madam President, in (2A), subsection (c), that one had to provide proof of payment of motor vehicle tax required under section 14, I said this is a joke. You do not put these measures in legislation. The Attorney General must know or ought to know that when one is buying a vehicle, it is the company that pays and charges you and me for the motor vehicle tax. I do not pay motor vehicle taxes directly to the Board of Inland Revenue. That is done for me and us. So I do not understand the relevance of this particular provision. I think it ought to be deleted completely from the legislation, Madam President.

Madam President, I go to clause 5(a), which talks about registration plates issued under the section saying that it shall remain the property of the Licensing Authority, among other things. And that there are provisions that tell you how this thing could be addressed, in terms of cancellation of the registration. This clause, Madam President, in terms of the fines that are imposed is extremely draconian. Madam President, if you are seeking to impose these provisions, the owner of this vehicle, which is his property, ought to be properly informed and be allowed to make representation as to why his registration should not be cancelled. We are seeing in the provision there that I have mentioned, the operation of this section of the law where natural justice does not appear to be properly served, Madam

President.

Madam President, when you look at the clause that deals with, where a person fails to comply with a notice under the sections within a period specified is liable to a fine of \$10,000. Madam President, this is too punitive. Already, the motoring public is reeling under heavy fines imposed in the 2017 legislation. And to come and impose these kinds of punitive measure is very alarming and disturbing. Not to mention, Madam President, the person in question may have been out of the country at the time of the notice, or his vehicle might have been under repair, or laid-up. Yet still, the Government is proposing, in spite of those situations, you are going to be called upon to pay this hefty fine.

You go to section 15(1) of the Act, Madam President, in terms of the amendment before us. And as I am here, I want to rush on, because I know my time is limited. I want to go immediately into the section Part IIB, dealing with electronic registration of motor vehicles. Madam President, it is said that the Government is going to be issuing what is called “electronic tags” for all registered vehicles and you must comply with these electronic tags, because it must be affixed to your vehicle. And if you fail to comply, Madam President, you are going to be liable to a fine of \$5,000.

Madam President, again, this is a bit too punitive and draconian. Again, no attempt is taken to determine circumstances that might cause someone not to have or proceed to the Licensing Authority, to have that electronic tag attached or affixed to their vehicle. Madam President, we do not know whether the Licensing Authority would have the kind of infrastructural facilities to register over 800,000 to 900,000 vehicles and tag them at the same time, given the new circumstances of the arrangement that is before us. The Attorney General would need to clarify that.

Madam President, we are seeing where you are going to be—the authorities

are going to be having what is called electronic devices for reading purposes so that they can access information from the individual involved. And the question I want to ask is: What information would be scanned? What is the nature of the information that would be scanned by these individuals who are described as authorized officers, Madam President? Whether it is going to be just name, date of birth, address; we do not know, Madam President. We are in the dark.

Then, Madam President, we see in the legislation that is before us, that a constable is either a police officer, a transport officer, a traffic warden or an estate policeman under the Supplemental Police Act. Again, Madam President, when they say secure that information, there is no provision in the legislation as it relates to checks and balances to ensure that the information secured is not abused by those who are receiving the information in question.

Madam President, I would also like to draw to your attention in this said Part that I am referring to, Part IIB of the amended legislation, we are speaking about constable and the categories. Madam President, I know under section 10A of the Motor Vehicles and Road Traffic Act, a traffic warden assists a policeman in executing his duties as it relates to traffic management. But I know that they are also issuing tickets to motorists, and I do not know if that is within the law that we currently have on our statute books. And what is even more disturbing, Madam President, is the question of these individuals who are called traffic wardens being equated to a policeman, in terms of power, a transport officers, and an estate constable. These are matters that we would need to clear up and have some clarification on, from the Attorney General, Madam President.

Madam President, when you go to subsection (5), that is, this clause here on page 8 of the Bill, we are seeing where speed cameras will be recording, as I said, information on one's speed, on one's location.

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

Sen. W. Mark: Yes, on one's location. We are trying to determine, Madam President, whether the installation of electronic reading devices and extracting such information is not an invasion of an individual's privacy. And, Madam President, the language is so loose in 20G(1), where we are saying here that:

“Any image, record, or information obtained...”—can— “be retained...”
—by the authorities, and they can use that even in court proceedings. Madam President, this is extremely dangerous. We do not have a clue, as Members of Parliament, what image, what record, what information, what data is being extracted by these cameras. We believe that these constitute an invasion of privacy rights and enjoyment to property and we believe that the Government needs to pay attention to these dangerous provisions in this piece of legislation.

Madam President, there are several sections in the legislation that gives the Minister of Works and Transport power, via Order, to even impose and change the Schedule as it relates to offences of a criminal nature. Madam President, a Minister does not have that authority and no Order can be issued by a Minister to impose new offences as outlined under Schedule 10. So all those sections of the legislation that gives the Minister power to impose, through Orders, certain, let us say, fines or extend the nature of the offences, or introduce new offences, those things, Madam President, must be subject to an affirmative resolution of our Parliament.

So, Madam President, we are very concerned about some of the measures that are contained in this piece of legislation. We would want the Attorney General, when we meet at the level of the committee stage, to look at these provisions very, very carefully, so that we do not infringe sections 4 and 5 rights of our citizens, and that you establish the relevant and necessary safeguards and

checks and balances to ensure that those persons who are charged are doing so within the law and within some oversight framework, which will be the Parliament. So at the committee stage, Madam President, we shall be suggesting certain proposals for the Attorney General's consideration. Madam President, I thank you very much for the opportunity.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam President. Apologies for the little time that it takes to get to the podium and to prepare to wind up. Madam President, I thank you sincerely for the opportunity to bring closure to this Bill before us. I thank all hon. Senators for their contribution. I welcome back to the Senate, my friend, the hon. Sen. Larry Lalla, whom I have not seen for a very long time. It is good to see him back on the Senate Benches.

Madam President, the debate today has been a very constructive debate. I welcome the enquiries coming from hon. Senators opposite. The Bill is certainly quite an involved piece of law in part and therefore, perhaps the majority of enquiries are best answered, particularly in this truncated time for debate, at the committee stage. I am very grateful to remind that we do not have a limitation on time in committee stage and that is, therefore, the quite proper context for us to answer a lot of the questions asked.

Sen. Teemal gave a very deep analysis of the clauses as he put them forward. I congratulate the hon. Senator for raising those issues. There are a few higher-level issues, Madam President, that I think can be addressed in winding up. And if I were to address those as a priority and take the other aspects a little bit later into committee stage, they will be as follows.

Madam President, Sen. Hosein and Sen. Mark both raised certain issues in relation to privacy. They raised issues as to—perhaps in Sen. Mark's case, it was very strident; the allegation that there was an infringement of privacy. In Sen.

Hosein's case, it was by far less an approach taken on that regard, but it was more of an enquiry. And then, of course, there was the suggestion for caution or need for explanation coming from Sen. Dr. Dillon-Remy asking about the issue of positions. So I think that that is certainly a point that we must speak to.

So let us jump directly to that. Madam President, on the issue as to whether the RFID and the tagging feature infringes your right to privacy, the answer to that is found in multiple facets. First and foremost, that answer is found in the Motor Vehicles and Road Traffic (Amdt.) Act that we birthed in 2017. And in that particular Act, we brought to life the conditionality of road user. We have inserted, Madam President, and it is part of the law, it has been assented to, the Cabinet has agreed to proclaim that law on the 26th of May, 2020. We have inserted Part IIA, which is a new sections 20A, 20B and 20C. And that underwrites this whole discussion as to whether we are treating with privacy issues or not.

Number one, an RF tag ID is not a GPS tag. Number two, insofar as you are on the roads, in a motor vehicle, you are doing that by virtue of a licence to be on the road. Your licence to drive on the road is not an absolute right. You may have the right of freedom of movement but your movement in our constitutional construct and our statutory arrangements in the Motor Vehicles and Road Traffic Act is circumscribed by it being a license to drive. That license to drive has been put forward in section 20A, and then section 20B and section 20C, where it is declared to be a compliance with the Act and other written laws relating to the use of a vehicle on a road by the holder of a driving permit, that that is a condition of a driving permit.

Similarly, the imputation to the owner; and thirdly, any breach of condition specified in the Seventh Schedule by the holder of a driving permit, or the owner of a vehicle, constitutes a traffic violation. And a violation is to be looked at on the

standard of balance of probabilities. Let me translate that. We have converted criminal offences effectively into violations on a civil standard. We have therefore removed obstacles and improved the proportionality of the law by ensuring that you are giving a benefit to citizens. The benefit is you are removing criminal exposure into civil exposure.

Secondly, this license and the civil exposure that you are exposed to is dressed and managed in a due process environment. You must be given notice of the event. That notice is sent to you in the manner in which we set it out by the fixed penalty provisions and the notices. When the notice comes, you have an opportunity to contest it. You can contest it in a court of law, if you choose to do so. If you choose to contest it, and in answer to Sen. Teemal, you can contest and still pay and then obviate the need for it. Yes, you can possibly buy yourself time, but that is the existing law right now. Because if you have a fixed penalty notice, or if you have a matter before the court, the practice direction of the honourable Chief Justice of the Magistracy says: "At any time before the day in which you appear at court, you can actually pay the fine and be relieved of the obligation of the fixed penalty."

That ties into the proportionality and constitutionality considerations coming from Baroness Hale, beginning at paragraphs 58 onward of the Suratt decision from the Privy Council, which says that we are treating with a right in a way that is known to the law. In other words then, we are not inventing a new process. So point one, you have lessened from criminal to civil; point two, there is due process; point three, you are given a right, which is known to law.

We are also in this context, Madam President, intimately aware that this is not the first time that we have done this. It is underwriting the submission that this has been done in law and is known to law. Where have we done this before? We

passed Act No.1 of 2017, that is, the Motor Vehicles and Road Traffic Act. That is part of the laws of our country. It was assented to. It would become law when we get to the 26th of this month.

Secondly, Sen. Mark would well be aware, as he sat in another place where this legislation was dealt with in 2014, and then 2015, in a different capacity, that Bill No. 24 of 2014, piloted and approved by way of Cabinet policy of the UNC Government, had the exact provision for the launching pad of RFIDs. RFIDs and tags were a feature of discussion by successive Governments; by the Patrick Manning-led PNM Government, by the Kamla Persad-led Government.

It is therefore curious that Sen. Mark would arrive here today to seek to treat with that as a point of law, but in any event, Madam President, we have managed that by converting criminal offences to violation, having a due process where you can contest the right, giving you due notice of the effect of it and that, therefore, manages itself.

3.30 p.m.

Sen. Teemal asked the question—and I should say, outside of that box Sen. Mark would well be aware that one of the champion entities pioneered by Prime Minister Kamla Persad-Bissessar, in her tenure, was the birthing of the National Operations Centre, and that was for the CCTV network all over Trinidad and Tobago to physically monitor exactly where people are with facial recognition software. It therefore does not stand to reason today to hear Sen. Mark express concerns for people's privacy rights which do not exist in the context argued by the hon. Senator, whilst as part of a government, he witnessed the CCTV tracking of citizens on a daily basis.

Madam President, the bona fide purpose of the law of RF tags is to ensure that vehicles are monitored and managed within the laws of Trinidad and

Tobago—the Motor Vehicles and the Road Traffic Act—as to their roadworthiness, as to whether they are obeying the laws with respect to speeding and safety concerns. That has a direct impact of saving lives. Saving lives is a legitimate aim in relation to this law and therefore, this is entirely proportionate. We saw coming from Sen. Hosein quite an interest conversation about the courts being in shambles, and the criminal justice system not working, and his position about the DPP's Office being understaffed, and not enough accommodation, and it is on the record as the hon. Senator put it, and I will give a very short answer to these things.

This Government will in the month of June—at the end of June, all things being equal—be the Government that opened 125 courts in Trinidad and Tobago. This Government has birthed the Children Court in Trinidad and Tobago. The Magistrates' Court in San Fernando is in the process of movement, the Judiciary is in the process of having that construction begin right now, as is the Family Court in San Fernando. I will just say quickly, as I end on the courts structures, that it was the UNC Government that cancelled the building maintenance contracts for the Judiciary and that, therefore, put us into a difficult situation with the Judiciary falling into difficult situation on their maintenance and other positions.

Relative to the DPP's aspect of management, the DPP has had the opening of the Tobago office, the Port of Spain office will be ready by the month of June, and the San Fernando office was confirmed by the Cabinet and that progress begins. In a matter of months that office should be finished and in fact, the IT structures have been installed, et cetera. So Sen. Hosein is probably not aware of those things.

Madam President, Sen. Hosein alleged that this Bill would be a burden on the citizens. It is the exact opposite. To tell the citizens of this country that they

do not need to find themselves in the district where Rio Claro Court is, when they come from Charlottesville, because they had a speeding offence there, and that instead they can do this online, and that instead they can attend that court online, that is an easing for citizens. To remove a criminal offence and transfer it as a violation is an easing for citizens. So perhaps, the learned Senator was not aware of the true intent of the Bill, perhaps because he complained that he had to research the law overnight. I remind that this Bill has been on the Order Paper for nearly a year if you look at when it was brought from the last session and therefore, hon. Senators have had quite some time to consider the ramifications.

Madam President, Sen. Hosein alleged that because of his research he came across certain notices for procurement of services from the Ministry of Works and Transport. He referenced 12th of July, 2018; 9th of August, 2018. Those for the demerit points system software. Sen. Hosein alleged, quite remarkably, that that could not be done at law. I wish to point the hon. Senator to section 46 of the Interpretation Act which says, with respect to an unproclaimed law, that you can take this the operational measures perfectly forward and bring them to life. And therefore, the procurement process, when the law has not been proclaimed, is a feature of the Interpretation Act, and the hon. Senator should know that because last couple of weeks when we dealt with the electronic monitoring debate, we put on record that the UNC Government procured the electronic monitoring devices by way of tenders when the law was not proclaimed yet.

So it certainly cannot be that just today that that is a problem, when there is a factual example in this Parliament and in the last Government of how the Interpretation Act is to be used with respect to laws that are not yet proclaimed. What that has allowed us, Madam President, is the ability to bring to life the plant and machinery, people, processes, and law at the same time. And I do understand

that the hon. Senator, and indeed the Opposition, will be panicked at the thought that this Government has managed to achieve so much by way of reform in the motor vehicle and road traffic arena and more so, in the criminal justice system. Because this Bill, as it becomes reality in a matter of a short period as the other motor vehicles and road traffic amendment for red light camera enforcement comes into effect, this has a direct impact, as I have said before, on the criminal justice system by removing nearly 80,000 cases from backlog and 104,000 cases per year on an annual basis, when the average annual basis is 146,000 cases per year.

I wish to point out, Madam President, that the position of privacy and interception of communication, as it was argued by Sen. Hosein, and the Income Tax Act, he made quite an incredible suggestion saying that this Government has watered-down the rights of privacy, I will invite the hon. Senator, if he feels that stoutly about it, to take that matter to the court because that is where argues those sorts of positions. The due process of the Trinidad and Tobago Police Service, having the ability to interrogate matters by way of criminal investigation, that is a right that is well enshrined in our laws, and I have no lack of certainty that the laws passed are entirely proportionate.

Sen. Dr. Dillon-Remy: Attorney General, can I just ask one question?

Hon. F. Al-Rawi: Yes, please.

Sen. Dr. Dillon-Remy: So, my question—I have no problem with the RFID. My question is: Does it require a three-fifths majority since it is being mandated that I have this provision on my vehicle? I have no problem if it is voluntarily, but it is being mandated, and that is my only question.

Hon. F. Al-Rawi: Sure. The answer to that is no. It does not require a three-fifths majority because as Baroness Hale said, not every section 4 and section 5

right requires a three-fifths. Number one, if it is proportionate in law; number two, if it is known to the law as it stands, and that is why I went through in the provision. Proportionality is underwritten by the fact, we are moving from a criminal sanction to a civil sanction. In other words then, you are getting a benefit. Number two, the law as it exists in sections 20A, 20B and 20C of the Motor Vehicles and Road Traffic Act as it has been amended, converts the use of the roads as a condition. You have a license to drive. You do not have a right to drive and therefore, whilst you can own a car, your permission to have the car on the road is subject to a condition of license as well.

The motor registration is by way of a license to be on the road effectively. You can own your property. Your RF tag ID which allows the imposition of an offence, now violation, i.e. you have been speeding, you have broken the light, you have endangered a person, the purpose of this law is not track someone, it is to allow for law enforcement. And because law enforcement is entirely proportionate and a feature of the Motor Vehicles and Road Traffic Act since 1956, you therefore do not need any three-fifths majority to enforce the motor vehicle and road traffic laws by the device which is mandatorily a feature of the license plate.

So I know that sounds a little complex but the simple position is, there is no requirement for three-fifths majority in the context of the license to be on the road. You can simply choose to not be on the road, as some people can do that. So the property right is not there because your license to drive is not your right of property. They are two different aspects and law enforcement is a legitimate and proportionate aim, such that, if you did have a right under the Constitution that it falls well within the Suratt principles, because you have a due process applied to it, meaning you can go to the court, you have a process of objection, et cetera. So that can happen.

That takes us to, who has the data, how can you access the data, do you have transparency as to the knowledge of the working of the position? Sen. Teemal had raised the position of sending the verification of the working of the advice together with the fixed penalty notice. There is a presumption in the law, built in to the red light enforcement and in the spot speed positions, that if you ask for it to be the case, that that will be produced. But there is a presumption in law that it is working well, that is underwritten by the fact that the Commissioner of Police has to certify that the inspection officers have been trained, have maintained the system in appropriate way. Furthermore—and this was raised by Sen. Lalla—the access to the information is what is critical. The IT solution that the motor vehicle and road traffic arena has means that, you will have access to the functionality of the positions on an online basis.

Right now, the information that is triggered at the RFID point, if an offence is generated, i.e. you passed at a point too quickly, your speed was monitored at the archway under the spot speed arrangements or the RF tag ID, it says that you were not within your license, you are not renewed, you have offences against you, that RF tag ID triggers, that information is available, the same way your demerit points is available online by way of an IT solution, that information goes to the Trinidad and Tobago Police Service and to the Judiciary, and they generate the offences kicking out to you where the fixed penalty notice is done by way of an IT solution.

So, in short point, there is transparency in the system. You have the ability to ask for the proof that the system was working well. You have access to the system that way under your rights of disclosure at law because the rule of disclosure in criminal matters, even though this is civil standard, is that you must disclose the case that is most prejudicial to you, to the person against whom the charge relates. So there is full disclosure in this arrangement and arena. Madam

President, what time is full time?

Madam President: 3.52.

Hon. F. Al-Rawi: Thank you. So, Madam President, the submission also raised by Sen. Lalla was the non-functionality of the cameras that used to be flashing at the Curepe Intersection, et cetera. I can tell you that on two spot speeds, we have had in the test period—they were flashing at a point because we were testing the environment. Both at the Wrightson Road, Curepe, and other places, they were put on a pilot point, and what we discovered is in the matter of a year, at two intersections alone, we had over 4,000 violations at the spot speed points. That does not include the thousands of violations at the Wrightson Road point.

So we have tested it; that is why the flashing was there. We did the testing so that we could get the data to make sure that the Judiciary could receive it, the police could receive it, the generation of notices could be had. We brought in TTPost so that they can post the messages. So what we did is while we were contemplating the law, while we passed the first law, we have been testing it all along so that when it goes live on the 26th of May, 2020, that it is not system we are trying for the first time, that there is a robust environment. It is why in this Bill the Judiciary has made several requests that are features of the Bill for amendment to the Bill which we have agreed to. It is to harmonize the technology that the TTJim system uses together with what we are proposing from the old law. So we are moving seven days to one, we are removing certain conditionalities.

There is, Madam President—we have a short list of amendments to be circulated and I can tell you—I think I have unfortunately left the amendments at my desk—that the amendments that we are looking at also include, very importantly, another point raised by Sen. Lalla, and this is the need for—it was not that Sen. Lalla raised it this way, but Sen. Lalla's concern is addressed by the fact

that we are allowing the Judiciary the ability to make rules to govern the disposition of cases that come from this arena, spot speed, red light enforcement, et cetera, and in these rules, we are going to also allow for the Chief Justice to have the manner of disposition of cases.

In other words then, you do not necessarily have to come to the court where the district applies. You live in Scarborough, you got a ticket in Mayaro, you are looking to go to the court at the bottom of Trinidad and you live in the north of Tobago, we are managing those aspects so that the Chief Justice can have that rule—I thank the Clerk for bringing this. So we are looking to say in a new section:

- “106A.(1) That notwithstanding section 9 of the Summary Courts Act, the Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules with respect to—
- (a) location for the hearing of traffic matters;
 - (b) the manner in which cases will be listed for hearing and the parties to be notified; and
 - (c) all other matters necessary to give effect to this Act.”

Of course, the:

- “(2) Rules...”—are—“subject to negative resolution of Parliament.”

And:

- “(3) the Chief Justice may by Practice Direction, determine the Court locations”—et cetera.

It is in these rules as well, coupled with the regulation power under section 100 of the Motor Vehicles and Road Traffic Act, that we will be able to allow the access to the technology for discovery and certainty. So this is intended to work with primary legislation, secondary legislation or subsidiary legislation which are

regulations under section 100 and also, by the Rules Committee and Practice Direction under the Supreme Court of Judicature Act arrangement where the Chief Justice can do that end of the equation.

Madam President, can law change culture? That is a question. I can tell you for certain that six speed guns did. You remember there was a point in time when Trinidad and Tobago did not know it had a speed limit? People used to boast about the time it took them six minutes to go from San Fernando to the top of the highway. We had umpteen deaths, et cetera.

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

Hon. F. Al-Rawi: Thank you, Madam President. Six speed guns and the fear of thousands of dollars in fines. We have 93,000, nearly 94,000-odd traffic cases by speed guns. That instantly caused Trinidad and Tobago to complain wrongly that the Government had changed the speed limit to 80. We did not change the speed limit to 80. Trinidad and Tobago all of a sudden slowed down because the speed limit of 80 was always there. It was just being enforced.

What we did as a Government is that we changed the speed limit to 100. In most of the instances, we had to map every road in Trinidad and Tobago, but six speed guns—there are nine more added to that now—changed the driving culture of Trinidad and Tobago as profoundly as the breathalyser and the seatbelt law, and those things are what this law intends to bring to life. The culture of Trinidad and Tobago is what is intended to be managed here. I note that nobody has a problem going to the United States of America where every car has an RF tag. Every single car has an RF tag on it. When you go to the United States and you rent a car for one day, and you break the SunPass, you did not pay your toll, the credit company deducts the money from you. So you come back to Trinidad and your credit card will have—because our law is built the same way. The owner of the vehicle is

responsible but somebody else might be driving. It puts the obligation on the owner to know who is driving. Why is that necessary? The Privy Council has said that you cannot be insured if you give your car to somebody who is not on the insurance policy. That is a big problem in Trinidad and Tobago.

Secondly, when you have the issue of the cut-through liability, our law as we amended it in 2017 says the owner has the right to sue the person who was driving to collect what was wrongly put on the owner. Just like the credit card deduction. In the United States of America you rent a car from Hertz, you break the law, Hertz gets fine but Hertz, in their contract of insurance, deducts from you. My own vision of this working is as we have seen in the Netherlands and elsewhere—take for instance a government car, the driver of a government car simply has a black box in the car, you flash an ID card and you know Faris Al-Rawi is driving a government vehicle. For example, you break the law, the Government is owning it, but the offence comes directly to me by way of the contract of employment or otherwise. So these things are easily managed by technology, and we need not concern ourselves with that because the rest of the world is well accustomed to dealing with this.

Madam President, Sharon Inglefield from Arrive Alive, a champion in her own right, has often caution quite publicly that every single life matters and she is right. One of our Senators said surely every one of us has a tale of someone we have lost. I have lost many relatives. A beloved cousin of mine, a lovely young man—my first cousin—tragically died on the highway at too young an age. So many of us have these stories. The beautiful twins from San Fernando who died in a car crash, the people over the weekend on the back of a tray. All of these things can be managed by an amendment to our laws. What is required is for a government to get it done.

The mantra that I have preached as Attorney General is “just start”. You have heard me say that hundred times in this Senate, “just start”. Look at what just start took us to. Our laws are up and running. Madam President, we can do this. We have already. We can do more. Madam President, I look forward to the contributions in the committee stage and I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Madam Chairman: Does everyone have the amendment circulated by the Attorney General? May I also remind Members that there are 27 clauses in this Bill.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed: That clause 4 stand part of the Bill.

Sen. Mark: Yes, Madam Chair, there are two areas that I would like to have clarified. In clause 4, (2A)(c), Attorney General, through the Chair, why is this provision inserted into the legislation when we know that we do not, as persons who purchase vehicles, pay taxes directly to the Board of Inland Revenue. We do not do that and therefore, we do not get a receipt for doing that. So I do not understand why this provision is located here. So I would like to have some clarification.

And the second thing, Madam Chairman, is this. I know it is coming up in the next clause but because we are talking about the registration of vehicles and renewal, I would like the Attorney General to explain to us, Madam Chair, every three years you are asked to go and inspect your vehicle and you get an inspection certificate

to determine its roadworthiness. The Attorney General said in his contribution today, the reason why we are going every five years for re-registration has to do with roadworthiness. So I would like him to explain to us whether the inspection of vehicles which takes place every three years will now be abolished and if he can tell us at the same time where—no, I would not go there. I will come later, but just explain that to this honourable Senate.

Madam Chairman: Sen. Sobers, you wish to raise something?

Sen. Sobers: Yes please, Madam Chair. Hon. Attorney General, at page 4 which will be the new subsection (5B)—

Mr. Al-Rawi: Sorry, Madam Chair. Forgive me. Could you just give me a moment because there are such long submissions, I literally need to take notes less I lose track. So Sen. Mark asked about four things. So just one second please because I just got that back.

Madam Chairman: Sen. Mark asked about the motor vehicle tax—

Mr. Al-Rawi: Gotcha.

Madam Chairman:—and about roadworthiness, and whether re-registration—

Mr. Al-Rawi: Okay. Thank you so much, Madam Chair. Apologies, Sen. Sobers.

Sen. Sobers: That is fine. The new subsection (5B) where there will be a penalty now in place for persons who cause or make the registration plates without the permission, I wanted to know if we could have—

Madam Chairman: Sen. Sobers, here is what. You have to position your mike and you have to maybe channel a little bit as if you are shouting at me so that we can all hear you. Okay? Just a little, a little shout.

Sen. Sobers: It is not in my nature, Madam Chair. I will try. So I wanted to know if the Government would consider possibly making an amendment wherein

they also include the penalty for a person who is actually in possession of those plates without permission as well too. So that is the first one.

Madam Chairman: Where is that specifically?

Sen. Sobers: Subsection (5B) on page 4.

Madam Chairman: Where you talk about cancelling the registration of vehicles?

Sen. Sobers: No.

Madam Chairman: (5B). Okay, got it.

Sen. Sobers: Correct. And subsections (12) and (13)—

Madam Chairman: Okay.

Sen. Sobers: Well, section—I guess it would be (12) and (13) on same pages 4 to 5 which also deals the time period for registration. If you are in possession of the old plates now and you have register with these new plates, I did not get the time period there. I did not see it in the Bill. I do not know if the hon. Attorney General would be able to shed some light on that time period that persons would be given, and whether or not there will be cost for re-registration as well.

4.00 p.m.

Madam Chairman: Attorney General.

Mr. Al-Rawi: Thank you, Madam Chair. I thank hon. Senators for their enquiries. Permit me one second. Sorry, this Bill requires a lot of cross-referencing to original law, amended law and other aspects. So, Madam Chair, in answer to Sen. Mark and his enquiry as to clause 4(a)(2A)(c):

““where applicable, provide proof of payment of motor vehicle tax required under section 14...””

— the answer is literally right there. Section 14 of the Motor Vehicles and Road Traffic Act specifically says that you are:

“(1) There shall be payable to the Comptroller of Customs and Excise in respect of classes of motor vehicles specified in the Fourth Schedule, a motor vehicle tax computed in accordance with...

(2) Motor vehicle tax shall be payable by the importer to the Comptroller of Customs and Excise upon vehicle being entered for use within Trinidad Tobago and before the registration of the motor vehicle.”

The reason for putting this in here and with the qualifying language that says “where applicable”, is specifically because, at present, but not for much longer, there is an incongruity between customs information and motor vehicle licensing information. Because ASYCUDA, which has the importation aspects; customs, which has the payment aspects; licensing, which has the “put it on the road subject to conditions” aspects, those IT systems have not been necessary speaking together to each other. That since been solved at law and whilst that technology is being built up, this is to require harmonization of records so that fraud, which is perpetuated in the importation of motor vehicles and them finding themselves on the road, that is managed simply by marrying section 12 which is the registration of a vehicle, with the payment to customs as mandated by section 14 of the existing law. So that is the answer to the first question.

The second aspect raised by Sen. Mark was with respect to re-registration and roadworthiness and specifically, Madam Chairman, what we are looking at here, to avoid continuing in the pitfall that this country has been, because we all know many years ago, some of us, who are a little bit older—like what was the expression? “Uncle the hon. Clarence Rambharat” —some of us who are a little bit older will remember the days when you had a motor vehicle certificate, a little sticker, an inspection sticker. That came to the fore recently when Trinidad and

Tobago was introduced to the idea, “ay, go and get your vehicle inspected because road worthiness is a condition”.

So putting the re-registration every five years, causes an event of roadworthiness, so becomes part of the system. So as opposed to people not turning up to make themselves roadworthy, if you make their license, that plate, subject to expiry, every five years, you automatically have them coming into the system to ensure roadworthiness. You are not relying upon their good graces and therefore, the system of re-registration assists us with road safety lives, insurance, tracking fraud, et cetera. It is exactly what is done in Jamaica, in other parts of the Commonwealth, including the United States, the United Kingdom, et cetera.

In answer to Sen. Teemal in the debate, the fee which is associated here in the First Schedule, the \$350 on renewal and the question of exemption for senior citizens, that is the subject of a different law operating. The taxation laws that come every year in the Appropriation Bill and then the Finance Bill is how you manage the easing of tax paying obligations for senior citizens, et cetera. That has to be left in that route. The point is to create the obligation in law, which is what we are doing here. The ease or benefit under the Finance act is different and that law changes from year to year, every year. The one law that changes every year is the income tax law, in the budgets.

Madam President, we had from Sen. Sobers, an enquiry in relation to subsection (5B), which is to be found at page 4. Again, it is the reference to the (5B) that will be inserted in section 12. And what I can do is to refer the hon. Senator to section—clause 24 of the Bill. Clause 24 of the Bill is where we amend section 90 of the Act. And you can find that, Madam Chairman, at page 26 of the Bill:

“24 The Act is amended by repealing section 90 and substituting the following section:

90.(1) A person shall not, with intent...deceive, imitate, alter, mutilate, destroy...lend or allow, to be used by any other person his certificate of registration, driving permit issued...

(2) A person who contravenes...commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

(3) A person who with intent to...”—do.

And then we go down now at the registration plate in subsection (3). So:

“(a) alters, uses, lends or allows...”— the —“...plate...”

“(b) makes or has in his possession, anything resembling a registration plate...”

So that is nail on the head, answers the question, clause 24 of the Bill contemplates that. Of course, Sen. Sobers was correct to raise that as an enquiry.

The second submission in the bifurcated questions coming from Sen. Sobers, looked at the time frame for the bringing in. Very important question in light of the operationalization of the law. What will happen is, the go forward issuance of new plates, will kick in.

To answer Sen. Hazel Thompson-Ahye, the randomization of plates is already the law, no longer can you mind a mark. You cannot get that same number plate 69, as the person told you their regimental number is. That is gone.

What we may look at later is allowing you to purchase a plate for a premium, as they have in Dubai and other places, where you want to have XYZPQR—you want to have XYZPQR8, a customized plate. That is something

we are looking at coming down the line but to do that, we have to put in the RF tags, the randomized plates, the security features.

The time frame for the existing pot of series, that will be done on a roll-out basis. So what we did, we did the RFP process, we—let me put it to you this way, we did the expressions of interest. We asked effectively, Madam Chair, with respect to RF tags and plates, tell us the world at large, by way of expression of interest, what is the best way to do this? Give us an expression. Is it best to use circles, triangles or squares? Because if you make the mistake, as the 2014 Bill had, to say we want squares, you might end up with technology that is bad or too expensive.

So we went on an expression of interest, circles, squares or triangles. I am using the metaphor. We came back and therefore, we were able to select out technology that was affordable and easy to put in, because what the experience with Saskatchewan brought about was the number plate size could not simply work in Trinidad and Tobago and therefore, getting a square as opposed to a circle was a mistake.

The RFP process is tied into the answer to the question. The RFP process is that we will roll it in batches. Authorized agents will be appointed, who will make those plates and have custody as agents for and on behalf of the Licensing Authority, and they will therefore call in the batches, 10,000 per series, and therefore, it will be a rolling system of change out.

So I thank the hon. Senator for that. The cost is obviously something to be managed. The State will have to underwrite the cost in one instance, or the owner may be brought in to contribute to the cost. That is a matter that the Cabinet will have to decide at some point, depending upon the recommendations that the

Minister of Works and Transport will bring into this position. Perhaps he is able to assist in answer to that.

Sen. Sinanan: So far, all indications, you normally pay about \$300 for your inspection—for your—when you go to license your vehicle, and it will be around the same. So there should not be any increase in the price, once we roll-out that system.

Mr. Al-Rawi: Thank you. So, Madam Chair, I hope that answers the questions.

Madam Chairman: Sen. Deonarine wanted to raise something and then Sen. Lalla.

Sen. Deonarine: Thank you, Madam Chair. Are you hearing me properly?

Madam Chairman: Well, you just have to raise your voice.

Sen. Deonarine: Okay. Thank you. Now, what I want to raise is unrelated to what the prior Members raised. It is in relation to on page 4 of the Bill, at the top, part (a) which relates to the publication of the names in the *Gazette*. The legitimate owners to come in—[*Interruption*] Yeah, now what would happen in an instance where the certified copy does not have the legitimate owner's name on it? So for example, you sold a car but you did not go ahead and proceed with that process to transfer the name on the certified copy to the new rightful owner. What happens in that instance?

Mr. Al-Rawi: So, Madam Chair, that is an offence under the existing law since 1935. It is an offence to sell your car and not transfer it. In fact—because I am a “pyong” or lover of the law in a serious way, when I was going through the Motor Vehicles and Road Traffic Act, did you know that it is an offence to not inform the Licensing Authority when you are leaving Trinidad and Tobago, that you are leaving your car in the possession of someone else?

Sen. Deonarine: Okay.

Mr. Al-Rawi: So that notice actually, will be in two forms. Number one, it is more than likely going to be by virtue of series identification. Number two, it will possibly include owner or transferee. Number three, they can be managed in that process. Number four, it is an existing offence to not transfer accordingly within seven days, which is why we did the miscellaneous provisions the other day to extend the time frame for transfers, et cetera. So I hope that answers you.

Sen. Deonarine: Thank you, it does. I have another question. On page 5 of the Bill, subsection (13) which speaks to the fine of \$10,000. Now, there may be legitimate reasons why persons may not come in within the time frame to submit their number plates for the placing of the RFID chip. Is there consideration to allow some sort of latitude or flexibility for such cases? So, for example, just like Sen. Mark raised, what if my car is in the garage for an extended period of time because I cannot get certain parts?

Mr. Al-Rawi: Your question is in relation to the animus or the mental intention of it and whether it is a strict liability offence. Let me answer it that way. Number one, the latitude is built into the law. Number two, we have used this formula of law because it is the same formula used throughout the architecture of the Motor Vehicles and Road Traffic Act.

The only time that we introduced an amendment to the mental intention of the law and therefore, the reasonableness of your intention is where we are dealing with a strict criminal offence and that strict criminal offence is usually of the higher positions, like reckless driving, or et cetera, et cetera, knowingly and willfully carrying out some fraud, et cetera.

The laws as it has been interpreted using this formula is such that, obviously, you are liable to a fine, it does not mean that you are guilty of the offence. The

fine can always be mitigated. So the expression of the maximum limit here, in subsection (13):

“...liable to a fine of ten thousand dollars.”

—does not mean that you get the 10,000. It may be zero, because you have reasonable positions.

This is tied in, specifically with the Summary Courts Act, and in specific context, section 71 of the Summary Courts Act where you can apply for a reprimand and discharge, in respect of an offence of this type. So your remedy available at law, if you are liable to fine is: number one, you find yourself before the court. Number two, you explain your condition. Number three, you then make a submission for reprimand and discharge or mitigation of the offence. And they can go from anything to absolving you, keep the peace, pay a dollar, community service, whatever it might be. So there are many laws that operate in conjunction with this but we kept with the strict architecture of the law as it has existed for many, many years.

Madam Chairman: Sen. Lalla.

Sen. Lalla: Much obliged, Madam Chairman, Attorney General, that section is 12(8), in relation to the obligation to inform the Licensing Authority when you leave the country, whose charge you are leaving your car in.

I have a related question in relation to the new subsections (12) and (13) on pages 4 and 5. And it deals with the method of communication of the citizen where we are dealing with very hefty fines, right, so \$10,000. Later on in the Bill, at page 8, and this would be part of 20E, a fine of \$5,000. And we still using this method of communication of the *Gazette* and through the newspapers and daily circulation, when we know that persons are not looking at the newspapers as they used to, because a lot of news is coming online.

4.15 p.m.

Then I see at page 19 of the Bill, at the bottom of that page 79AB, we mentioned email. That is where the citation could be sent out by email. So I am wondering whether it is not fairer to citizens, in relation to those two sections which I pointed out, to have a more direct form of communication having regard to the fact that we are dealing with hefty fines. So whether it is registered mail, because the Licensing Authority will be in possession of the mailing address, and when the vehicle is reregistered and there is an opportunity to capture more information from the person, that is, email in relation to the fine for not coming in to have the vehicle tagged, you could communicate with them by email once that is available. But I think that is something we need to consider because of the heftiness of the fine we are dealing with.

Mr. Al-Rawi: I thank the hon. Senator for such a lucid rationale, which I agree with entirely. If I could address the concern this way: So the Motor Vehicles and Road Traffic Act is an old law. The difficulty with taking a Motor Vehicles and Road Traffic Authority to replace the entire law came about because of the sheer complexity of it. So we have been taking slices of amendments as we go along.

As we populate the database and scrub it appropriately, we are going to get more reliable information as to owners over and over. The issuance of the notice by way of regulation is a possibility which we intend to take avail of where, in the regulations pursuant to section 100, allow for the alternate forms of position. Why we actually kept this and we did not harmonize it with the citation notices yet for emails, et cetera, is because at the point of most of the interaction on the road in the handheld devices we have the ability to capture the email address.

In the red light enforcement and in the spot speed where we are going with historical data, chances are we may not have the actual data. Hence the reason for

going to the newspapers and *Gazette*. *Gazette*, simply so as a matter of law it is known, but obviously nobody reads the *Gazette* unless you are a lawyer and you are looking for something. Newspapers because they are in wide circulation. But as we move to capture more and more email information at point of contact, because we are sure that this registry is going to get better and better, with more reliable information, particularly when you have to come in every five years and adjust your position.

But more importantly you may not know we are already online in access. Everyone can access the Motor Vehicles and Road Traffic Licensing database now and go on and retrieve their information, literally right now. And that is where we are going to go on a very aggressive road campaign—no pun intended—to get the information, and to get people on the online platform to make sure their data is current and up-to-date.

The Minister of Works and Transport can perhaps amplify on that, but in summary I would say, good point. We are going to retrofit it as we go along. We will capture it in the regulations, and ideally there is another batch of amendments that we have, that we are preparing in the AG's Office, and that is to retrofit the other clauses inside the Motor Vehicles and Road Traffic Act, because there are some very archaic provisions, like thank you, 12(8). I was surprised that you had to inform, right? So you and I caught the same thing.

So that is the summary. I do not know if the Minister of Works and Transport wants to add clarification.

Sen. Sinanan: I can indicate that we are about 95 per cent complete with our upgrading the information at licensing office. Whenever you come in to inspect your vehicles now a lot of information is captured. So we anticipate, maybe over the next two or three years, we should have all the information where you could

actually communicate the way you would like us to communicate. There is a team at the licensing office, their job is just to gather information for communication. As I said before, we want to get licensing office to the point where we could communicate with you and you do not need to come into licensing office. Most of your transactions could be done online. But we can only do that if we have a lot of information from the clients, and I can tell you we are about 95 per cent there in terms of verification of information.

Madam Chairman: Sen. Deonarine, you have one last question?

Sen. Deonarine: Yes, Madam Chair. So then, I am just wondering given that—would we be trying to supplement in some way the publishing of the names on the newspaper and the *Gazette*, but maybe publishing the information on the Ministry of Works and Transport website, so that some form of online information would be circulated? Because there is a significant part of the population who just do not buy newspapers anymore, they just read the news online.

Mr. Al-Rawi: So the answer is yes, we intend to supplement it. What we are going to be doing, this Bill in the section where we introduce e-registration is the push for registration online. We have already at the Registrar General and Intellectual Property Office, that is the AG's Office, and at the Ministry of Works and Transport Licensing Division, we have been the test case for the full online applications. So we have got that covered, and as we birth this electronic campaign, which is a significant one, we will be using multiple platforms, disseminating by—in fact I can tell you, where we are going to get to is that you will have a reminder by way of email or text message that your licence is due to expire, that something is going on. That technology is here right now.

I have amendments to bring to the Electronic Transactions Act in a matter of weeks, that will take care of some of those things because we are prepared for that

already.

Madam Chairman: Sen. Mark, one last question please.

Sen. Mark: Madam Chair, I am still not clear, and the AG is not, and I think we need to put it onto the record, with the passage of this Bill would citizens and owners of vehicles still have to go and inspect their vehicles every three years, and every five years you have to reregister? This is what I am trying to clear up, because it is going to be very burdensome.

Madam Chairman: Sure, I think the Minister of Works and Transport is going to answer.

Mr. Sinanan: Madam Chair, the inspection of vehicles has to take place. Inspection of vehicles is a road safety matter. During that time of inspection vehicles that are coming close to their reregistration date would be reregistered at the same time. So you do not have to go this year for inspection and next year you will have to go back. All our inspection stations now are in realtime. They are all linked now back to the Licensing Office. So we capture data that way. Once you are going to inspect your vehicles, and if your vehicles are close to the due day for the reregistration it will be done at the same time.

Sen. Mark: One final question. I want to ask the Attorney General, these fines that were 300 and 1,000, when you go on to 10,000 it is a bit burdensome on the owners of vehicles, particularly ordinary people. So could you explain to this Parliament, this committee of the whole, what is the rationale for \$10,000?

Mr. Al-Rawi: Thank you. The concept of excessive criminality is always a concept of proportionality. To answer that we kept the fines. We did a matrix of all the fines and penalties and we kept them exactly in line with the existing law. The argument that came at us was that the existing law was too low. We said, no Sir, we will keep it as it is. So offences of a similar nature are treated with exactly

the same fines. We looked at that from a law reform perspective over time when we looked at what compliance is.

Let me say this: We do not want to punish people or frighten people. We just want to make the roads safer so that lives are saved and that criminality is managed.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5.

Question proposed: That clause 5 stand part of the Bill.

Sen. Mark: Attorney General, where in the Caribbean or outside we have extracted this five-year period? Right now once I register my vehicle I have registration for life, and I would just go and renew my licence, my permit, every five years and inspect my vehicle every three years. This five-year period is an overhauling of the system that we have grown accustomed to. Could you share with us which jurisdiction this was pulled from?

Mr. Al-Rawi: Sure, multiple jurisdictions throughout the Commonwealth, straight from the developed and lesser developed countries. Secondly, you made the point, we have one million vehicles registered. There are not one million vehicles on the roads, because you are registered for life. So written off vehicles, stolen vehicles, the stories of multiple number plates rolling around, et cetera, it is all over. That is because of the problem of having your registration for life.

We also know intimately well, we know our society, all of us, people do not come to do their motor vehicle inspections. Some people buy the sticker, as the allegation has happened. This Minister of Works and Transport crushed a corruption ring in relation to that. The matter went to court, where people were buying inspection stickers. This requirement of five years which has precedent in

the Caribbean and elsewhere, this deals with that. It gives us the true number, the current data and road safety and roadworthiness.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

Madam Chairman: Yes, clause 6 is all of those pages. Sen. Lalla first.

Sen. Lalla: Hon. Attorney General, if I might take you to 20G(4) and related to that is 20H at page 10 of the Bill. So that (4) reads:

“The captured image or recorded data under subsection (3), may be converted from one format to another and may be transmitted, stored or reproduced by any electronic or other means that allows the captured image or recorded data to be reproduced in any intelligible form including an electronic format.”

Then we see at 20H(1) that the image, record or information could then be admitted to evidence. My concern, Attorney General, is that there does not appear to me to be sufficient guarantee there as to the integrity of preserving evidence. Because it appears as though the section gives the authority permission to do what they want, whatever they want in any willy-nilly way to capture and preserve the information and then present it into evidence. I think especially where we are dealing with something as sensitive as evidence taken by a camera, which as we all know, given modern technology, is given to easy manipulation. I think that section needs to be looked at and worded more carefully to ensure that evidential integrity is maintained.

Sen. Mark: Madam Chair, I have several concerns with this section.

Madam President: All right, just one second, because I can see that this is going

to be a little difficult for the Attorney General to handle. Sen. Dillon-Remy, you wanted to raise something similar to Sen. Lalla or a different issue altogether?

Sen. Dr. Dillon-Remy: Related to another clause, different.

Madam Chairman: Different, okay. So, Attorney General.

Mr. Al-Rawi: Sen. Lalla has hit the nail on the head in terms of evidence management, and I genuinely wish that he was here in the Parliament for much longer, and I will say why.

Madam, without reviving a Bill improperly we are actually in the middle of looking at the Evidence Act specifically and we are in a special select committee looking at evidence, and worse yet we know section 14B of the Evidence Act which treats with computer evidence is a mess. It is archaic and it is in need of position. In fact, one school of thought is, in the preservation of evidence and related to admissibility of evidence, that we ought to abandon section 14B of the Evidence Act and instead go to the English common law which treats with admissibility in the hearsay and other routes. There is also another point of view which is that it ought to be prescriptive.

I can tell you that we have a draft up right now which we are trying to massage on computer evidence admissibility and how it is treated. In the meanwhile we looked at the admissibility provisions in 20H, in the manner in which the current section 14B of the Evidence Act treats with it, and it passes that muster. It certainly aligns with the common law of the United Kingdom as it relates to admissibility of evidence which is really what happened in the move to managing admissibility of computer evidence for complex fraud matters, where there were millions of documents and you needed to admit a flash drive of documents and the veracity, et cetera.

So your point is well taken, but our drafting was also in line with the 2017

Act which we passed, which is the red light camera. So we had to keep with consistency to deal with the point of any mischief on integrity of evidence to be admitted. It is admissible but not admitted. Obviously you can object to the admissibility in the normal course, and to treat with that aspect what we have done is to allow for the challenge to be made, which is why later on in the Bill you would see that the working functionality is a prima facie functionality. You can challenge it. You can call the evidence into it. We require the inspector to be certified by the Commissioner of Police. The equipment must be proved to be working. If you challenge any of these aspects, the rest of that kicks in.

So the larger issue of evidential integrity on computer-related aspects is a product that we hope to bring out of the Special Select Committee shortly, and it will improve all of these considerations for computer evidence. Remember this applies to speed guns, and this is in parity with that. It applies to red light camera enforcement, this is in parity with that, and therefore we have kept with the same methodology. As the speed guns were passed in 2014 we kept that. As we did the red light enforcement in 2017, we kept that. So we did not want to disturb the flow of this just yet until we had made a larger consideration on computer admissibility of evidence under section 14B of the Evidence Act.

Sen. Dr. Dillon-Remy: Thank you, Madam Chair. Attorney General, section 20E, page 8 at the beginning, it talks about:

“An electronic tag issued under subsection (1), shall be affixed to a vehicle...where it is visible from outside...and can be easily read by an electronic device.”—and you shall not tamper with it, et cetera.

I was just wondering how sensitive this device is to being tampered with. I am just thinking, for instance, my car is at home, it may not be locked, a child goes in. Is that something that is easily tampered with? It may not be that it is intended.

Have you considered this in this part here, because the fine is hefty, \$20,000 and imprisonment for three years? Just a question.

Mr. Al-Rawi: Thank you, hon. Senator. Every aspect of a motor vehicle, from a smooth tyre to a busted lamp, to deficient wipers, to a heavy tint, to fog lights, to a number of things are subject to fine and offence and penalty under the law in similar measure. In those circumstances, it is always open for someone to say, “Well, look I genuinely believe that this thing was working. It is not working, and the first time that it has happened is this.” So the explanation kicks in which is why in answer to Sen. Deonarine’s question as to liability to a fine, I gave the answer that I did, that it is not a strict liability. It is subject to the reasonableness of the situation.

So the RFID itself is no different from driving down “de road” and the police stop you and say, “Aye, your lamps at the back are broken,” and then you realize somebody broke your lamps, or a stone came up and broke it. Obviously those things would kick into the point where the reasonableness of the situation comes to save the exposure to liability.

Sen. Dr. Dillon-Remy: Okay.

Sen. Mark: This whole clause 6 is unconstitutional, illegal, and unlawful. I want to start by saying this—

Madam Chairman: Senator, just one second. At this committee stage, even though I am allowing Members to ask questions that are not necessarily dealing with the particular clause, they are seeking information, I would ask you to restrict your speech as we deal with the clauses.

Sen. Mark: Madam Chair, first of all I will tell you as I go along the concerns. I do not know if they could be repaired. Madam Chair, in this Part IIB constable—the first thing I would like to ask the Attorney General is, when you talk about

“constable” there is no definition, but I have an understanding of what is a constable. I am seeing here we are including a traffic warden. Now under section 10 of the Motor Vehicles and Road Traffic Act, a traffic warden assists the police in the management of traffic.

Madam Chairman: So what is your question?

Sen. Mark: The point I am making is that how can we give this person the power to arrest somebody without a warrant, and that is in this section that we are dealing with? So that is the first thing I am asking. What is the locus standi of a traffic warden? That the first thing.

The second thing I would like to clarify here has to do with when you go to page 8, because you know that this is a very complicated thing that we are dealing with here, I just would have liked to get from the hon. Attorney General, information that is collected and retained really is a very serious matter. All of us have a reasonable expectation of privacy. Here it is I am asking the Attorney General, because this thing is so loaded, these sections, or the various clauses rather, are so loaded. There is no definition of image, there is no definition of record, there is no definition of information, there is no definition of data. These are things that are outlined in these sections, and you are talking about your private information that is being retained, is being captured.

Madam Chairman: Sen. Mark, you are re-debating the Bill. If you have or any Member has a specific question that has a beginning, a middle and an end and it is not going to take five minutes to deliver, then that is the way to present. But you cannot at this stage of the committee say that this is dangerous. There must be some specific questions that you are putting to the Attorney General on this clause

Sen. Mark: I am asking the AG if we can get a definition for image in this part, a definition for record, a definition for data, a definition for information. And

Madam Chair, you see wherever you have “The Minister may by Order” amend this and amend that, I am suggesting to the Attorney General that is a violation of the separation of powers, and I want to put here as an amendment to this section, “The Minister may by Order, subject to an affirmative resolution”, do this and do that.

Madam Chairman: So if I can summarize, because I think I need to summarize for the hon. Attorney General, you want to know about the constable and the traffic warden being deemed a constable. You want to ask for certain definitions to be given by the Attorney General, and you feel that the Minister should make the “whatever orders” subject to affirmative resolution. Yes? Attorney General, before I call on you, Sen. Richards wanted to raise something.

Mr. Richards: Thank you, Madam Chairman. I shall be no more than 30 seconds.

Madam Chairman: Thank you.

Sen. Richards: Hon. Attorney General, just a question based on the way the clause 6 is crafted. In other jurisdictions part of what the intention is with these kinds of Bills is also to track some criminal activity, and if the data gleaned from some of these processes and instruments can also be applied to that purpose by some mechanism of law?

Mr. Al-Rawi: Thank you, Madam Chair. So, Madam Chair, constable, 20D—20D in this Part IIB comes after 20A, 20B, 20C. Those three conditions converted driving permits and user of the road and the concept of owner, from offences to violations. They created a conditionality or licence to hold a permit or licence to use the road in a motor vehicle whilst driving on the road. It is not in any other way anything other than a licence.

“For the purposes of this Part ‘constable’ includes”—therefore we are not

saying that this person, the traffic warden or the transport officer or an estate constable acts anywhere other than in the Part, and this Part is Part IIB only.

Electronic registration of motor vehicle and tagging—because this part only treats with violations we are not allowing a traffic warden any right to arrest anyone under the Police Service Act. That is not what we are doing. The authorized officers in this Part are for the purpose of the electronic management of tags, plates, et cetera. It is nothing more. So we are not impliedly amending the entire Motor Vehicles and Road Traffic Act. We are not giving police powers to a traffic warden or someone else. This rule of interpretation is anchored to 20D, as in delta, saying for the purposes of this Part. So there is no mischief in that construct at all. Furthermore, 20C which is not part of this, because it stands above, 20C is where you say civil standard, violation. In other words then you are not dealing with an offence.

So that answers the enquiry, albeit emotionally made by my learned friend Sen. Mark.

Sen. Mark asked about putting in a definition for information, data, record, image, et cetera. The rule in drafting is that one is entitled to rely upon the plain and ordinary meaning of information. However, we have something called the Interpretation Act, Chap. 3:01, and in Chap. 3:01, many of these terms are defined as well. So there is no need to reinvent the wheel. If we were to be putting in definitions for data or information, I will challenge anyone to try and find that in the Motor Vehicles and Road Traffic Act in the many amendments that have come into law since 1935.

4.45 p.m.

And I need only point you to the speed gun amendments and breathalyser amendments. In speed gun amendments we were taking a picture. We had data.

That was passed in the period 2010 to 2015, if I am not mistaken, 2013. We did not have a definition of “picture”, or “information”, or “data”. That would not be a wise use for parliamentary structure because the plain and ordinary meaning applies, the Electronic Transactions Act applies, the Interpretation Act applies, and therefore we can capture those.

Relative to Sen. Richards’ submission, an enquiry as to whether data can be tracked or used by the TTPS, the answer to that is yes. They do that by way of requesting investigations. They can do that of their own volition, state to state. Now, remember in this particular construct of the law, as it is the Judiciary, the police, the licensing division and traffic management they all operate on one database. They have a shared database. Two, the preliminary enquiries Act, section 5, allows you to go for a search warrant and obtain information. Three, the Proceeds of Crime Act, if you were on that level of it, sections 32 to 34 obviously allow for production orders in certain circumstances. But, it is an established principle that investigation of offence allows the police to access these positions. That happens in CCTV evidence, private evidence, et cetera. So we are well within the accepted parameters of state intrusion, particularly because the road is a public place, and these things, where this data comes from, is in a public place. There is no right to privacy in the strict absolute right sense in any event, but certainly not in a public place where it is a license to be driving a car in a public place.

Sen. Mark asked one more thing, it was in relation to the concept of order, and Sen. Mark suggested that that should be done by way of negative or affirmative resolution. I will remind that the concept of subsidiary legislation, which is regulations, rules, statutory instruments including orders are all within the architecture of legislative crafting in Trinidad and Tobago. The concept of using

an order has been with us since our colonial days. You can see that, Madam Chairman, in the exercise of the Public Health Regulations right now, and therefore there is nothing untoward in a negative way in making something by way of order, because these orders are published and gazetted for the world at large. There is always the remedy in identifying the separation of powers principle that anybody can go to court to challenge an order, and therefore it is not true in light of the subsidiary route resolution and structure of law to say that this is a separation of powers breach because you always have the interpretive function of the courts as the separation of powers principle is built.

Madam Chairman: Sen. Sobers.

Sen. Sobers: Thank you, Madam Chair, just, because I believe it is a possibility that the AG may have answered the question, or just out of clarity, in terms of obtaining the information in section 20G, is it then based upon the fact that all these different arms of the State would have access to that information? I was just wondering as a safeguard should we not just maybe possibly include that the persons could access or obtain the information where they are reasonably aware or reasonably suspect that a crime has been committed, is about to be committed, or is going to be, so that there is no mischief with respect to obtaining the information from the cameras themselves? It will always be in pursuit of justice or in pursuit of—based upon that criteria.

Mr. Al-Rawi: May I ask, just for clarification, thank you Sen. Sobers, through you, Madam Chair. Is the person you are referring to the State or is it a private individual?

Sen. Sobers: No, the State. So, a police officer or the transport officer who have the criteria.

Mr. Al-Rawi: I got you. Okay. So, Madam Chair, I will remind, this is a public

road in a public place where you are permitted to be on it, engaged in the act of driving a motor vehicle, which is what we are talking about. And driving includes standing, parking, et cetera. Right? You have a license to be there. The information is in the public zone. So, the lawful access to that public imagery is well underwritten, because you are in public. The proportionality of the examination of the footage, et cetera, is balanced by the fact that the individual who is the subject of the law also has the right to inspect that footage, et cetera. And that is actually built into the law, because we show the picture, the number plate, et cetera. It is spelt out in the law when you are looking at the fixed penalty offences for the spot-speed infringements later on.

So, I am not too concerned about whether there can be an undue or intrusive entry by law enforcement or other agencies that have public purpose access. Because this is a law which is for the public good, on a public road, with a public intention ascribed to it. And the Privy Council has been very clear where the public interest is concerned that these things are well within parameters. It even descends into the argument on mandatory membership, for instance, which is a different end of the equation. Right? So public interest, public purpose, public aim, all of these things are caught by this. To take the prescription offered would be to have an argument on every occasion as to whether it was reasonable for the State to access, but in no law that I am aware of, unless we are dealing with things in the private domain, like your private information in a bank, et cetera, do we have any restriction on the public road provisions. The public road is always public.

Madam Chairman: Sen. Mark one last observation.

Sen. Mark: Yes, Madam Chair, I would like, with your leave—

Madam Chairman: Yes.

Sen. Mark:—to propose on the floor some amendment, with your leave. I am suggesting that wherever “Order” appears in this section of the law, it be subject to an affirmative resolution of the Parliament. We need an oversight of these measures, because rights are involved in these measures, and the Parliament needs to have an oversight. So, I am proposing, through you, that wherever “Ministerial Order” appears in this section, replace after it, “subject to an affirmative resolution of the Parliament”, so we can have oversight.

Madam Chairman: Attorney General.

Mr. Al-Rawi: Madam Chair, let us use precedence in answer to this. If we look to page 9 of the Bill, subsection (5):

“The Minister may by Order on the recommendation of the Licensing Authority approve the electronic reading devices and cameras.”

Madam Chair, when we did the speed guns passed by the UNC, in 2014, the device is approved by Order. That is how Emmanuel George as Minister with responsibility then purchased these things. So, what on earth would we be doing in today saying that it must be done by affirmative resolution. That would make a nonsense of the policy taken by my friends opposite when they were in Government. That is point one.

Point two, if we look to 20H subsection (4), where we are amending the Tenth Schedule, and if you go straight down to clause 27, where we are including the Tenth Schedule, the Tenth Schedule to follow the Ninth Schedule, it is a description of offence, and then relevant section or regulation. We are not doing anything there. It is called user-friendliness. You are putting a schedule so somebody who does not know how to read every single clause of the law at least has a compendium to know what they are talking about. So, I just do not respectfully understand what Sen. Mark is saying, and I must reject it.

Sen. Mark: Madam Chair, if you go to the front of the schedule that is being referred to, you would see something called “offence”, description of offence. You are saying that I must give the Minister the power to extend offences, and there is no oversight. I am saying that is a breach of the separation of powers. You are making law.

Mr. Al-Rawi: Madam Chair, that is not the case. An offence can only be created in the body, the *corpus lex*. It can only be created in the law being amended by an Act of Parliament, and the offences have to come from section 1 to whatever, not in the schedule. We are not creating offences in the schedule. We are referring to offences in the schedule, we are not creating them.

Sen. Mark: Well why you say, “the Minister may by Order amend the Tenth Schedule.” What you mean by that?

Mr. Al-Rawi: Madam Chair, I noticed that not a single lawyer is speaking on this issue. It is Sen. Mark by himself. Maybe his colleagues can help him out.

Madam Chairman: All right. No, Attorney General, let me just deal with something. Sen. Mark— Attorney General, you are dealing with the answer to Sen. Mark’s request that the clause be amended, so let me just treat with Sen. Mark’s request for an amendment to be put to the committee. I am going to say this unequivocally and I am going to say this only once. I am going to put this amendment, Sen. Mark. If you have any further amendments you are to submit them to me in writing. I have repeatedly said, because Members have adequate time after their contributions, if you have amendments and you know that you are going to be proposing amendments, it is not right for us to be doing it as I am going to now do. I will make one exception.

Sen. Mark: Madam Chair, [*Inaudible*]

Madam Chairman: Yes.

Sen. Mark: We have cut down our speaking time. We got this thing only last evening.

Madam Chairman: And therefore if you have cut down your speaking time, you have more time to write out the amendments.

Sen. Mark: But, Madam Chair, we were given this thing last evening.

Madam Chairman: Sen. Mark, no. I am hearing you but I have made this ruling before. I have asked for this before.

Sen. Mark: Madam Chair, may I also, seeing that you are being so generous, may I ask that you consider also taking into account on page 12 of the Bill, section 6, or clause 6, if you want to put it that way, at the top. Look at the top. There is no office under the Motor Vehicles and Road Traffic Act that talks about transport officer or assistance transport officer. The law talks about Transport Commissioner, so I am suggesting as an amendment that it means when we talk about authorised officer, we talk about Transport Commissioner, Madam Chair. It is Transport Commissioner or any—

Madam Chairman: Sen. Mark, hold on. Hold on. Attorney General, Sen. Mark is indicating, making a pronouncement with respect to page 12 sub (6), at the beginning, 2, 20I(6). [*Interruption*] Attorney General, do you have a response?

Mr. Al-Rawi: Yes, of course I do. He is just wrong. There is a transport officer, full stop.

Madam Chairman: Thank you very much. Hon. Senators, the question is that clause 6 be amended as follows, as proposed by Sen. Mark, by inserting the words, “subject to affirmative resolution of Parliament” after the word “Order” wherever it appears.

Question, on amendment, [Sen. W. Mark] put and negatived.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Clauses 7 to 16 ordered to stand part of the Bill.

Clause 17.

Question proposed: That clause 17 stand part of the Bill.

Madam Chairman: Sen. Sobers, sorry Sen. Lalla. Sorry.

Sen. Lalla: Thank you, Madam Chair. Hon. Attorney General, 79X(2):

“Where there is more than one owner of the vehicle...”

I mean, when I read that I thought it was strange, because I am not aware of the circumstances, perhaps I could be enlightened, as the circumstance under which the Licensing Authority would register more than one person as owner of a vehicle at a time.

Mr. Al-Rawi: Sure. May I?

Madam Chairman: Yes.

Mr. Al-Rawi: So, Madam Chair, in law you can actually, under this particular motor vehicles and road traffic law, have any person registered as an owner. Secondly, it was designed to contemplate where you have a division between the equitable and legal ownership. For instance, in the structured arrangements where you have a mortgage over the car, a mortgage bill of sale, where Scotiabank Trinidad and Tobago Limited has ownership, and the person who borrowed the money is also endorsed on the certificate as having joint ownership. So when you do the mortgage bill of sale regime you can see joint ownership happening.

Thirdly, it was to reasonably contemplate the operation of partnerships, where a partnership between X and Y can actually own something. For instance, Al-Rawi and Company, Lalla and Company, where there were two partners engaged in that. The certificate can actually be the partnership and the partnership can be bifurcated. So behind the name, J.D. Sellier & Company, Sobers and

Company, whether two partners, they can de facto and de jure be two owners in the point. And the question is, where you divide the liability? So, it was to contemplate those scenarios of joint or several ownership; if an antique car is left to two people by way of a device in a will. I leave my Bentley, an ancient car, to Sean Sobers and Larry Lalla. Then you jointly become the owners of the car, because you cannot stop a specific device from operating in the context of the law. A probate or an administration of an estate, for instance, where you owned a car, letters of administration were issued and your beneficiaries were more than one. They would all be unless the beneficiaries elected to have one registered, they would all be lawfully entitled. So there are multiple iterations of multiple ownership.

Sen. Lalla: I just was never aware that that was done in the country.

Madam Chairman: Sen. Sobers.

Sen. Sobers: Thank you, Madam Chair. Hon. Attorney General, at page 19, that would be 79AB(1)(b), which deals with the service of the citation. And at (1)(b) it says that, “sending it by way of normal post”, and I am wondering whether or not we should leave that out and just have it as registered post. With respect to service I do not know, proof of service by normal post to demonstrate that the potential defendant was actually served, or the violator was actually served with the citation notice, may be difficult if it is sent by normal post. And also when we look further down at (2)—79AB(2), it speaks to electronic transmission through email. The difficulty is when you read what (2) says, it basically indicates in an instance where you have no information as it pertains to the owner’s actual address or last known address, and I could understand that you are publicizing it in the newspapers. But if you do not have the person’s address I do not know how you are going to have the electronic mail address for the individual. So I am

wondering whether or not that electronic transmission should be shifted possibly to (b), and taken out of (2), and then the normal proof situation.

Mr. Al-Rawi: May I?

Madam Chairman: Yes.

Mr. Al-Rawi: I thank the hon. Senator for the enquiry. Madam Chair, so 79AB is a replica of 79H in the 2017 law that we passed, and therefore we kept in parity with the particular structures. So, we went for normal and registered post, and the electronic mail. We wanted to provide for the method of service to be specific in law. And because that method of service is in fact going to be by way of TTPost, and TTPost has an accelerated parcel delivery which is more than registered mail, that is where the normal comes in. That is where we get the record coming in.

So we were building it around what we are doing. There is a memorandum of understanding between—there is an agreement between the Licensing Authority and the TTPost, and that is where we arrange for that structure to happen. But because we had to keep in *pari materia* with the 2017 law which we passed for red light enforcement, we kept to those same structures. The anomaly of the email is really in circumstances where you are not quite sure of what goes on. Now, remember, what we are talking about here is a citation notice. The ultimate effect when you work your way down the line to the citation notice is that a detriment might happen to you. But, the law as it is constructed, thanks to the amendments, say, before the detriment can be applied on you, you may show cause why it should not be applied to you. So it is at that point where you were unaware the email address was de-linked, you do not live at that place, the address was out of date, and then you find yourself going to transact something at the Licensing Authority and they say, “Hey, you have some demerit points because you did not treat with your fixed penalty notice.” Because the citation notice was sent to you.

It is at that point that your show cause says, the email address was wrong, I moved from the location, I was not aware of the structure, and I will attend to the remedy right now.

Sen. Sobers: Madam Chair, if you would just allow me, just because that is a good point. But, the only this is, when you look further down as well, subsequent to that process rolling out at 79AM and N, I believe it is. So the person has been issued with the citation notice. They do not file the notice to contest. The sum stated above is not paid and the other accruing penalties are not paid, and then you are actually given the chance in 79AN, still an opportunity to show cause. When you go to 79AN(2), it says that:

“...after consideration of the representations made by the owner the licensing authority may impose any combination of the sanctions specified above, or decline to impose any sanctions, but still require you to pay the sum as specified under 79AL(2).”

So that even if it is you demonstrate, well, listen, I never received this citation notice, because I am just saying somebody really thought it is to send it by post and however it is they put it in the thing and put it in the post box, and you never get the notice itself, you could still be found liable to pay some type of sum, which, you know, could be a bit unfair.

Mr. Al-Rawi: Yes. So, I do not know, yeah? So, I thank the hon. Senator for the observation. What I can say is that the fairness of this would work itself out in the round. I want to remind in this Bill we are removing that oddity of affixing the notice to a windshield, where the officer just came and place it on your windshield under the wiper. We are saying that that is not acceptable again. That in and of itself has a vagary to it. I can tell you, the first traffic ticket I got in my life was whilst Sen. Lalla and I were at law school in Barbados, and I came home one day

to find a piece of paper blowing on the ground and then I realized it was a fixed penalty, and that is how I first realized about this whole concept of fixed penalty notices, et cetera.

So we removed that because it was just unreliable. The rain came, the wind blow it away, et cetera. So there are inherent risks in the system. What we will do is as we move forward take things under care. So, for now I am chained to the 2017 amendment which has been managed through the TTPost arrangement, normal delivery, registered mail, potential email, but I am relying on the cure to any injustice or lack of fairness, relying upon the due process in 79AN or 79AM for now.

Madam Chair, may I say that I want to assure that even though sometimes we get a “lil” testy that we do double check, so in answer to something that Sen. Mark raised a little while ago, I have asked the CPC’s department to go specifically to look at the concept of transport officer. Depending upon the answer that I get back, because want to double check the law carefully, I may ask you to come back to that clause. I am just giving you notice. Okay? Thank you.

Madam Chairman: Sen. Mark, you had your hand up for clause 17?

Sen. Mark: Clause what, Ma’am?

Madam Chairman: 17.

Sen. Mark: 17, right?

Madam Chairman: Yes.

Sen. Mark: Madam Chair, again I have to humbly, humbly [*Laughter*] right, ask for your consideration again. I would want to ask the Attorney General, through you, because of what is taking place here in this section—

Madam Chairman: You have to be specific Sen. Mark.

Sen. Mark: Yeah, I know. I know, Madam Chair. Again wherever “Order”,

“Ministerial Order” appears, I would like to subject that to an affirmative resolution in this particular section. I am begging you to allow me to put forward that amendment without it being in writing, and I give you an undertaking that I will follow your instructions next time. Please?

Madam Chairman: Sen. Lalla.

Sen. Lalla: Thank you, Madam Chair. Hon. Attorney General, 79AD(2) at page 21, the drafting of the clause in relation to the notice to contest is restrictive. So the owner may only file a notice to contest on the grounds that (a), the vehicle was stolen, or (b), that he was not the owner of the vehicle at the time of the traffic violation. However, when we go to 79AI, which is at page 23, the last four lines, we see that there are two other and very important grounds upon which a notice to contest could be made, and that is, evidence that the camera was not in proper working condition, or that it was not properly operated. In my respectful view, in order to be fair to the citizen, but also importantly, to have an efficient use of court time so that the court would at the earliest opportunity, know the grounds upon which the citizen is challenging the citation, in that 79AD(2), those two further grounds should be included, so that the court could be properly informed as to what is the matter it has to deal with when the court time is allocated to dealing with the citation.

Mr. Al-Rawi: Excellent point. So, or by the way, Madam Chair, just before I get to that—Okay, so good point. The operation of the system, which AI, as in indigo, operates, is in proceedings for traffic violations, evidence of the condition or manner shall not be required unless evidence that it was not in proper working condition, or that it was not properly operated at the time of the traffic violation has been adduced. So, here we have in AD the filing of the notice, the caveat.

5.15 p.m.

We say the owner may only file on the grounds that the vehicle was stolen or that he was not aware that they were not the owner of vehicle at the time when it happened. The manner in which the drafting was intended to operate was in the position of saying that the two could operate together, but I catch your point. My notice is confined to two grounds only, may I do this. Because this is a replication of the 2017 law and comes up in several areas, not before us right now, may I thank you for the observation, may I also give a direct undertaking on the record that I will go back and look to fix the two things if possible, so as not to do it on one end that is incongruous with the other. And we have a miscellaneous provisions Bill to come up very shortly and I know that you have not been here in the Senate with us, but I am sure your colleagues will tell you that I keep my word on the undertaking. So I will look at that. I think it is a very solid point. I thank you for it but allow me to give the parity to it if you do not mind. And I thank you for it.

What happens if the entire system was not working, and there were flashing lights but the camera still went off? The explanation that I got from the Judiciary and from the transport authority was that any automatic notices that came have to go through a ritual. The ritual is, for instance, they would certify that the system was working on that day, they will be aware that there was a power outage, the lights were flashing and that you are not breaching it. So before the issuance happens, before the citation notice goes out there is a protocol of saying, look the system was actually working at that point in time, the lights were working in particular is the most common feature. But I will take your point for the merit that it is and come back to it with your permission if you do not mind.

Madam Chair, for the benefit of the record, I would like to read the Motor Vehicles and Road Traffic Act, Chap. 48:50, where the definition of “Transport

Officer” occurs. It is to be found online. It is at page 14, and Transport Officer is at section 2:

“‘Transport Officer’ includes the Transport Commissioner, the Assistant Transport Commissioners, Motor Vehicles Inspectors, Automotive Licensing Officers, Motor Vehicles Officers and Motor Vehicles Supervisors;”

So we have checked it and it is there.

Madam Chairman: Hon. Senators, I will first put the amendments as proposed by Sen. Mark. Sen. Mark, it is your amendment. The question is that clause 17 be amended as proposed by Sen. Mark at 79V(2) by inserting words “subject to affirmative resolution of Parliament” after the word “Order”.

Question, on amendment, [Sen. W. Mark] put and negatived.

Question put.

Sen. Sobers: I apologize, I had one more point on clause 17, actually at page 23.

Madam Chairman: So Sen. Sobers, I will allow it but—

Sen. Sobers: I apologize.

Madam Chairman: Yes.

Sen. Sobers: Hon. Attorney General, at 79AK it speaks to the:

“Notwithstanding section 44 of the Summary Courts Act, where an owner files a Notice to Contest but does not appear before the District Criminal and Traffic Court at the date, time...”—that the matter could be heard ex parte without the owner actually being there.

I was just wondering whether or not we could have made an amendment there to allow in the event—so if the owner does not appear without the reasonable cause, because in some instances he or she may not appear but they may send a representative not necessarily an attorney-at-law but an individual possibly with a

sick leave indicating why the owner or the person contesting was not there. And in those circumstances the matter should not proceed ex parte.

Mr. Al-Rawi: So Sen. Sobers is addressing a real concern and permit me to answer this way. The data that comes from the Motor Vehicles and Road Traffic Courts are that of 100 per cent of ticket issued there is a 30 per cent compliance. So only 30 per cent of cases actually get dealt with by the court, the rest goes into arrears, et cetera. Section 44 of the Summary Courts Act compels the court, you did not come on the summons, the notice, there is a warrant out for you and we spend 100 per cent of the police resources looking for 70 per cent of people who never come to court and they never do. So we were using this entire thing on an upside down basis. For 104,000 matters we were sending out warrants for people who did not come.

So the law was adjusted in 2017 to say, look instead of us taking you to court every time and us issuing a warrant for you every time that you did not turn up, you tell us when you want to come to court by way of the notice to contest. So that only 30 per cent of the resources is ever used 30 per cent of the time. So that is the logic of improving the criminal justice system.

So what we did here in 79AK which is in *pari materia* with what we did in the red light enforcement, we stopped the issuance of the warrant. Now obviously the right to be heard comes about, but what we did we kept the due process in allowing the magistrate to treat with the matter ex parte. The ex parte goes down to your demerit point. That is what happens. So your demerit point is there until you satisfy or you purge yourself of the order of the court, right. That demerit point you get back to the same 79AM and N where you must show cause why it should not be visited upon you. And that will be, listen this happened ex parte, I did not know about it, the address was wrong and you purge yourself of the

contempt.

But the intention behind this, this law was so revolutionary that people do not understand it. We are making sure that we only use 30 per cent of the resources as opposed to 100 per cent of the resources chasing down 70 per cent of people who just would not comply. When they find out that there is a consequence by the demerit come and purge yourself and explain. And that way we put the onus on the person who could not be bothered to turn up into court and wasting magisterial time and cost, paying a policeman to go and execute a warrant and look for a man and you get stop in a roadblock and they drag you down in the station because they have a warrant for you, that is just not on. So this is why this is drafted that way.

Question agreed to.

Clause 17 ordered to stand part of the Bill.

Clauses 18 to 21 ordered to stand part of the Bill.

Clauses 22 and 23.

Question proposed: That clauses 22 and 23 stand part of the Bill.

Sen. Mark: Madam Chair, I do not know if this is the proper time. I want to indulge your good self and the Attorney General by suggesting for consideration the inclusion of a clause after section 24. Whereby, Madam Chair, the AG could look at the DNA Act and the FIU to get here, a report, an annual report should be submitted to the hon. Minister on the operations of this Act and have that report tabled in Parliament within 28 days of receipt of same. Because this is a very serious measure that we are dealing with and there is no mechanism for reporting. So I am asking you, Madam Chair, through the Attorney General to consider the preparation and a submission of an annual report on the operations of the legislation once it becomes law.

Madam Chairman: So while the Attorney General considers that, because such a clause will come more to the end of the Bill.

Question put and agreed to.

Clauses 22 and 23 ordered to stand part of the Bill.

Clause 24.

Question proposed: That clause 24 stand part of the Bill.

Sen. Mark: Madam Chair, if I may ask the hon. Attorney General, I looked at this session very carefully in the parent law and I am seeing, Madam Chair, \$600 and six months or three months. And we gone from that small amount to \$25,000 and to three years. I find it disproportionate, quite frankly, and I am asking the Attorney General through you why this humongous increase both in fines as well as the period of sanction in terms of years. I do not know if the AG could explain that.

Madam Chairman: Well, I think the Attorney General has explained it when you raised it for prior clauses. Sen. Dillon-Remy.

Sen. Dr. Dillon-Remy: Thank you, Madam Chair. Attorney General, I have one question related to, on page 27, subclause (4) of clause 24 about the persons shall not use or drive a vehicle. My question was in the case of a rented vehicle which is not yours. Just in case you are not familiar with all this technology, reflecting material, et cetera, et cetera, that you are going to be charged \$20,000 for and imprisonment for that thing. I am just asking whether—in the case where you have a rented vehicle whether that could be charged to the owner and not you.

Mr. Al-Rawi: Thank you. So, Madam Chair, this section 90 is the existing law. We are amending it, we are repealing and replacing it but we reincorporated a lot of the positions. So if you see at page 28(b) at the top of the page just before subclause (4):

“use any screw, bolt or other fixing devices...”

That is in the existing law.

So we replicated this position, it is for use, et cetera. The position is really this reflecting material. The reason why we put that in is that it is known that cameras can be interrupted by this type of reflective material. They tried to take a picture but the number plate would not allow for the picture because the flash reflects and therefore you get a blur.

If you are using a rental vehicle, et cetera, that is obviously going to be caught by the fact that the owner of the vehicle is responsible for it. If the offence comes at you, the reasonableness of your offence in your mental intention, is look I rented the car from Sobers Limited or Al-Rawi Limited who is a rental company and they provided me with this as it is, you would have a reasonable offence managed—you would have the offence managed in particular by the Summary Courts Act section 71 that allows you the benefit of falling on your sword in court and saying, well look, you ought to reprimand and discharge me because I had nothing to do with that.

So in answer to your question number one, we had to keep the existing law, put in the person who uses and the person who owns; number two, it must be that you still preserve the defence of reasonableness and that is preserved; number three, Trinidad has a disproportionate number of smart men and smart women and if we do not put this into the law somebody is going to abuse it. So we have to put a standard, because whilst many of us will comply with the law Mr. and Mrs. Smart Man and Smart Woman, Trinidad and Tobago will abuse the law. So we have to set the standard.

Question put and agreed to.

Clause 24 ordered to stand part of the Bill.

Clauses 25 and 26.

Question proposed: That clauses 25 and 26 stand part of the Bill.

Sen. Mark: Madam Chair, again through your good self to the hon. Attorney General. Hon. Attorney General you did, make mention in your contribution of the white cane. And I just wanted to ask you as it relates to these visually impaired individuals and blind persons who are crossing our streets, are we saying through your intervention that you are going to make regulation or include in the regulations a provision that makes it unlawful or there is a fine attached to any person driving a vehicle and seeing an individual who is blind with this white cane crossing the road and yet they not stop to allow that blind individual to cross. Are you saying that with this particular amendment here captured under other person in special circumstances you will incorporate appropriate action in the regulations to reflect this new development as it relates to the white cane concept that you so ably advised us on earlier?

Mr. Al-Rawi: I thank Sen. Mark for remembering that. I wish to say I do not take paternity for the idea. That belongs to Mr. Kenneth Suratt. Again, the champion that he is for the visually impaired and for people with disabilities. He was kind enough to message me this morning and I gave an undertaking that I would look at it and I think it is an excellent suggestion. One of the areas of deep concern that I have each year as Attorney General is finding something that is novel and out of the norm and treating with it. Child marriage is one of them, just to give you an example. The rights and privileges of persons who are differently-abled or with disabilities is another deep concern that I share with many of my colleagues and I am sure you have the same concern Sen. Mark, I am sure of that. So in looking at section 100, section 100 says:

“Subject to negative resolution of Parliament, the Minister may make

Regulations in respect of all or any of the following matters...”

And specifically it allows for (j):

“The precedence of vehicles and pedestrians respectively at and in the vicinity of crossings;”

It also goes on to deal with (q):

“Health, safety or environmental matters with respect to the registration of motor vehicles...”

It then goes on to passenger transport and it allows in (p):

“...generally, for the better carrying out of the provisions of this Act and in particular for the safety, control and regulation of traffic and the use of vehicles or any class of vehicles on any road.”

I generally believe that under 100(p), in particular, and the other sections that we can birth the positive obligation of motor vehicle users to observe the white cane so that our visually impaired persons, our VIPs, can have the benefit of that. And that is an undertaking that I gave my colleague, the Minister of Works and Transport is very passionate about these issues and we will get it done by way or regulations, God willing. If there is a need to come back legislatively to add a little spring board we will do that as well.

Question put and agreed to.

Clauses 25 and 26 ordered to stand part of the Bill.

Clause 27 ordered to stand part of the Bill.

New clause 26.

New Clause Insert after clause 25, the following new clause:

26 inserted

“26 The Act is amended by inserting after section 106, the following section:

- Rules and Practice Direction of Traffic matters Chap. 4:01
- 106A. (1) Notwithstanding section 9 of the Summary Courts Act, the Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules with respect to—
- (a) The location for the hearing of traffic matters;
 - (b) The manner in which cases will be listed for hearing and parties to be notified; and
 - (c) All other matters necessary to give effect to this Act.
- (2) Rules made under subsection (1) shall be subject to negative resolution of Parliament.
- (3) The Chief Justice may be Practice Direction, determine the Court locations at which traffic matters will be heard.”

Renumber remaining clauses accordingly.

New clause 26 read the first time.

Question proposed: That the new clause 26 be read a second time.

Mr. Al-Rawi: Thank you, Madam Chair. Pursuant to my statement in the course of my winding up, the Judiciary needs to have a springboard to create Rules of the Supreme Court, insofar as the court generally has a function under this law, a harmonized function. In those circumstances we propose new clause 26 which will

allow for rules and practice direction for traffic matters to be issued by the Chief Justice so that we can treat with location and hearing of traffic courts, the manner in which cases will be listed for hearing, any other matter and allows a latitude. This is specifically intended to work alongside the amendments we just passed in the miscellaneous provisions Bill where we offer the 50 per cent discount for matters that are in arrears.

What we effectively want to do is to set up special courts, including using electronic payment and electronic hearing so we could dispose of these matters with rapidity. So we intend to take advantage of the situation but to do that we need a spring board in the law.

Now, Madam Chair, if you permit me one more point, Sen. Mark commendably raised a while ago the concept of reporting and I do agree that a Parliament ought to facilitate reporting in general terms. I join Sen. Mark in that observation. Generally speaking we do have reporting, number one, by the annual report of the Chief Justice, which would speak to the administration of this Act as it relates to all court matter, dispositions functions; number two, the Ministry of Works and Transport and the Licensing Authority have a general reporting obligation pursuant to section 66 of the Constitution, Ministries are all required to report and the Licensing Division falls under the Ministries requirement and section 66 of the Constitution requires that.

So, TTPost which is the other end of the administration of this system, equally under the statutory authority that creates that they have a mandatory requirement to report as well and then those reports are laid in Parliament pursuant to section 66 of the Constitution. So I am just taking the opportunity in advance to answer the very laudable suggestion coming from my colleague Sen. Mark and to assure him that the law already captures that.

Question put and agreed to.

Question proposed: That the new clause be added to the Bill.

Question put and agreed to.

New clause 26 added to the Bill.

Mr. Al-Rawi: Madam Chair, if I may record and so that there is a point, just for the record to say, consequential upon the introduction of new clause 26 that the proof will therefore be that there is consequential readjustment of the numbers for 26 and 27.

Madam Chairman: It is in your amendment.

Mr. Al-Rawi: Okay, good. Just wanted to be sure because that has come up in the past as a problem, the proofing of the new Bill for the House. Thank you.

Sen. Mark: Maybe you said it, did we approve the Schedule?

Madam Chairman: Yes. The Schedule came as part of clause 27, yeah.

Question put and agreed to: That the Bill, as amended, be reported to the Senate.

Senate resumed.

Hon. F. Al-Rawi: Thank you, Madam President. Madam President, I wish to report that a Bill entitled the Motor Vehicles and Road Traffic (Amdt.) Bill, 2019, was considered in committee of a whole and approved with amendments. I now beg to move that the Senate agree with the committee's report.

Question put and agreed to.

Bill reported, with amendment, read the third time and passed.

ADJOURNMENT

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I beg to move that this Senate do now adjourn to Tuesday May 19th, 2020, at 10.00 a.m. On that date, Madam President, the

Adjournment (cont'd)

2020.05.13

Government proposes to deal with the Animals (Diseases and Importation) (Amdt.) Bill, 2019, and, Madam President, time permitting Government proposes to deal with Real Estate Agents Bill, 2020.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for a matter to be raised. Sen. Mark will raise the matter.

Water and Sewerage Authority

(Republic Bank Limited Loan Agreement)

Sen. Wade Mark: Thank you, Madam President. Madam President, I have brought to this Senate's attention a matter that cries out for some degree of transparency and public accountability. And it has to do, Madam President, with a recently signed agreement, loan agreement between the Water and Sewerage Authority (WASA) and Republic Bank Limited for the sum of US \$100 million.

Madam President, I think it is obligatory on the part of the Government in its accountability to the Parliament under section 75(1) of the Constitution to inform the Parliament through a tabling of all, I want to repeat, all loans or all loan agreements entered on behalf of the people of the Republic of Trinidad and Tobago by the Government. We mysteriously learnt of this development because I do not believe the Government came to this House to make a statement nor did they put a full page ad in the newspapers as to this development.

But, Madam President, if you multiply 100 million by seven, which is roughly the exchange rate today, we are talking about approximately \$700 million which is close to \$1 billion. And therefore I have brought this Motion for the Senate's attention to extract from the hon. Minister of Public Utilities, who is the line Minister with responsibility for the Water and Sewerage Authority to share with this honourable Senate, to provide to this honourable Senate the terms and conditions of this US \$100 million which WASA secured via a loan from the

Republic Bank of Trinidad and Tobago. And what, as I said, were the terms and conditions of this loan and for the Minister to explain what this loan was specifically secured for.

The other thing I would like to ask the hon. Minister is whether in vying for this loan on behalf of WASA, how was it obtained? Was it obtained, Madam President, through a sole selective process or whether it involved some degree of competitive tendering as it relates to going to different institutions via public advertisements so we can secure as a nation the best terms and conditions for this US \$100 million loan.

I would also like to ask, through you to the hon. Minister, whether the Cabinet of this country signed off on this loan before it was signed or whether the Minister took it upon himself to sign off on this US \$100 million loan and then secured Cabinet approval.

This is a matter, Madam President, we would like to have cleared up with the hon. Minister.

5.45 p.m.

So, Madam President, we are calling on the hon. Minister today, firstly, to outline the terms and conditions of this loan. Secondly, we want him to table a copy of that loan in this Parliament for public consumption so that we as the taxpayers who will have to repay that loan in the final analysis are apprised and seized of the terms and conditions of that particular loan, and for him to indicate whether this loan had the Cabinet approval before it was signed off, or whether it was signed off and then Cabinet approval was given, or the greenlight was given subsequent to that particular development or event.

So, Madam President, this is the reason why I have taken the opportunity, on behalf of the United National Congress, on behalf of the principles of transparency,

accountability, openness and probity to get the hon. Minister and, through him, the Government, to account for this large sum of money that was entered into between Republic Bank and WASA in the recent past and if he can share with us the terms and conditions of that loan; and finally make a copy of that document available to this honourable Senate. I thank you very much, Madam President.

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): Thank you very much, Madam President. Once again, you know, I get another question from Sen. Mark, which I am glad that I get from time to time, because it allows me to explain and to really bring the information to the public.

Let me start by saying that, you know, we run a Government in a proper manner, and therefore, there is no way that anyone in this country that we could just go out there and just give \$100 million worth of facilities without getting the necessary Cabinet approval for it to happen. This facility, contrary to Sen. Mark, was one that was spoken about. I remember in the budget when the expenditure was placed before debates, and we all recognized that this would have been an approach that would have been taken to help deal with the debts and the moneys owed on the desalination project, and the funds that were owed to the owners of that desalination plant.

Sen. Mark might want to remember that again that contract with Desalcott was first negotiated by the UNC in 1999, renegotiated by the UNC in 2012—all right?—and the contract ends, again for clarify and for information, way down until the 31st of December, 2036. And at this point in time, we are called upon to pay \$6 million per month, that we are called upon to pay for that desalination plant that we spoke about before in this House, and we spoke about whether or not that would have been the best form of money that should have been spent, but those were contracts that went, that we went into, that you went into, and we are

therefore having—WASA is saddled with having to pay that amount of money, and that is what that money is to be used for.

As for the contract itself, and as for what it is, and the terms and the conditions, yes we went out for competitive bidding for that particular loan facility. We went out to 10 companies: Bank of Baroda, CIBC, City Corp, First Citizens, JMMB, NCB Global, Republic Bank, RBC Merchant, Scotiabank, and Trinidad and Tobago Unit Trust Corporation. The Ministry of Finance received proposals from two financial institutions, namely NCB Global Financial and Republic Bank Limited, who responded to the RFP. And after the analysis by the technocrats in the Ministry of Finance, RBL was awarded the contract. They got a loan with a tenor of 14 years at an interest rate of 5.6 per cent per annum with a bullet payment on maturity.

Those were basically the highlights of the loans, and again, the loan would be fully guaranteed by the Republic of the Trinidad and Tobago. So that is really what that is about. And as I said before, this loan was discussed, this loan was there. It was mentioned in the budget debate that alternative source of financing will be used instead of the recurrent expenditure to deal with this particular expenditure that was set up as a result of fulfilling the commitments to Desalcott, and this loan was used to deal with that commitment to Desalcott. Plain and simple, Sen. Mark. There is nothing clandestine. These are the facts. It was always in the open, and as I said, we did go through a very competitive bidding process to facilitate it and to make sure that it happens. That is my presentation. Thank you. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.52 p.m.