
THE

House of Assembly Debates

(UNOFFICIAL REPORT)

PARLIAMENT 2003 – 2008

HOUSE OF ASSEMBLY

Wednesday, August 2, 2006

Pursuant to the adjournment, the House of Assembly met at 10.10 a.m. on Wednesday, August 02, 2006.

PRESENT

His Honour J. M. EDGHILL, J.P. (Deputy Speaker)
Rt. Hon. O.S. ARTHUR, M.Sc.(Econ.) (Prime Minister, Minister of Finance)
Mr. L.R. TULL, Q.C., M.A. (Oxon.)
Hon. R.C. EASTMOND, B.A.(Hons.), Dip. Ed., LL.B.(Hons.), LL.M. (Leis.), J.P. (Minister of Labour and the Civil Service)
Hon. G. A. CLARKE, B.Sc., Dip.Ed., J.P. (Minister of Public Works and Transport)
Hon. R.D. MARSHALL (Chairman of Committees)
Mr. H. F. LASHLEY
Mr. R. St.C. TOPPIN, LL.B.(Hons.)
Mr. D. St.E. KELLMAN
Hon. Miss H.E. THOMPSON, LL.B. (Minister of Energy and the Environment)
Mr. T.A. PRESCOD, B.A. (Minister of Social Transformation)
Rev. J.J.S. ATHERLEY, B.A., B.Sc., J.P. (Minister of State, Prime Minister's Office)
Hon. R.R. FARLEY, B.Sc., J.P. (Minister of Housing and Lands)
Hon. Miss C.Y. FORDE, L.C.P., J.P. (Minister of State, Ministry of Education, Youth Affairs and Sports)
Hon. J.X. WALCOTT, M.B., B.S., FRCS (Edin.), J.P. (Minister of Health)
Mr. R.D. JONES, B.A.(Hons.), M.A.(Ed.), J.P.
Dr. D.C. ESTWICK, B.Sc., M.B., B.S.
Mr. C.A. MASCOLL, B.Sc.(Econ.)(Hons.), M.A. (Public

Finance) (Minister of State, Ministry of Finance)
Hon. D.D. MARSHALL, Q.C., LL.B. (Hons.)
L.E.C.,
(Attorney-General and Minister of Home Affairs)
Mr. M.A. LASHLEY, LL.B.(Hons.)
Hon. K.D. SYMMONDS, B.A., LL.B. (Minister of State, Ministry of Foreign Affairs and Foreign Trade)
Dr. W.F. DUGUID, B.D.S. (Comm.), F.D.S., FDRCS, J.P.
Mr. R.L. SEALY, B.Sc., M.B.A.
Prayers were led by Rev. Cannon Ivan Harewood.

Mr. DEPUTY SPEAKER: This House is now in session.

MINUTES

Mr. DEPUTY SPEAKER: Minutes of Tuesday, July 25, 2006.

Hon. R.C. EASTMOND: Mr. Speaker, I beg to move that the Minutes so cited be confirmed, subject to any omissions, observations and/or corrections.

Hon. R.R. FARLEY: I beg to second that, Sir.

Mr. DEPUTY SPEAKER: If there are no corrections, observations and/or omissions, then let those Minutes stand confirmed.

PAPERS

Rt. Hon. O.S. ARTHUR: Mr. Deputy Speaker, I am commanded to lay the following:

1. Duties Taxes and Other Payments (Exemption) (Caribbean Regional Environmental Programme) Order, 2006.
2. Value Added Tax (Refund) (Caribbean Regional Environmental Programme) Order, 2006.

3. Duties, Taxes and Other Payments (Exemption) (Caribbean Regional Sustainable Tourism Development Programme) Order, 2006.

4. Value Added Tax (Amendment) (No. 3) Order, 2006.

5. Duties, Taxes and Other Payments (Exemption) (Queen Elizabeth Hospital) Order, 2006.

FIRST READINGS OF BILLS

Rev. J.J.S. ATHERLEY: Mr. Deputy Speaker, I am commanded to move the following:

1. The Immigration (Amendment) Bill, 2006.

Hon. R.R. FARLEY: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

Rt. Hon. O.S. ARTHUR: Mr. Deputy Speaker, I beg to move the following:

1. The Pre-Clearance (ICC Cricket World Cup, West Indies, 2007) Bill, 2006.

Hon. R.R. FARLEY: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

House 108, sequence 02, 10:20:14

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FIRST READING OF BILLS: . . .

Hon. R. C. EASTMOND: Mr. Deputy Speaker, on behalf of the Right Honourable Member for St. Peter, I beg to move the First Reading of the following Bills:

1. Export Promotion and Marketing Fund (Amendment and Validation) Bill, 2006,

2. Insurance (Amendment) Bill, 2006.

Mr. Deputy Speaker, also on the behalf of the Honourable Deputy Prime Minister and Honourable Member for St. Michael North East, I beg to move the First Reading of the Telecommunications (Amendment) Bill, 2006.

Hon. R. R. FARLEY: I beg to second that.

The question was put and resolved in the affirmative without division.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. R. C. EASTMOND: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of this day's Sitting.

Hon. R. R. FARLEY: I beg to second that.

The question was put and resolved in the affirmative without division.

GOVERNMENT BUSINESS

ORDER No. 11

ROAD TRAFFIC (AMENDMENT) BILL, 2006

Hon. G. A. CLARKE: Mr. Deputy Speaker, I am indeed grateful today to explain to Honourable Members why it is necessary at this time to amend the Road Traffic Act, Cap. 295.

Mr. Deputy Speaker, the Road Traffic Act and the various regulations passed on it, namely the Road Traffic Regulations of 1984 and the Security of Load Regulations, have become increasingly inadequate to effectively deal with the dynamics of the road traffic environment in a 21st Century Barbados,.

Mr. Deputy Speaker, members of both the Magistrates' Courts and the Royal Barbados Police Force, as enforcers of the road traffic laws, are also members of the public in their respective roles as motorists, passengers and pedestrians and they have all expressed their various concerns about these inadequacies.

Mr. Deputy Speaker, Barbados now has a network of 1 600 kilometres of road. According to the statistics of July 31, 2006, which comes from the Licensing Authority, we now have approximately 116 675 different types of vehicles on our roads. On our roads, we have 94 496 private motorcars; approximately 4 459 lorries; 3 045 hired cars; 1 674 taxis; 584 maxi taxis; 225 minibuses; 409 omnibuses; 289 route taxis; 105 tour coaches; and 582 maxi taxis.

Mr. Deputy Speaker, we have a lot of vehicles on the same roads. However, our road systems have not increased over the last ten years in terms of kilometres. In terms of capacity, what we have done is to widen the roads and so forth.

Mr. Deputy Speaker, when one looks at the number of private motorcars in Barbados, one notices that Barbados now has one car for every 2.8 inhabitants. This

statistic compares favourably with the United States of America which has one car to 1.8 persons, the United Kingdom with one car to 2.3 persons, Japan with one car per to 4.2 persons and Ireland with one car to 5 persons. Sir, this indicates that Barbados is doing very well for a small island State.

Mr. Deputy Speaker, when we look at the growth rate of vehicles in this country, we see a picture which demonstrates a growth in the number of vehicles on our roads by almost 100 per cent over the last ten years. At December 31, 1994, the total number of vehicles in the country stood at 55 668, of which 42 821 were private cars. This shows that we now have a 100 per cent increase in vehicles in this country over the last ten years. I believe, Mr. Deputy Speaker, this increase in motor vehicles in our island...

Mr. D. St.E. KELLMAN: On a point of order. Mr. Deputy Speaker, we do not have a quorum and we cannot continue without a quorum.

The bell was rung, a quorum obtained, and the debate resumed.

Mr. DEPUTY SPEAKER: Proceed, Honourable Member.

Hon. G. A. CLARKE: Mr. Deputy Speaker, the increase in motor vehicles in our island has been due in great measure by the influx of reconditioned cars over a ten-year period. Mr. Deputy Speaker, while this increase in the number of motor vehicles may be rightly viewed as a sign of affluence and evidence of a stable and well-managed economy, it has however resulted in increased congestions on our roads with the attendant traffic management problems and difficulties.

Concomitantly, Mr. Deputy Speaker, it has also affected the economy in the form of loss of productive man-hours, costly delays and of course the increased presence of road rage.

Mr. Deputy Speaker, it is important to note that if we only increase traffic and we do not increase the size of the road, we will have congestion on our roads. Therefore, every attempt must be made to manage the traffic in our country. Mr. Deputy Speaker, we now have two vehicles per household in this country, so it is important for us to look at this.

Mr. Deputy Speaker, any discourse on traffic legislation would be incomplete without acknowledging the role of traffic management in the control and regulation of traffic.

10.30 a.m.

Wednesday, August 02, 2006

Hon. G. A. CLARKE: . . .

Mr. Deputy Speaker, Mr. M. G. Lay, in his 1992, 2nd edition: "Ways of the World: A History of World's Roads and the Vehicles That Use Them," states:

"One of the principle challenges in traffic control, is to accommodate the traffic in a safe and efficient way".

He further states:

"Efficiency, being a measure of movement level, relative to the objectives for a particular transportation system and the finances required for its operation, the dual objective of safety and efficiency, however, frequently presents conflict, or at least compete and the traffic manager will always be burdened with seeking to satisfy the frequently conflicting goals of safety and mobility.

While safety constitutes an important component of the traffic manager's portfolio, it is not to be seen as his exclusive concern. Nearly every transportation mode has organisations that regulate operators, through a series of licencing procedures, sanctions for inappropriate practices, and requirements for continuing training to retain certification to operate. Examples of these are agencies such as the Licencing Authority, which administers driving licences and oversees the mechanical integrity of vehicles using the nation's roads.

Traffic management, therefore, involves elaborate procedures, rules, laws and physical devices. Examples being signs, markings and lightings, being a few of some of the components of any traffic management system. However, at the very centre of any roadway system is the operator, that is, the driver and the pedestrian.

While traffic management can be considered initially as the need to control or to influence large numbers of vehicles, it is important to realise that traffic is made up of a large number of individual operators, who, collectively, must make consistent decisions, in order to achieve safety and efficiency.

To achieve these objectives, it is essential to have legal rules to govern the movement of traffic on the road and the management of rules and regulations, in a timely manner, to compliment and to support the action".

Mr. Deputy Speaker, in our system, we have a situation in Barbados today, where many drivers are now driving heavier, faster and more luxurious vehicles, and by the way some of them drive, I sometimes wonder if they

are using the knowledge that God has given them and are driving with any common sense.

Mr. Deputy Speaker, all drivers should assume that persons or drivers coming towards them might not be taking great care. Therefore, in such circumstances, every driver must be careful when he or she is on the road and must drive with due care and attention. Every driver must be considerate towards other drivers and, of course, the pedestrians.

Sir, traffic management centres around the movement of the operator and the pedestrian. Who are the pedestrians? The pedestrians are those persons who use the roadways, who must walk, from time to time, and whose duty is to pay particular attention to the movement of traffic. Therefore, the pedestrian must walk on the streets carefully and must also follow the traffic rules. In today's society, we find that too often persons would walk across the red light and would take a chance in trying to get away from the traffic.

Mr. Deputy Speaker, we all know it is a hard task coming to this Parliament on mornings. Sometimes the lights are on green but drivers cannot proceed through because of the fact that pedestrians would still be walking on the crossing. It was not so 20 years ago. Nowadays persons walk anyhow. It has now become a free-for-all in our society and we have to do something about these things. Sir, both pedestrians and drivers must be careful when using the streets.

Mr. Deputy Speaker, I am finding a situation where drivers, especially young drivers, are driving at extremely dangerous speeds. I could only implore the police to continue to do their duty but persons are using our highways as though it is their private property, without understanding that there is an increased number of vehicles and, therefore, persons should be more careful.

Mr. Deputy Speaker, we also have to put laws in place, in order to protect persons from themselves. We will continue putting up signs and to have better and safer roads. Of course, in order to achieve these objectives, it is essential to have legal rules, to govern the movement of traffic. The enforcement of these rules, regulations and their administration, in a timely manner, is important. They complement each other and support the action that we will take.

Mr. Deputy Speaker, it is against this background of more vehicles on our streets, persons using the highways without due consideration for other drivers, that, in 2001, the Cabinet agreed to the introduction of a wide range of measures, to improve the traffic management throughout the country. At the time, Cabinet agreed to the random weighing of vehicles, to ensure that vehicles are not

overweight. Cabinet has also agreed to monitor the roads on which these heavy vehicles would travel.

It also agreed that these heavy vehicles should have special licences; that learner/driver should pass the regulation test before being granted a learner's permit; that there be restrictions on the roads used by learners, and the times of use of these roads; and that the Minister proclaims Section 79(a) to Section 79(c) of the Road Traffic Act, by January 2002. This has been done.

They also asked to introduce a special driver's licence for some of the heavy vehicles; that there be a specialised driver's licence for the heavy vehicles; that there should be a study carried out on a system of mass transit, that allows motorists to park their vehicles on the outskirts of Bridgetown and be transported into the City.

Mr. Deputy Speaker, these measures were first discussed by Cabinet, in 2001. After this agreement, a broad-based Traffic Management Committee was established, comprising representatives of the Police Department, the Ministry of Finance, the Town Planning Department, the Environmental Engineering Department, the Ministry of Public Works and Transport, the Barbados Tourism Investment Inc., the Barbados Chamber of Commerce, the Insurance Corporation of Barbados, and the Barbados Road Safety Association. Mr. Deputy Speaker, this Committee sat down, over the last four years, and discussed traffic management and made recommendations to the Cabinet of Barbados.

Mr. Deputy Speaker, the Committee met on a number of occasions and the recommendations were sent to Cabinet July, 2003.

10.40 a.m.

Wednesday, August 02, 2006

(EDITED)

Hon. G. A. CLARKE: Sir, in August 2003, the Cabinet agreed to many of the proposals that were set up by this broad-based Committee. The Cabinet then set up a further Sub-Committee in 2003, which was headed by the Attorney-General. The Sub-Committee was to review the proposals and submit its finding back to Cabinet. The Cabinet in June 2005 agreed with the suggestions and recommendations of the Committee and today, we are about to look at some of those proposals made by this broad-based Committee and this Sub-Committee of Cabinet.

Mr. Deputy Speaker, a number of amendments are being proposed to this Honourable House, which are designed to achieve the following and which have had wide

circulation across the country and input from the police, the business community, a various number of persons. Sir, meetings were held across the country as well.

Mr. Deputy Speaker, the first thing suggested was a revision of a number of definitions to make them more relevant in 21st Century Barbados because most of the definitions in the Road Traffic Act are outdated. They also agreed to a fixed penalty and a demerit point system. There is mandatory presentation of driver licences and Certificates of Insurance and other related matters which we shall discuss today.

Mr. Deputy Speaker, anyone who is intimately familiar with the Road Traffic Laws of Barbados would observe that there are terms such as hackney carriage and contract carriage which are two archaic English terms which are still being used in the Act. In addition, the Police have complained that Cap.295 and its many regulations, do not now permit them to demand proof of a driver's licence and insurance certificate of the vehicle on the spot. When the Police stops motorists to ask them question, motorists are given time between 24 hours and 72 hours to provide proof of insurance and driver's licence. This situation has often led to problems of the subsequent identification of persons.

Mr. Deputy Speaker, in today's society, if an accident occurs and a person has to produce his licence 72 hours after, this could cause a problem. It has always caused a problem because one person can look like another person. Sir, I have known seven brothers to look alike, twins to look alike and persons of a certain race to look alike and it has caused problems for the Police. Mr. Deputy Speaker, sometimes the Police cannot identify a person 72 hours after the accident and, sometimes, the same police is not on duty. This has caused a lot of problems and, therefore, is of concern. Mr. Deputy Speaker, secondly, some of the fines and sanctions for traffic offences are also considered to be too lenient and do not appear to deter road users who flout the law. The fines in the Traffic Act are so lenient that persons prefer to flout the law and get away with it than to obey the law so, Sir, we have to do something about it.

Mr. Deputy Speaker, I shall now highlight some of the definitions but before I proceed to do so, I would like to say that not only are these definitions being updated but that they are designed to give the law more relevance in addition to modernising the law. Sir, we believe that modernisation is very important.

Mr. Deputy Speaker, Section 2A knocks out the outdated legislation and Section 2B will upgrade and modernise the law. Sir, with your permission, I would like to go through some of the new amendments before this

Honourable House. Section 2 of the Bill speaks to the following definitions which have been modernised.

Sir, there is a new definition for "articulated vehicle". There is also a new definition for coach, driver, examiner, hired vehicle, limousine, maximum gross weight, maxi-taxi, minibus, parking place, private motor car, route-taxi, sidewalk, a taxi, tractor and trailers. Sir, those are the ones which would be changed.

Mr. Deputy Speaker, I would like to give a few examples of some of these definitions and the rationale for them. Sir, the term "hackney carriage" and "contract carriage" are two archaic English terms which have been removed and replaced by hired vehicle and hired car respectively. The definition for the "hired car" is found at page 5 of the Act. A hired car means a self-driven motor vehicle that is kept for hire or reward under a contract where payment for use of that vehicle is at a fixed rate or amount but does not include a motor omnibus, minibus or route taxi. A hired vehicle means an all terrain vehicle, hired car, maxi-taxi, taxi, coach, limousine or other vehicle kept for hire but does not include a motor omnibus, minibus or route-taxi. Sir, there is a differentiation here between omnibus as well as the route taxi.

Mr. Deputy Speaker, we need to understand the definition of an "examiner". This definition has been amended to give greater scope and flexibility to the person holding that post by permitting the holder to undertake those activities listed at C. For example, an examiner means a person authorised by the Licensing Authority to conduct tests and examine applications for driver licences or a person appointed for the purpose of weighing vehicles.

Mr. Deputy Speaker, persons who go to the Licensing Authority to weigh the vehicle or get a test for a driver's licence would say that they have been examined by an examiner so we have broadened the term examiner. The term examiner has two distinct meanings, a person who conducts a test and a person who weighs the vehicle and is included in the Act. Sir, the term has been widened and is more relevant in our situation today.

Mr. Deputy Speaker, the term "driver" has been clear up somewhat. It has been amended to clear up the ambiguity associated with the term "steerman".

H108/10:50

Sequence 5

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Hon. G.A. CLARKE: The new definition now states a person who steers a motor vehicle, replacing the word "steer man", which is more relevant to a vessel. Sir, the

term “driver”, means a person driving a motor vehicle and includes:

(a) A person who is in charge of a motor vehicle for the purpose of driving, where that vehicle is stationary on a road; and (b) A person who steers a motor vehicle at the relevant time.”

Sir, there is no doubt now that the driver of the vehicle is the person who steers a motor vehicle at a relevant time or a person who is in charge of a vehicle, while it is in motion.

Mr. Speaker, problems have developed over time as to the definition of a “parking place”. In today’s society we find people parking all over the place. The definition has been amended to allow the Minister, by order, to designate parking places, especially with the disabled in mind, this is important. We have found that persons now park all over the place. Over the past three months the Ministry has been working with the Disability Council, to provide better sidewalks, with ramps, at a certain gradient for persons with disabilities and those using wheelchairs.

Mr. Deputy Speaker, we have started to improve the sidewalks around the Parliament Building, we have moved to other Government buildings and certain sidewalks within urban Barbados. We will continue to plan a programme to have all sidewalks standardised in urban Barbados and developed villages, standardised. Of course, it is important that when roads are repaired, sidewalks are upgraded. Sir, the upgraded sidewalks, will be provided with ramps as well. Mr. Deputy Speaker, today, as I speak, we are providing new sidewalks in the Lower Collymore Rock area and Bay Street, and we will also be providing sidewalks in Hindsbury Road as soon as the land becomes available.

Sir, as far as parking is concerned, there must be designated parking for the disabled. We have been encouraging private establishment to provide parking for the disabled, especially near the entrance to their businesses. The law will mandate that the ministry can designate specific parking places for the disabled. This is very important.

We will also be encouraging the erection of signs for the disabled, and we will make this mandatory as well. Over the past three months we have marked our sidewalks and set up signs, which indicate that this ramp is used specifically for the disabled. We will continue to do so across Barbados. The programme in place will continue over the next three years. We are hopeful that by then we would have conformed to modern and first world standards, in providing the ramps for the disabled. I hope the claim that disabled persons could not travel to town would be a thing of the past. I hope that more of them will

enjoy Bridgetown, Speightstown and other sceneries across Barbados. I believe that it could be done and I am hopeful that it would be done in the future, to help the disabled in our community.

Sir, another definition that needs further explanation is, for example, a land tractor replaced by “tractor”. The old definition speaks about a land tractor. We have now replaced that with the word tractor. The definition is widened to include a number of new activities now undertaken by the type of vehicle. When you look at the definition as stated in the Act, you will note that a tractor means a motor vehicle, not used for carrying passengers, that is designed and used for work in connection with:

(a) agriculture; (b) forestry; (c) land levelling; (d) landscaping; (e) dredging; (f) mining; (g) road works, including the cleaning and upkeep of highways and pavements;

It goes on to say that:

(h) warehousing activities and other related activities; (i) fishery; or any other activity designated by the Minister by Order.”

Sir, the term tractor now has a wider meaning in today’s society.

In addition to the foregoing, the section also introduces a new item known as “all terrain vehicle”. We have given, that the abbreviation of ATV to take into account those special vehicles, used primarily in the Eco Tourism business.

I am sure that Honourable Members are aware of the vehicles that are used all across the country. The Jeeps that are used on the rugged lands, cartroads, sand and forestry. Many persons have complained, but I think that they are doing a good job in the tourist industry.

Sir, at present this vehicle is designated ZM. In the future it will be carrying the designation ATV, all terrain vehicle. This would help us to distinguish from the category of a maxi-taxi or the all terrain vehicle. This will be provided under the Fourth Schedule, Part 11, to accommodate these special used vehicles, which formally used the title ZM.

Sir, Section X of the Act has been amended with the inclusion of the new provision at Subsection IV (a). It allows for the registration and regulation, of the manufacturers of vehicle licence plates by the Barbados Licensing Authority. Within recent times, the Royal Barbados Police Force has encountered a number of vehicles with fictitious licence plates, which have been associated with criminal activity. The police has strongly

recommended that some action should be taken to control and regulate the manufacture and use of number plates. This is important.

Sir, there are a number of persons across the country who are making number plates. Some of them are doing a good job. We recognise that it is a business activity involving a number of small people, and we would not want to sideline any small business. Mr. Deputy Speaker, with 116 000 vehicles on our roads, this is really good business, but at the same time, manufacturers of license plates must be standardised. We want them to conform to size, colour and type of lettering. We also want them to conform to our standards. Therefore, we would want all manufacturers of licence plates to register with the Barbados Licensing Authority. In the future all manufacturers will have to register and get certification.

11.00 a.m.

Sequence 6

Wednesday, August 02, 2006

House 108, Sequence 07, 11.00 a.m.

Continuation of: Hon. G.A. CLARKE:

Sir, we have found that there are numbers of persons who are manufacturing licence plates, without authorisation. Sir, those persons are manufacturing licence plates without corresponding with the Licensing Authority, and they are causing some serious problems for the police.

Sir, you may be driving your vehicle down the road and you may very well see your number plate on somebody else's vehicle. This has occurred, especially at night. I have encountered a case recently, where a person came to me and said that he recognised his number plate was on another vehicle. When we checked, the person did not pay for the licence more than two years.

I am encouraging persons to pay their Road Tax. If you do not pay Road Tax after two years, you may very well see your vehicle licence plate on another person's licence plates. It is possible, because you are supposed to pay your Road Tax every year. If you do not pay your Road Tax every year, you may lose your licence. A Licensing Authority has the power to change your licence, if you do not pay. Therefore, after a year and you get a grace period of two years, then you should really pay your tax. In fact, you should always pay your Road Tax.

Sir, I am speaking about those persons who commit illegal acts and write a licence on a piece of card or design their own number places. We want to correct this because it has caused some problems for the police. In fact, the police

were very strong on this. The police asked the Licensing Authority to manufacture the licence plates themselves. We have reached a compromise by allowing those persons who want to remain in business to continue, but they have to register with the Licensing Authority.

Provision was also made under Subsection V to accommodate duty-free agricultural vehicles, which would be given a special licence plate, designated FAR, under Part IV, of the Fourth Schedule. They are many persons involved in agriculture, who get duty-free vehicles. Sir, for a long time now, the Ministry of Finance and the Ministry of Agriculture have been the ones involved in identifying those bona fide farmers, and we want to give them a designation. Those persons who now get duty-free vehicles, from now on will carry the title FAR on their vehicles. This would be their designation.

Sir, over the years, there have been many complaints that operators of heavy duty vehicles were causing extensive damage to the road surface, by exceeding the weight allowed, under their special permits, granted by the Licensing Authority. Sir, to help counter this position, the penalty for exceeding the maximum gross weight, has been increased by 100 per cent, under Section 28 of the Act.

In this regard, an Amendment is being made to Section 28(2) to increase the penalty from a fine of \$5 000 or imprisonment for 12 months, or both, to a fine of \$10 000 or imprisonment for 24 months, or both. The law states that persons with vehicles above the maximum gross rate, which is 24 metric tonnes, should apply for permission to use the road. This aspect of the law will be enforced by the Transport Inspectors. We will definitely enforce this aspect because we now have heavier vehicles on our roads, vehicles, which exceed the 24 tonnes limit.

Mr. Speaker, we are spending lots of money on our roads. While it is true that we want commerce in this country, we are asking that the vehicles, which are carrying heavy loads, should get permission to operate. Therefore, operators of heavy duty vehicles, coming from the Bridgetown port or the airport, even once or twice a year, should get permission to do so, Sir.

Our roads are being destroyed, not only because of heavy vehicles but they contribute to the destruction of our roads. We heard about cases where vehicles were so heavy that they not only sank the roads, but the wheels of the vehicles could not even come out and they had to get a tractor to remove the vehicles. This is a problem.

We will continue to build sturdier roads. This is what we are doing, especially on the ABC Highway, as we construct and widen that Highway. We will try our best to build sturdier roads but, of course, these vehicles that are now being imported from North America, they are all now

left hand driven, are heavy and they must get the correct approval to do so, so this is important.

Mr. Speaker, we have also found that, not only the heavy vehicles but the cement mixers, those trucks which carry cement, have been destroying our roads for a long time. Sir, we will do something about that, when we look at the regulations. It will be an offence to deposit cement on the road. Almost every roundabout in Barbados has this problem. Sir, rather than the owners of cement trucks put on the catch at the back, they allow the cement trucks to run the streets of Barbados, with the cement dropping out of them. By right, they should be cleaning the streets when this happens.

We paved a street recently in Bridgetown and by evening it had dropping of cement all over the street. This is very unfortunate and the taxpayers cannot continue to foot the bill for these operators. They must be very careful, and we have to look at this very seriously. We are also sending a warning to those persons who now commit this offence. When you call the operations, sometimes they will say it was not their company and their truck. Therefore, this is very difficult to police.

Sir, we will try our best. The transport inspectors, will have special powers, under the new Act, to remove any truck from the road for weighing purposes and police the system. This happens in most developed societies, where trucks are sometimes hauled into side roads or into some parking bay and they are weighed. This will be a new designation of some of the functions of the Licensing Authority, so that those heavy vehicles and cement truck mixers, will now be subjected to the control of the Licensing Authority. Special equipment will be bought by the Licensing Authority to weigh these heavy vehicles.

House 108, sequence 07, 11:10:14

Wednesday, August 02, 2006

Hon. G. A. CLARKE: Mr. Deputy Speaker, section 42 makes provision for the mandatory carrying of Certificates of Insurance. It also provides for the Licensing Authority transport inspectors to carry out periodic checks on drivers to ensure that they are carrying their Certificates of Insurance while operating their vehicles on the roads. Formerly, only police officers were empowered to do so. This change increases the powers of the Licensing Authority transport inspectors with regard to the enforcement of the road traffic provisions. Mr. Deputy Speaker, the penalty in respect to this part, is provided in the Act under section 59.

Mr. Deputy Speaker, under the new Act, persons will have to carry their driver's licence and the Certificates of Insurance on their persons when they are driving. Mr.

Deputy Speaker, it is now compulsory that you would have to carry your Certificate of Insurance on your person. Mr. Deputy Speaker, if a person does not have the Certificate of Insurance on them, they would be given 24 hours to present the Certificate of Insurance to the Police.

Mr. Deputy Speaker, under Section 59 (1) of the Act, a fine will be incurred for not carrying your Certificate of Insurance. Section 59 (1) states that any person who contravenes this Act or any regulations made under this Act is guilty of an offence, and unless a penalty is otherwise specifically provided, is liable on summary conviction to a fine of \$500 or to imprisonment for a period of three months or to both.

Mr. Deputy Speaker, the Act goes a step further. Mr. Deputy Speaker, given the fact that many persons report accidents on our roads, steps have been taken to increase the severity of the penalties for breaches of the law where a person does not have the appropriate driver's licence. Mr. Deputy Speaker, via the amendment to section 61, the penalties have been increased as it relates to breaches of the law where a person who has a licence to drive a private motorcar but drives a heavy-duty vehicle or a cyclist who drives a motor vehicle without the appropriate licence.

Under section 61, the fines will increase from \$1 000 or to imprisonment for a term of 12 months or both to a fine of \$2 500 or imprisonment for a term of 24 months or both. This has to do with persons who are driving vehicles without the appropriate driver's licence. Mr. Deputy Speaker, if a person has a motorcycle licence, they should be riding a motorcycle. If a person has a heavy-duty licence, that will be fine, but, Mr. Deputy Speaker, we have cases where persons are licensed only to drive an automatic vehicle but are driving a manual vehicle. If a person is licensed only to drive a car, they should not be driving a truck.

Mr. Deputy Speaker, most persons do not check the classification of their driver's licence. In some jurisdictions, the class of your driver's licence is written. Mr. Deputy Speaker, we looked at this situation, and it has to be tidied up, and we are about to tidy up this in the Licensing Authority.

Mr. Deputy Speaker, another step is the articulated vehicles that we spoke about a while ago. Mr. Deputy Speaker, in light of the fact that the definition of the articulated vehicle has been included in section 2, the appropriate provision has been included under section 68 (2) of the Act, which deals with the classification of the various types of vehicles for which a driver's licence has been obtained.

Mr. Deputy Speaker, the Licensing Authority will soon be replacing the current driving licence in a book

form with a modern and more durable classic driver's licence which drivers would be expected to carry when operating a motor vehicle on the roads. In this connection, the necessary amendment has been made to section 74 to ensure the mandatory carrying of the driver's licence by a driver while operating a vehicle on the road. Provision has been made for the imposition of an appropriate penalty for failure to comply with this new provision. A person found guilty, on summary conviction, would be subject to a fine of \$2 500 or imprisonment for a term of two years or both. Mr. Deputy Speaker, it is important to note that when the Act is passed, persons must carry their driver's licence on their person always.

Mr. Deputy Speaker, we will be carrying out an educational programme within the Ministry to sensitise persons because we know that persons will forget to carry their driver's licence. Mr. Deputy Speaker, in this regard, we would want to encourage Members of Parliament to put their driver's licence in the pocket of their cars or to keep them on their person.

Mr. Deputy Speaker, we have gone a step further. A contract has been awarded to C. L. Gibbs to supply the plastic driving licences. It is expected that the licences will be available for distribution to the public by November or December of this year. The features of the plastic licences will include a technology known as hologram, which will only be revealed under ultraviolet light. They will also include a photograph; the date of birth; the registration number; gender; height; and of course the class of the driver's licence.

Mr. Deputy Speaker, every licence now in the future would tell you what class of driver licence you would have so that no person would be able to say that they do not know what category of vehicle they could drive. The new plastic licence will include the category and the class of the type of vehicle one could drive and also the licence number.

Mr. Deputy Speaker, these cards will not be plastic cards. The Police would be able to swipe these cards to know if a person has paid for their driver's licence and to see other relevant information such as if they are entitled to drive that vehicle. Mr. Deputy Speaker, for failing to comply with this, the fine has been increased to \$2 500.

Mr. Deputy Speaker, at this point, I wish to speak a little on the demerit point system. The demerit point system has been around for a long time, however it has not been used effectively by either the Police Department, the Magistrate's Courts or the Licensing Authority.

House 108 Sequence 8

11.20 a.m.

Wednesday, August 02, 2006

Hon. G. A. CLARKE: Mr. Deputy Speaker, for some reason, there has been an administrative hiccup in the system.

Mr. Deputy Speaker, at this juncture, we would want to ensure that the demerit point system works, even better than it did before, therefore, new administrative arrangements are being made, to ensure that the demerit point system works.

Mr. Deputy Speaker, the Police Force and the general public have been very concerned about the way the demerit system is structured and calls have been made for a more effective system. In that regard, an amendment is being made to Section 79 of the Road Traffic Act, to facilitate the improved administration of the system. Sir, not only has demerit points been included under the fixed penalty regime but provision is also being made, to ensure that persons are appropriately notified by the Licensing Authority, when action is being taken to suspend the driver's licence of a person, who is found guilty.

Sir, notification may be served by registered mail or via publication in the daily newspapers. In addition, a provision is being made under subsection 11, for the fixing of a time period of two years, from the date of the first conviction, during which time a person may accumulate 18 or more demerit points, as a result of which the guilty person may have his or her driver's licence suspended for one year. Sir, it means that if persons were to accumulate 18 demerit points in a two-year period, their driver's licence would be suspended.

Sir, under Section 79(c)(13), the period of suspension has been extended from the existing three months. Persons whose licences are suspended, may only lodge an appeal in respect of the computation of the points placed on his or her record. That driver can appeal to the High Court.

Mr. Deputy Speaker, to facilitate the operation of the demerit system, provision has been made for an electronic linkup between the court, the police and the Licensing Authority.

Mr. Deputy Speaker, I want to say that the "fixed penalty" that we speak of, will all carry demerit points. There will be demerit points for speeding, illegal parking and for driving without the appropriate driver's licence, so that, in the future, the Police Force, the Licensing Authority and the court system, would be working closely together, in order to ensure that the demerit point system works effectively. Sir, I want to give this Honourable House the assurance that, as soon as the Act is passed, we will put systems in place to have the demerit point system working.

Mr. Deputy Speaker, the use of fictitious licence plates has been an increase source of worry to the police, since such practices are usually associated with criminal activities. Sir, even though it has been recognised that the practice cannot be altogether eliminated, given the easy access to technology by all persons within the society, an attempt is being made to increase the severity of the penalties for such fraudulent activities. Hence, an amendment is being made to Section 108, to increase such penalties imposed on persons found guilty, in this regard.

Mr. Deputy Speaker, Section 108 of the principal Act says:

“Any person who fraudulently

(a) imitates, alters, mutilates; or

(b) uses, allows to be used by or lends to any other person,

any registration number plate, motor vehicle, road licence or driving licence issued or purported to have been issued under this Act is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for a term of 12 months, or to both”.

Mr. Deputy Speaker, these fines are to be increased from \$1 000, to a fine of \$5 000 and to a term of imprisonment of three years or both. Sir, it is important to note Section 10.4(a).

Mr. Deputy Speaker, as part of the process of improving the enforcement of the Road Traffic laws, there will be an expansion of the fixed penalty or ticketing system, with the introduction of a whole new range of offences. However, to ensure the effectiveness of the proposed new fixed penalty system, a major amendment has been made to Section 121 of the Act, under which the administration of the system is undertaken.

Mr. Deputy Speaker, a significant change is being introduced, with provisions which will allow for the tickets to be used as Summonses to the Magistrate’s Court, in the event that persons, on whom the tickets are served, fail to pay the fine within 21 days.

Mr. Deputy Speaker, under Section 121, if persons commit an offence, the ticket that they would get, would act as a Summons, which would enable that driver to pay the fixed penalty within 21 days or opt to go to court. Sir, legislation states that the Police Officer must state the day, the time and the place the offence would have been committed.

Sir, we have had cases where drivers would have committed the offence but where the name of the street was

not properly identified. Mr. Deputy Speaker, in this Act, it is incumbent on the traffic officer to specify the place, the time and the date of the offence. That traffic officer must also notify the person as to the date of court hearing.

Mr. Deputy Speaker, at present, there are a number of cases before the court, that cannot be heard. Sir, if persons commit the crime and do not want to be incarcerated, then they would pay the fine. Sir, those persons who would drive at fast speeds and on committal to court, would want to pay \$1 000 fine, they could do so. On the other hand, those persons who commit an offence, as set out in this Act, can now pay their fines at any Post Office or Magistrate’s Court. Mr. Deputy Speaker, this Act not only gives the Police Force but also the Traffic Warden the authority to issue these Summonses.

Mr. Deputy Speaker, furthermore, when a notice is served on an individual, a copy is also sent to the Magistrate Court, setting out the time frame and date of the court appearance. In this way, a person would know up front, when he has to appear in court, if he does not want to pay the fine.

Mr. Deputy Speaker, an amendment is also being made to Section 121C, which allows the offender the option of either paying that fine at the Magistrate’s Court or at any Post Office. Therefore, there would now be no claim that the offender could not have found a mechanism, as to how the fines could be paid. Sir, we have been working hand-in-hand with the Ministry of Home Affairs, to improve the system. Therefore, persons would be able to pay those fines at any Post Office or at any Magistrate’s Court.

11.30 a.m.

Wednesday, August 02, 2006

(EDITED)

Hon. G. A. CLARKE: A penalty is also being proposed for persons found guilty of removing the notice because persons have claimed that they have not found the notice and that it was not on the vehicle. This Section is also being improved and penalties would be provided under Section 121(H). The penalty for removing a notice will also be subject to a fine of \$500, imprisonment of six months or both.

Mr. Deputy Speaker, this is important because if a notice was placed on a vehicle and the owner claimed he was not driving the vehicle, the onus is on the owner to state who was driving the vehicle at the particular time and the owner is liable for the fine. Sir, if persons wilfully remove an Order, those persons are subject to a fine. If persons are caught removing an Order from the vehicle, a penalty for this is provided in the Act.

Mr. Deputy Speaker, it is also important to recognise that under Section 1.2(4) that the term "route-taxi" is also included in the Act. There are also other amendments being made under the regulations which will be laid in Parliament very soon.

Mr. Deputy Speaker, briefly I just want to state that there are 60 new offences which the Committee has recommended for which a driver may receive a notice and be subject to a fine. These offences will be wide-ranging and will be laid in Parliament very soon.

Mr. Speaker, Section 121A to Section 121H provides the Minister with leverage to insure that fines are improved from time to time. These fines are for failure to comply with traffic signs, failure to stop when directed by the Police using a siren, failure to register a motor vehicle, operating a motor vehicle without number plates, driving without having a driver's licence, speeding, carrying unsecured loads, spilling oil on the road, permitting sparks and excessive smoke from vehicles which have been a cause of concern because people do not look after their emissions. Sir, fines are also for infringement of a silent zone, not reporting accident involving injury, parking in an area reserved for persons with disabilities, picking up and setting down passengers other than at a bus stop, going off route, soliciting passengers, overcharging for hire, operating a vehicle without a Certificate of Insurance and, Sir, loud music which is any music above eight watts.

Mr. Deputy Speaker, we have had a number of concerns over the years with persons driving vehicles without the appropriate headlamps. There are a number of persons who import vehicles into Barbados with a bluish light called a super light. It is a fact that persons who import vehicles into the country do not necessarily look at the lights on the vehicles. The police have some concerns and persons who import vehicles in future would have to get the permission from Barbados National Standard Institute and the Barbados License Authority before importing vehicles into the country especially with those super white lights. Sir, persons using these lights would have to prove that it is a manufacturer's recommendation.

H108/11:40

Sequence 10

Wednesday, August 2, 2006

Hon. G.A. CLARKE: Sometimes they look yellow or blue. We are told that it is a super light. Once it is approved by the Barbados National Standards Institute and the Ministry of Public Works, the Barbados Licensing Authority, that will help. Sir, amendments are being made to various regulations to accommodate the various changes.

Mr. Deputy Speaker, as indicated earlier, the operators of articulated vehicles on the roads of our country, have been a cause of concern. An amendment is now being proposed to the provisions of Regulation XXXI to regulate such vehicles, by specifying the weight and category of vehicles to be approved by the Chief Technical Officer.

Sir, we have heavy, very heavy and extra heavy vehicles on our streets, which we now call articulated vehicles. We have to control them, and the appropriate changes will be made to the 12th Schedule specifying not only the category of these vehicles, but the time and place where they are to operate. There are some vehicles that cannot operate during the day, and we are specifying the time that they are to operate. We are proposing such time as 10.00 p.m. to 5.00 a.m.

Mr. Deputy Speaker, there are a number of vehicles in the country that are very dangerous to the environment. They carry dangerous substances and we are specifying the time of the day for them to operate. There will also be specific streets for them to travel. It is important for us to take this action at this juncture. Of course, they have to receive special licences from the Chief Technical Officer.

Sir, there is another concern which is the playing of amplified music on public vehicles. This has been a nuisance, a source of concern to law enforcement officers and members of the public as well. This will be addressed by an amendment to the legislation, with the inclusion of a new provision under Regulation 56 (a). Under this provision a limit will be set on the output of a basic radio installed in such vehicles. The output should not exceed 8 watts.

Sir, we will allow a radio in the vehicles, but its output should not exceed 8 watts. This would be written into the regulations.

Asides.

Hon. G.A. CLARKE: In addition, all ancillary equipment such as amplifiers, equalisers, compact discs and other media, capable of reproducing recorded music will be prohibited. I want to repeat that all ancillary equipment such as amplifiers, equalisers, compact discs and other media, capable of recording music, will be

prohibited in the minibuses, Zrs and most of the public vehicles. However, provision will be made for the installation of two-way radios, so that, under the Act, persons will be allowed two-way radios, which would facilitate communication between the operators in the field and their home base. Those persons will now be able to install in their vehicles, a two-way radio communication device between the home base and the vehicles.

Mr. Deputy Speaker, also provided in this new arrangement is the influx of cellular phones in the local market. It is a trend which the local law enforcement agencies would want to control. It is threat to ...

Mr. D. St.E. KELLMAN: Sir, Deputy Speaker...

Mr. DEPUTY SPEAKER: Honourable Member, on what point do you rise?

Mr. D. St.E. KELLMAN: On a point of order. The Honourable Member is misleading the Honourable House, by giving the impression that he is quoting regulations, that can be found in this particular document. I have searched this whole document and there is no mention of cellular phones or those things. If the Honourable Member wants to tell this Honourable House that there are new regulations to be presented by him, this side will accept that. This side cannot allow the Minister to present information that will be presented in a future document of this Honourable House, for the Standing Orders of this House has certain rules relating to that particular matter.

Hon. G.A. CLARKE: Mr. Deputy Speaker, these are deficiencies in the law, which we are proposing to address. Of course, under the law, Orders are only laid. The Minister can make an Order.

Mr. D. St.E. KELLMAN: On a point of order. The Honourable Member is misleading the House by giving the impression that he can freely incorporate that into this particular amendment. If the Honourable Member wants to make it a document of the House, as a Minister, under the Standing Orders of this House, the Honourable Member, as a Minister, can make it a document of the House. I am calling on the Minister to make it a document of the House if he wants to continue to quote from the document he has been referring to the whole morning.

I think that in fairness to you, the Minister should make it a document of the House, the document passed by the Leader of the House cannot be that document. It has to be the document used by the Minister. I know the document which was used by the Leader of the House.

Mr. DEPUTY SPEAKER: Honourable Member, from what document are you quoting?

Hon. G.A. CLARKE: I am referring to my notes.

Asides.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, on a point of order. The Minister is in contravention of the Rules of this House, where the Minister cannot lie to the Chair. He is now breaching the Standing Orders by lying to the Chair.

Mr. DEPUTY SPEAKER: Honourable Member, I would like you to continue to refer to your notes. Will you proceed?

Hon. G.A. CLARKE: Sir, the order will come. I am speaking from my notes and not from a book. I am saying what the Minister proposes to do.

Asides.

Hon. G.A. CLARKE: Sir, these regulations will not be presented today but would be enforced in the future and laid in Parliament. Mr. Deputy Speaker, for the benefit of the Honourable Member for St. Philip North, we consider the regulations and the Act as holistic. We would do that in the future.

11.50 a.m.

Sequence 11

Wednesday, August 02, 2006

House 108, Sequence 12, 11.50 a.m.

Continuation of: Hon. G.A. CLARKE:

Mr. Deputy Speaker, we are proposing to look at the use of cellular phones by individuals driving motor cars. It is a very dangerous thing, and it has to be controlled. Therefore, we are proposing that use of hand-held cellular phones, while driving a motor vehicle should be prohibited, and measures would be put in place to control this situation.

In this regard, an amendment will be made to Regulation 147, to prohibit the use of hand-held mobile phones by drivers, while in control of motor vehicles on the road.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, on a point of order. The Honourable Member is misleading the House because previously, I could not charge the Member for anticipation, but now the Member has mentioned that an amendment will be made. It means, Sir, that there is something to come before this House and the Minister is speaking about that amendment, even though the Minister

knows that we cannot speak on matters of anticipation. This is exactly what the Minister is doing, when he uses the word, amendment.

Mr. DEPUTY SPEAKER: Proceed, Honourable Member.

Hon. G.A. CLARKE: The Acting Leader of the Opposition is well aware of these things. He just wants to be vicious today.

Sir, we are saying that this particular mischief is a problem in our society. I recently saw a minibus driver, Mr. Deputy Speaker, I think it was in your constituency of Sargeant's Village, to be exact, driving a minibus with a Banks beer in the left hand and a cellular phone on the wheel.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, on a point of order. The Honourable Member is misleading the House, Sir, by giving the impression to those who might be listening that in your constituency, which you represent, you allowed persons to break the law. I think that it is unfair to you, while sitting in the Chair, Sir, for that particular point to be made.

Mr. DEPUTY SPEAKER: In the future, I would listen to him more carefully.

Hon. G.A. CLARKE: Mr. Deputy Speaker, I was not referring to you as a driver. I said that it only happened in your constituency, but it is a fact of life.

Asides.

Hon. G.A. CLARKE: Mr. Deputy Speaker, the point that I am making is that we have a situation in this country, which we need to correct. Sir, you cannot be driving a minibus with more than 30 passengers, holding a cellular phone and beer in your hands at the same time.

Asides.

Hon. G.A. CLARKE: I could not understand how he got it done. It was an amazing thing.

Mr. Deputy Speaker, I spoke today about passengers, drivers and pedestrians. I think that passengers have a duty, while they are on these buses to make sure that they secure their lives. There are too many cases where passengers are encouraging bus drivers to do as they like, such as to rock the bus, drive fast, and overcrowd the vehicle, sometimes with three or four passengers in the front. They do as they like. The law must protect people sometimes from themselves. Therefore, we are going to propose that the use of hand-held cellular phones, is prohibited. When the Amendment comes, it will show just this, Sir.

Asides.

Hon. G.A. CLARKE: Mr. Deputy Speaker, the policemen who are riding cycles, medical personnel and members of the discipline forces, while on duty, will be allowed to use their headset. The question has been asked if persons driving a car, could use a headset. This is prohibited for persons under the present Act, because you should not put things to your ears, while driving. Sir, as I have stated before, the silent zones must be adhered to.

Mr. Speaker, as I have said before, the role of the transport inspectors will be expanded, under Regulation 149. They will have powers to stop the various persons driving these vehicles.

Mr. Deputy Speaker, I spoke of the heavy loads, which threaten our road system and we have amended the various Regulations and the Act to ensure that persons comply with the law.

Sir, Bus Stops have been around for a long time. I am of the view that minibuses, ZR men, even the Transport Board sometimes, do not stop at the Bus Stops. We are trying to accommodate these public service vehicles by encouraging the operators to pick up and let off passengers only at the Bus Stops. Sir, under the new arrangement, the whole symbol of a bus stop would be added. It was not added before. A bus stop, as we now know it, is not part of the Act. The symbol is not there, even though it is mentioned, and the 12th Schedule will be amended to do just that. We will be encouraging commuters to use the Bus Stops.

Mr. Deputy Speaker, we have spoken about the loads on vehicles, the deposit of oil on the roads, dangerous smoke and emission control, which are part of the regulations. Sir, many things have been done to this Bill and Regulations that will follow. Mr. Deputy Speaker, the intention here is to clear up a number of mischiefs that have occurred over time. The Government does not intend to penalise persons for driving. We want to encourage persons to drive.

House 108, sequence 12, 12:00:14

Tuesday, August 02, 2006

Hon. G. A. CLARKE: Mr. Deputy Speaker, as we have pointed out today, we now have over 116 000 vehicles on our street, and we want to encourage this. The Government does not intend to curb the importation of vehicles, but at the same time we have to protect persons on the streets. We are providing better streets. We are doing more things in terms of providing safer environment for our people and our visitors. We will continue to build better roads and sidewalks. We will continue to make

Barbados a modern society. With this, Mr. Deputy Speaker, go also modern laws, rules and regulations.

Mr. Deputy Speaker, I believe that these regulations would go a long way in modernising our laws. Mr. Deputy Speaker, persons have been speaking over and over about the need to curb the public service vehicles. This amendment has gone a far way in helping to reduce the problems that now confront us. We believe it is a right thing to do at this stage, and we look forward to implementing, over the next six months, a number of the programmes that we now have. We intend to police this. We are hoping that with the help of the Police, the Licensing Authority and all right-thinking Barbadians, we could build a better society for our people and for our visitors.

With those remarks, Mr. Deputy Speaker, I beg that this Bill be read a second time.

Hon. R. C. EASTMOND: I beg to second that.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, there is no doubt that this amendment belongs to the Government, and therefore it is not for us to justify it, it is for the Government side to justify what they have brought to this House.

Mr. Deputy Speaker, what is clear from the outset is that the regulations are more important than the amendments. Sir, this side has been given the Bill dealing with the amendments, et cetera and we came to this Parliament today to deal with the amendments to the Road Traffic Act, only to hear the Minister delivering a regulation that entails 60 different facts. What is interesting is that the Minister, in his own words, admitted that they are going to be very regressive on the masses of people in Barbados and that they look forward to deliver these regulations to the House because they are supposed to be wide-ranging and harsh. Sir, it is clear that the regulations will impact on that part of the society that will least be able to afford such things.

Mr. Deputy Speaker, it is also clear that we have serious problems as it relates to our traffic system in Barbados, and no one could question that. Sir, one would have thought that any caring Government that cares about the masses of people in Barbados would first solve the traffic problem in Barbados before the Government sets about to punish the people of Barbados for the confusion created by the Government of Barbados. Sir, that is exactly what we are hearing today. The Government of Barbados has created confusion in the country and they are going to be punishing the public of Barbados for the confusion they created.

Mr. Deputy Speaker, what is interested is that this is the same Government that told the public of Barbados as far back as 1994 or before, that the biggest problem facing them had to do with disposable income and that how the Democratic Labour Party as a Government was so uncaring that it brought proposals to save the country and while bringing the proposals to save the country that they had to put certain measures in place that affected the disposable income of the masses of people in Barbados.

Sir, now that the public of Barbados has admitted to the Government of Barbados that 12 years later, they are now worst off than they were in 1994, because their disposable income is limited to a stage where they cannot now pay the road taxes, the insurance and the all other traffic related matters. Sir, this Government, instead of seeking to solve the traffic problem and the disposable income problem, has now created a punishment for the people that they claim that the Democratic Labour Party had punished. In other words, Sir, what the Government is admitting is that if you thought things were bad in 1994, they are now bringing a whipping for you that is going to be more wide-ranging and damaging to you.

Mr. Deputy Speaker, one can now understand the need from the Government side for a prison to house 2 000 people because when one looks at every amendment that comes in here, it is for an increase of fine or a 'lock-up'.

Sir, one would not have thought, with a Backbench as powerful as the one the Government has in the Honourable Member for St. Michael North, the Honourable Member for St. George South and the Honourable Member for St. Michael South East, that this type of legislation would be able to come before Parliament before the disposable income factor is corrected. Sir, one would not have thought that since we have the Honourable Member for St. Michael East in the Cabinet that this would have seen the day of light to this Parliament because that Honourable Member understands the meaning of poverty.

Asides.

Mr. D. St.E. KELLMAN: No, he understands, not previously, he still understands.

Mr. Deputy Speaker, now that the Honourable Member has as his advisor, in the Honourable Member for St. Michael South East, one can now better understand why this particular amendment should not have come before this House with these increase charges.

Mr. Deputy Speaker, we are not saying from this side that people should not be punished. Sir, we accept that they have to understand that if they created the problem, they also have to solve the problem themselves. What we have to understand is how we have arrived here today. Sir,

in the Minister's own words, this is not a problem that came about yesterday, this is a problem that I am told first came about in 2001. It first went to Cabinet in 2001, it went back in 2003, it was before Cabinet in 2005 and now today. Sir, this is a well-debated issue. This is what was told to this Parliament by the Minister. It is true that the Cabinet is now so big that there is no need to consult with the Backbench and this is where I might have to forgive the Honourable Members for St. Michael North, St. George South and St. Michael North East.

Mr. Deputy Speaker, the Cabinet is now so big that the Cabinet now believes that there is no need to debate these matters within the caucus, that they can now bring these matters straight to Parliament because they have the majority in Parliament and they do not need the Backbench anymore.

Mr. Deputy Speaker, we heard about the 'barefoot boys' on the Backbench and so on. They are not relevant anymore to the Cabinet system of Government. Previously, the 'barefoot boys' were needed but now because of the large Cabinet there is no need to enter into any discussions with the Honourable Members for St. Michael North, St. George South and St. Michael North East.

House 108 Sequence 13

12.10 p.m.

Wednesday, August 02, 2006

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, what are we having today? We are having this Bill before us. We are also being told...

Asides.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, I am worried, and I will tell you why. Sir, the hot topic in Barbados today is not about the Road Traffic (Amendment) Bill, 2006. The hot topic today is about the flyovers. Sir, it is clear that when the flyovers come, there would have to be an amendment to accommodate them. Sir, what is even worse, is that we need to know who would own the flyovers. We would need to know if a law could be passed on something, which is now owned by Government.

Mr. Deputy Speaker, I want to know what legislation would be brought before this Parliament to control traffic on those flyovers, or whether or not the same legislation in the Road Traffic Act would cover the flyovers. Sir, as far as I know, Government could only pass and amend legislation, as it relates to roads that are controlled by Government.

Asides.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, I am being told that ownership of the flyovers would eventually come to Government and that would be when the law would 'kick in'. I am also being told that would not occur in about the ten years. Therefore, I want to know if I am travelling on those flyovers and something were to happen to me, would I be able to refer to the Road Traffic Act, to get compensation, or would I have to refer the matter to the operators of the flyovers? Sir, would I be insured, while travelling on those flyovers? These things would have to be answered.

Mr. Deputy Speaker, what is rather interesting is that this Government has argued well - they have even convinced me - that this country Barbados is now so affluent, that they have been able to double the number of cars in Barbados, in less than 12 years.

Asides.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, what this Government would not tell the people of Barbados, is that the same time they have been able to do that, the Transport Board has suffered, still Government does not want to subsidise the Transport Board. Government has bragged about the number of persons they have stopped from using Transport Board buses, who would have bought their own vehicles, even though now some persons might not be able to licence or to insure those vehicles. Sir, at the same time, they are saying the Transport Board must be self-sufficient.

Mr. Deputy Speaker, how could that be possible when, by its own action, Government has decreased the number of passengers travelling on Transport Board buses? Government has also used the number of vehicles in this country as an economic indicator.

Mr. Deputy Speaker, this is the first country I know of in the world, that has used the increase in motor vehicles as an economic indicator, to show how well the economy is doing. Sir, most economists would have argued that this is the indicator to show how much foreign exchange is being taken out of the island but this Government has used this statistic to show the economy is increasing.

Mr. Deputy Speaker, I cannot understand this new calculation and, therefore, if the economists on the Government's side cannot relate to what I am saying, then I have to believe Mr. Justice Pollard, as he spoke at the a Commonwealth Parliamentary Association Conference at the Barbados Hilton, some time ago.

Mr. Deputy Speaker, I know there are some economists who understand well the workings of Government and that because of their training, they cannot remove the training to the political side because they know

that whenever they do that, there would be a 'misconnect' and that they would end up putting their foot in their mouths, as they tried to do so last week. Therefore, I would expect they would not do that this week because they understand quite well that I know when they are slipping.

Mr. Deputy Speaker, we have to understand that it was the Honourable Member for St. George North, who has admitted that stress is created on the public roads, by his Ministry. Therefore, if the Honourable Member has admitted that stress has been created by his Ministry, due to a lack of planning...Sir, I know that the Honourable Member cannot honestly be blamed for everything that has gone wrong. I know that, at the end of the day, the Minister would say to me: "Give me the money and I will solve the problem."

Mr. Deputy Speaker, I am using this opportunity today, to call on the relevant Ministries to provide the Ministry of Public Works with the necessary finances, so that the Honourable Member would not have to speak about the fact that it was due to the lack of financing that would have created the problem.

Mr. Deputy Speaker, on the other hand, the Minister would argue that if persons want to see what is going on around Barbados, one must look at the number of road construction now ongoing. Sir, the key word there is now. Therefore, the question must be asked, how is it that for 12 years we knew the problem existed, now suddenly, in less than one year, Government would want to correct this problem.

Mr. Deputy Speaker, the question would be asked: Are these things being done because of election or because of Cricket World Cup, 2007, or is it a combination of both?

Asides.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, we have been told that Cricket World Cup, 2007 and elections are coming so quickly on them, that they have to use Cricket World Cup, 2007 and elections, to canvass the public of Barbados. Sir, this is another key point; roads and elections are being used to canvass the people of Barbados but today we are being told that persons using PSVs cannot canvass anybody, that only politicians can do that. Sir, we need to have an explanation on that.

Mr. Deputy Speaker, politicians see themselves as canvassing for business and PSVs operators see themselves as canvassing for business too. Therefore, this deficiency has to be explained. It is clear to me that there are some persons, who believe they have a right to do certain things, while on the other hand, the masses of people must beg for that right. As the Honourable Member has said, if you are driving a particular vehicle and the law states that you

should carry a particular load - a key point - then all you would have to do would be to apply to the Minister for the right to break the law. Therefore, once persons apply to the Minister for that right to break the law, then they could do so.

Asides.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, in other words, if one is driving a vehicle, which is supposed to carry 10 tons but is carrying 12 tons, all one has to do would be to apply to the Minister for permission to carry 12 tons, even though the permit would only allow for 10 tons. What the Minister is admitting, is that right might be encouraging persons to destroy our roads.

Mr. Deputy Speaker, what is also interesting is that stories about those heavy-duty vehicles which transport concrete and heavy loads. The Minister has admitted that, for years, his Ministry has been aware that these vehicles have been destroying our roads and that they have been creating a number of problems. The Honourable Member has also admitted that he has used moral suasion to deal with this particular matter. Sir, with other persons now, the Honourable Member brings an amendment which contains heavy fines, with long periods of incarceration. Sir, the Honourable Member is smiling about these things, as though he believes this would solve the particular problem.

Mr. Deputy Speaker, the Opposition is suggesting... We cannot fault the Government. This is their agenda. This is their right. If they feel like locking up everybody, this is their right to do so. They are the Government and we are the Opposition but what we would say is that what Government should do, is to first develop and educational process before attempting to do these things.

12.20 p.m.

Wednesday, August 02, 2006

(EDITED)

Mr. D. St.E. KELLMAN: Sir, I want to know from the Minister when this is passed in Parliament if it would be proclaimed the next day because an educational process has to be done and I will tell you why. Sir, I have heard of no Town Hall meetings on this particular matter. The Minister has admitted in his own words that this action can impede...

Asides.

Mr. D. St.E. KELLMAN: Sir, the Minister has stated that because of the policy of Government we have seen a lot of reconditioned vehicles in the country. The Minister

has also admitted that because of the bad transport system that the economy has been affected, costing costly delays on the road and interfering with productivity. Sir, these were the words of the Minister.

Mr. Deputy Speaker, the Minister understands that because of lack of traffic planning that the country Barbados has been deprived of foreign reserves due to the number of vehicles which had to be purchased because of the bad transport system in Barbados, because of the delay of the roads which is another foreign exchange cost and because of the stress. In other words, the Minister of Public Works is saying to the Minister of Health that the hospital is not working because stress is being created because a number of people are suffering from stress on the road every morning and evening.

Mr. Deputy Speaker, we have to ask one simple question. What effect is stress having on the economy of Barbados? Sir, it is a key question because if the Minister is admitting that we have over 116 675 vehicles in Barbados, it means that the Minister is admitting that out of a population of 270 000 people that there are at least 116 675 drivers under stress every day in Barbados. Sir, it cannot only be the drivers but the people in the car because when you get to a roundabout and frustration is created, it is not only the driver going to work but also the child going to school and the passenger going to work.

Mr. Deputy Speaker, it is clear and can be argued that Barbados is a stressful country due to a lack of traffic planning in the country. It is so important that we are actually destroying the productivity of the worker in Barbados. The Barbadian worker cannot be blamed for not producing well because the worker every morning and evening is confronted with something called stress on the road because of lack of proper planning by the Minister of Public Works.

Mr. Deputy Speaker, I do not want to hear anyone criticising the workers of Barbados whether they be civil servants or otherwise because today, we have been able to prove that it is the lack of traffic planning which is creating stress and reducing productivity. Sir, all that came from the Honourable Member for St. George North and I agree with it. It is something that the Honourable Member for St. Michael North West was saying for a long time and to which I have always concurred.

Mr. Deputy Speaker, we are grateful for this information because we have sought it for many years but never received it and I think the Honourable Member for St. Michael North West and I would be happy on this particular matter. Now the Honourable Member for St. Michael North West would have to find the solution to solve this particular matter, when they meet in Cabinet and send the memo to the Minister of Public Works.

Mr. Deputy Speaker, we have to understand that when we approach the question of number plates, clearly, the solution found in this amendment cannot be the solution for number plates. One would have thought that number plates would have been tied to the insurance certificate and one would have thought that it was easier for this Government to put into law that whenever one wants to get a number plate, one would have to produce a Certificate of Insurance to the person making the number plate instead of trying to control the person making the number plate.

Sir, this amendment cannot be accepted because the liability cannot be on the person making the number plate but on the person applying for the number plate. This side is suggesting that when a person turns up to buy a number plate that he must turn up with his Insurance Certificate to justice getting that number plate.

Mr. Deputy Speaker, I honestly believe that you would agree after hearing this suggestion and that after second thoughts, I believe that the side of the Government would also agree. Sir, if we have to move the amendment, we will move it but we hope that the two Ministers would understand the amendment made to the amendment and that they would move the....

Asides.

Mr. D. St.E. KELLMAN: The Honourable Member for St. George North said that the amendment was not his, that it belongs to the Honourable Member for St. Michael West Central. I did not even remember that the Honourable Member for St. Michael West Central was in charge at that time...

Mr. R.D. MARSHALL: Sir, on a point of order. The Honourable Member for St. Lucy is deliberately misleading the House. He just stood in this Chamber and said that the Minister of Public Works said that the Honourable Member for St. Michael West Central is responsible for the amendment. Mr. Speaker, as you know, I am a Backbencher, I am not part of the Cabinet, I am not the Minister and I cannot be responsible for any kind of amendment by the Minister of Public Works to the Cabinet and hence to this House. I would like the Honourable Member for St. Lucy to withdraw his remark.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, I accept the argument by the Honourable Member for St. Michael West Central. It was not me who said that it was first brought to Cabinet in 2001 and that in July 2003, it was back there again. I cannot hold the Honourable Member responsible for anything in Cabinet in June 2005 but surely, in 2001, the Honourable Member for St. Michael West Central cannot escape from that particular matter. It could not have been Denis Kellman who brought it then.

Mr. Deputy Speaker, I am calling on this Honourable Member to bring the records to find out who was the Minister who served in 2001, whether it was the Honourable Member for St. Lucy or the Honourable Member for St. Michael West Central and, Sir, it could not have been the Honourable Member for St. Lucy.

SUSPENSION

Hon. R.C. EASTMOND: Mr. Deputy Speaker, Sir, I beg to move that this House be suspended until 1.30 p.m.

Hon. R. R. FARLEY: I beg to second that.

The question that the House be suspended until 1.30 p.m. was put and resolved in the affirmative without division and Mr. Speaker suspended the House accordingly.

H108/12:30

Sequence 15

Wednesday, August 2, 2006

RESUMPTION

Mr. DEPUTY SPEAKER: This Sitting is resumed. The Honourable Member for St. Lucy.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, we also have to deal with the point made by the Minister, that if someone is the owner of a vehicle and someone borrowed that vehicle, then parked that vehicle in a location where it should not be parked, the impression has been created in this assembly, that the owner of the vehicle is guilty of an offence.

13.50 p.m.

Sequence 16

Wednesday, August 02, 2006

House 108, Sequence 17, 1.50 p.m.

Continuation of: Mr. D. St.E. KELLMAN:

I believe, Sir, that section should be reworded to say that the owner of the vehicle should be approach to find out who was using the vehicle.

Sir, to be quite honest, what would happen in Barbados now, is that we are now driving this society to become a very selfish society, which it might be already, but we are now giving a legal reason for this to occur. That is, instead of lending someone your car, you will say that I

cannot lend you the car because if you commit an offence, I am liable.

I find it rather strange, Sir, when this argument was used previously by the masses of people of Barbados, as it relates to public service vehicles, and we were told as a people that it could not occur, all of a sudden what could not occur with public service vehicles, is now happening to the masses of people in Barbados.

I honestly believe, Sir, that the owner of the vehicle should be approached, but I cannot accept that the owner of the vehicle is liable for the offence that the owner did not commit. I hope that those are the Minister's words and not the Act.

The Minister was also using regulations, which I am not privy to, and I think that particular point was made, while speaking re the Regulations. I have no doubt than to believe, Sir, that this is part of the Regulations, even if it is not part of the Act. This is the danger of this, Sir, because we are here debating something, where we are being told about the amendment, and we are also hearing about a Regulation which includes 60 offences of which we are not privy.

I think, Sir, it is unfair to the Opposition that the Government side, because of the Cabinet form of Government, can come to this Parliament and use their numbers and show no respect to the Opposition or the Backbench, who would not be privy to this information, and can speak to about a regulation that includes 60 provisions. This is dangerous because it tells me, Sir, that when the Honourable Member for St. Michael North goes into his constituency this evening, as was reported by the newspaper that occurs on a daily basis, and the Honourable Member is confronted about these 60 provisions, the Honourable Member would not be able to speak about them. Sir, the same thing occurs for the Opposition.

We, as a Parliament have to worry about the danger of a large Cabinet in this Parliament. We cannot tell anybody how to form a Cabinet but one thing is clear, and we have to agree with the Honourable Member for St. Michael North East that a Cabinet of this size is so powerful that there is no need for Parliament, because once the Cabinet decision is brought before this Parliament, there is no way it could be defeated because the Cabinet has the numbers to defeat anything.

Sir, it does not matter what the Opposition would say on this matter, it does not matter what the Backbench would say on this matter, because the Cabinet style of Government and the size of the Cabinet, the decision is made already, and all we are doing, including you, is rubber stamping this particular matter. I am saying that we need to find a way to deal with this matter, so that when

you get something as controversial and regressive as this, we can find an approach, where we can deal with this matter and tell the Minister to take it back to Cabinet. As it stands now, there is nothing this House can do about this particular matter. It has already been decided by Cabinet, and however regressive it is, we will have to live with it, Sir.

Sir, I am also saying that the Minister needs to speak on the flyovers and how the usage of the flyovers would be controlled by the Road Traffic Act. We cannot behave as if the flyovers would not be part of the road structure, even though the Government would not have control over it, based on what was reported in the Press. Sir, if it has been changed, then the Minister needs to tell us that the flyovers are now part of the Government's Capital Project. They will finance it and the BOLT arrangement is not there anymore.

If that is what the Minister needs to tell the Floor of this House, I am prepared to give way on a point of elucidation from the Minister, and we could have a better understanding. As I debate, now, flyovers are very much a part of the Barbados road system, even though they are not owned by the Government. Therefore, I need to know how they will be regulated. The Minister needs to tell us which section of the Road Traffic Act will control the flyovers of Barbados.

Sir, am I to believe that the additional \$20 million that was increased within a second of the project...

Asides.

Mr. D. St.E. KELLMAN: I am reading from the Regulations.

The Honourable Member for St. Andrew tells me that he is very much present and that is my good friend. I welcome him to the House, do not mind some people believe that he does not come. I want to swear on his behalf that he comes. I could speak for him and I am very glad that he is very much involved in this debate, even if it is an aside.

I know, Sir, that the Honourable Member for St. Andrew would have concerns about this too, and I expect to hear the Honourable Member from St. Andrew speaking on these matters. I know, Sir, that the Honourable Member for St. Andrew would have to defend those persons from St. Andrew, who have to get to the other side of flyovers, who would have to use the flyovers. Sir, he would have to tell us the legal authority, because of his profession, that his constituents would be protected when they are on the flyovers.

Mr. Deputy Speaker, you would understand and you would appreciate the complication of this particular matter. It is a matter that cannot be swept under the carpet. It is a matter that has to be dealt with, but what worries me, is that this particular matter was with the Cabinet since 2001 and nothing about flyovers can be found in this amendment.

Am I to believe, Sir, that it is going to become part of the road system or am I to believe the Attorney-General that it is not important. One could only come to the conclusion, based on the aside from the Attorney-General, saying that they are not important that he believes that flyovers have no relevance to Barbados. I accept and agree with him.

Hon. D.D. MARSHALL: Mr. Deputy Speaker, on a point of order. The Honourable Member is misleading the House. The Honourable Member is referring to me and I have not spoken. I do not know what he is talking about.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, I never said he spoke. I said in an aside that you cannot hear. Sir, you cannot hear. The Standing Orders do not allow you to hear asides.

Mr. DEPUTY SPEAKER: Please proceed.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, what is also interesting, based on the comment that I heard, and I would not saying whom I heard it from, seeing the Honourable Member does not want to defend his constituents, I will not give him the credit of this. The Honourable Member is saying, Sir, not to believe that because they are widening the roads, flyovers are automatic. The reason why the roads are being widened and the flyovers are not being constructed at the same time, is to test the public of Barbados to find out their reaction to the widening and then also to find out if after the widening, the public will give them permission to go with the flyovers. Therefore, the widening is only test case to the flyovers to get public opinion to decide whether October or May would be the right time.

Sir, I understand how they work, but we are like this is because we lack a proper land use policy. Sir, we would widen the roads so that we could have four lanes of traffic and Barbados would be getting the 'feel-good' syndrome.

I know how the cosmetologists work on that side. They will paint a good picture and once they have four lanes, they feel the Barbadians would start to buy into it, and then they would slip in the flyovers, even though they would be increased by \$20 million and the taxpayers would have to pay.

Sir, the question is, what has caused the additional \$20 million. This is election time and we cannot play around with that question.

House 108, sequence 17, 14:00:14

Tuesday, August 02, 2006

Mr. D. St.E. KELLMAN: Sir, we need to know from the Minister why there were no discussions or town hall meetings on the flyovers. Sir, what is fascinating is that the proposed water park had to go to town hall meetings.

Mr. Deputy Speaker, the question must be asked why it is that if the private sector wants to bring foreign exchange to the country they have to put proposals, and we would allow our Government to spend foreign exchange without first putting it to the people of Barbados. Sir, on top of that there were no discussions on the flyovers but in the twinkling of an eye, the cost for the flyovers has increased by \$20 million. The question must be asked why were there no discussions on the flyovers and why the increase of \$20 million, which is a 20 per cent increase or more.

Hon. D. D. MARSHALL: On a point of order. Mr. Deputy Speaker, the cardinal rule of the debate is that it must be relevant to the matter at hand and therefore I would only urge that the Honourable Member for St. Lucy complies with the Standing Orders because I really cannot see the relevance of the flyover discussion to the amendment to the Road Traffic Act.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, that is a very important point made by the Honourable Member for St. Joseph in his capacity as Member of Parliament for St. Joseph. Sir, what is dangerous is that the Honourable Member for St. Joseph is not speaking as a Member of Parliament in here, but as the Attorney-General when he makes that point. It is very amazing. The Honourable Member is speaking about interpretation. Sir, I thought the Honourable Member was going to get up to make the point that when I said 20 per cent, it could not be 20 per cent, it had to be 16.666 or something like that.

Mr. Deputy Speaker, the Honourable Member is getting up and behaving as if he is in a law court and is quoting the law wrong as an Attorney-General of Barbados. Sir, it all has to do with interpretation. Sir, the Honourable Member for St. Joseph is qualified to speak on interpretation but he is misinterpreting what is being said.

Sir, what worries me is that there must be regulations on laws for the flyover. Sir, I am speaking about the flyovers and the Honourable Member would not speak to the point. The Honourable Member is telling this House that the Road Traffic Act as it stands would regulate the

flyovers. The Honourable Member for St. Joseph has made that point.

Mr. Deputy Speaker, we have appreciated that we need to see this issue as a very serious issue. The Minister has agreed - and I will hold the Minister to his word - that there would be public education and discussion on this Bill, and that if the public agrees that the fines are excessive that the Honourable Member would bring back the necessary amendments to change the fines.

Mr. Deputy Speaker, we come to this Parliament and we increase the fines and extend the 'locking up' period and behave as if there are simple matters, but what we do not understand is that the majority of these people driving these vehicles are workers. Sir, if we have a problem with productivity and we are now increasing the number of people that will be removed from productivity, what are we doing to this country?

Sir, it seems to me that the Honourable Minister of Public Works and Transport, the Honourable Member for St. George North, would do well to speak to the Honourable Member for St. Michael North West who is qualified to give him, the Honourable Member, an analysis of what effect it would have on the economy if we were to incarcerate every single person who commits an offence on the highways using these rules and what would happen to the economy of Barbados.

Mr. Deputy Speaker, it is clear to me that they have not done an opportunity cost of their ways on this particular approach. Sir, it is easy for people to say do this and do that, but as a small country we cannot continue to treat our young people the way we have been treating them. It seems to me that the only solution to the young people in Barbados is to lock them up. Everything is lock up the young people, lock up the young people as if we do not understand that these same young people must be the productive forces of Barbados.

Mr. Deputy Speaker, we need to solve that particular problem before we come to this Parliament to deal with these issues. We are now treating young people as if they were born to be criminals. Mr. Deputy Speaker, I am saying that this Parliament cannot be party to this. Sir, if we are not careful, we are going to develop a young person that is going to be hostile to us as politicians. We are creating an atmosphere out there and at election time we would not be able to go and approach those young persons.

Sir, at the same time we are saying these things, we are talking about the CARICOM Single Market and Economy, and we are bringing in people that we do not know the history of and are replacing our young people by those same people even though we know the history of our

young people. Sir, we have to be very careful on this particular matter.

Mr. Deputy Speaker, the Honourable Member who is speaking in an aside would not appreciate the point that I am making, neither would he appreciate the point that the Honourable Member for St. Michael East, the Honourable Member for St. Michael South East and all other persons on this side would speak about because the Honourable Member does not understand the meaning of being part of the masses. The Honourable Member has always been part of the elite group.

Asides.

Mr. D. St.E. KELLMAN: I did not say the Honourable Member for St. Michael West Central, I was talking about the Honourable Member for Christ Church South.

Asides.

Mr. DEPUTY SPEAKER: Honourable Member, please address the Chair.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, we also have to understand that if we do not deal with these particular problems at this particular level, persons like Richard Carter and others would always have a problem and we would always have to ask them for solutions. Sir, they would then have to give solutions, but they would be no help to society because the politicians are doing contrary to the recommendations from the experts.

Sir, we have to be very careful about this. This 'lock up' mentality must change. If the youngsters are aggressive, we have to find a solution to solve it. Sir, jailing them cannot be the solution because when they go to jail, they go to higher learning of criminology, they study the science of crime, and then they know how to deal with the criminal side of it, so we have to be very careful how we bring such a regressive Bill against the masses to this House under the pretence that we are protecting persons from themselves.

Mr. Deputy Speaker, what is so obvious is that we have now reached a period in our lives where we are so far removed from the society that we do not even understand when we are punishing the society. Sir, we always bring these things pretending to bring them in the interest of the masses of people in Barbados without understanding that we are impacting upon the masses of people in Barbados.

Mr. Deputy Speaker, a road traffic amendment cannot be about 'locking up' anybody, it has to be about bettering the conditions on the roads of Barbados. Sir, when the Ministry, not the workers within the Ministry, is

guilty of creating the problems, who are you going to 'lock up' in there.

Sir, when one listens to the Minister, it is clear that it is because of a lack of a proper road traffic planning that we are now here. Sir, if you are saying when somebody leaves home without a driver's licence that they are guilty and they should be sent to prison, then those who fail to provide an opportunity for people to travel freely on the road would have to be to be guilty too.

House 108 Sequence 18

2.10 p.m.

Wednesday, August 02, 2006

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, I am saying that the Ministry of Public Works and the Cabinet of Barbados are the ones responsibility for the free flow of traffic in Barbados, and that if they have accepted they are guilty, what would be the fine.

Asides.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, they should not be locked up. Let them accept they have failed the people of Barbados. Let them tell the people of Barbados they are guilty of the offence and are not suitable to be voted for. Sir, in relation to the masses, we cannot argue on their behalf that they should not be locked up and on the other hand argue that politicians should be locked up. We have to be consistent in our argument.

Asides.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, we have to understand and we have to appreciate what is happening. We have to understand that, in 1994, this Government told the people of Barbados they were under pressure and that their disposable incomes were not suitable enough for them to pay their mortgages or to buy vehicles. Sir, people have now have found themselves in a worse position and instead of dealing with the disposable income solution, as has always been stated...

Sir, one of the things for which I could give credit to the Honourable Member for St. Michael North West, is the fact that the Honourable Member has always made the point that the biggest problem facing this country is the lack of increases in relation to disposable income and the fact that that has caused many supermarkets in this country to close. Sir, the Honourable Member has made the point that if one wants the economy to really turn over, all one has to do is to increase people's disposable incomes and one would see the difference.

Mr. Deputy Speaker, the Honourable Member has made a vital point, that is, the introduction of VAT has had an adverse effect and that in order to correct that problem, Government would then have to increase people's disposable income. Sir, the Opposition concurs on that. Therefore, if we both are admitting that disposable income at present would create problems for the masses, it would mean that when the masses are doing their budgeting, they would have to look at these things that would keep them alive. Therefore, if, after budgeting, they do not find money for licences and certificates of insurance, et cetera, then one has to ask, how would we correct that problem.

Mr. Deputy Speaker, we cannot correct that problem by locking people up because when people are locked up, Government would get less revenue. Therefore, the fact is that to increase people's disposable income, would allow them to have enough money to pay for these things.

Sir, I am convinced the people who and are not paying their insurances, who the Honourable Member is talking about, are not those persons who have large bank accounts because if Government could find that evidence, then I believe those persons deserve to be locked up. Sir, on the other hand, I could assure you that these persons, who do not have such finances to pay their insurances, are the masses of poor people of Barbados, and that in order for them to keep their jobs, they take a chance by driving without the appropriate licences, as they cannot rely on the transport system, which is supposed to be controlled by the Government of Barbados. Sir, I am not saying that people should take the chance but I have to be a realist.

Mr. Deputy Speaker, you would know of the number of persons who come to you for a loan, to pay their insurances, licences or road taxes. Sir, this has been happening, so much so, that some politicians are saying it is better for them to give a donation. Sir, let me explain. Sir, people so often come to you, to pay these expenses, pretending they want a loan, which they would never repay. Therefore, it would be better to give that person the money as a donation, than as a loan.

Sir, in this way, it would be better for politicians to give that money as a donation, than as a loan because when politicians give it as a loan, they would be looking for that loan to be repaid. Therefore, in this regard, it would be better to give it as a donation. If politicians donate those sums to persons, instead of loans, they would not have to look for that money to be repaid.

Mr. Deputy Speaker, there are some politicians who cannot appreciate this point because they are never around for persons to borrow from them. Instead, those of us in the field would understand what I am saying and would realise this is a weekly occurrence. Therefore, what we have to do, if we are to protect ourselves, if we are to ensure that we

could pay our insurances and road taxes, is to fight to increase people's disposable income, so that they would not have to depend on us.

Mr. Deputy Speaker, this is where the difference can be found. On this side, one can find independence of thought, while on that side, one can find dependence of thought. We believe that the disposable income of workers should be increased, so that they could pay their bills. On that side, they believe that once people come to them and they could give people money, through some source, they could keep people being dependent on them, as this would ensure them of a sure vote.

Sir, this Road Traffic (Amendment) Bill, 2006, is so important to that side because of the fact that the more people get lock up, the more dependent they would become and the more they would have to run to Honourable Members on that side, to borrow money. That is why they would increase the fines, so that people would have to come to them.

Mr. Deputy Speaker, it is similar to the Representation of the People Act, when they increased the vote per voter. Government knew that the greater the demand, there might have been some politicians who might be good in the constituency but who cannot find the money per vote. It is all part of a thinking, which is nothing new to that side. This is the normal thinking of that side. They oppress the masses, keep them dependent and then they use another vote somewhere else, to make the masses believe they are indebted to politicians.

Mr. Deputy Speaker, it is not about persons owing us anything. We are in here to better the lives of Barbadians and to understand that regressive legislation such as this, cannot come through Parliament. Sir, do you know what is hurtful? The decent, honest, Honourable Member for St. Joseph, is the Attorney-General, yet the Honourable Member could have allowed this to pass through his Chambers. I wonder what Honourable Member for St. Andrew would say to that Honourable Member, when he speaks on this matter? Sir, the Honourable Member for St. Andrew would have to scold the Honourable Attorney-General because the Honourable Member for St. Andrew understands regressiveness.

Sir, I know in his heart that the Honourable Member for St. Joseph understands the point I am making. I know the Honourable Member would tell me it is not his Ministry that is responsible and that the function of his Ministry is to look for the flaws in the law, that once there are no breaches in the law, he cannot tell the Honourable Member for St. George North what to do.

Mr. Deputy Speaker, the Honourable Attorney-General would also tell me that if I have a complaint, then I

would have to take that complaint to the Honourable Member for St. George North or to the Cabinet, that he is only one Member of the Cabinet and that it would not necessarily mean that though he might have argued the social side, that anybody might have listened to him. Sir, I know for sure where he would be listened to, and I agreed with the Honourable Member for putting that argument.

Mr. Deputy Speaker, this amendment is very regressive and when we look at it, it is going to be very difficult for us to support this Bill because we would not be able to go back and relate to the masses, whom we represent on this particular matter.

Mr. Deputy Speaker, we cannot tell the masses that the fines are appropriate. We are saying that the intentions of the Bill are correct but that the approach of Government is wrong. We cannot support the incarceration of young people and the expanding of the prison. I have already asked in this Parliament why is there the need for us to have a prison, which holds 2 000 inmates, and why is there the additional 1 000 cells. Sir, I now have a better understanding as to the reason for the increase.

Asides.

Hon. D. D. MARSHALL: On a point of order. Mr. Deputy Speaker, I do not know why the Honourable Member for St. Lucy insists on propagating what he knows to be misinformation. This Honourable House has been told repeatedly that the capacity of the new prison facility being constructed at Dodds, is for 1 250 people. The Honourable Member for St. Lucy is always hearing this. He is always listening. Therefore, on the basis that the Honourable Member has heard us saying this repeatedly, I do not know why he would persist in trying to perpetuate this misinformation.

Asides.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, I want to thank the Honourable Member for stamping his image on his Ministry. The Honourable Member has now reminded me of the new Minister, who has the portfolio of the Immigration Department, who has definitely stamped his image.

Asides.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, it is no doubt that I would have to concur with the Honourable Member for St. Joseph, that instead of building a prison for 2 000 inmates, it would be better to contract that number and that instead of incarceration, we should bring our young people back into the society.

Mr. Deputy Speaker, I want to congratulate the Honourable Member and say to him that I have never agreed with the building of the 2 000-cell prison. Therefore, if the Attorney-General is now saying that 1 250 is more suitable, I want to support the Honourable Member for making that point. Sir, when I heard the figure of 2 000 cells, I was like the Honourable Member for St. Joseph because I could not understand the reason behind the

2 000 capacity.

2.40 p.m.

Tuesday, August 02, 2006

(EDITED)

Mr. D. St.E. KELLMAN: Sir, I want to congratulate the Honourable Member for that. I hope that since the Honourable Member answered that particular point that he would tell us where, in the Road Traffic Act, the flyovers and the control can be found, also, whether the Ministry of the Honourable Member has been approached to draft laws for the flyovers or whether the flyovers are only an offer for a period coming soon to create an attraction and a good look. Sir, if it is just an offer, then the public has an opportunity to make an acceptance.

Mr. Deputy Speaker, the Honourable Member is saying that we will have to settle for the four-lane roads but that is his right and I might concur with him on that particular matter.

Mr. Deputy Speaker, the mere fact that the Minister of Public Works has spoken about flyovers, we have to know when and why we did not get the amendment to suit such in this debate today. Sir, the story must be told that what occurred here today is not in the interest of the masses of Barbados, that the doubling of fines can only work against society and that it cannot work in the interest of society.

Mr. Deputy Speaker, I thank you very much.

MR. DEPUTY SPEAKER: The Honourable Member for St. Joseph.

Mr. R.D. MARSHALL: Mr. Deputy Speaker, I must confess that I am more than distressed that the Honourable Member for St. Lucy appears not to have taken the time to look at the Road Traffic Act, as it currently stands and so he is under what could only consider to be a mistaken view that a flyover has to be given some special definition and attention within the Road Traffic Act. I would like to commend to the Honourable Members the definition of public road in the Road Traffic Act so as to save him from having to track it down. It is defined as meaning any street,

road or other place to which the public has access and any bridge over which a road passes and includes any privately-owned road, street or other place which the public has access either generally or conditionally.

Mr. Deputy Speaker, I believe it is clear to all individuals who can, at the very least, comprehend the English language that flyovers are more than adequately covered in this legislation. Therefore, it is not necessary to argue that any special rules need to be brought in relation to them. Whether or not there is a flyover in a particular area as long as that particular engineering thing which is called a flyover is erected, this Road Traffic Act would apply to it in relation to speed and all other conditions which apply to the other roads.

Mr. Deputy Speaker, a hallmark of the presentation of the Honourable Member for St. Lucy has been one of misinformation. Sir, it is most disingenuous of him to label this particular piece of legislation as being a 'lock-up' amendment. In fact, this is exactly the opposite. It is the opposite because the whole idea of having a demerit system and a ticket where you pay a fine is, first of all, to exclude an individual from having to undertake the cost and time of going through a court process.

Mr. Deputy Speaker, the only body which can 'lock-up' somebody is a court. Therefore, if you implement a system that takes you outside of the court arrangements and allows you to pay a ticket then, Mr. Deputy Speaker, you are removing from the legislation the opportunity to lock-up somebody.

Mr. D. St.E. KELLMAN: Mr. Speaker, on a point of order. The Honourable Member is either misleading the House or he is saying that every offence under this Act is a ticketing offence. If that is what the Honourable Member is saying, I want to concur with him that every offence under this amendment is a ticketing offence. Sir, if that is true, I want to agree with the Honourable Member.

Hon. D.D. MARSHALL: Mr. Deputy Speaker, this amendment Bill is not seeking to bring into existence any new offences. It is allowing us to treat to existing offences in a different way. Sir, the Honourable Member for St. George North spoke about the coming road traffic regulations and referred to 60 offences. I must say that perhaps it is being misunderstood but the Road Traffic Fixed Penalty Order, which is to come will bring a total of 60 offences under its purview. Currently, the law only allows 21 offences as ticketed offences.

Mr. Deputy Speaker, I want to reiterate that a ticketed offence allows an individual to avoid the long and convoluted court process and as long as he accepted that he was either speeding or that he has committed an offence, he can go and pay the fine. Sir, there is no court, no

opportunity to be locked up, he simply pays the fine. What we are doing is moving from 21 offences to a total of 60 offences. There are not 60 new offences being created but offences which are currently embodied in the law. We are trying to make the system of the administration of justice and the delivery of that justice more efficient and convenient and we are ensuring that the whole issue of lock-up does not arise Mr. Deputy Speaker, I defy any right-thinking individual to label that as being regressive.

Mr. Deputy Speaker, the system seeks to achieve the intention of bringing efficiency to the process by ensuring that people do not have to go to court repeatedly. Sir, I spent a little time doing traffic management and for one traffic offence you may have to journey to court ten or 15 times. Any individual who has had to deal with that would have been glad for the opportunity to treat an offence as a ticketed offence. In fact, it is well-accepted that when you are dealing with a ticketed offence, the aura and the stigma that normally go with an individual having to go and stand up before a magistrate to plead, not guilty, is removed. Mr. Deputy Speaker, in a sense, it removes some of the criminality that would cloud the conduct of a person on the road.

Mr. Deputy Speaker, I defy any right-thinking Honourable Member of this House or anyone anywhere else to argue that this Bill is regressive and that it seeks to criminalise behaviour and to 'lock up' our young men and women. Sir, I say that it is very much the opposite.

Mr. Deputy Speaker, the Road Traffic Fixed Penalty Order, which the Honourable Member spoke about will bring 60 new offences....

Mr. D. St.E. KELLMAN: Mr. Speaker, on a point of order. The Honourable Member is misleading the House. What the Honourable Member is saying cannot be accepted in this House because we have no document to concur with what he is saying, so we cannot accept anything which the Honourable Member is saying about regulations. H108/14:30

Sequence 20

Wednesday, August 2, 2006

Mr. D. St.E. KELLMAN: ... the Honourable Member is talking about regulations. It sounds good, it sounds pretty and it sounds as though it could be acceptable, but until the Honourable Member produces a document to substantiate what the Honourable Member is saying, whatever the Honourable Member is saying, is irrelevant to this particular issue.

Mr. DEPUTY SPEAKER: Honourable Member, proceed, please.

Hon. D.D. MARSHALL: Sir, the offences will deal with things such as complying with traffic signs, failing to stop when directed by police using a siren, failing to register a motor vehicle, operating a vehicle without number plates...

Mr. D. St.E. KELLMAN: On a point of order, Sir. The Honourable Member is misleading the House, giving the impression that he is quoting from a document that we are privy to and debating. The Honourable Member is introducing a new document to this Honourable House that is not relevant to this debate at this point in time, which should not be allowed.

Mr. DEPUTY SPEAKER: Honourable Member, proceed.

Hon. D.D. MARSHALL: ...speeding, carrying unsecured loads, spilling oil on the roads, something like permitting sparks and smoke...

Mr. D. St.E. KELLMAN: On a point of order. Sir, the Honourable Member will have to make this a document of the House. The Honourable Member is quoting as a Cabinet Minister, from a document that this House is not debating. The only way it could be discussed is if the Honourable Member makes it a document of the House. I am calling on you, in your office as the presiding officer, to ensure that the Honourable Member makes this a document of the House. The Honourable Member cannot say that he is quoting from his notes, because he is reading a document that is typed, and not notes he created.

Mr. DEPUTY SPEAKER: Honourable Member, proceed, please.

Hon. D.D. MARSHALL: Sir, I know that someone was called a 'techno-peasant' in here last week. For a long time I have been able to type my own notes. The point is, it includes such offences as smoke emanating from vehicles, and all of these things that under the current system, are not included in the twenty-one existing offences. Sir, the section of the Road Traffic Act, I think section 121, was an amendment, it occurs to me, that came in 1992. They could fairly claim to have been the individuals to bring the system of demerit points and ticketing offences to this country. We are building on that foundation and the objective.

Mr. D. St.E. KELLMAN: On a point of order. The Honourable Member is misleading the House by giving the impression, that was proclaimed in 1992. I want the Honourable Member to bring the evidence that what he is quoting was proclaimed in 1992. Sir, you are aware, as the holder of such an office, that something only becomes law when it is proclaimed.

Mr. DEPUTY SPEAKER: Honourable Member, proceed.

Hon. D.D. MARSHALL: Sir, I am happy to continue, because if the Honourable Member for St. Lucy looks at the Road Traffic Act, he would see the reference which would indicate the year it came to this Honourable House. Section 121, which deals with the ticketing of...

Mr. D. St.E. KELLMAN: On a point of order. The Honourable Member is misleading the House by giving the impression that in order to make law, all you have to do is to bring it to the Honourable House. As a trained attorney, the Honourable Member knows better than that. He also knows that you can bring something to the House, and the public can get the impression that it has been passed into law, someone takes a case to court, only to realise that it has not been proclaimed.

Mr. DEPUTY SPEAKER: Honourable Member, proceed.

Hon. D.D. MARSHALL: Mr. Deputy Speaker, on that foundation we are building, so we are moving from a foundation started by the Opposition Party where they, perhaps, in their timidity, or lack of foresight, only felt the need to deal with twenty-one offences. Sir, perhaps, it might have been an indication of the fact that Barbadians could not afford to own cars in 1992. That might have been the reason. It might have been the fact that today we are now dealing with - whether you call it a benefit of prosperity or a sign of our society's demise - a situation where on our roads, the volume of users... I understand that we have in the region of 95 000 drivers' licences. There may be some duplication, a fellow may have heavy goods licence and he probably had a light goods licence or a car licence before. So, there might be some duplication, but 95 000 drivers' licences are circulating in our society. Therefore, the number of people using the road as drivers, would increase the likelihood of offences that will arise. The point remains that this Bill is not about criminalising anybody but, it is in fact, more along the line of decriminalising their conduct, and ensuring that the offences are dealt with expeditiously.

Mr. Deputy Speaker, let me say to this Honourable Chamber that in 2004 there were 33 000 traffic cases filed in District A Traffic Court by the police, which added to the already significant backlog of traffic cases. In fact, it has been a severe threat to the functioning of the court system, to have such a large volume of traffic offences filed before the court each year, where each one has to be dealt with on the basis of a trial. That is the point. Every one of those 33 000 offences filed in 2004, and the ones had before that and the ones of 2005, and thus far in 2006, have to be disposed of by way of a court trial.

Sir, the accused has to show up for court with or without a lawyer, and evidence has to be led by the police. Very often, some of these are cases that the individuals would be only too happy to deal with if you knew what it was that they were going to have to pay.

Sir, from my experience, part of the reason they always plead not guilty, is because they do not know what fine is going to be levied on them, so they hope for the opportunity, to plead not guilty and to put in some mitigated circumstances and to have the fine reduced. Under the “fixed penalty”, of this arrangement, the individual would know upfront, the moment he gets the ticket, what his fine is. He would then be able to assess his position. If the fine is \$100, why am I going to pay a lawyer \$900 to defend a ticketed offence. Why am I going to spend 10, 12 or 14 days going back and forth to a courtroom, to defend a ticketed offence. The amount of the penalty is already known at the time of issuing of the ticket.

Sir, the point is, this arrangement that we are looking to complete is not one that seeks - again I say only because the Honourable Member for St. Lucy has been hammering this idea through the ears of the listeners- to ‘lock up’ somebody. You cannot get lock up with a ticket, that is the point. You cannot get sent to prison if you go and pay your fine. Sir, you are exposed to a prison sentence if you go to the court. The fact also is, that it is just a scare tactic.

I believe that the Honourable Member for St. Philip North would be able to say to this Honourable Chamber, that the vast majority of traffic offences are dealt with by way of fines. Nobody has been locked up for a traffic offence. You only get locked up for a traffic offence if the individual suffers serious harm and so on. Nobody gets locked up for speeding and those kinds of things. It is scare tactic. It is really unbecoming of the Honourable Member.

Mr. Deputy Speaker, we are really looking at, and that is, perhaps, my principal interest, how we can so deal with the large number of traffic offences, to clear the backlog and have an efficient system operating.

14.40 p.m.

Sequence 21

Wednesday, August 02, 2006

House 108, Sequence 22, 2.40 p.m.

Continuation of: Hon. D.D. MARSHALL:

Mr. Deputy Speaker, the Chief Justice has given notice that he is going to be looking at the possibility of establishing night court, not to deal with the other matters

that involve Magistrate’s Courts, but solely for the purpose of trying to clear the backlog.

In fact, he has since February, tried to assign traffic matters to other Magistrate’s Courts, so that more than one Magistrate would be dealing with traffic cases for District A. When I said 33 000, it was 33 000 filed in District A, nothing to do with District F or District E, only in District A.

Sir, what we have is a system that, unless we do something with it, it will grind slowly but surely to a halt, where we will have a vast number of criminal matters before our courts, situations where I do not think we really want to criminalise that kind of conduct. Therefore, what we are doing is trying to bring a rationalisation to the whole process that will see the efficiency coming about.

Mr. Deputy Speaker, I laud these Amendments. These Amendments are dealing with current matters. Ten years ago, a mobile phone was hardly commonplace, and that is the point about how you enact a law. You have to put it in such a way that it is normative. Now that cell phones are in vogue, I think we see it every day, Sir, that individuals are driving along using their mobile phones, and it is a situation that other countries, have sought to address.

Mr. D. St.E. KELLMAN: Mr. Deputy Speaker, on a point of order. I must point out again, Sir, that the Honourable Members on the other side are misleading the House by giving the impression that what they are discussing is part of this Bill. It puts the Opposition in a position, Sir, that when the public listens to them, the public would get one impression and the public would believe that we were privy to what the other side is privy to, and we did not deal with it, Sir. The Honourable Members are dealing with the Regulations as if they are laid already, and it is not fair.

Mr. DEPUTY SPEAKER: Proceed, Honourable Member.

Hon. D.D. MARSHALL: Mr. Deputy Speaker, as I proceed, the point is that the whole approach to this Bill is in recognition of the fact that our society has changed, not just in terms of the volume of users on the road, but also, Sir, in terms of the kinds of challenges that are besetting us today. It deals with environmental issues, it deals with the fact that there are articulated vehicles.

The SUVs daily ferry tourists all across the country. Certainly, I am sure in St. Lucy, and St. Joseph. Sir, the SUVs are on the road, as a special kind of vehicle. What we are seeking to do, Sir, is to establish a particular regime that deals with the fact that we now have SUVs, we are

going to be calling them ATV, All/Terrain Vehicles. This will take into account those special vehicles.

It also gives us an opportunity, Sir, to monitor the numbers of vehicles that are going to be licensed to do that kind of tourist venture, because we have to be very concerned, as to the capacity of the rural areas to handle large volumes. Sir, under the existing system where you have to license them in a generic way, you really do not have a clear capacity to regulate the volumes of vehicles that you are going to be having criss-crossing our cart roads, and driving over our landscape.

Therefore, we need to look beyond what may appear at first blush to be a simple thing of putting a new appellation to a particular kind of vehicle. What we are really looking to get at, Sir, is our ability to regulate, over the long term, the volumes of these vehicles that are going to be transporting people across our rural landscape.

The fact is that the risk to our environment is tremendous, and we have to put a system in place so that we can monitor, and so that we can calculate the volumes and so on. All of these, Mr. Deputy Speaker, are more than desirable things.

Mr. Deputy Speaker, on a general note, I think it is obvious that the numbers of traffic offences that are being committed on a daily basis by Barbadians, are increasing at an alarming rate. The police have tried to put various things in place to establish order on the roads but, naturally, with the tremendous increase in the volume of vehicles on the roads, the capacity to police all of the areas is extremely challenged.

There were times, Mr. Deputy Speaker, in the not-too-distant past, that you could drive across CBC by night and it would be a free flowing journey. I am sure that at 8.00 p.m., if you try to drive along the area of CBC, you would see traffic backed up, between the traffic lights.

Therefore, the point is, we have to accept that our road network is stretched to capacity. It is therefore critical for the Government to establish a regime that is effective and efficient, and really deals with people, not as criminals, because a lot of the offences under the Road Traffic Act are called offences but many of them are more in the nature of administrative things than criminal offences. I think, Mr. Deputy Speaker, that is an important distinction to make.

An individual who refuses to stop when asked to do so by a police, cannot be seen in the same light as an individual who did not stop when he heard a siren because his car window was up and his air-conditioner was on. That happens. That individual cannot be dealt with, in the same light, as an individual whose light might be out, but he may not have noticed. Therefore, there are a whole range of

things that we term as offences, covered within the Road Traffic Act and within the regulations.

The fact is that when you have to 'drag' a man before a law court, and ask him how do you plead, guilty or not guilty, and a police then has to offer evidence and so on, when all that he may have been guilty of is driving with a rare light not working or a rare reflector broken, in circumstances where he would have been doing so innocently. Sir, that clearly is a situation that is not desirable.

I want to laud, in conclusion, the work of the Ministry of Public Works in getting these Amendments to us. They are coming at a critical juncture. I am satisfied, Sir, that the measures we are seeking to put in place are measures that would serve us well for a long time. As time goes on, Sir, we may well find ourselves able to introduce more than the 60 offences, into the ticketing regime.

With those words, Sir, I support this Amendment.

Mr. DEPUTY SPEAKER: The Honourable Member for St. Michael North West.

Mr. C.A. MASCOLL: Mr. Deputy Speaker, I join this debate to look at a few matters pertaining to, not only traffic offences but the whole question of traffic in Barbados. There is no doubt that what is being proposed has the potential to improve the efficiency and the effectiveness on the roads of Barbados. I want therefore to put into context, what I see, especially with respect to the demerit point system being used.

As far as I gathered from the lawyers, there are technically three areas in which you can commit our classification for the commission of an offence on the road. It can be a regulatory thing, which might be a simple matter of a light not being in place. It may be an offence that is reckless in nature and, thirdly, it could be an offence that is criminal in nature. Therefore, in actual fact, there are approximately three broad classifications for a traffic offence on the road.

I have added to that classification, what I refer to as a cross-reference, which makes it a matrix that the vehicle can be a private vehicle, a commercial vehicle, or a public service vehicle.

House 108, sequence 22, 14:50:14

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Hon. C. A. MASCOLL: It therefore means, Mr. Deputy Speaker, that in terms of determining how we allocate the demerit system, that we have to look for consistency across the offence, that is, a regulatory offence

committed by a private individual is a regulatory offence, a regulatory offence committed by a commercial vehicle is a regulatory offence, a regulatory offence committed by a PSV is a regulatory offence.

Therefore, the question of what type of offence it may be should be understood in the context that we are now going to try to determine how to allocate the demerit points. I would think therefore that in terms of the allocations that a reckless offence on the road should require you to give more demerit points than a regulatory offence and that a criminal offence on the road should allow you to allocate more demerit points than a reckless offence and by extension a regulatory offence.

In that regard therefore, if there is an understanding of the context in which we are seeking to allocate such a system, then there would be consistency across the board in terms of the offences committed. That is, and I think we all share this view, that a PSV is certainly going to have many bodies at some point in time on it as compared to a private vehicle, therefore when a driver of a PSV commits an offence that appears similar in nature to a private car, because of the increased responsibility of the driver with respect to the amount of bodies within the PSV, we would expect that a PSV would be charged slightly more or something more than a private individual in the commission of such an offence.

Therefore, Mr. Deputy Speaker, in the extreme case I would expect that a full minibus or a full PSV that commits a criminal offence on the road would give the highest order of magnitude to the demerit system because it would be the greatest type of offence that could be committed on the road. At the other extreme, a private individual committing a regulatory offence would be charged the lowest amount of demerit points because that is the other extreme of the demerit point system.

Mr. Deputy Speaker, in between those two extremes, we have any combination of a private individual committing a regulatory offence, a criminal offence or a reckless offence, a commercial vehicle committing a regulatory, reckless or a criminal offence, and a PSV committing a regulatory, a reckless or criminal offence, thus giving us a matrix that has nine outcomes.

Mr. Deputy Speaker, I am speaking like this because at the end of the day it has to be about consistency of the law, it has to be the case that when we seek to provide the efficiency and effectiveness that we still have to find a way to have a consistent set of demerit points or a consistent set of penalties that have at their core a structure or a form that can be argued outside of the issue of numbers or dollars.

Therefore, Mr. Deputy Speaker, I offer that kind of framework to allow for those who are in charge of

imposing the demerit points or those who are in charge of imposing penalties to at least have a framework within which to exercise such a demerit point system or a fixed penalty system as being suggested.

Mr. Deputy Speaker, the efficiency goes also to the law courts. As was pointed out by the Honourable Attorney-General, you have a system in which you can offer an individual up front some kind of structure or form of the penalty that would be imposed based on the crime committed and therefore there is a degree of certainty that that individual knows what would come his way with respect to being penalised in the form of dollars and/or demerit points or both.

Mr. Deputy Speaker, I therefore can understand, with my limited thought processes, how something like that would work and how everyone in the system would have appreciated it and how everyone would feel satisfied that it is a system that attempts to be efficient and attempts to be effective.

Mr. Deputy Speaker, I therefore see the entire traffic regulation that is being proposed today within that kind of structure and within the context of what we are seeking to do on the road by way of not only charging people for offences committed but ensuring, as I said before, that there is consistency.

Mr. Deputy Speaker, let me go to the matter of driving without a driver's licence on you. Perhaps, it was not put over as clearly as it should have been and therefore might have caused the confusion.

I can go into my pocket now, Mr. Deputy Speaker, limited funds though I have, and identify somewhere in it a credit card, which I need when I travel because it is actually far more valuable than money. In the United States of America, Europe and wherever you travel and you do not have a credit card, even though you may have US dollars, you are no better off, so in actual fact a credit card is extremely critical in today's world.

Mr. Deputy Speaker, I could go into my pocket and draw on some other card that I might have been given by a businessman. What I am saying is that if it is the intention of Government to put your driver's licence on a card of this nature, then why would you not be able to place such a card in your wallet and drive with it. Mr. Deputy Speaker, this is the intention, that is why I am speaking like this because the intention is to provide a driver's licence on a plastic card, the size of a credit card. Therefore, Mr. Deputy Speaker, there should be every reason why you should grow accustomed to simply inserting your driver's licence into your wallet and ensuring that is on you.

Mr. Deputy Speaker, if it is construed here that is going to happen tomorrow, it would not. What is being proposed is simply that at some time in the foreseeable future you would be able to take a driver's licence and place all the information on the credit card type plastic licence that would become much easier for travel and far more convenient. Mr. Deputy Speaker, all we are seeking to do really is to force people to go in that kind of direction.

Mr. Deputy Speaker, we all know that time is money. The whole question is about saving time in not having to go to court and saving time on the road to get to work earlier, so as to have more time to become productive and not having to waste as much time collecting children from school or doing whatever. The important thing in life is that time is money.

Mr. Deputy Speaker, I have explained this before in a debate that the reason you are not seeing now the large bands on the hotel circuit have to do with how people now value time and leisure. Whereas before you might have had a ten-man band playing at the Hilton Hotel for a couple nights a week - because an individual would have seen learning to play an instrument and devoting the amount of time after work to the playing of an instrument to become sufficiently proficient to play on the hotel circuit, - an individual in today's world is not going to see that in the same kind of opportunistic way because that individual now sees time in a completely different way and therefore may value time far differently.

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3.00 p.m.

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Hon. C. A. MASCOLL: Mr. Deputy Speaker, as a consequence, even the hotels now would see that they would no longer need such large bands but that they can now reduced bands because of technology. Hotels would now see too that because of the unavailability of such large bands, in the first place, they could now reduced it down to a two-member or three-member band.

Mr. Deputy Speaker, it is not magic. It is simply that people, who are growing up and developing, value time far more differently than they did, when they were not as developed. Sir, the valuing of time is, in fact, the most important factor that determines the stage of development of a nation, the stage of development of a people and of an individual. How one values one's time, makes the world of difference in how one sees oneself, one's society, one's country, or how one sees the contribution that one could make. Life is, therefore, reduced to the most common denominator there is, that is time.

Sir, even if a man is rich, he has 24 hours in a day; if he is poor, he still has 24 hours in a day. Therefore, the only thing, apart from death, that equates mankind, is the fact that every man has the same amount of time in a day. Time is the only thing that can equate people. Therefore, the treatment of people, whether young or old, the giving of time is the most precious thing that you could give anyone in life today. Therefore, if you could give both old people and young people time, that would be the greatest gift one could have ever given them.

Mr. Deputy Speaker, when all is said and done about life, there is only one precious commodity in life and that is time. There is no other precious commodity. If, therefore, a Government sees valuing time as the critical component, then you could begin to understand why a Government would start to look, not only at traffic as an economic tool or instrument but as a developmental tool. Sir, it is in that context that I feel compelled to say a few things about flyovers.

Mr. Deputy Speaker, I have been trained that any decision-making must be made on the back of information, that one does not make willy-nilly decisions and that decisions should be made on the basis of information. Sir, it is known that Barbados has had an escalation in the amount of traffic on its roads. Sir, I saw in a report that the density of traffic in Barbados happens to be the greatest in the world. In this regard, one could begin to understand why because of the fact that Barbados is still one of the most highly populated countries in the world.

Mr. Deputy Speaker, if it is one of the most highly populated countries in the world and is the most developing country in the world, then we would expect that the resources available to its people would be some of the highest in the world. Therefore, to hear that Barbados has a high density of cars and by extension, a high density of roads, would be consistent with Barbados' place in the world.

Mr. Deputy Speaker, how does one now cope with that increasing desire on the part of the people? Sir, 70 per cent of the traffic along the ABC Highway, going north-to-south, south-to-north, goes through the Roundabout in a north-to-south direction. Mr. Deputy Speaker, that is an important statistic. Our roads in Barbados cannot expand laterally beyond four lanes, and we are being told that the ABC Highway was to be a four-lane highway, in the first place.

Sir, even if we were permitted to expand to four lanes, there would now be too many cars to carry on the ABC Highway. Therefore, like any sensible individual, with a small piece of land, where that person would want to get more capacity, there is only space that could be utilised, and that is the vertical space. If one has a piece of land, 4

000 square feet, it cannot get any larger but one can certainly build higher. Therefore, the flyovers on the ABC Highway are designed to increase the capacity on the road.

Mr. Deputy Speaker, that would not be the only solution. While we are taking care of the north/south traffic, we also have to take care of the east-to-west traffic. Therefore, there is a far more comprehensive plan to look at the arteries coming off the ABC Highway, in order to cope with the additional traffic in Barbados.

Mr. Deputy Speaker, I do not listen to call-in programmes very much these days because of the fact that I am so much at peace with myself, that I do not become bogged down with talk or rhetoric, especially from certain characters, persons who would have done polls, et cetera. I listen sometimes because ignorance can be spread very rapidly, especially if one has access to the airwaves. When one listens to individuals, who should know better, talking about the building of, or the expansion of, the ABC Highway, with a man who was involved with it, whether or not that person is black or white, and that talk is reduced to the financing of a campaign, and it is allowed to go across the length and breadth of Barbados, that the ABC Highway is being expanded because there would be finance available for a campaign, where it is reduced to that kind of thing, it is absolute madness and rubbish.

Mr. Deputy Speaker, for me to be a part of a Government, at this stage, that would only be concerned about whether or not the flyovers in Barbados or road traffic management has something to do with the financing of campaigns, would be to reduce a contribution one could make to the development of a country to that of pettiness or foolishness. In fact, sometimes I wonder why such people are allowed, and are being allowed, to use the airwaves to conduct themselves in such a way, in my estimation, only to reduce themselves.

Sir, when that individual did not have such access to the airwaves, he actually had more credibility among Barbadians than he now has. Therefore, increasing exposure to Barbadians would have caused him to lose sight of a career, one that otherwise could have been extremely effective in Barbados. He would have been perceived as someone who is capable of giving a balanced view, in the political arena. It is now reduced to pettiness. It is now reduced to that of a mind that seems to be absent of training. Mr. Deputy Speaker, for someone to continue to perpetuate the kind of thinking that a traffic problem in Barbados could be connected to the financing of a campaign, would be, to my mind, to reduce it to silliness.

Mr. Deputy Speaker, I listened very carefully to the Honourable Member for St. Lucy and I must confess that on many occasions, the Honourable Member says a lot of things but that on many times, a lot of people do not tune in

to the Honourable Member. I well remember a discussion on zoning in Barbados, which prompted a connection to the overall traffic management and the distribution of population. Sir, the Honourable Member for St. Lucy made all kinds of connections.

Mr. Deputy Speaker, we would now hear people tuning in, some years later, that perhaps we could resolve the issue of traffic, if we deal with some issues of zoning of schools. Sir, but those people would have tuned in five or ten years later. What the Honourable Member for St. Lucy was saying at the time, which incurred some degree of ridicule, was that if we were to manage and to organise the school system effectively, we could also deal with part of the traffic managing issues in Barbados.

3.10 p.m.

Tuesday, August 02, 2006

(EDITED)

Hon. C.A. MASCOLL: Sir, no sensible individual can reject that but it would not be the panacea for solving all the problems. It is an issue that can be considered but can you begin to solve an issue pertaining to traffic by dealing with a question of equality within your schools even though there are highly connected. Sir, can you begin to deal with this matter that has its roots in inequality, inequity, injustice as opposed to issues concerning traffic which are rooted in efficiency, effectiveness and productivity. Sir, there are completely different issues even though they are connected but what was said by the Honourable Member for St. Lucy at the time was rejected because it was not obvious and now there are some who are joining.

Mr. Deputy Speaker, having said that, I cannot now accept that there is a political reason to link what is happening with respect to the expansion of the ABC Highway and all the other things happening with traffic to zoning of school. This would not solve the problem although there is substantial evidence that when school is not on in Barbados that traffic is completely different in terms of your ability to get around Barbados, so there must be some correlation between schools and what happens with our traffic in Barbados.

Asides.

Mr. C.A. MASCOLL: It takes a little while but sometimes you can say things that appear to be way out and disconnected because people are locked into a box. Mr. Deputy Speaker, the particular individual of whom I speak without reference to his name is locked into a box and needs to identify who he is because, therein lies his problem, not being able to fully come to grips with whom he

is and, perhaps, to expose himself would be the ideal thing to do at this stage. He should simply be honest, says who he is and asks if he would be accepted for whom he is. This would work well in the eyes of the public of Barbados.

Mr. Deputy Speaker, on the matter of the flyovers, I speak openly, candidly to the public of Barbados. You may question the cost of the project but you cannot question the intent of the project. You may question whether it should cost less but you can only know the cost if you are directly involved with the project because it involves a whole set of works and quantities which would be monitored by the Ministry. There are matters which you cannot quantify unless you are directly involved in the provision of such.

Mr. Speaker, knowing the cost would have to be a question of the opportunity cost. Do you believe that Government should entertain the expansion of the ABC Highway at this time? Do you believe that Government should entertain the building of flyovers at this time? This is because you may have a view that the money could otherwise be spent doing something else but it is a question of management and decision-making. It is a question of what the Government sees as its priority and you cannot reduce the management of traffic in Barbados to any position that is less important than the earning of foreign exchange, than the expansion of the manufacturing sector, than the expansion of tourism or than the development of the educational system.

Mr. Deputy Speaker, believe it or not, unless people are able to get to work, unless people are able to collect people from school, unless people are able to do what they want to do when they want to do it, they will not be happy. Sir, unless these things happen, they will not be able to produce. Unless people can produce, no country can benefit from them so traffic is as critical as any other aspect of our social or economic development and on that basis, Government makes a decision.

Sir, perhaps you can now begin to see why the Honourable Member for St. Michael North West would not, whether he was here, there or any where, simply come out, criticise or go wildly and make a comment that simply opposes a position because it appears the political thing to do. Sir, you live with yourself and the pursuit of a post or position in life does not define you. Where you go in life is not determined by what position you hold. What you can do for a family, a community, a country is not determined by the position you hold but is determined by your capacity to make a contribution to whatever process is required at the point in time.

Mr. Deputy Speaker, I never had to make a decision or be involved in something because it was just the political thing to do. In fact, I must confess that there are several things which I have said in the past, which came to pass

and to this day, it is still happening. Perhaps, as I was told over the weekend, I should have registered my intellectual property because I was told that you do not have to intellectualise the politics. If there is any comment which comes from the other side now, which I would have been responsible for intellectually, I deserve some dividends and returns now since you do not have to intellectualise politics. but, Sir, where do you start? Mr. Deputy Speaker, if you cannot bring ideas to a people, if you cannot articulate a position, in fact, if you cannot oppose a position on the basis of a principle, then where do you start in terms of being part of a country's governance whether or not you are in the Government or in the Opposition? Sir, it cannot be that people feel you are tall and handsome. It cannot be that people feel you have red skin. It has to be something which you are offering to the people.

Mr. Deputy Speaker, I am saying that every turn in this politics is about making a worthwhile contribution. It is not about what position you hold or your desire to hold. This is why I said at the start that I am so comfortable with whom I am that I do not worry about anything else in life.

Asides.

Mr. C.A. MASCOLL: I am extremely happy, not just happy. In fact, Mr. Deputy Speaker, I speak to you now in a season where I am now the man in Barbados in every sense of the word. Sir, have you ever heard me going out there to be critical of somebody looking at me and assessing my decisions? Have you ever seen me going out there to defend a cause or deny somebody the right to speak as they want to speak about me? Mr. Deputy Speaker, I have never done it because I have a sense of self-esteem and self-worth that cannot be reduced by any person's consideration which appears negative because it does not matter to me.

Mr. Deputy Speaker, if we truly want to be emancipated, then our emancipation has many different facets to it. Our ability to get around this country and enjoy it is first and foremost because you cannot stay within your own box and expect to be happy or contribute to the lives of other people. If you want to be emancipated, then you must have a certain sense of self-esteem.

Mr. Deputy Speaker, it hurts me to see some people not being able to cope with it. I like to watch situations and see not just the surface but to see beneath the surface. Sir, I will give you an example that worries me in Barbados which is connected to this whole question of traffic and being able to give the best and to have an opportunity to give your best. Sir, you can only do so if you believe in who you are.

Mr. Deputy Speaker, currently, we have a young lady in this country who is arguably the best singer. I hope

she is listening to me because two months ago, I spoke to her about this. Sir, she is arguably the best singer, a girl called Kimberley, but she has a belief that she is not attractive enough and, therefore, she goes on stage with a cap and pull it over her face because she has been made to believe by the public of Barbados that she does not have certain trappings of success.

H108/15:20

Sequence 25

Wednesday, August 2, 2006

Mr. C.A. MASCOLL: She is not brown-skinned. She is not the best looking girl in the entertainment community. Therefore, when you see her dressed the way she is dressed is a direct belief that she wears a cap and does not have the self-esteem. I am appealing to you now, Kimberley Inniss, I spoke to you two months ago at the Hilton Hotel, you are the best female voice in Barbados. Do not let anybody make you believe that you are less than worthy. I hope that you are really listening to me, because this is more important than traffic. This is about emancipating yourself. Take off the cap, expose who you are, let your nose shine, let your blackness shine, because you are simply the best female voice in the arena today. Please, do it for me, because I see it as a point that we have reached. We tend to condemn because we have certain expectations about our people.

Sir, all this talk about August 1st, unless we are able to allow everything in this country to function, whether it is the traffic, culture, economy or society, unless we give each and everything a chance to function, we are not going to ever derive the greatest benefit for our people, country and ourselves.

Sir, I just had to say it. I do not know who you are. I met you two months ago. I spoke to you about it and I am speaking to you again, reflect who you are. You are the best female voice.

Therefore, in this debate reflect what the Government is. The Government at this stage is the best organisation capable of leading this country to where it has to go. You cannot lead it by being absent from Parliament. You cannot lead it by choosing only to be present when it suits you; you cannot lead it by distorting information, and you cannot lead it by having views that I am not consistent with where we want to go as a county.

Sir, in that respect, I thank you.

Mr. DEPUTY SPEAKER: The Honourable Member for St. Philip West.

Dr. D.C. ESTWICK: Mr. Deputy Speaker, I want to get involved in this debate, to make a submission that is based on an evaluation of the Bill brought before this Honourable Chamber, to reflect on this Bill, and the comments of the Minister that introduced it, and to determine whether the Bill in its present form can provide the sort of results that the Honourable Member for St. George North believes it can.

I listened very carefully to the opening remarks, when he indicated that this Bill would amend the Road Traffic Act, and there will be areas of revision of definitions. I really do not have any problems with that when I looked at the Bill. There were revisions with respect to fixed penalties and the demerit point system. I have some problems with that and I will express my particular view. There are revisions with respect to the mandatory presentation of driver's licence and certificate of insurance. I critically accept this, because I believe that there are going to be special circumstances, where allowances should be made and those particular circumstances I am going to attempt to outline.

Sir, from that perspective, I would ask the Minister, based on the areas that he suggested that the amendments would sort of deal with, whether after this Honourable Chamber reflects and passes this new amendment to the Bill, whether the Minister really believes that there would be any change in congestion in Barbados, after this Bill has been passed. If the Honourable Member really believes that is the case - I know that he smiles because I know that he does not believe - whether he really believes that there will be any enhancement in economic productivity in Barbados, once this Bill is passed and proclaimed. It is not going to happen.

Sir, if the Honourable Member believes that there is going to be increased safety for users on the road; if he believes that this Bill, as it gives the police more authority to deal with traffic infraction ... I believe that may be true, but in what way and with what type of measures and what type of draconian measures may very well be utilised instead of a more humane approach?

The Honourable Member for St. George North also spoke of the loopholes that need to be closed, that were causing the police detectives some problems. I really do not have a problem with that. I have a problem with a traditional problem of the ministry, that is with maintenance and monitoring the new systems, that they put in place. Sir, part of that has to do with, with the talk about these new provisions and the new amount of work, that has to be done by the clerks at the post office and the magistrate courts. Will the ministry will also provide the necessary increase in staff, resources, material, supplies and money? Sir, in my own review of how Government has operated, and this Government in particular, that has not

been the case. Sir, all these elements would impact significantly on whether what we do here today really means anything at all.

Mr. Deputy Speaker, I want to ask the Honourable Minister, if he really believes that once this Bill is passed, that there will be an improvement in street lights, signage and markings in the roads. It is not going to happen.

Asides.

Dr. D.C. ESTWICK: The Honourable Member is talking about traffic management, traffic management involves those elements. I will not be sidetracked by the one-day advisor. I do not have time to waste with a one-day advisor.

Asides.

Dr. D.C. ESTWICK: Mr. Deputy Speaker, before getting into the substance of the Bill, they would want to start to cause confusion.

Sir, I want to express my unacceptance at the beginning, before I get into the fundamental details. The Minister spoke about thirty-nine new regulations - in fact, and he used the word offences, to be brought as part of the overall traffic management programme. I believe that my job as an Opposition politician, in particular one who sworn to defend the interest of Barbadians, I cannot do an effective job in analysing this particular Bill, if there are regulations that impact on the Bill as well as on the users of the roads in Barbados, whether pedestrians or traffic. I cannot do an effective job, and I would say without any reservation, I will not accept it.

Mr. Deputy Speaker, I would strongly suggest to the Minister, that it is wrong not to have given a full and comprehensive debate, I should have the right to determine what you are proposing with respect to cellular phones. Are you telling me that an individual should only have a radio in his car, that can only have 8 watts of power? Are you going to monitor that by a police officer sitting in the back seat with some decibel meter in his back pocket? Does he walk around with it in his helmet?

Sir, it is interesting that I am hearing talk that you will charge somebody if they spill oil on the road. Suppose you are going down the road and your car burst a line. We are getting into some dangerous areas where the Government is actually beginning to interfere in areas that they really should not be interfering with legislation. I am very serious about that.

15.30 p.m.

Sequence 26

Wednesday, August 02, 2006

House 108, Sequence 27, 3.30 p.m.

Continuation of: Dr. D.C. ESTWICK:

There are many aspects of this Bill that are designed to introduce some fixed penalties that are significantly too draconian, and border on criminalising Barbadians, unnecessarily. I will now speak, Mr. Deputy Speaker, and draw reference to Section 121C.

Now, pray tell me, Mr. Deputy Speaker, why is it necessary that after a ticketing offence, and you have paid the ticket, there must be an indication or notice published in the Official Gazette in Barbados? Why should that be a requirement, Mr. Deputy Speaker?

Asides.

Dr. D.C. ESTWICK: 121D.

Mr. Deputy Speaker, this should be an official record of the Police Department, I can accept that. It must be an official record of the Magistrate's Court, but, Sir, 121D states:

"121D. (1) A ticketing offence and the fixed penalty payable in respect of that offence shall be prescribed by the Minister by Order published in the Official Gazette."

Mr. Deputy Speaker, do you know what is interesting in this is the fact that when one looks at 121E., it says Sir:

"121E. (1) Payment of the fixed penalty shall be made to the Clerk of the Magistrate's Court or the Clerk of the Post Office as stated in the notice given or affixed pursuant to section 121A and shall be treated as if it were a fine imposed on summary conviction for an offence."

Now, correlate that, Mr. Deputy Speaker, to 121C., which says that payment of a fixed penalty precludes prosecution. Correlate the two, Sir, and explain the two to me.

Asides.

Dr. D.C. ESTWICK: Mr. Deputy Speaker, if the lawyers out there have the knowledge to explain it, let them get up and explain it to the public because I am going to hold my position. I ask the question, Sir, how can you be introducing a comprehensive set of Road Traffic Amendments and, Mr. Deputy Speaker, not one word about drunk driving, which is a menace to society, and I am being told about comprehensive management.

Asides.

Dr. D.C. ESTWICK: Mr. Deputy Speaker, I can count. Talk about breathalysers in Barbados and such like, but I can recall my own experience, while driving on Beckles Road, when an individual without a doubt, and it does not require an individual trained in medicine to understand that the person was intoxicated, ran into the side of my car. The police officer came and smelled the alcohol knocking him down, Sir, and he could do nothing. I was told to go to the police station, which I did, make a complaint, which I did, and I had to end up repairing my car. Nothing was done. This rubbish has to stop. Sir, you cannot tell me that you are going to have a comprehensive traffic management programme in Barbados and you are not going to introduce legislation to deal with those kinds of matters. You cannot do that, Sir. It does not make sense.

I also want, Mr. Deputy Speaker, to refer to section 9.(C) and the Honourable Member for St. Michael North West touched on this particular area. I want to support the view of section 9.(C) and, in particular, the whole idea of the demerit point system.

Nobody knows whether one offence is equivalent to one demerit point, or one offence is equivalent to 50. You may get 14 or 18 demerit points in two offences, because there is no indication as to what is the situation. If the Minister says that will come in the regulations, so be it. I have said to the Minister that I have a right to be able to evaluate those things, in the interest of those who use the road in Barbados, those in my constituency, and the constituencies in general. I certainly have that right as an Opposition politician.

I hope, Sir, that the demerit point system would apply to diplomats as well. I hope that they would apply to the Barbados Defence Force. I hope that they would apply to Police Department. I hope that they would apply to Government vehicles.

Asides.

Dr. D.C. ESTWICK: I know exactly what I am saying and I will stand by what I have to say.

I want to refer, Sir, now to section 8. I have raised this matter already with the Honourable Member for St. George North, because I had the complaint on more than one occasion, Sir, by several members of the public that they have had vehicles off the road for a period of time and when they go to the Licensing Authority to have the vehicle reregistered with insurance, they are then told that they have to pay some retroactive Road Tax, from the period of time that the vehicle was off the road.

I want the Honourable Member for St. George North to indicate whether this is a Government policy. If it is not, what the public would have to do, in order to deal with this particular problem because I have been told about it on several occasions.

As far as I am concerned, you pay Road Tax for the period of time that you are using the road, and there has to be some way of dealing with this matter, in a way that is humane and allows both persons to benefit in the exercise.

Mr. Deputy Speaker, I want to now look at section 5 again and deal with an area that I think should be dealt with, in this particular legislative framework, that is, Sir, to those Barbadians who would get involved in motor vehicle accidents, and then leave the scene of the accident. The old legislation only allows for a warning of intended prosecution.

Mr. Deputy Speaker, if you are going to get involved in the comprehensive type legislation to deal with this type of problem, therefore, there must necessarily be some framework put in place, which indicates as long as any damage to property, vehicular or otherwise, then this should and be considered as some type of an offence in Barbados. I feel very strongly, Sir, that this is an area that needs to be looked into.

Mr. Deputy Speaker, I heard the Honourable Member for St. George North also speak to the amendments allowing for increased reduction in anxiety - that is not how he used it - reduction in road rage was actually the terms used by the Honourable Member.

House 108, sequence 27, 15:40:08

Wednesday, August 02, 2006

Dr. D. C. ESTWICK: Mr. Deputy Speaker, I am not convinced how the legislation is going to allow for that. I am not convinced that there is any real provision that would allow for this. Mr. Deputy Speaker, what I want to say with respect to that is that if the Honourable Member says that in 1994 we had 55 000 vehicles on the road and then by 2006 we had 116 675 vehicles, then it is quite an arithmetic projection that you are going to have increased accidents and all of the other ancillary related crimes and infractions, et cetera.

Mr. Deputy Speaker, it was the Honourable Member for St. Peter that said that he wanted two vehicles in every garage in Barbados without understanding that if you create the conditions for such, you also have to have put the preventative legislative framework in place to deal with such matters. Sir, now that the cart is out and the horse has bolted down the road, the Honourable Member for St.

George North is trying his best to see if he could reel in the problem.

Mr. Deputy Speaker, as I started, I spoke to the fact that I thought that many of the offences, especially the penalty offences, and many of the fines are somewhat draconian. Sir, it has been the practice of this Administration to believe that if they could fine people, they could increase penalties, and that is necessarily going to reduce an infraction. Mr. Deputy Speaker, hanging does not stop people from committing murder, and hanging is the ultimate penalty. It is the conditions that may create the circumstances that we now face in Barbados with respect to whether you drive without insurance and road tax and the other type circumstances that the Honourable Member spoke to in terms of the road rage, the stress and the productivity loss components that are all related and affect human behaviour. Sir, a matter of just increasing a penalty or a fine is not going to solve that, if it is an underlying psycho-social motive. Sir, it would be foolhardy to believe that is going to be the case.

Mr. Deputy Speaker, I heard the Honourable Member for St. Joseph making references to cellular phones and several other activities that you are not going to be allowed to do on the roads while a driving vehicle. I heard the Honourable Member for St. George North also doing the same. Mr. Deputy Speaker, I would allow the Honourable Member for St. Philip North to deal with some of the areas that could be dealt with under the old legislation that did not at all require any new legislative framework and those types of duplications. I think he would do a much better job than I am capable of doing.

Mr. Deputy Speaker, I cannot in all good conscience be speaking about road traffic management and not consider how widening the road or building a flyover is going to impact upon the management of traffic and the movement of people. That is absolute tomfoolery under the legislation that impacts on people who use the roads.

Mr. Deputy Speaker, I would not speak to the Attorney-General at all under these circumstances, because any Attorney-General that would say that you are not suppose to speak about flyovers, as though there are flyovers on our roads, and they do not come under traffic management, should go into his constituency and apologise to all of his constituents as well as to the Cabinet.

Asides.

Dr. D. C. ESTWICK: I think he would like to flood the highways with the flyovers and sail his boat, that is probably what he would like to do.

Asides.

Dr. D. C. ESTWICK: With his suspenders.

Asides.

Dr. D. C. ESTWICK: It is politics and 'we got to do what we got to do'.

Mr. Deputy Speaker, I have one last statement to make which is sort of a generalised statement. Sir, I do believe very strongly that part of the development of Barbados requires a good network of roads. I believe that part of the problem in Barbados has to do with the fact that we are concentrating on movement in a linear way and not linear in many of the lateral aspects of Barbados, meaning, that it would take you three or four buses sometimes to go across the country and sometimes just one to travel in a north to south-east direction.

Sir, you are not going to have an internal development unless you allow for that type of comprehensive road development to underpin the movement of people and the movement of goods and services. Sir, I believe that part of the problem can be related to the sort of demographic changes that we have seen in Barbados. The fact that we are now having reverse migration where many persons are now heading into St. Thomas, St. Philip and St. George, it may necessitate that we rethink some of our networking aspects of the roads.

Mr. Deputy Speaker, it would be remiss of me not to consider looking at the fact, as was mentioned earlier, I cannot remember by whom, that part of the problem with respect to the movement of persons in the mornings and evenings is directly linked to a dual movement of school children to school as well as workers in general to town. Therefore, part of the solution may be to sit down and do a comprehensive review with respect not only to zoning but to phasing in a different way, probably even to work.

Mr. Deputy Speaker, in a nutshell, all I am basically saying to the Honourable Member for St. George North is that I am not convinced that the amendments as they stand will deal with congestion, will improve economic productivity, or will increase security or efficiency on the roads in any way. As I have said, I believe that some of the fines and the way that they are implemented are too draconian at this time.

Mr. Deputy Speaker, unless somebody gets up on the other side and refute what I am saying, I do not believe that once you have been fined or given such a fixed penalty that there should be any publication in any Official Gazettes. I hold the view that those types of data should be held within offices of the Magistrate's Courts as well as within the Post Office mechanism.

3.50 p.m.

Wednesday, August 02, 2006

Dr. D. C. ESTWICK: Mr. Deputy Speaker, I have also said that once this additional workload is put on those particular departments, that there would be the need to provide the resources, the staff and the money, to deal with that increased workload. I have also said that this Government has not only been tardy but that it has a long history of not providing those types of resources. I also have another general concern, which relates to the maintenance and the monitoring mechanisms, to deal with these problems.

Mr. Deputy Speaker, before I take my seat, I wish to say that there is going to be a time in which we have to debate how best we should proceed with respect to moving people on our highways, whether Government is going to be accepting a four-lane Highway, moving towards flyovers or dealing with the synchronisation of the lights. There are a whole range of measures that we will have to debate, which I believe to be important, if we are looking at a set of amendments to the Road Traffic Act.

Mr. Deputy Speaker, I do not want to preempt what the Honourable Member might bring, but these things have to be talked about because these are all operations that are on the way. They are not operations that are coming six years from now. They have broken ground on these operations and if they have broken ground, they cannot be bringing regulations here that have not taken into consideration the application of these elements.

Mr. Deputy Speaker, I want to thank you.

Mr. R. D. MARSHALL: Mr. Deputy Speaker, as legislators and representatives of the people, it is incumbent upon us to look and too see what is wrong, what is broken and if need be, for us to fix it.

Mr. Deputy Speaker, the Honourable Member for St. Philip West, as he said, is an Opposition politician and I guess he would be an Opposition Member for a very long time to come. Sir, there are some areas with which I might agree and there are others with which I cannot agree.

Mr. Deputy Speaker, the Honourable Member for St. Philip West spoke about the introduction of draconian measures. He spoke about penalties and mentioned that they are not deterrents. Sir, I beg to differ. I remember the introduction in this Parliament of the seatbelt legislation, where there was a cry about the maximum penalty of \$500.

Mr. Deputy Speaker, I do not believe, neither have I read anywhere, in any newspapers, that any magistrate would have placed the maximum fine on persons not

wearing their seatbelts. Sir, in this legislation there are going to be maximum penalties but the magistrates would use their discretion, when they impose fines or penalties on persons, who would have contravened the law.

Mr. Deputy Speaker, the Honourable Member for St. Philip West also spoke about the diplomats contravening the law and about the police. Sir, as far as I know, diplomats have certain immunities. When our diplomats live and work overseas, they are entitled to the same immunities.

Mr. Deputy Speaker, these are a number of things I would want to raise with the Honourable Member for St. Philip West. We have over 1 700 kms of paved road in Barbados. We have what are known as major highways, secondary roads and tenantry roads. Therefore, with

116 000 vehicles using the roads of Barbados, namely trucks, buses, ZRs, SUVs and motorbikes.

Asides.

Mr. R. D. MARSHALL: Mr. Deputy Speaker, it is a fact they are not all together on the road, at the same time but at the same time, they are out there vying for space on the roads of Barbados.

Mr. Deputy Speaker, I heard the Honourable Member for St. Lucy speaking about the amount of stress people experience from the traffic. He talked about children going to school and about people going to work. Sir, I am glad the Honourable Member could talk about people going to work. The Barbados Labour Party is the Party that has put people out there to work.

Mr. Deputy Speaker, when we came to power, you would know what the unemployment figures were like. Those figures are now down to single digits. People are going out to work every day. More vehicles are on the road because people are importing more vehicles to use because they are doing more businesses. There are more self-employed persons on the road.

The Honourable Member talked about stress. Sir, we do not live in a utopia. We live in a developing country and I am happy to be part and parcel of a Government that is going out there and making sure that the country can grow. We can talk about people going to work. We can talk about people opening businesses. When persons open up businesses and are going out to work, they would need more transportation. There are probably some areas that I might get to or that I might not be in agreement with or that I might have some negative ideas to speak about but I would like to ask the Honourable Members of the Democratic Labour Party where are their solutions to the things they are criticising.

The Honourable Members of the Democratic Labour Party get up and criticise. They are part of a Parliament, which pass legislation and all we can hear, coming from the other side, are criticisms after criticisms, about what is going to happen after. Sir, they bring nothing, in terms of solutions for the problems they perceived to be happening in Barbados.

Mr. Deputy Speaker, I want to support the Minister of Public Works. I want to support the Permanent Secretary in the Ministry of Public Works, the Chief Technical Officer, the Parliamentary Council, the Chief Licensing Officer, and all those persons at the Ministry, who are responsible for bringing this legislation to Parliament. I also want to thank those persons in the Ministry of Public Works, who are responsible for carrying out the duties, on a day-to-day basis.

Mr. Deputy Speaker, there are a number of things that I would like to touch on, as we continue this debate on the Road Traffic (Amendment) Bill, 2006. Sir, first, let me say that I think the major problem in Barbados is that of the enforcement of laws in this country. Sir, when Ministries can go to great length to have legislation enacted or to amend certain legislation, the powers that be, namely the Police Force and the court, are the ones for the enforcement of laws in this country.

Mr. Deputy Speaker, there are a number of things I see happening on our highways on a daily basis, to which I believe the police should be paying more attention. I know that the Ministry of Public Works and the Police Force work together.

4.00 p.m.

Tuesday, August 02, 2006

(EDITED)

Mr. R.D. MARSHALL: I am not knocking the Police in any way because they are doing a job but there are certain areas in which the Police has been tardy and these are things I would like to see. Sir, I always say to people that I am not a proponent for flyovers. They have they place and if the time comes eventually when we need flyovers, so be it. I believe there are other measures which we could put in place before we get to the major flyovers.

Mr. Deputy Speaker, I have said before that we can remedy the situation but I believe there is too much indiscriminate parking on the highways in Barbados. Sir, people park their cars on the road to talk to a partner on the other side and to go into a shop to have a good time. Sir, I see this on a daily basis and if you tell them to pull into a gap, you get castigated for making that suggestion. It is a regular thing with the ZRs and minibuses. Sir, every day I

see people parking on sidewalks and pedestrian have to walk in the road which exposes them to all sorts of risks and danger. Sir, when vehicles park on the sidewalks, they damage them and then the Ministry has to spend large amounts of money to rectify the situation.

Mr. Deputy Speaker, people park by bus stop. Sir, a good example of this is by the American Embassy even though there are police officers over the other side of the road by the minibus stand. Sir, I see these things on a daily basis and I would like to see them change. At night, there are lines of vehicles driving without lighted number plates and it continues on a daily basis. A friend of mine told me one night that he was in a taxi, that the Police pulled the taxi over, told the taxi driver that he did not have a number plate and reported the driver but that when the Police van drove off, that the lights on the Police van were not working either. Sir, there are fancy motor cycles on the road but there are no back number plates on the bikes at all.

Mr. Deputy Speaker, people stop on the road to purchase fruit and food and set back the traffic and then we talk about flyovers. Sir, we have to free up the roads in Government first before we look at flyovers. We talk about the zoning of schools zone but now that schools are on holiday, there is no major traffic so there is some correlation between the schools and traffic on our roads. Sir, traffic is backed up on some areas because of the good works being done by the Ministry on roads like Hindsbury Road, Bank Hall Roads and they are being transformed into good roads. I would tell the Ministry to keep up the good work even though there is going to be criticism from the public.

Mr. Deputy Speaker, when I was the Minister of Transport, I remember being at Carters General Store one Xmas Eve, a lady came over to me, told me that I did not know her but that she was one of the people who complained about the roads being dug up but that the Black Rock road was very sweet and that I should make sure everyone was done in that way. This is the kind of testimonial we got and will continue to get if we do the things we should do to help the flow of traffic.

Mr. Deputy Speaker, we must widen the ABC Highway into four lanes. I see that it has started and the general public must be considerate and cooperate with all those persons responsible for the building of the road. There are a few other things which I want to touch on like fictitious licence plates. There are a few people in Barbados who make licence plates but the Ministry must take a serious look since anyone can order number plates in Barbados but in a large country the only person responsible for the making of licence plates is the Government and they are made by the prisoners in various prisons around the country. Sir, I do not know what method we would use but

I know that it is a headache because people are using these fictitious plates.

Mr. Deputy Speaker, I spoke earlier about the penalty but the other major thing I want to speak about is failing to register a motor vehicle. Sir, quite often the Ministry, the Police and the public complain about the large number of vehicles on the roads in Barbados who are not paying their road taxes and this is defrauding the Government of revenue. Secondly, cars which are on the road without road tax are also on the road without insurance. Sir, when you are on the road without insurance and there is an accident, who would be responsible for the damages? Sir, even if the person is caught, then the person is not in a position to compensate persons who have been injured. Mr. Deputy Speaker, even if the person is put in prison, then the injured person is still out-of-pocket, may not be able to work or may be disfigured for life. Sir, these are the areas that must be looked at carefully.

Mr. Deputy Speaker, in other countries there are ways and means to look at the road tax situation. I know that in Trinidad there is no road tax on a yearly basis to be paid by persons who own vehicles but it is built-in at the pump because all vehicles on the roads must use some kind of petrol be it gas or diesel.

Mr. Speaker, in Trinidad some percentage of the gas or diesel is work out and this goes to road taxes. This is an area where the statisticians and the powers that be, may have to look and see if we could go that way. Sir, I am not saying that we should go that way but, Sir, there is no harm in looking at it.

Mr. Deputy Speaker, spilling things on to the streets is a regular thing. We see vehicles on the road badly pack with lumber and groceries but this is a dangerous thing not only to other vehicles but also to people walking on the road. There are a number of other things which we could look at, the area of public risk where a person is injured but the vehicle is not licensed or insured for the road.

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Mr. R.D. MARSHALL: Sir, if you are injured by a person driving a vehicle that is not licensed or insured for the road, we do not know what we are going to do, whether we are going to ask Government or the insurance companies, to pool and set up a contingency fund, where persons who are injured, with no insurance, poor people who have no recourse, can approach Government to access this fund. This is only an idea that I am putting forward.

Sir, there is the problem of permitting sparks and smoke from vehicles. I believe that the Minister of the Environment, the Honourable Member for St. James South, might have plans, probably, of looking at some emission laws in Barbados. I would hope that we should have some relief, when legislation is brought to this Honourable House, to stem the problem that currently exists.

Sir, the other area I want to touch on relates to the use of cellular phones. I do not believe that we should just bring legislation, with regard to cellular phones, willy-nilly. I believe it should be determined the number of accidents caused by the use of cellular phones in Barbados. I do not think that we should just bring legislation. I believe that a full study should be done, before we bring legislation to stem what some might call an unsavoury practice.

Sir, I do support the measures here today and anything that we as legislators can do. As I said earlier, we are elected by the constituents to do their business. We should be bold enough speak out, when it comes to putting any measure in place. Some Honourable Members on the other side, spoke about exorbitant fines and locking up people. We will be bold enough to say what we have to say, and when it is wrong, we will say it is wrong.

Sir, with those few words, I am obliged to you.

SUSPENSION

Hon. R.R. FARLEY: Mr. Deputy Speaker, I beg to move that this Sitting be suspended until 4.25 p.m. today.

Hon. Mrs. H. E. THOMPSON: I beg to second that.

The question that the House be now suspended until 4.25 p.m. was put and resolved in the affirmative without division and Mr. DEPUTY SPEAKER suspended the House accordingly.

16.12 p.m.

Sequence 31

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House 108, Sequence 32, 4.28 p.m.

RESUMPTION

Mr. DEPUTY SPEAKER: This Sitting is now resumed. The Honourable Member for Christ Church East Central.

Mr. R.D. JONES: Thank you, very much, Mr. Deputy Speaker. This debate on the Amendment to the Road Traffic Act Cap. 295, is an interesting debate because

outside of the legal implications, the issue of organising the road management within the country, to me, it also looks at certain social problems, and certain sociological factors, within the country.

Let me from the outset state that anytime we bring a Bill to the Honourable House, that Bill sets out to organise or set in place some processes for the so-called better management of something. In this instance, this Bill purports to act in a manner, which would cause persons into some conformity, in relation to the usage of our roads, the management of our roads, et cetera.

Sir, when I look at this, a fear comes straight up in my heart. It is from that perspective that I speak of the sociology of this Road Traffic Bill. I do not believe that any society should be looking to make criminals of its citizens. What it should be doing is the reverse.

House 108, sequence 32, 16:30:14

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Mr. R. D. JONES: It should really be looking and saying to its citizens, we want you to be the best that you could be. Mr. Deputy Speaker, we have to spread messages in whatever form to convince our citizens that this particular way of life is the best way of life and that what they are doing is absolutely wrong. That has to be our mandate, otherwise we are going to move from 21 offences under something to 60 offences as the Honourable Member for St. George North spoke about and in some future time we would be speaking of 100 offences because we are not doing the right things.

Mr. Deputy Speaker, we have abandoned, by our methods, the humanity of people and the sense with which they should be imbued. We have moved their spirituality out of them, that is why we are at this crux, that is why we have to go searching to criminalise every act of the human being, that is why we have to move from 21 offences to 60 offences, and a little later, as I said, we would move to 100 offences.

Mr. Deputy Speaker, there is no edification of the human being in these processes. All there is, is about locking up. This is a dangerous movement. We are not evolving. Our laws do not cause us to evolve. That is the mentality, and it is frightening.

Mr. Deputy Speaker, sometimes I get passionate about these things. I am not a preacher, I am a teacher. Those who are preachers and who understand the spirituality of man must join in this kind of articulation in relation to these. We should be saying to our people in forceful ways that if there is a sign which says that you must not dump there, you must respect that, that is what

must happen. Mr. Deputy Speaker, if we have to say it a thousand times, we must do it. We become desperate people and we destroy. Any time we look at anything and make it an offence, it is a dark road to travel.

Mr. Deputy Speaker, it employs very complex thought processes to design instruments of transportation and to design the simple cell phone. We call it a simple cell phone because we are using it but we do not understand the technology, it is very complex to design. Sir, we then move to criticise or to penalise its usage because we place a human being behind the wheel of a motor vehicle after we advertise big and bold in the commercial world and persuade young people, all and sundry, to get a cell phone. Sir, we then link the two together and place a human there and some bright brain comes up with the idea that by using one hand on the steering wheel and having a cell phone to your ear or some other Bluetooth mechanism or infrared mechanism attached to your ear, that somehow you would lose your consciousness and focus. That is nonsense, Mr. Deputy Speaker. They do not understand that as man develops the technology that man in his mind must be and should be changing and his consciousness has to become even more focused.

Mr. Deputy Speaker, we do not understand that man is evolving and therefore we keep him at a fundamental or foundational level. Honourable Members in this House has to be more conscious of these dynamics. They are not looking sufficiently to the east and understanding what comes from there. Wise men, Mr. Deputy Speaker, came from the east not this rabble talk mentality that penalises and criminalises people. This is a vexatious issue. We are going to make this country, not into a basket of mad men and women, but into a pool of criminals.

Sir, I do not know, I never measured the road and I will therefore take the statistics from the honourable men and women in the Ministry of Public Works and Transport. Sir, if they say that we have 1 650 or 1 700 kilometres of road, it must be, whatever they say is gospel. It should be a lot more, but they would not fix the roads in Christ Church East Central, so it 'got' to be 1 650.

Asides.

Mr. R. D. JONES: I vexed. Sorry, Mr. Deputy Speaker, I am vexed, sorry to switch into the vernacular. It should have been 1 700 if they had fixed the roads in Christ Church East Central, St. Lucy and St. Philip North. Mr. Deputy Speaker, I am disappointed that the educator - we carry the same stripes but not the same consciousness...

Asides.

Mr. DEPUTY SPEAKER: You should not be speaking, Mr. Deputy Speaker, about the Honourable

Member for St. George North like that, I have heard contrary remarks. Asides.

Mr. R. D. JONES: Mr. Deputy Speaker, this is no joking matter. We attach cognitive structures only to the argument of these issues. Therefore, we recognise the human being as only made up of cognition without recognising as well that the human being is emotional, that is a soul and a spirit within, and therefore we argue that he should be strictly applying intellect to the rationalisation of all that he lives and all that he is.

Mr. Deputy Speaker, that is why we bring laws like these to Parliament. That is why a law like this seeks to make criminals of everyone, the good, the bad, the indifferent and those who are not yet born.

Mr. Deputy Speaker, what sense does it make to enlarge the coffers of Government? We do not want conformity through education, through enlightenment or through inspiration, we want conformity through penalising and criminalising.

Asides.

Mr. R. D. JONES: Mr. Deputy Speaker, the Honourable Member seems to be able to invest my thoughts, impossible, he cannot get in there, impossible, he is blocked out, he is struggling and that is why we get Bills like this.

Mr. Deputy Speaker, what we are doing is penalising and criminalising rather than seeking other systems like educating people. People are not difficult to mould.

House 108 Sequence 33

4.40 p.m.

Friday, August 02, 2006

Mr. R. D. JONES: Mr. Deputy Speaker, people are not difficult to mould. The Trade Union Movement speak to people and say there is a struggle here and that they want people to respond, and people respond - 10 000, 20 000, 30 000 or 50 000 - because they not only feel something in their heads but in their hearts. Instead, Government only appeals to the head and not to the heart.

Mr. Deputy Speaker, I think we know how to appeal to the heart. If we do not know, then we would be lost, therefore, we are going to penalise. Sir, an Act which before could have cost any person, who is in breach of that Act, a fine of \$1 000. This fine would now be moved to \$10 000. Some of these very people, who Government is supposed to be taking care of, might fall victim to the law and would not be able to pay a \$1 000 fine, for whatever

reason, yet Government would expect them to pay a fine of \$10 000.

Mr. Deputy Speaker, I am saying that Government should not create a system which forces individuals to become criminals. The fact is that persons would either have to have the money or they would bypass my Honourable colleague's place of business, on their way to Harrison's Point.

Mr. Deputy Speaker, it does not make sense. It is a tremendous cost to society to incarcerate. But if persons cannot pay, what do they do? Persons would have to suffer the consequences of going to Harrison's Point or to the newly-constructed 1 250 cell construction in St. Philip.

Mr. Deputy Speaker, who makes the law? Man makes the law. Man makes the law because man breaks the law, and many architects - no apologies - who come up with these things, do it from experience. They, themselves, have broken the law. Sir, the Honourable Member is a man. Therefore, the Honourable Member must have broken some law, as set up by man. I am not talking about indiscipline in society. I hate it.

Asides.

Mr. R. D. JONES: Those who bring into the world, should support those whom they have brought into the world, otherwise they would have to pay dearly.

Asides.

Mr. R. D. JONES: Mr. Deputy Speaker, I want you, as an Honourable constituent, to understand what I am talking about. I am saying that penalties and criminalising people do not make sense. We need statistics on these things.

Mr. Deputy Speaker, I agree with the St. Michael West Central. The Honourable Member introduced the notion of people using cellular phones and about regulations that are coming to Government that. The technology would even bypass the hand-held devices and getting it embedded into people.

Asides.

Mr. R. D. JONES: Mr. Deputy Speaker, people must follow carefully because they do not understand the linkages between man and evolving technology, where, soon from now, the processor and man must become one and the same. Sir, persons do not understand the evolution, persons do not understand the technology and where it is going. Therefore, when it is embedded, wherever it is to be embedded, what are you going to do? Are you going to take off his head?

Mr. Deputy Speaker, I have personally experienced these things and have had complaints... There are some foolish people in the world but do not let us punish those who are not foolish, for those who are foolish.

Mr. Deputy Speaker, the Honourable Member for Christ Church West Central knows that for months or years, owners of cars used to drive by the Roundabout at Texaco Gas Station, Kendal Hill, between the hours of 11.00 p.m. and 1.00 a.m. and would race towards Lowlands, spin around and would race back. Then, as the law enforcement officials moved in, these drivers would dissipate and move elsewhere. Sir, to do this is madness. The basis of that madness is foolishness because those persons would know that they pose substantial dangers to other people's lives. This foolishness is bred on an indiscipline mind, and indiscipline soul and an indiscipline spirit.

Mr. Deputy Speaker, even though it is madness, to lock up those persons would not cure them. When they wake on mornings, the fact that they would be incarcerated, would not make them more determined not to do it again. We have to reach that stage in our evolution when we say to ourselves that we will not commit certain acts because the committal of those acts would bear consequences, not only for ourselves but for someone else. Those consequences could be either death, a broken foot or the loss of an eye.

Mr. Deputy Speaker, essentially, I am arguing that I must always see myself as my brother's or sister's keeper. Therefore, if I take that spiritual perspective, then what is considered to be wrong or to be an offence, would have disappeared because of the fact that I would have seen myself being firmly as my brother's or my sister's keeper. Therefore, by extension, whatever good I want to do for myself, I would want to do for them.

Mr. Deputy Speaker, I am concerned and I am of the view that in this there should be some careful thought, to see how the coffers of the State could be increased. One could argue if there were 3 000 such cases in a given year, where the offender is charged \$1 000, we know that would amount to \$3 million, but if we were to take it to \$10 000 and the figure of offenders do not decline, it would amount to \$30 million.

Mr. Deputy Speaker, that cannot escape conscious thought. The State should not be looking to use behaviours such as these, to make money. Government should be making more money through some other mechanism or process. Therefore, in this regard, we should recruit our churches, our television and radio stations and or newspapers, to speak to our people. They have listened before and have responded.

Mr. Deputy Speaker, therefore, if we recruit our media and our churches, one would see or should see a reduction in the numbers of offences, as they are now calculated. It would have been interesting, if the Honourable Member for St. George North had, along with this Bill, shown to the Honourable Member on both sides..

I do not know if the Honourable Member for St. Michael North was in receipt of the expanded offences contained within the regulations. The Honourable Member might be like us on this side, that is, the boy on the burning deck. Therefore, he might not be privy to what goes on therein. They might not want to share the food for his digestion but it would have been interesting to know what they were.

Mr. Deputy Speaker, if the Honourable Member for St. Michael West were to walk down the road, misses his steps and stumbles into the road, and someone were to notice that and say that he is impeding the free flow of traffic, could that be an offence? Sir, we operate, therefore, within a level of ignorance because maybe only one knows, when he awakes from his slumber and his brains become active once again, what those additional 39 offences would be.

Mr. Deputy Speaker, within our democracy, we have to watch how we keep our people in the dark. If something is to be an offence, I do not want to be kept waiting, while we stand in this Parliament and debate amendments to the Road Traffic Act, Cap. 295. I want to know up front what are the consequences of any action that I might take. Let me know what behaviours I would want to see.

Mr. Deputy Speaker, I would have been happier, if when the Honourable Member had spoken, he would have encouraged all of the other actors within the country to become involved in educating persons to be careful on the road, how, as St. Michael West Central has said, they should not stop side-by-side and carry on a conversation. Sir, but in all this, you must do as I do. I have learnt to be patient because to fume and fret, would only be to destroy my soul.

4.50 p.m.

Tuesday, August 02, 2006

Mr. R.D. JONES: (EDITED)

Mr. Deputy Speaker, we have to tell this to people constantly but we deploy a magnitude of resource to curb that kind of behaviour when we should tell people to respect each other as users of the roads, going to a destination with limited time to get there and that if the person's movement is impeded, that there will be

congestion and road rage which may lead to violence and death.

Mr. Deputy Speaker, we are not doing enough talking in our society; we are doing a lot punishing. Sir, we need to remove the notion of constantly punishing from our minds, communicate more and have conversation with each other within our communities. There should be television programmes like Giggard and Boo, Pinelands Theatre and whatever else we have. We need to bring them out and let people see a reflection of what can happen by drama and use whatever mechanisms we have. Sir, societies do not grow because we beat them down.

Mr. Deputy Speaker, I know that the Government has its agenda and that it wants to get through the agenda regardless of the cost but I would like to Government to take back this amendment because it is the only sensible thing to do but sometimes urging sensible reflection does not take place. Sir, the Government should look at the penalties and come again.

Mr. Deputy Speaker, on this side, we are not bad boys who never support anything because that is not our history. The Government should bring something which we along with them would consider sensible and sensitive and, as it is articulated again. Sir, we would listen in stupefied silence to their pronouncements and we then get up, bring more clarity and support the Bill.

Mr. Deputy Speaker, it takes a large man in his perceptions of the wider world view to admit that he has heard excellent point from the other side and would go back and refine it. I am sure the drafters will listen to this advice and refine the amendments.

Mr. Deputy Speaker, there is fear that something would happen and this is a response to fear. I promised this response since 2001 and, therefore, I have to bring it. Sir, if something is to be done well, there is no problem in taking the time to do it well. The Honourable Member for St. George North understands this well if he applies it to other behaviours in his life and in anybody's life. He understands that if it is to be done well, that he should take his time and do it well and we would not have to stand in here to talk and ask questions but would actually get through the business of the people with greater rapidity rather than meeting a wall. Sir, with a Bill such as this, you will meet against a wall.

Mr. Deputy Speaker, the Democratic Labour Party abhors indiscipline but the wall will be placed if it comes in this form or fashion and is presented in the manner in which it has been presented and articulated in the manner that it has been articulated. Sir, I would like to move from where I currently live, on the outskirts of St. Michael going south in eight to ten minutes on Tuesdays. Sir, Christ

Church is the best parish in Barbados. They are all good people and Honourable Member should forgive me because I know the people from St. Philip have a special bond but, unfortunately, I speak to where the navel string is buried and where the blood flows.

Mr. Deputy Speaker, we should not look for the manifestation of conflict, criminal offences or otherwise. We should not look to penalise people but to educate and edify them. We should look to get into the soul; spiritual, emotional, intellectual and cognitive factors of the human being. Sir, at the end of the day, we should bring man from the stage where he thinks he is and, in truth and in fact, those men and women would be prepared to glorify their God in heaven and not to be under the harsh roots of those who are to draft or articulate such laws and if there is no satisfaction on one area, then we look to incarcerate them. Sir, it does not make sense.

Mr. Deputy Speaker, with those few words, I thank you.

MR. DEPUTY SPEAKER: The Honourable Member for St. Michael North.

Mr. R. St.C. TOPPIN: Mr. Deputy Speaker, after hearing the contribution of the last Honourable Member, I hope that he is no longer in doubt as to why I have never and could never vote for him. Sir, I think to have had as a theme that the Bill before us today is to seek to criminalise individuals is to display a fundamental misunderstanding of the Bill before the Chamber today because, the introduction of the fixed penalties which moves road users away from the court system and offers a police officer the option of serving a notice, giving someone the option to make a payment in acknowledgment of a wrong, thereby avoiding the court structure and thereby avoiding any conviction at all, is really a direct opposite of what the Honourable Member says the Bill brings to the Chamber today.

Mr. Deputy Speaker, I want therefore to congratulate the Minister for the Bill brought today. It is a Bill, which like any other Bill, would not please everyone. I cannot say to you that I am comfortable with all the provisions in the Bill but, by and large, it is a Bill that has been satisfactorily prepared and certainly moves in the right direction.

Mr. Deputy Speaker, before I make some general points, I want to raise two issues above a few concerns which I have about the Bill. The first relates to the issue in relation to the production of a Certification of Insurance and a Driver's Licence, failing which you could find yourself being fined. I do not believe that is a reasonable position for the legislation to take in the Barbadian context. I say that because one can well accept that in a jurisdiction like the United States of America where I believe the

provision was taken from, you can have an officer come into contact with an offending driver today...

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Mr. R.St.C. TOPPIN: and if that driver is not made to justify his entitlement to be on the road, by producing a licence and an insurance certificate, in a few hours time, that driver could be, in fact, hundreds of miles away. Hence, the clear justification in a large jurisdiction like the United States of America, for the provision where you must travel with your licence and insurance certificate. In the context of the Barbadian society, where we are all pretty much a stone throw away from a police station, a magistrate court or a post office, I do not believe there is any need to make it mandatory, that if you do not have your licence or your certificate of insurance that you should be guilty of an offence.

Mr. Deputy Speaker, I am sure I think, that the intention is to ensure that persons using the road are, in fact, licensed and insured, not that they should have a good enough memory, to remember at all times to travel with their insurance certificate and driver's licence. That is the first point I would wish to make in relation to my concern about the legislation.

Sir, the second one relates to the issue of the preparation of the licence plates. I know that the Minister outlined some concerns about fictitious number plates, and those are valid concerns. However, I do not believe that section 3 (a) goes far enough in ensuring that concern is addressed. That section reads that registration number plates:

"...shall be manufactured by a company authorised by the Licensing Authority, and shall comply with the requirements specified by the Licensing Authority."

I believe that it should be made clear that the Licensing Authority, shall be the only institution designated to make a distinguishing mark, stamp or some other notation on a number plate, to ensure that defect is corrected. You can license a person to produce number plates and they can still produce fictitious number plates. If the only authentic number is to carry a designated mark from the Licensing Authority, then I believe that whoever produces the number plates would have to get that designated mark affixed to the licence plate, to be deemed valid, to cure that particular defect.

Mr. Deputy Speaker, by and large, I can live with the legislation. I have been in positions where I had to present

Bills to this Honourable Chamber, and anyone who has spent a few years in here, would know that no Bill that is brought, will cover all angles, and cure all problems, for all persons and all ways. Sir, as time goes on, we are sure that the need would arise, perhaps, for the Honourable Minister to look at the legislation again, if it is not working out the way some Honourable Members may want it to, and if concerns raised are justified by the Honourable Members in here or the public, the Ministry and the Government, I am sure will respond to those concerns.

Sir, I would just raise a few related issues and some suggestions for consideration, and possible implementation, at some time in the future.

Mr. Deputy Speaker, the Honourable Minister made the point about the number of cars on the road. The statistics reveal that there is now one car to every 2.8 persons. There is no doubt that at present the significant clogging of roads has been created by the number of vehicles on the roads, at the present time. I want to suggest that we can do one or two things to deal with that, perhaps, by legislation or some other form of policy implementation.

I want to suggest that the issue of car pooling can be looked at for implementation in Barbados. Very often we travel along the roads at peak times, mornings and evenings, and notice in a large number of the cars just one individual or one adult and one child. I believe that in itself is contributing in some measure to the problem of clogging the streets. I can give a personal example, in the area where I live. Sir, the Honourable Member for St. Michael East Central should be aware of this, not of this particular issue.

I remember noticing at least six families, in the same area where I live, leaving every morning to carry their children to the same school as my daughter mornings. I made the move to approach the various families, pointing out that it really made no sense for everybody to leave on mornings for the same place, returning in the afternoon to pick up the same children then to return to the same area. I, therefore, made the suggestion, that we could share the responsibilities, that if I take your children and my children this week, you take mine next week and so on. It was surprising that not one family I spoke to felt it would work. It sounded good, but for some reason nobody agreed. To this day, all of the other families and I leave home every morning to take our one child or so to school, go back in the afternoon and then bring the same children back to the same location. Sir, I believe that sort of situation needs to be stopped. I believe that it is time we address this situation.

Mr. Deputy Speaker, you travel certain parts of the world and you see High Occupancy Vehicle (HOV), sometimes it says for two, three or more persons in

vehicles only. Only vehicles with two or three or more persons can use that lane, at certain designated times during the day, usually the peak hours. That is early morning hours and the evening hours when work or school is coming to a conclusion.

I think we should revert to that system in Barbados. That, I believe, would result in significantly reducing the number of cars on the roads, particularly at peak time, and ensure that this clogging up that we see and complain of so often is alleviated.

In addition, I believe that the issue of the use of traffic lights, has to be very seriously reviewed. The truth is, most of the times, in my view, fully functional traffic lights serve to cause an unnecessary backup of traffic on the road. That is a fact. Fully and functioning traffic lights cause a back up.

Mr. Deputy Speaker, I live in an area where on mornings I have to use Kent road to come to Bridgetown, traveling along the road on route to Caribbean Broadcasting Corporation. The last few weeks of the school term, thank God, the person at the Ministry of Public Works and Transport decided to put the traffic lights located at, what I call, BET Hill, flashing modeh. Prior to that, I had to witness a few times seeing people travel behind the gymnasium, up through the road next to the Ministry of Industry and Commerce, which is illegal. We would be quick to condemn people for doing that, but on mornings when you have to get from point A to point B, you try to get there. You do not want to break the law, and nobody should be encouraged to do that.

Sir, since the lights at BET were put on the flashing mode, there is no longer any congestion whatsoever on mornings or anytime at all. I have learnt, whatever you might say about Barbadians, we know how to cooperate with each other, certainly on the road. We know how to cooperate.

Mr. Deputy Speaker, I was one of the people, when jam-busting was first introduced, I was perhaps the most critical of jam-busting. It made no sense to me and I could not understand how it would work. The truth is, I do not know if others hear, but I certainly do not hear of any significant accidents. I do not hear of any at all, to be honest with you, at the roundabouts, because of jam-busting being legalised. I hear of none. Barbadians have a way of knowing how to cooperate and to move on, I ease you and you ease me. Sir, since those lights have been put on the flashing mode, there is no longer any backup.

Sir, it makes me wonder how the experts in the Ministry of Public Works do not understand that there is no real need for traffic lights in many locations. Mr. Deputy Speaker, at the Caribbean Broadcasting Corporation

location there is absolutely no need for traffic lights. Any time those lights are put on the flashing mode there is never any backup there. As soon as there are working properly, you take ten or fifteen minutes to get from the top of the hill by BET to clear the lights at CBC, foolishness.

17.10 p.m.

Sequence 36

Wednesday, August 02, 2006

House 108, Sequence 37, 5.10 p.m.

Continuation of: Hon. R. St.C. TOPPIN:

Sir, some technical expert is playing games with people, when simple observation reveals what is patently obvious, that some locations do not need traffic lights.

Mr. Deputy Speaker, I know the Minister's position on this matter. Sir, sometimes you have to go by what the experts tell you, but some of the experts' views do not tally with a little commonsense, and what is clearly discernable, by simply straightforward observation.

I feel, Mr. Deputy Speaker, that there is a time really for a serious look to be taken at whether or not we need half the traffic lights we have across Barbados. Perhaps there is now a need for us to move away entirely from traffic lights and have a 'Give Way' system. Not necessarily at roundabouts but certainly a system where one side knows it has to proceed with more caution than the other side, because that is what happens when the lights are put on flash. One is put to flash on red and one is put to flash on orange, and the system works perfectly.

Mr. Deputy Speaker, the next point I want to make is the issue of a minimum speed limit on the Highway. We are hearing about the planned widening of the ABC Highway. I understand we are making four lanes throughout the whole Highway, from top to bottom and this will happen over time.

Now, we have to be modern and forward-looking in our approach. I believe, Mr. Deputy Speaker, that if people want to go sightseeing and taking relaxed drives at 5 miles per hour, then they can use other roads. They do not need to go on the ABC Highway to do that.

Mr. Deputy Speaker, I am not advocating any ridiculous maximum speed limit like 100 mph. Therefore, I am not advocating any low/high minimum speed limit. I believe it would be around 30 to 40 miles per hour, but I believe that we need to have on that ABC Highway, a minimum speed limit.

Inconsiderate driving by road users, Mr. Deputy Speaker, it is not only occasioned by fast driving. It is also occasioned by what I call inappropriate slow driving as well. Sir, a 5-mile driver on the ABC Highway is an inconsiderate driver. First of all, Sir, that can affect productivity and, secondly, it can cause road rage and a situation escalating to a point where something very unfortunate and undesirable happens between drivers on the Highway.

I believe, Mr. Deputy Speaker, that with the widening of the Highway, we are going to have two lanes in each direction, there is a need to look at not only a maximum speed limit, but equally as important, a minimum speed limit, as well.

Mr. Deputy Speaker, hand in hand with that, I believe that sometimes informing the public as to how they could use the Highway, could help. I remember last year there was a Town Hall meeting at the Queen's College School and the Minister of Public Works was there. He made a very valid and correct point. It seemed to have taken a number of people in the room by surprise.

He made the point, Mr. Deputy Speaker, that in fact when you are traveling along the Highway in the two lane system area, for example, I think the particular area was between the Gary Sobers roundabout and the Graeme Hall roundabout that in fact, the right lane is an overtaking lane. It is not a lane for someone to pull into and cool out drive at the same speed as someone next to him in the left lane. It is an overtaking lane. You go into that lane to overtake and get back in the left lane, so the right lane would always be free for someone to overtake.

In fact, if that system were working properly, you would not have to look at the point you just made about a minimum speed limit, because you would always be able to get ahead within the maximum speed limit. The problem is that too many drivers see two lanes, and they decide that they can drive two abreast from the beginning of the point where it became two lanes to where it ends. A driver behind who wants to go faster than them, but within the speed limit, find that you have to wait on them. If you miss and toot the horn, you do not know what you are going to be told. Sometimes a man may decide that he would drive slower because he is sure that you want to get ahead. They do that all the time.

Mr. Deputy Speaker, I believe that perhaps if the Public Relations Section in the Ministry could just make individuals aware of how they are to really drive in the two lanes stretch of the Highway, that, in fact, that too, can go somewhere towards alleviating some of the congestion.

I also want to raise the issue, Mr. Deputy Speaker, of the use of technology on the Highway. I feel that it is a sin,

not to mention a waste of human resources, to have a police officer driving up and down a Highway all day, checking to see if somebody is speeding or not, or to have two police officers standing up by a corner with a radar gun pointing somewhere, checking to see if somebody is speeding coming down the road or not.

Sir, to really tie up human resources doing that in 2006, I think, is a waste of human resources. There are places that have technology implemented and set up, such that cameras can now be used - I assume that they would be mobile cameras as well - which can be used and moved around to take photographs of the car numbers of the speeding vehicles. Sir, at a time when a society wants policemen to be more effectively deployed, I do not feel that we should be having a system where persons that important, should really be spending their time running up and down on a Highway, checking to see if somebody is driving faster than 30 miles per hour or 50 miles per hour.

Mr. Deputy Speaker, I would prefer to see them, from time to time on night patrol, driving through Durants where I live, where you find that you get some crime being committed. I know that my Parliamentary Representative, I thrust, is with me on this one.

Seriously, Mr. Deputy Speaker, we must have policemen more effectively deployed than driving up and down a Highway, in the hope that somebody exceeds the speed limit. That is a waste of a policeman's talent. I want to see that definitely worked on as well.

Mr. Deputy Speaker, I just want to say that the Ministry of Public Works, and by extension, the Government is demanding - and it is within their right and it is reasonable as well - that the public should behave more responsibly on the road, and brought this Bill to ensure the public behaves more responsibly.

I feel, Mr. Deputy Speaker, that it is but right that as the Government is asking the public to behave more responsibly that similarly, the Government must also be prepared to give motorists, and other road users in some places, better road facilities, as well. This would go a long way towards boosting the morale of the users of the road, and therefore, you would find that there is a greater willingness to comply with these new, and even the prior requirements.

Mr. Deputy Speaker, I believe that in some places, we need to see a more rapid response to the repairing of roads that need such repairs. I am not just talking about the main roads, but I am talking about smaller arteries as well, places like Well Gap and Lodge Hill. I believe that those persons are willing to comply with the new requirements but the residents in those areas like Well Gap, Cave Hill and Lodge Hill would also like to see that they get better

roads. When the roads are in disrepair and they call on the Government to respond, through whatever agency, that the Government would respond and either convert cart roads to good roads or repair the particular roads, so that they can also have better road facilities.

House 108, sequence 37, 17:20:14

Wednesday, August 02, 2006

Mr. R. St.C. TOPPIN: Mr. Deputy Speaker, where some roads are so narrow that two vehicles cannot pass at the same time, for example, a Transport Board bus and a car going in the opposite direction, and one has to stop and reverse, I believe it would also be the duty of the Government, in asking the road users to comply with these requirements, to also give a little, by just ensuring that they widen the roads in the particular area.

Mr. Deputy Speaker, we must widen all of the roads, not only the ABC Highway. Mr. Deputy Speaker, the position with that road that joins Pipers Avenue to Husbands New Development is that if a bus is coming down that road that joins those two areas and any other vehicle is coming, one has to stop and reverse because they both cannot pass at the same time. Therefore, I am just asking the Ministry of Public Works and Transport, as we urge motorists to comply with this new Bill, to also ensure that they tidy up some of these other little areas around the place that need tidying up.

Mr. Deputy Speaker, sidewalks and verges need to be installed in some areas, whether it be in Lodge Terrace, West Road, Beacon Road, Grazettes, or 2nd and 4th Avenues Green Hill, so that motorists would feel more comfortable to drive on those roads and pedestrians will feel more comfortable so that we could all have one happy road traffic family, so that it would not just be a one-way street, no pun intended, Mr. Deputy Speaker.

Mr. Deputy Speaker, there are some other points I wanted to make, but I would just end by asking for a status report as to where we are in relation to the issuing of taxi permits. As a Member of Parliament and the representative for the area, I get a lot of requests by individuals for taxi permits, and I am not clear what to say to them. I am not clear if the permits are on hold, if the policy has changed or if permits are being issued again. Therefore, I would just like, as the Minister winds up, if he could say or if he wished to say to me privately or whatever, what is the position now with taxi permits, so that I would be able to tell the several constituents who come to me, what is the latest and current position.

With those few remarks, Mr. Deputy Speaker, I am obliged to you.

Hon. Miss. H. E. THOMPSON: Mr. Deputy Speaker, I beg to move that further consideration of this Bill be postponed.

Hon. R. R. FARLEY: I beg to second that.

ADJOURNMENT

Hon. Miss. H. E. THOMPSON: Mr. Deputy Speaker, this brings us to the end of Government's Business for today's Sitting and I therefore beg to move that this House do now adjourn until Tuesday, August 8, 2006 at 10.00 a.m. in the morning.

Hon. R. R. FARLEY: I beg to second that.

The question that the House do now adjourn until Tuesday, August 8, 2006 at 10.00 a.m. was put and resolved in the affirmative without division and Mr. DEPUTY SPEAKER adjourned the House accordingly.

House 108 Sequence 38

5.29 p.m.

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EDITORIAL NOTES — NOT PART OF THE REPORT

Prepared with the transcript; for checking against the recording and the Minutes.

EDITORIAL QUERIES

Points noted while preparing this report from the edited transcript. The text has not been altered except where stated.

Q1. Masthead. The session is not stated in the source, so no session line is printed.

Q2. Dates in the text. The source gives 'Friday, August 02, 2006' (2 August 2006 was a Wednesday). The weekday and date do not agree; printed as in the source.

Q3. Order No. 11, speech after 'The Honourable Member for St. Joseph'. The Deputy Speaker calls 'The Honourable Member for St. Joseph', but the speech that follows (about 380 words) is labelled 'Mr. R.D. MARSHALL'; the Member for St. Joseph elsewhere in the debate is the Attorney-General, Hon. D. D. Marshall, whose next speech begins a few lines later. Printed as in the source; please confirm the speaker.

Q4. Order No. 11, Mr. R. D. Jones's speech. A remark labelled 'Mr. DEPUTY SPEAKER' reads 'You should not be speaking, Mr. Deputy Speaker, about the Honourable Member for St. George North like that ...', which addresses the Deputy Speaker and so may belong to another Member. Printed as in the source.

Q5. Order No. 11, Hon. G. A. Clarke's opening figures. The list of vehicles on the road gives maxi taxis twice, as '584 maxi taxis' and '582 maxi taxis'. Printed as in the source.

Q6. First Readings of Bills. A second heading 'FIRST READING OF BILLS' appears in the source as a speaker label followed by '...' after a take-slip. Printed as in the source.

Q7. Order No. 11, headings '(EDITED)'. Reporters' markers '(EDITED)' appear in the source as separate lines at several take-slips, and once as the whole first line of a speech by Mr. R. D. Jones. They are printed as in the source.

Q8. Take-slip about 4.50 p.m.. The take-slip 'H:No.108 (34)4.50 p.m.' is dated 'Tuesday, August 02, 2006'; 2nd August, 2006 was a Wednesday. Printed as in the source.

Q9. Speech labels. Some Members appear under two forms: 'Mr. C.A. MASCOLL' and 'Hon. C. A. MASCOLL'; 'Hon. Mrs. H. E. THOMPSON' and 'Hon. Miss. H. E. THOMPSON'. The suspension sentence before

1.30 p.m. says 'Mr. Speaker suspended the House', though the Deputy Speaker presided. Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The House of Assembly met on Wednesday, 2nd August, 2006 at 10.10 a.m., with the Deputy Speaker, His Honour J. M. Edghill, in the Chair; prayers were led by Rev. Cannon Ivan Harewood. The Minutes of Tuesday, July 25, 2006 were confirmed. The Prime Minister, Rt. Hon. O. S. Arthur, laid five papers, among them the Value Added Tax (Amendment) (No. 3) Order, 2006 and the Duties, Taxes and Other Payments (Exemption) (Queen Elizabeth Hospital) Order, 2006. First readings were given to the Immigration (Amendment) Bill, 2006, the Pre-Clearance (ICC Cricket World Cup, West Indies, 2007) Bill, 2006, the Export Promotion and Marketing Fund (Amendment and Validation) Bill, 2006, the Insurance (Amendment) Bill, 2006 and the Telecommunications (Amendment) Bill, 2006. Standing Orders were suspended for the rest of the Sitting.

The only Order taken was No. 11, the Road Traffic (Amendment) Bill, 2006, moved by the Minister of Public Works and Transport, Hon. G. A. Clarke. He said Barbados had 1 600 kilometres of road and, at July 31, 2006, approximately 116 675 vehicles, including 94 496 private cars, against 55 668 vehicles at the end of 1994, an increase of about 100 per cent in ten years. The Bill, which followed a broad-based committee whose proposals the Cabinet accepted in August 2003, updated archaic definitions, introduced a fixed penalty and demerit point system, required drivers to produce their licences and certificates of insurance on the spot, and empowered Licensing Authority transport inspectors to check certificates; a fine of \$500, six months' imprisonment or both was proposed for removing a notice from a vehicle. Mr. D. St. E. Kellman raised the absence of a quorum early in the speech, and later rose repeatedly on points of order, contending that the Minister was quoting regulations not before the House.

Mr. Kellman, speaking for the Opposition, said the hot topic in Barbados was not the Bill but the flyovers, and asked who would own them and why there had been no town hall meetings; he argued that the Transport Board had suffered and that people might be unable to license or insure their vehicles. His exchange over who had first taken the amendment to Cabinet drew a point of order from Mr. R. D. Marshall.

The Attorney-General, Hon. D. D. Marshall, said the Bill created no new offences but allowed existing offences

to be dealt with by ticket, so that a person could pay a fine and avoid the court process; he described the earlier system as dealing with only twenty-one offences. His speech was interrupted by a series of points of order from Mr. Kellman. Mr. C. A. Mascoll supported the demerit point system and urged consistency in allocating points across private, commercial and public service vehicles. Dr. D. C. Estwick questioned whether the Bill could deliver its aims, recalled an incident on Beckles Road with an intoxicated driver, and said the departments concerned would need staff and money for the extra workload. Mr. R. D. Marshall suggested measures short of flyovers and a contingency fund for persons injured by uninsured drivers.

After a further suspension until 4.25 p.m., Mr. R. D. Jones argued that the Bill sought to make criminals of everyone and that society should talk more and punish less. Mr. R. St. C. Toppin replied that fixed penalties moved road users away from the courts, supported the requirement to carry a licence and insurance certificate, and asked for wider roads, sidewalks and a status report on taxi permits.

On the motion of Hon. Miss H. E. Thompson, seconded by Hon. R. R. Farley, further consideration of the Bill was postponed. The House was then adjourned until Tuesday, August 8, 2006 at 10.00 a.m.