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Minister of the Environment and Housing

Communication to the House of Assembly

Derelict Motor Vehicles (Disposal) Amendment Bill 2013

CHECK AGAINST DELIVERY

Mr. Speaker

I rise to move for the second reading of the Derelict Vehicles (Disposal) Amendment Bill 2013. Before I do so, Mr. Speaker, I would like to thank the wonderful people of Southern Shores, without whom I would not be here. I stand on their shoulders and it is them who have given me this awesome responsibility to be a voice for them in this ancient and honourable place. Mr. Speaker, sadly every time we meet in this place, we spend a lot of time giving condolences to the families of our respective constituencies who have lost loved ones. Death is often tragic for those who are left behind to mourn Mr. Speaker and so we express our heartfelt condolences to those who have loved and lost. But Mr. Speaker, today I wish to celebrate life. In doing so, Mr. Speaker, I would like to extend warm birthday greetings to a beautiful Bahamian matriarch in the person of Mrs. Adrena Newry. On the 10th March, she celebrated her 98th birthday. She is the mother of Ambassador Dr. Eugene Newry and a matriarch of the Miller's Heights community. So Mr. Speaker, I want to pay tribute to Mrs. Newry and publicly wish her a happy birthday, from me, the staff of my constituency office, members of the Southern

Shores Development Association and the entire Southern Shores community, in particular, the residents of Miller's Heights.

Mr. Speaker the Amendments being proposed to the Derelict Motor Vehicles (Disposal) Act are simple but needed to modernize the current Act of 2001 and allow the Department of Environmental Health Services to carryout its mandate in a more efficient and productive manner.

Mr. Speaker

I am certain, members of this House, whether they are from New Providence or the Family Islands can attest to the fact that if they were to drive around the island of New Providence especially in the Inner City and some of the suburban areas you would notice that there are derelict vehicles in yards, open spaces, vacant lots and on roadsides. As I have traveled the family islands, sadly, the same conditions exist there and the amount of abandoned derelict vehicles appears to be increasing. For a country that prides itself on a clean and beautiful environment, this is not a good thing. For a country

whose way of life is based on the environment, this is not sustainable and threatens the foundation of our economic existence.

Mr. Speaker, these cars don't just appear out of no where, it is disappointing to say, but they are the possessions of citizens of this country who for whatever reason have shirked their responsibility to see to the proper disposal of unusable vehicles.

There are many and various causes for derelict vehicles. In some cases you find that cars become derelict because the owner cannot afford the needed repairs or because it was involved in an accident and the damage was too severe to be fixed. There are also cases where you find persons are conducting auto body and or mechanic work from their homes where cars are kept on or near their residential premises. Although we would not hinder anyone from making an honest/legal living, the practice of conducting this type of work from residences in contravention of restrictive covenants in Conveyances, or Town Planning zoning laws or the Business license Act is something that we must discourage.

Another cause for vehicles becoming derelict is the importation of wrecked cars for parts or in hopes of having them reconstructed. Where they have been imported for parts, in some instances, the car is stripped of what is needed and the ‘carcass’ is then left on an unoccupied lot, roadside or public open space. Where it is imported for reconstruction, sometimes it takes longer or costs more than anticipated; thus the car is parked and begins to deteriorate. Mr. Speaker, with respect to the importation of wrecked cars, if they are being used to extract parts in a controlled and properly regulated and legally compliant way, I have no difficulty with that. However, where wrecks, particularly those that are non-rebuildable, are allowed to be imported for reconstruction, we are playing with the lives of our citizenry as such vehicles pose a threat to the safety of other road users (vehicular and pedestrian) and the integrity and safety of those vehicles, in my opinion, are questionable. I know that this is a matter the Minister of Transport and Aviation and her team are examining closely and it is most certainly a matter the member for Tall Pines has championed over the years and I am certain he will be a strong voice on the matter in this House and in this debate.

In addition, Mr. Speaker, as with all things you will find persons who just do not care and leave their discarded cars on vacant land or along the roadside when they breakdown and never look back.

But with the proliferation of derelict vehicles on the islands of The Bahamas, I ask the question, has the time come for us to limit the amount of cars per household or family? Can we consider such a measure, without first ensuring that an effective, safe and reliable public transportation solution is advanced? I ask these questions Mr. Speaker with the hope that it will begin national public discourse on these issues, whether among stakeholders in the transportation sector or the general public. These are all questions that, this Government must address and I am certain my colleague Minister, the member for Englerston, who is doing some amazing things, has a plan of action for us. But like the old folk say, Mr. Speaker, “you talk some and you leave some.”

Mr. Speaker,

In recent years we have seen tremendous growth in scrap metal collection. Persons are going around the island, not always with permission, removing what they deem to be salable parts from these cars to sell to scrap metal facilities. Now Mr. Speaker, let me be clear on this matter, because there is a law that governs the operation of Scrap Metal facilities which is overseen by the Ministry of Finance. We must ensure that those who operate Scrap Metal facilities are doing so legally and complying with the requirements of the Government. The tripartite arrangement between the Police, Customs and Department of Environment Health Inspectors as provided for in the law, if used as was intended would minimize the proliferation of such facilities and ensure that they are operated properly and lawfully. Scrap Metal Facilities must not and cannot be allowed to be used by those criminal elements in our society who wish to find a way to get rid of stolen vehicles, after the car has been stripped of all of its parts. This is a serious issue Mr. Speaker.

Talk about Cow Pen Road; Pinewood Gardens (Baker Tract)

Mr. Speaker, before I turn to the specific amendments being proposed, I

would also like to remind the general public that the Government's official derelict vehicle site, which is located on Marshall Road, behind Anatol Rodgers school will be relocated to a tract of land identified near the Harold Road landfill. This will provide necessary relief to the residents of Misty Gardens and Marshall Road who have suffered and endured so much as a result of the presence of the site. The Ministry of Works has prepared the plans for the new derelict vehicle site and provided an estimate of costs. My Ministry is now in the process of making submissions to Finance for the funding to enable us to relocate the derelict vehicle site in the next budget 2014/2015.

Mr. Speaker, Derelict Vehicle facility is owned by the Government but leased to a Bahamian company, who is approved to accept the derelict vehicles and process them for export. Sadly, the Government is paid a nominal amount of money for renting the acreage and does not get any revenue from the sale or export of derelict vehicles. This was a contract I met in place upon coming to office and when it expires, I am looking forward to re-negotiating the terms. Mr. Speaker, I am not saying this because I have an

issue with the operator. Indeed to the contrary Mr. Speaker. The operator has and continues to be very helpful and supportive of my Ministry and its efforts. The reality Mr. Speaker, is that the operation at Marshall Road, although it is a source of frustration for my constituents in Southern Shores who reside in Misty Gardens and Marshall Road, it is also a major source of income for some of our population who are unemployable. Some of them are my constituents to Mr. Speaker. They are young men who have made some bad choices in life. Many of them have criminal records. Many of them can't find a job in government or the private sector, because they got locked up for a joint. Many of them are functionally illiterate. Many of them have been convicted of serious offences and now that they have returned to society, they cannot get a job. Therefore, they scrap, Mr. Speaker to make a living. Some of them are able to make \$200 per week from scraping. Some make much more than that. Some have told me that while the work is dirty, grueling and there are scrap wars on the streets of Nassau, they say that it is the only option they have to make a living for them and their families. So Mr. Speaker, I see the negatives of this activity and the positives. It is literally keeping scores of young men out of prison and enabling them to make

weekly earnings to take care of their families. That's real Mr. Speaker.

I am not in any way shape or form condoning theft of cars, theft of metals or illegal activity. However, Mr. Speaker, many of these young men clean yards, remove debris with permission from construction and demolition sites and pick out the scrap metal for sale. Honest work for pay. So I don't want us to think for a minute that everyone involved in scrap metal, is a crook or doing something illegal.

Mr. Speaker

These derelict vehicles also provide a major challenge to the Vector Control Unit of the Department of Environmental Health Services as they are also a breeding ground for rodents, mosquitoes and other pests. Not to mention that these cars can act as a place where criminals can hide illegal firearms or drugs. It is not uncommon for persons to congregate/hang out on or around these vehicles. It must be known that the government will not tolerate any further growth in the number of derelict and or abandoned vehicles. These

proposed amendments will send a clear message that this Parliament does not tolerate it and once adequate financial resources are given to the Department of Environmental Health Services, we will clear this island of New Providence and other Family Islands of derelict and abandoned vehicles and now be given a means by which we can re-coup the costs associated with this endeavour and to ensure that the fines imposed are significantly higher than before.

Mr. Speaker

The amendments being proposed to the Derelict Motor Vehicles (Disposal) Act are meant to enable the government to move more swiftly in the removal of these vehicles from the streets if they pose a danger to public health and safety, which in many cases they do. This is a very important addition as it would ensure that the Director has that power to act immediately when faced with a public health issue. It will also lessen the time in which a person has to remove a vehicle after notice is given from a period of two weeks to one week. It also reduces the time that an owner has to claim their vehicle from

twenty eight days to ten days. All of this is to ensure that the process is carried out as swiftly as possible.

Mr. Speaker,

These amendments also speak to the illegal use of land not sanctioned by the Planning and Subdivisions Act for the storage of abandoned or derelict vehicles which is becoming popular.

The Director will have the power to serve notice for the removal of such vehicles. It should be noted that the fines, should we agree, will be increased from Eighty Dollars to Five Hundred Dollars with an Eighty Dollar per day charge for as long as the offense continues. This is to demonstrate that we are serious about this issue and in the reduction in occurrences.

Mr. Speaker

I now turn to the specific amendments being made and I raise them in the context of the existing Act.

Section 2-Definitions Clause

Mr. Speaker – Clause 2 of the Derelict Motor Vehicles (Disposal) Act, Chapter 223 is the Interpretation or Definitions Clause. In the amendment, we are proposing the addition of four new definitions.

We are defining:

1. ‘Abandoned Vehicle’;
2. ‘Derelict Vehicle’;
3. ‘Open Space’; and
4. “Vehicle Pound”.

These new definitions are important Mr. Speaker.

The previous Act gave a definition of ‘vehicle’ meaning “any motor vehicle or motor cycle as these terms are defined in the Road Traffic Act.” However, it does not define a “derelict vehicle or ‘abandoned vehicle’”. Therefore, to bring greater clarity to what should be determined to be a derelict or

abandoned vehicle the amendment seeks to provide comprehensive definitions to these terms.

In that regard, “abandoned vehicle” is introduced as a defined term in the amendment bill and means:

“a licensed or unlicensed vehicle that is left upon any road, open space or any other public place for a period of five days or more;”

So Mr. Speaker, with this amendment, the cars that I see that have taken up residence in the median on Prince Charles Drive east of Super Value, which is a private open space, can be removed. Something I know the member for St. Anne’s will support.

“Derelict Vehicle” is introduced as a defined term in the amendment bill and means;

“an unlicensed vehicle that is found on any premises and which has been allowed to deteriorate in structure or quality unsuitable for reasonable repair, and exhibits damage such as a missing wheel, two or more deflated tyres,

broker or missing front, rear or side windshield, stripped of component parts such as doors, front or rear hood, or bumper, missing licence disk and licence registration plate, no valid licence for one year or more and a general condition that is conducive to the harborage or breeding of rodents, insects or other vectors of public health importance:”

Mr. Speaker this definition is important as it will help the DEHS in determining what a derelict vehicle is, minimizes the level of subjectivity, which can cause confusion and will help our citizens to better understand why we are moving certain vehicles.

“Open Space” is introduced as a defined term in the amendment bill and means;

“ a developed or undeveloped parcel of land of varying dimensions of private or public ownership”;

This definition is also important Mr. Speaker as it enables the Department of

Environmental Health Services to remove derelict vehicles from land that is private or public, in the interest of public health and safety.

“Vehicle pound” is introduced as a defined term in the amendment bill and means;

“a secure area reserved for the temporary storage of abandoned or derelict vehicles over which the Director has access and control”.

While the Act refers to a vehicle pound, no definition was attributed to it and hence a ‘vehicle pound’ was never established. With this amendment we will establish a vehicle pound to enable the Department of Environmental Health Services to carry out its mandate properly.

Section 3-Power of Director to require removal of abandoned or disused vehicles.

Mr. Speaker, Section 3 of the Act is being repealed by the Amendment and we are inserting a new Section 3. However, before proceeding to discuss the amendments to Section 3, I would like to advise colleagues that I intend to move certain amendments to the new Clause 3 I hope Parliament will approve. In particular : Read from draft Movement

Under Section 3 of the Act, the Director determines whether a vehicle is “abandoned, disused or in a dangerous or dilapidated condition”, with no definition of these terms. The existing Section 3 also provides for a two-week notice period, a period which we believe is too long and we are therefore recommending that it be reduced to one week in the amendment.

The amendment also empowers the Director to immediately remove and dispose of a derelict vehicle, where it represents a grave or imminent danger to public health or public safety. This is something our partners in Urban Renewal and National Security and our Vector Control Unit in the DEHS will welcome as there is a proliferation of derelict vehicles, particularly in the inner city areas of New Providence. As a matter of fact, Urban Renewal has identified approximately 2,500 derelict vehicles in the inner city communities

and DEHS staff have advised that more than 5,000 derelict vehicles have been sighted throughout the island of New Providence. When we add our unlicensed/unregulated mechanic and body shop yards, I am certain the numbers would be even higher. All that said, we want to put the DEHS in a position to respond faster.

The existing Act makes provision for a vehicle to remain at the vehicle pound for a period of 28 days. The new amendment proposes that derelict and abandoned vehicles be held for ten days. For abandoned vehicles that bear a valid current licence under the Road Traffic Act, the Director of DEHS, during the ten day period, shall post on the Government website, or at DEHS and advertise in at least two newspapers the intention to dispose of the vehicle if it is not claimed and removed within the period specified. This also enables us to recognize the Government's e-government capabilities and recognizes the digital world we now exist in.

Read newly proposed subsections 6, 7 and 8.

Section 4-Removal of Abandoned vehicle from private property

This section will be repealed and the proposed amendment extends it to both abandoned and derelict vehicles.

Section 5–Unauthorised use of land for storage of dilapidated vehicles

Two minor amendments will be made to the proposed new Section 5. Read minor changes/amendments here.

This clause is being amended to include reference to derelict and abandoned vehicles which will now be defined. In addition, it refers to the Planning and Subdivision Act, 2010 and reduces the notice of compliance period from two weeks to one week.

The amendment also provides a legal implication that the occupier of the land for which this section applies, shall be deemed the owner of the vehicle.

These amendments update the legislation, allows it to refer to the relevant laws, and enables the DEHS to move quicker. This should result in the DEHS being able to take faster action against derelict vehicle and abandoned vehicle

storage facilities, which are not approved by the Ministry of Works under the Planning and Subdivision Act.

Section 6- Appeals

The existing Section 6 is being amended by the repeal of sub-section 2 and replacing it with the following:-

[Read amendment]

The amendment refers to the Planning and Subdivision Act, 2010.

Section 9-Offences and recovery of charges

The existing Act provides for a fine of \$80.00 and recovery of charges associated with removing and disposing of the derelict or abandoned vehicle.

The new proposed amendment provides for a fine of \$500.00 and a further fine of \$80.00 for each day during which the offence continues.

It is hoped that the changes in the offences will Act as a deterrent to those who will consider the illegal storage of derelict or abandoned vehicles but it is also hoped that it will assist the DEHS in recovering its costs associated with enforcing this Act. With this major thrust behind this initiative, I trust the leadership of the judiciary will look favourable upon establishing a dedicated Magistrate to handle Environmental matters, thus establishing an Environmental Court.

Section 10- Rules

Section 10 of the principal Act is amended by the deletion of the word ‘charges’ wherever it appears and substituting it with the word ‘fees’.

Section 11 – Out Island Commissioners

Section 11 of the existing Act is amended by deleting the word “Commissioner” and substituting it with “Administrator” and deleting the words “Out Island” and substituting it with the words “Family Island”.

Mr. Speaker, I think that all of my colleagues in this place should agree that these amendments are necessary and vote for the passing of this bill on both sides of the aisle. We must move with the times and ensure that our laws answer the current issues that we face. I think that the proposed amendments to this Act do just that. We must be able to responsibly ensure the citizens understand that the government is serious about the environment of this country. We must also inform the public that these vehicles should be disposed of properly and responsibly.

These cars can be used as part of our future recycling efforts. But they have no future in being a part of the landscape of our communities, subdivisions, neighbourhoods, parks and roadways.

This is the only country we have and we must have regard for its upkeep and its pristine natural beauty.

I so move.