

*Leave of Absence*

*Wednesday, November 24, 1999*

**SENATE**

*Wednesday, November 24, 1999*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Members, leave of absence from today's sitting has been granted to Sen. The Hon. Brian Kuei Tung and Sen. Mahadeo Jagmohan.

**SENATOR'S APPOINTMENT**

**Mr. President:** I have received the following communication from His Excellency the President of the Republic of Trinidad and Tobago.

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C., O.C.C.,  
S.C., President and Commander-in-Chief of the  
Republic of Trinidad and Tobago.

\s\ Arthur N. R. Robinson  
President.

TO: MR. DAVE COWIE

WHEREAS Senator Brian Kuei Tung is incapable of performing his functions as a Senator by reason of his illness:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, DAVE COWIE, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Brian Kuei Tung.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 24th day of November, 1999.”

*Oath of Allegiance*

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**OATH OF ALLEGIANCE**

*Sen. Dave Cowie took and subscribed the Oath of Allegiance as required by law.*

**ORAL ANSWER TO QUESTION**

**Control of Littering and Vehicle emissions**

*The following question stood on the Order Paper in the name of Sen. Prof. Julian Kenny:*

- A. Could the hon. Minister inform the Senate of:
- i. the number of Environmental Police Officers appointed to the pilot scheme on the control of littering and vehicle emissions;
  - ii. the cost of the pilot scheme for the period July 1<sup>st</sup> to September 30<sup>th</sup>, 1999;
  - iii. the total number of tickets handed down or charges laid during that period for breaches of the Litter Act and the Visible Vapours Rule of the Motor Vehicle and Road Traffic Act;
  - iv. the total value of tickets handed down or fines ordered by the courts in respect of (ii) and (iii) above.
- B. Could the hon. Minister also state the number of Government or State Agency Vehicles ticketed for breaches of the Visible Vapours Rule of the Motor Vehicle and Road Traffic Act?

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, I seek the leave of the Senate to have the answer to question No. 4 deferred for two weeks.

*Question, by leave, deferred.*

**ARRANGEMENT OF BUSINESS**

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, I did inform my colleagues of a particular order of business yesterday but, owing to the fact that the Attorney General would like to have intervention on Bill No. 1: the Environmental Management Act, 1995, we would want to defer this Bill to the next sitting of the Senate, which is next Tuesday, to allow the Attorney General to contribute and intervene in this particular debate. As such, Mr. President, I seek leave of the Senate to deal with Government Business in the following order: Motion No. 1 and under Bills Second Reading, Bill No. 2.

*Agreed to.*

**LAND ACQUISITION**

**The Parliamentary Secretary in the Ministry of Housing and Settlements (Sen. Carol Cuffy Dowlat):** Mr. President, I beg to move,

That this House approve the decision of the President to acquire the land described in the Appendix for the public purpose specified.

Mr. President, this land is being acquired for the establishment of a national park. The land is a parcel comprising 17.2499 hectares, more or less, situated at Palmiste, Phillipine in the Ward of Naparima in the County of Victoria and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys, dated December 09, 1994 and filed in his office as required for a public purpose namely: a national park.

The parcel of land known as the "Pasture" comprising 17.2499 hectares form part of an estate and said to belong now or formerly to Palmiste Estate Company.

The estate was developed for housing and, in fact, the area was set aside by the developers for this particular purpose. The community, however, is unable to develop the land and therefore the state is acquiring it so that the resources of the society, as a whole, can be directed to establishing a permanent national park for the enjoyment of all residents of that part of south Trinidad and for Trinidad and Tobago as a whole.

As indicated, the particular area which is coloured raw sienna appears on a survey plan which is filed as GA 107 in book 1140, folio 182 in the vault of the Lands and Surveys Department, Red House, Port of Spain.

Mr. President, I wish to draw to the attention of this honourable Senate that a Motion for the acquisition of this said parcel of land was approved by resolution of the House of Representatives on June 14, 1996 and the Senate on July 02, 1996 and published under section 5 of the Land Acquisition Act Chap. 58: 01. The approval was done under the old Land Acquisition Act, that is, Chap, 58: 01.

This Land Acquisition Act was subsequently repealed and replaced by the new Land Acquisition Act No. 28, 1994 which was proclaimed on June 17, 1996.

**1.40 p.m.**

The old Act was still in effect when this matter was placed on the Order Paper of the House of Representatives and the Senate for the month of June, 1996.

It was subsequently recognized that a section 5 notice, which was published on September 10, 1996 to effect the acquisition, had been done under the former

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legislation. An opinion was therefore sought from the Solicitor General as to the legality of the publication of section 5 under the old Act. The Solicitor General subsequently advised on October 10, 1996 that based on the interpretation of section 40 of the Land Acquisition Act, No. 28 of 1994, and on application of the relevant principles governing the effect of a repeal of statutes, he advised as follows: one, the matter would have to be resubmitted to both Houses of Parliament since, as far as the law is concerned, the approval of Parliament needs to be properly obtained. This, however, would have to be done in accordance with the new Act; two, the matter need not be resubmitted to Cabinet; and three, the notice which was required to be published must be republished pursuant to the new Act. Based on this advice, it is therefore necessary to return to the Senate to have a section 5 approved under the new Act to give legal effect to the acquisition, hence the reason that this Motion is now before this honourable Senate.

Mr. President, motions for acquisitions are often brought before this honourable Senate and several questions are asked. I would like to take this opportunity to explain to hon. Senators the procedure used for compulsory acquisition under the Land Acquisition Act, No. 28 of 1994. Under this Act, procedure is as follows: there is notice published under section 3 of the said Act. Here the state declares its intention to acquire a parcel of land for public purposes. At this point, an approximate acreage is identified since the state would not be in a position to determine specific acreage and boundaries.

A second notice is published under section 4 of the said Act authorizing the Commissioner of State Lands to enter upon the said lands without waiting for the formal vesting of the land in the state under section 5 and to apply it for any purpose connected with the use to which it is intended to be put on acquisition. This notice is published no earlier than two months after the date of publication of a section 3 notice, which is the first notice.

Mr. President, following the publication of this notice, the Commissioner of State Lands then enters and conducts a survey to determine the precise acreage and boundaries of the lands to be acquired.

Following the survey and the preparation of the approved survey plan by the Director of Surveys, Parliament is then approached for the formal acquisition of the property. Upon Parliament's approval, a legal notice is then published in the *Trinidad and Tobago Gazette* for the acquisition. This request is made under section 5 of the Act. The acquisition becomes valid from the date of the publication of the notice and compensation is paid by the state.

In this particular acquisition, for example, the acreage identified in 1992 was 13 hectares. This was an approximation, since the state was not in a position to determine the precise acreage of the parcel in the absence of a survey plan. When the survey was completed and the precise acreage—that is 17.2499 hectares—was determined, an approach was then made to the Parliament for formal acquisition under section 5.

In this particular matter, the section 5 notice, which was approved by a resolution of the House of Representatives on June 14, 1996 and the Senate on July 2, 1996, as already explained, was published under section 5 of the Land Acquisition Act, Chap. 58: 01—the old Act—hence the need, as previously indicated, for this particular republication. Mr. President, I also wish to indicate that this compulsory acquisition began in 1987 and it was done at the initiation of the then Minister of the Environment and National Service and is, in fact, long overdue.

Mr. President, before moving to have this Senate approve this acquisition, I wish to inform Senators that I had promised on an earlier occasion to provide Senators with a status position as to the San Fernando Hill following concerns raised by several Senators. Mr. President, the position is as follows: As of today, consultants are currently finalizing a development plan for San Fernando. The proposal at this stage is to maintain the San Fernando Hill as a protected area. The draft plan states as follows:

“The Hill has suffered greatly in previous years and has only recently been the subject of enhancement and recreational development in keeping with its importance as the landmark of the city. It is proposed to protect the Hill from all development likely to degrade the emerging function as a recreational area whilst ensuring that measures designed to further enhance its natural quality are encouraged. Further quarrying of or removal of spoil from the hill or its environs in whatever form should be strongly resisted”.

The Urban Development Corporation of Trinidad and Tobago, which is managing the plan preparation, has not been provided with any proposal for constructing any type of facilities on the hill. Mr. President, this is the position and status of the San Fernando Hill.

Mr. President, I therefore beg to move.

*Question proposed.*

**Sen. Nafeesa Mohammed:** Mr. President, I listened with great interest as my colleague, the hon. Senator, gave some background to this particular motion to acquire this parcel of land in Phillipine. I was very relieved to hear the status report on the development of the San Fernando Hill. I am sure as time progresses we will hear a bit more about it.

With respect to the motion before us, we heard that this process started way back in 1987 and it seemed to have gone on for some years. I know that the former administration had, in fact, been working on this particular acquisition as well. In 1994 the area was surveyed. Now we are hearing that in 1996 it was, in fact, brought before this Senate and, because of the transition from the old Land Acquisition Act to the new Land Acquisition Act, we are debating this acquisition once again.

Mr. President, what is of concern to us at this point in time is the purpose for which the land is being acquired. In the Appendix to the Order Paper it says that the parcel of land is being acquired for a national park. Now, I do know that over the last few years discussions have been taking place with respect to the setting up of a national park authority. In fact, I think on more than one occasion, Bills have been laid in this Parliament pertaining to the legal framework for a national park system in our country.

I am not too sure if I heard the hon. Senator correctly when she said a committee was seeking to acquire this particular parcel of land. I was wondering: Who would be the authority responsible for the operations and management of this park, especially as we have not yet discussed what would be the appropriate body or entity to operate and manage national parks in our country? As it stands, there seems to be a relationship where national parks tend to be associated with public sector ownership of these parks and the issues that would arise would be in terms of the cost, the financing, how you are going to earn revenues and such to maintain these parks, and how you are going to manage them. So that the question of the authority or the agency that is responsible for managing a national park is still up in the air and we need to get some idea from the Government as to what agency or authority will, in fact, be managing this park.

There are other concerns that arose as well. When you are talking about the establishment of a national park, there are several environmental concerns that would arise. If you establish a national park, it means that members of the public would be able to visit this park from time to time. The question of the disposal of garbage and maintenance of the park and so would arise.

You know, in this particular area, Phillipine, in south Trinidad, I reside in north Trinidad, but from time to time as I travel down to south and central Trinidad you see some of the most beautiful and scenic parts of our island as you drive through these rural areas. In fact, this particular area, if my memory serves me right, is a very breezy area, it has a lot of land space and, in fact, this parcel of land is called “the pasture”. I was just hearing a story from a colleague of ours who lives in the south about Mr. Lamont who, in fact, used to take care of cows on that particular parcel of land. There was a particular black and white cow that he used to mind there and that very same cow, although it was a pet to him, turned around and killed him some time ago. It may very well be on this same parcel of land; we do not know.

We have not heard much about the parcel of land and what resources exist there. Why is it being set up as a national park? Especially on a day like today when we will be debating the Tourism Bill and what have you, these are very pertinent issues to discuss.

So, basically, we on this side are not objecting to the motion that is before the Chamber. We are in support of it. We would like to see the acquisition completed. If a national park is being set up, we certainly would like to know a bit more about the legal framework that is existing and what is the status of the national park legislation that we have been hearing about from time to time.

Thank you, Mr. President.

**Sen. Joan Yuille-Williams:** Mr. President, I rise to support my colleague and to just ask a few questions to the hon. Senator. As she knows, I was very happy to hear her comments on the San Fernando Hill. I think I raised it the last time we had an acquisition, about a member of the Government who threatened—I would say in inverted commas—to put a hotel on the hill. I think that is why she remembered and she wanted to relieve my fears quite early by saying that nothing like that would go on the hill. Then she said that it is going to be a recreational area and she said she was looking at it. Therefore, I can tell her there will be several people out there looking at the hill with her.

Like my colleague also, seeing that it is a recreational area, we would not just want you to stand back and look at it—*[Interruption]* Someone said pave it. *[Laughter]* But the same kind of infrastructure that the Senator was asking about in terms of the maintenance and what not of the area, I hope we will be guided to look at it in that light because it is one of the more beautiful areas in San Fernando. So I will also be looking at it.

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I am going to ask another question of the hon. Senator: I think she forgot I would ask this one. Every time we come to this Senate, she comes with one piece of land for acquisition. The last time it happened, I asked her how many pieces we have for acquisition—which means that people are waiting on payment—I think it is over 100. I was told that a package would be brought the next time. I want to know how these things just slip through. What is the priority, that this one would just slip through, where are the other lands that we have used which belong to private persons who are waiting to be paid, and they could only be paid if it goes through this process in the Parliament. I would really like the Senator to give me that assurance as to when she will bring the rest and stop bringing just one piece.

I remember, and I told her the last time in this Parliament, when you are bringing pieces like that for land acquisition, you do not come with one, you bring 10, 12 or 15, as the case may be. To sit here with one now, we will never finish the process. I am wondering if it is a question of finance. Because if you bring it you have to pay for it and probably that could be another reason. Just remember those people; we have used their lands and therefore, they need to be paid. I am hoping the hon. Senator will tell me why it is at this time we only have just this one piece here.

There is a second question I would like to ask the Senator. This is a piece of land that is being acquired for a national park and, as my colleague said, I also know this place. I remember leaving San Fernando, just at the Library Corner, by bus to go on an outing just up the hill. To me, in those days it looked far away to go down to this place where there was Sunday school and children would play, then I think we had sports afterwards. Then recently we had the unfortunate launching there with the record studios.

**1.55 p.m.**

However, being from South it has to be a very beautiful place, and therefore, we want to find out when you acquire it what will you do with it. I say so, in the context where I had looked at a bit of literature and I saw where Caroni Swamp, Chaguaramas, Maracas, Matura and Nariva Swamp in Trinidad; Buccoo Reef and Eastern Tobago are named national parks. I really want to know what happens to these areas? What kind of infrastructure, and what do we do with these areas? I am looking at these things all the time. I am just asking because we are adding another one, and quite rightly, we were asking about the authority, but here is a national park—and I think one does not just acquire a national park without spelling out what is expected and then getting the public's reaction to a national park.

I am saying so because in Trinidad and Tobago, I do not know if that whole concept has really impacted very well on the people. What is expected of the people? What about the people who were accustomed going down there to launch their music? There is a guy who launches his music there every year—there is a whole big festival and one cannot cross the hill at all. Could that happen again? Or could the cricket team go down and set up their cricket fields?

So I think we need to let people know the criteria which surround the national park. It is important. If there is a special purpose why it is deemed the national park, the public should know so that we maintain what is expected of us. Those are the two questions I really wanted to ask of the Minister. I am happy that it is going to be a national park, in fact, it is an extremely beautiful area and we would like to have it maintained, but if we need to do that the public needs to know how they should react or respond to it.

**Sen. Prof. Spence:** Mr. President, I suppose my questions are similar to the ones asked by the two previous speakers. First of all, let me say that I support the idea of creating national parks and I am sure that this is an excellent one to be so created. We have a Bill before us to be discussed, presumably, shortly, which creates an agency to create national parks. So it seems to me to use this terminology here, certainly, is going to lead to confusion. I would suggest that a different terminology be used stating the purpose, or, if you want to say for “a national park” with a little “n” or “p,” because if we are creating national parks by some other mechanism, then we should set up an authority to create national parks. I think it is going to be a bit confusing. I think it is a good idea; I think we should go ahead with it, but I am concerned about calling it “a National Park” with a capital “N” and a capital “P.”

Thank you, Sir.

**Sen. Rev. Daniel Teelucksingh:** Mr. President, just one question, I, too, would like to support this Motion. I know San Fernando—I have spent many years in that area and there is no such precious open space as the Palmiste Estate, that particular area in Phillippine. I rise to support the Motion.

I just want to ask a question—I heard a year mentioned, 1996. Some time ago I made a lot of fuss about a motion resembling this. This came to us, it might have been in 1996 and the question I want to ask—I asked in those days and I heard nothing more. I asked about the estimated cost of acquisition. I want to ask that again. I do not know if the present Parliamentary Secretary knows the answer, but a Parliamentary Secretary, at that time, answered me, when I asked

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the question, that it was worth \$1.00. Is this the same? I would not call his name. He said in answer to the question, “the acquisition would be \$1.00.” It is either \$1.00 an acre, then it would be approximately 40 acres or \$1.00 for all? Is this the same?

**Sen. Prof. Julian Kenny:** Mr. President, I, too, support the Motion but I am not really going to ask questions I am just going to make some observations. In fact, expanding on what other hon. Senators have said, the words, “national park” do not appear anywhere in our law, except with regard to Chaguaramas. So when we acquire land for a “National Park,” capital letters, we are creating something that does not exist. Sen. Prof. Spence and others have pointed out that we do have legislation before the House on the subject of national parks, setting up an authority. It lapsed in the last session and it has come back.

Parks come in a wide variety of forms. If you take a United States model, it goes from one extreme—of the wilderness area where no one is permitted to go except, possibly, scientists—at one extreme—to a kind of park in which you are allowed certain recreational activities, for example, backpacking, to the more public entertainment type of park, to national heritage sites. Indeed, Ellis Island is part of the United States National Park System. It is one of the parks managed by the park system in much the same way that they will manage Yosemite National Park.

So that when one sees an acquisition for a national park one has to be careful. The word “national park” does not appear in our laws except in the case of Chaguaramas. I would point out also—I am just repeating the point—that it is very easy to acquire land. Is there infrastructure established which would take over the management of the park? It is not as if you are dealing with an acre or two, you are dealing with 17 hectares which is a comparatively large area. That really has to be answered. It is not simply to acquire it.

I might point out also that in the National Park System there is this wide range of sites and we have had on the books, steps to acquire the site at Banwarie Trace. It is now 13 years in which the process has been going on. It is a small site. It is a private ownership and it is the oldest Amerindian burial site which is well documented. It is about 7,000 years old. I have mentioned it before and this would be part of our national park system. It is a national heritage site. I can name others up in the Maracas Valley called Petracliff; there is a large boulder. This would be part of a park system.

Obviously, we support this. It showed that there is some mechanism for managing it. Immediately, the acquisition goes through, but then let us take seriously the issue of a “National Park System”—in capital letters—for the

country that covers the broad range of things—and the legislation has proposed, as Sen. Yuille Williams mentioned, Matura Park, Maracas Park and so forth, but Banwarie Trace was not mentioned. Many of the places that would become part of our national park system were not mentioned.

Thank you, Mr. President.

**The Parliamentary Secretary in The Ministry of Housing and Settlements (Sen. Carol Cuffy Dowlat):** Mr. President, I would like to thank my hon. colleagues for contributions made this afternoon as to the acquisition of that most beautiful area in Palmiste, south Trinidad. As indicated, the acquisition was an initiation by the then Ministry of the Environment and National Service. I want to assure my hon. colleague that there is now an established relationship between the Ministry of Agriculture, Land and Marine Resources; the Ministry of the Environment; the Ministry of Local Government; the community of Palmiste; NGOs in the southern region and government, generally, to develop a plan for this area.

Actually it is going to be a partnership between the community, non-governmental organizations (NGOs) and Government for the development of the Palmiste Park. So I am willing to put a common “n” and common “p” if that would satisfy the concern raised by Sen. Prof. Spence.

### **2.05 p.m.**

Further, Mr. President, I would like to indicate to Sen. Yuille-Williams that at the next available opportunity I would have this list of outstanding acquisitions available to her. However, she would, in fact, appreciate as outlined earlier this afternoon, that the acquisition is a process that goes with notices and a process where you will have to negotiate compensation. There is a process within the Act for compensation and how it is to be calculated, and there is the involvement of the Commissioner of Valuations, the independent valuer, if it becomes necessary. So it is a fairly complex process to arrive at. In fact, what you are doing is telling someone that I am taking your property from you in the interest of the national good so, obviously, the processes can be a bit lengthy.

This acquisition, as indicated, is really land which had been earmarked by the developers for this purpose; land that is, in fact, set aside. There is some bit of infrastructure within the area in that there are, in fact, roads. Insofar as the question of cost is concerned, I would think that if there is any money to exchange hands it would only be—I think the lawyers have a term for it—a peppercorn rent. So it is really not going to be real value in that the land was, in fact, earmarked for this kind of development by the developers for the purpose of a national park.

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Any rent or compensation that would be paid would actually be peppercorn. So that when the Parliamentary Secretary in 1996 indicated to you that it was \$1.00, the idea would have been a peppercorn consideration.

Mr. President, I think basically those were the areas of concern insofar as the development of a national park is concerned—[*Interruption*]

**Sen. Prof. Spence:** Mr. President, if you could just clarify because the hon. Senator, Parliamentary Secretary, has now referred to rents. I presume that this is an outright acquisition so it would be owned by the state and there is no question of rent.

**Sen. C. Cuffy Dowlat:** Thank you, Mr. President. A peppercorn sum for the purposes of acquisition. You have to put some form of consideration on the legal document that you are drafting, hence peppercorn sum.

With regard to the issue of national parks, I think on the Order Paper the National Parks Bill is, in fact, down for debate, so I am certain in the context of that legislation when it becomes law after the necessary debate and discussion, I am certain the development of Palmiste Park would be in light of that Bill as well as the ongoing discussions that are taking place between relevant government departments, NGOs and community groups.

Mr. President, I beg to move.

*Question put and agreed to.*

Resolved:

That this Senate approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

#### APPENDIX

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p><b>1.</b> The parcel of land containing 17.2499 hectares more or less, situate at Palmiste, Phillipine, in the Ward of Naparima in the County of Victoria and described in the Schedule and coloured raw sienna on a plan of</p>	

DESCRIPTION OF LAND	PUBLIC PURPOSED FOR WHICH TO BE ACQUIRED
<p>survey signed by the Director of Surveys and dated 9<sup>th</sup> December, 1994 and filed in his office is required for a public purpose: A National Park.</p> <p style="text-align: center;"><b><u>SCHEDULE</u></b></p> <p>The parcel of land known as the "Pasture" comprising 17.2499 hectares more or less situate at Palmiste, Phillipine, in the Ward of Naparima, in the County of Victoria, and said to belong now or formerly to Palmiste Estate Company.</p> <p>The parcel is more particularly shown coloured raw sienna on a Survey Plan filed as GA 107 in Book 1140, Folio 182, in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>A National Park</p>	

**TOURISM DEVELOPMENT (No. 2) BILL**

[Second Day]

*Order read for resuming adjourned debate on question* [November 9, 1999]:

That the Bill be now read a second time.

*Question again proposed.*

**Mr. President:** The hon. Minister has made his presentation and Sen. Montano and Sen. Marshall have already spoken.

**Sen. Dr. George Dhanny:** Thank you, Mr. President. On the last occasion, two contributions were made that I believe would call for some response. One was by Sen. Montano and the other by Sen. Marshall. The effect of their contributions was to say that because of the way in which the Bill was drafted, and to quote Sen. Montano, he said he had difficulties in dealing with the matter. He had suggested that the way to deal with the difficulties would be to refer it to a select committee. In relation to that, he was supported by Sen. Marshall as well.

*Tourism Development (No.2) Bill*  
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I hope, Mr. President, after I am finished with my presentation that any difficulties the hon. Senator had would be removed and it would be possible, at the end of the day, to embrace this Bill and to approve it, even if it is necessary, with slight amendments here and there.

I want to put this matter in perspective. In the 1960s, the Father of our Nation, Dr. Eric Williams, had the vision of creating a modern industrial society and he initiated policies designed to achieve that purpose. The Point Lisas project, you would recall and I am sure Senators would recall, was part of that initiative. I am happy to note, and I am sure that Sen. Montano would be happy to note as well, that I believe it was his uncle who spear-headed the development of Plipdeco, which ultimately became Point Lisas, which is, in fact, the industrial centre or capital of Trinidad and Tobago, with very beautiful port access *et cetera*.

I am in full support of this measure, which is “An Act to facilitate the development of the tourism industry by providing to investors incentives and concessions and to make provision for matters incidental thereto.” Apart from the initiative that that administration in the 1960s took in relation to Point Lisas, an institutional mechanism was set up as well; it was the Industrial Development Corporation. Senators would recall that the IDC basically had two principal responsibilities, one was to encourage hotel development and the other one industrial development. Hon. Senators I am sure would recall that industrialization by invitation was the inspiration provided by Professor Arthur Lewis, which was pursued at that time.

I can speak with personal knowledge because I happened to be on that board at the time, so I know about it. I know the ups and downs, the difficulties we had with people who would come, enjoy the concessions, all the incentives, even go beyond the five years, take the seven years, go to 10 years and just disappear. The country suffered terribly, but the point is that that was the industrial thrust.

I have noted that Sen. Montano mentioned the fact that some entrepreneurs involved in manufacturing were having difficulties. I want to suggest, with respect, that during the 1960s you had a protective wall, a barrier behind which many of our manufacturers sheltered and produced very shoddy goods at high cost. They were free from the onslaught of any competition from outside. I am not aware as to what their difficulties are, all I can say is that if Sen. Montano has representations made to him, I think it may well be worthwhile to address these to the organizations in the country that deal with these things. I can assure you, from my own feeling and knowledge, it is likely that their representations will be considered with tremendous speed.

I am aware, Mr. President, that sometimes representations are made and people say, particularly before a budget, that we want X, Y, and Z; you must reduce the corporation tax and do all sorts of things. I think they fall down on one point and that is, they seem to forget that the Government has to have a revenue base, and if the effect of what they are proposing is to erode that base they must indicate, in no uncertain manner, how they are going to make up for the shortfall. And that is a matter for the Minister of Finance to decide. I would come back to that, because both Sen. Montano and Sen. Marshall are very experienced people, with expertise in fields that would pose no problem in working out some of the difficulties to which he referred.

I want to indicate that we are not talking here about hotel development. This is the counterpart, the other side of industrial development; this is tourism industry. I want to indicate that the effect of that is to look at it as a very important sector in Trinidad and Tobago. The Hotel Development Act of 1963, which is about 36 years ago, was very limited as the words would indicate, very limited indeed, dealing with hotels; but as I indicated it also dealt with industrial development; whereas hon. Senators would note that this particular Bill is far more comprehensive and provides for, as I said, the tourism industry.

Since 1956, just to deal with the background to all this, I do not think any government really paid any serious attention to developing tourism; it was not necessary. Oil and now gas, the energy sector, was the sector that was developed as it formed the foundation of the national economy. But the picture had to change and it did so with globalization and trade liberalization and the need, thereby, to diversify exports and to compete in an aggressively competitive world market environment. Thus, tourism had become a national priority with this administration.

### **2.20 p.m.**

Mr. President, in the national effort to diversify and to find new products and new markets, tourism—not unlike agriculture—is a most promising area of growth, as the hon. Minister mentioned in his presentation, hence, the national tourism objectives. It is interesting to note the format of this particular Bill. It reminds you of the Trinidad and Tobago Constitution, the Preamble, indicating the importance and the areas that would be of prime concern to the Government. If I may, I will just refer to the Preamble of the Bill:

“The creation of substantial, meaningful and sustainable long term direct and indirect employment.”

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Well that is clear and there is no difficulty in appreciating the significance of that effort.

“The increasing of foreign exchange...”

Well, the lifeblood of an export oriented society—an open environment society like ours.

“The increasing of government revenue.

The enhancement of the arts and culture.

The inculcation, full input and participation of the local communities directly affected by the project.”

[*Sen. Prof. Spence on his feet*]

**Mr. President:** Sen. Dhanny, will you give way to an explanation?

**Sen. Prof. Spence:** How will tourism enhance our culture, the culture of Trinidad and Tobago? How is it enhanced by tourism? I could understand if tourists are coming to participate in our culture, to take part in, to see and view, but I do not understand how tourism enhances our culture. This is our culture, how does tourism enhance our culture?

**Sen. Dr. G. Dhanny:** I was dealing with the philosophy, if you like, as stated here. I think what we are dealing with there is the actual form in which this would be translated but clearly, if there is economic activity, where people are involved in earning a dollar, I think that in itself would be a worthwhile activity. [*Interruption*] For example, one of the questions that one would want to consider is, why in Trinidad and Tobago we have not been able—and this is in response to what the hon. Senator. has raised to develop the entertainment industry to the extent that we could have a very powerful area of the economy, where those who participate in it could take care of their families, themselves and so forth. Why is the thing so chaotic? Why is it that we have not cashed in, to undoubtedly, an area in the world of entertainment? [*Interruption*].

Mr. President, from last week, thanks to hurricane Lenny we have had many visitors around the streets of Port of Spain visiting President’s House and so forth. I was struck by a woman who was selling her goods saying, with great joy in her heart, “Yankee dollar.” She said, “I got Yankee dollar.” Now, that was unplanned and unexpected but I will deal with some of the figures to indicate the possibility for growth in the various areas.

Mr. President, it is wrong to think that we are only thinking in terms of foreign visitors coming to Trinidad and Tobago. There is a lot for our local people to enjoy in Trinidad and Tobago, and we have to make it worthwhile for them to enjoy it as well. So, whatever is given, there is no preferential treatment to anybody. All that I expect is that we would treat them in a welcoming manner and with love and affection because they are coming and they would be ambassadors for us when they return to their homes, assuming they have been well treated.

Mr. President, a very important aspect also is the fostering of strong linkages with other sectors such as agriculture, manufacturing and services. Clearly, the linkage with those sectors—manufacturing and services—let me put it in a concrete way. A lot of the things that we import to furnish hotel rooms and so forth: is it possible that we can produce some of those, either on our own or in joint venture arrangements with others, so that we can save the foreign exchange? Or, do we just go ahead—as we have been doing since the 1960s—buying everything that we need. If we want to make the linkages, we have to create the opportunities.

Mr. President, I think what this Bill is trying to do is, to create the facilitating environment and the burden—I think at this point we must accept this—is on the person who wants to engage in activities of this kind. Clearly, there is an organization set up by the Government. All one has to do is to go there and say, ‘I have an idea that I want to buy, for example, a vehicle, because I want to take people on tours all over the country.’ I can assure you that they will be given all the assistance and if they wanted to raise capital, all they have do is go across to the Small Business Company to see about the funding. The point I want to emphasize is that you just cannot sit and wait for someone to give it to you on a platter.

Mr. President, when one looks at the broad objectives of what the Government is trying to do, this as I said, is the counterpart to what was attempted in the 1960s. To take a concrete example, the Trinidad Hilton was built in the 1960s. It is owned by the Government, indeed, by the people of Trinidad and Tobago, and the mechanism that was used in respect of the Hilton Hotel is that the land or the property was leased. The building and the land belong to us, the state. It was leased to Hilton International and we have what you call, a management contract. I can assure you—and I am sure that Sen. Marshall would corroborate this—that it has worked very well indeed, both for Hilton International and for the people of Trinidad and Tobago. It has worked very well. The New Hilton Hotel which would be opened hopefully, somewhere in February 2000 in Tobago, has a very interesting input and twist to it.

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Mr. President, in Trinidad and Tobago, the Hilton Hotel was built with the resources of the state, people's money. Over there we have a situation where Hilton International has equity participation in that. A very interesting development because, as far as I am aware, at no time was Hilton International prepared to become equity partner in any venture like that. So it shows a great deal of confidence and promise for the future.

Mr. President, the hon. Minister referred to the rate of growth, and I do not want to go over that but merely to quote him when he said, "tourism is the single largest growth industry in the world, with no sign of diminishing in the new century." The Minister provided some figures. World Tourism Organization has made a forecast of 700 million people by the year 2000 and one billion by 2010. The figures are there and they speak for themselves.

As far as Trinidad and Tobago is concerned, our tourism is estimated to account for just over 2 per cent gross domestic product and 2 per cent of employment. What we have noticed is a steady increase in tourist arrivals in Trinidad and Tobago over the years. In 1997, it stood at 347,693 and the employment figure is very minimal at this stage, 15,000—just 1 per cent of the world average. One can see the great potential when one looks at these figures.

Mr. President, by means of this legislation, it is expected that tourism would become a significant sector in the economy and Trinidad and Tobago would become an upscale premier destination. We have decided—or the administration, the Government—and I think it has been so by previous administrations—that we are going for upscale tourism not mass tourism and there is a good reason for that.

### **2.30 p.m.**

The challenge that we face is to diversify the tourism product by increasing and upgrading accommodation, the accommodation stock, conference and related amenities, nature parks, *et cetera*.

Now all these are avenues provided in this Bill in the Schedule, in fact, to open up the industry to everyone. Those who can afford to go into big hotel development can do so and they would be facilitated. Those who want to go into less ambitious projects, they can do so. So that this Bill seeks to deal with the various facets of the industry with a view to attracting investors and entrepreneurs into the industry by providing very attractive fiscal incentives and concessions to an expanded range of approved tourism.

You would notice, Mr. President, that there are the objectives set out and there is the detailed plan of how to achieve that with serious controls. Look at the tax benefits, for example. I would just indicate that—because the hon. Minister dealt with that quite handsomely and I want to deal with one matter which I think was referred to by, I believe it was, Sen. Montano—there shall be no tax benefit under the particular section dealing with tax benefits to:

“the purchaser or lessee of a villa or condominium unit or the site for a villa or condominium unit in an integrated resort development;”

Mr. President, if hon. Senators were to look at Schedule 5, I believe it is, they would see the great pains to which the Government has gone to ensure that no “smart man” comes in to say he is building a resort hotel and instead goes into real estate. I am referring to Schedule 5(i), Integrated Resort Development (IRD). It says, and I quote:

“An IRD will be treated as an approved tourism project and be eligible for incentives...”

under the proposed legislation:

“...where the IRD meets the following basic criteria: ”

These are the criteria. This is where the Government is serious to protect the patrimony of Trinidad and Tobago.

“It includes a hotel of at least 200 rooms.

It includes any major amenity/amenities such as a golf course or marina and such other sporting, cultural or ecotourism facilities.

It has capital investment value of at least TT\$350 million.”

This is significant, Mr. President:

“Additionally, where villas and condominiums form part of an IRD, they will only be considered as tourist accommodation facilities where it is clearly shown by the developer, that the construction of these villas and condominiums critical to the viability and success of the entire project.”

So you see the burden that is put on him, because we could very well have a situation where all the other connecting things that would go with a resort and developer are present and there are these isolated units being sold, minting money as it were, and Trinidad and Tobago would be losing money. So it is very stringent and I emphasize it because it is very, very important.

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You will recall somebody—I think it was again Sen. Montano—saying that these people who sell time shares exploited, I think it was Barbados, Mr. President. I felt very uncomfortable about that because in order to enable that kind of thing to happen it is not the developer alone who did it. I am sure he had advisers, both legal and maybe accounting advisers. The sin really does not fall on the developer because he would use any loophole to make an extra dollar. However, I hope that would never happen in Trinidad and Tobago and none of our professionals would be involved in that kind of thing to deprive Trinidad and Tobago of its just due by way of revenue for the people of Trinidad and Tobago.

“In this regard, the full project proposal for an IRD submitted by a developer, should include certain key pieces of information.”

This, Mr. President, is to ensure that:

“...the Minister responsible for Tourism will consider...whether the inclusion of villas and condominiums is critical to the economic viability and the success of the IRD, and if so, to what extent. The key pieces of information referred to include the particulars set out in schedules.”

They are stated there. So this is a new type of development in Trinidad and Tobago and it is couched in this way in order to protect the national interest.

There is also other protection. If you are, Mr. President, an owner/operator of any one of these facilities you must first of all obtain an order as required. In other words, it is not a hit and miss exercise. It is going to be done in a very systematic way where you have to abide by certain procedures. Of course, if you wanted to buy vehicles and so on you would pay 10 per cent VAT and so on and so forth.

Look at the tourism transfer tax. It is again designed to protect the national economy. This is a tax intended to discourage people from abusing the fiscal incentives and that is, anyone who has accessed fiscal benefits for a tourism project and wishes to dispose of the asset before the expiration of the tax holiday, he would have to pay an amount which is above the normal stamp duty which would apply in that situation. So it is indeed to protect the investment and to protect the Government's investment. You cannot take all these benefits and just pass them off to somebody. If you do so, you do it at your own peril.

Mr. President, I want to refer specifically to opportunities for employment. I would wish very much that Senators on both sides of the Senate recognize that employment is a critical thing for us. Let us together set up the framework and create the incentives and opportunities for young men and women to undertake

the task. This is one of the most interesting ways of empowering people to take care and to take charge of their own lives. So what is involved here is the formulation of the human resource plan to train our young men and women to take their rightful place in the hospitality industry that we have which—and I believe there ought not to be any dispute about that—provides great potential for creating job opportunities and also earning valuable foreign exchange.

I want to indicate, Mr. President, in dealing with this question of employment—it is Number 1 in the Preamble—the necessity for developing a human resource development plan. The need, clearly, is to encourage, attract, train and develop our human resources to fill the needs of the emerging market. At present, and this is an opportunity for people who feel that they have the competence to do so, only a few institutes provide training in this field. For example, there is the Trinidad and Tobago Hospitality and Tourism Institute which has two campuses, one in Trinidad, one in Tobago. The output is about 250 graduates per year. The University of the West Indies has a degree programme, a B.Sc. in tourism, which is split between St. Augustine and Nassau in the Bahamas. The need has clearly been established, and the Government has given recognition to this, and that is to make tourism education available at every level in the school system.

So I want to emphasize again, the challenge is for those brave hearts, those enterprising citizens, to get involved in an area that, on the evidence so far, seems to have no limit. Of course, one may have to qualify that by saying that this is one particular industry that is very susceptible, you know, to little economic recessions and that sort of thing. Any nervousness in the system can affect you, but that is something that one would have to take into account. However, no country in the world that is plugging for tourism development would be deterred by that prospect. That is something we cannot control at all. I just mentioned it because it is something that you have to bear in mind. So what this Bill is attempting to do is to create an environment and to provide opportunities and careers for young people. For example, I do not think they need much thought to consider that a second language might well be an important additional tool to use, in our case Spanish, because that is one of the areas at which we are looking.

#### **2.45 p.m.**

Now, the agency in Trinidad and Tobago that is responsible for promoting tourism, what we call the marketing thrust, the Tourism and Industrial Development Corporation, has been focussing on increasing—and this is very

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significant, it is very serious about developing tourism—the number of airlines serving Trinidad and Tobago.

For example, in 1996, American Eagle came directly to Tobago; in 1999, American Eagle inaugurated its service to Trinidad. So, it is Trinidad and Tobago now. British Airways: 1998 to Tobago. I am anxiously waiting to see when they will come to Trinidad. They were here before, as you know, Mr. President. Condor, German Airlines to Tobago, 1996. British Caledonian to Tobago. I hear the fare is fantastic.

Now, when you put promise into action and ideas into a programme like this, Mr. President, what would the national community say? Would it say that the Government is not interested in dealing with tourism, creating the opportunities? Of course, the emphasis has been building up awareness about tourism in the Caribbean, North America, Europe, South America and, also, as I said a while ago, the population. But, all the time I have this uncomfortable feeling that people want you to do something and give it to them on a platter.

Recently, we have had a very interesting development and that is unifying the airfare between Trinidad and Tobago among all passengers. As you know, there was a differential price for fare. Who thought about it? I do not know. But thank God, it is no longer there, and better late than never. Now I have heard many complaints of people who feel that this was discriminatory, but I am glad it has disappeared.

Additional areas: infrastructure. Now, we cannot seriously talk about tourism development if we are not talking in terms of water, electricity and roads, a very significant thing. Recently, I recalled there was a meeting between the authorities dealing with tourism in Barbados and the security forces, the police, to ensure that both the person and the property of tourists are protected.

Our problem is, you know, that we do not need the police to do everything. I think we should be able to recognize the value of the industry and to be outreaching to people in a friendly, welcoming way. Because when we go to their country, we would like them to do the same thing.

Another area, I think, is health tourism. Sometime ago, hon. Members would recall, the State Department sent out an advisory warning US citizens to be careful about going to Trinidad and Tobago because there were very inadequate health services. I have always wondered, Mr. President: Have we got any entrepreneur who is brave enough and adventurous enough to say, “We are going to form a company and we are going to undertake to provide for the elderly people or

people who have had recent surgery and so forth, to come to Tobago; it is very restful; it is a paradise, and then you have a link with Mount Hope medical, in the event that something happens”?

We cannot seriously talk about tourism unless we are looking at the health needs of the tourists who come here. It is not only young people who are coming. That would be more or less the exception. In fact, that might be the only trip that many of these people are making.

What are the goals that one is trying to achieve? Perhaps, one can, having set out what one is trying to do—one’s objectives and goals—be able to forecast what one is hoping to achieve. I think the figures speak for themselves.

Mr. President, I looked at visitor arrivals by air and sea to Trinidad and Tobago during the period 1990—1996. Take 1990, hotel holiday visitors, 32,306; 1996, 38,212; an increase of 7 per cent. You look at the total stay-over arrivals, people who stay for one day, two days, or whatever. In 1990, 194,521; in 1996, 265,900; an increase of 2 per cent.

Cruise arrivals in Trinidad and Tobago. Take Trinidad, Mr. President. In 1990, 32,969; in 1996, it went down a bit, 25,875. But look at Tobago, cruise arrivals in 1990, 8,678 and in 1996, 22,770, an increase of over 89 per cent. The figures speak for themselves. The total cruise ship arrivals: in 1990, 41,647; in 1996, 48,045.

Total visitor arrivals: pleasure craft arrivals—well, that is a late development. It started in 1994 and it was 1,459; in 1995, 2,307; in 1996, 2,401; an increase of 4 per cent. But look at Tobago: interesting. That is paradise itself. Stay over arrivals in Tobago: cruise arrivals in 1992, 9,277; in 1996, 22,270. Total arrivals in Trinidad and Tobago: in 1992, 9,277; in 1996, 57,534; an increase of 29 per cent. Inter-island arrivals—people coming from the islands—very interesting. In 1995, 298,296 and in 1996, 330,000; an increase of 11 per cent. The 11 per cent growth refers specifically to 1996 versus 1995

**Mr. President:** The speaking time of the hon. Senator has expired.

*Motion made,* That the hon. Senator’s speaking time be extended by 30 minutes. [*Sen. W. Mark*]

*Question put and agreed to.*

**Sen. Dr. G. Dhanny:** Thank you, Mr. President. I wanted to deal with some specific points but before I do so, I mention, just for the record, the goal that the agency has set itself for tourism development in Trinidad and Tobago.

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It is anticipating and working towards an increase in non-oil investment at a compounded annual rate of 10 per cent; increase in non-oil export at a compounded annual rate of 15 per cent; increase in tourist arrivals at a compounded annual rate of 7.5 per cent—and this is very important—growth of stock of hotel rooms at a compounded annual rate of 7.5 per cent until; ceilings of 5,000 and 3,000 rooms, respectively, are increased in Trinidad and Tobago.

So, the capacity has not yet been reached and it is hoped that within the next six to seven years that tourism would account for 10 per cent of gross domestic product. Too ambitious? We do not know, but we have to set our sights high.

I want to deal with one point that I think Sen. Montano had made about which I am sure he is sincere. He was talking about how we arrive at this gross operating profit and Sen. Montano would know that we are dealing with established practices and that there are manuals dealing with all these things. For example, if you want to know what would be the normal size of a room in a hotel of a particular grade, you could get that. My response there is to indicate that these are matters which are peripheral to the main thrust of this Bill and they ought not to pose any major difficulty. They could be handled.

Now, it is not for us here, I expect, to do the drafting, but for example, in a hotel room, and you can look at any manual dealing with hotel rooms, there are certain basic requirements before it qualifies. I am sure, also, and I am sure the Senator would agree that if the Government is deciding to provide certain facilities, the accounting practices would be those that are accepted to regulate this kind of relationship.

As I said, this is not my field but as far as I know, there are standard practices, standard terms. For example, when you look at all the expenses; you look at all the income on one side and you look at all the expenses. If you went in to the revenue department, they would ask you to account for this and account for that, and that ought not to pose a problem.

**3.00 p.m.**

You may delete something or add something or the other, but at the end of the day, one sees the profit when one takes away all one's total expenses from the revenue. That is something that could be argued. What I am asking, is that a matter of such critical importance, something which is really administrative, something that would diminish from the major picture? I do not think there is anything else that the Senator dealt with.

Mr. President, I believe that this is one alternative platform for growth in a particular area. I would hope very much that we can find the collective will and collective wisdom, with few modifications here and there, not to hold back this Bill and to approve it. I think that the young men and women outside there who are looking for opportunities would think very ill of us if we fail to put something there for them, and what we have here are the essential protections. My discipline is not accounting, but I know that Sen. Montano is a very experienced person in that field. I know that he would be the last person in Trinidad and Tobago to do anything to jeopardize an opportunity for this administration to deal with such a critical area as the tourism industry.

I just want to make a final point about this. I think this is one issue where we can bury whatever differences there might be—as I said, they are peripheral—and agree that this, in fact, is in the national interest and is something that is productive of the things we are seeking to have for our people. Let it not be said that at this hour of need, this honourable House has failed to live up to the expectations, I am sure, of many people out there who would be looking forward to the enactment and proclamation, in due course, of this particular Bill. Perhaps it might be good to set a time frame when this could be done.

Mr. President, I thank you for the opportunity and I hope that hon. Senators would give this Bill the kind of consideration that I believe it requires.

**Sen. Diana Mahabir-Wyatt:** Mr. President, I listened with great interest to what Sen. Dr. Dhanny has had to say, and he has repeated several times that he believes that this Bill should be enacted with, perhaps, a few modifications.

I do not think there is anybody in this Chamber or in this country who is not aware of the importance of tourism to the economy and to the society of Trinidad and Tobago. I do not think that is in question, and I do not think that is the purpose of today's debate. We did have, on the last occasion when the Bill was being debated, requests that the Bill be sent to a Joint Select Committee, and there were very good reasons for this. The reasons had nothing whatsoever to do with patriotism or loyalty to the country or understanding about the importance of tourism. I do not think that is in question. The reason was that this is a particularly badly drafted piece of legislation. [*Desk thumping*] It is almost incomprehensible.

If I could start, for example, with the preamble. When I cannot even understand the preamble, things are getting very difficult. If one goes down to the fifth bullet:

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- The inculcation, full input and participation of the local communities directly affected by the project.”

This is one of the objectives. What, Mr. President, does the inculcation of the local community mean? *[Laughter]* I do not know. I do not think that I am a stranger to the English language, but I am not sure what a national objective of inculcating a local community directly affected by the project means. That is just the preamble. This is not even integral to the Act itself.

If one looks at the definitions—Mr. President, quite apart from the bedroom question where, if one has a bedroom, it is defined as something which contains toilet facilities. I do not think that we are going to have too many tourists who will be happy with including toilet facilities beside their beds. *[Laughter]* I go on to the next page and look at “camp-site”. A camp-site is equipped with a sanitary toilet. Camp-sites are recognized as being beside rivers or in the middle of the forest. The thought that one is going to have all of one's ecotourists' facilities equipped with sanitary toilets in the middle of the forest gives me pause.

Construction talks about the erection of buildings to form new tourism projects. It leaves out infrastructure, roads and jetties. It does not even include these things which are essential to tourism. I can go on. Golf course leaves out things like driving ranges, miniature golf and all of these strange esoteric things that golf people go for.

“Guest house” on the next page means:

“a building having a minimum of eight bedrooms;”

If we are getting into ecotourism, there is a question here about guest houses and ecotourism. Does this mean a bunk house is okay? What about if it has a minimum of eight bedrooms, but no kitchen? The definitions are not very well defining.

Even a tourist on page 5:

“‘tourist’ means a person who leaves his normal place of residence and works and travels to another location for purposes other than to live or work;”

I do not know what that means. *[Laughter]* When I leave my normal place of residence and I work and travel to Tobago for purposes— *[Laughter]* One is a tourist if one goes to San Fernando.

Mr. President, “tourism” means:

“a purposeful human activity that serves as a link between people either within the same country or beyond the geographical limit of the State involving the temporary movement of people to another region, country or continent for satisfaction of named needs other than exercising a remunerated function;”. *[Laughter]*

Mr. President, please!

“Tourism ancillary facilities and services” on the next page means:

“a project providing support for tourism and exists for the sole purpose of providing entertainment and attractions for use by tourists as listed in Schedule 2;”

This even leaves out Sen. Dhanny's health tourism and the various other kinds of tourism that come very much into modern tourist activities.

I have some serious questions. I do not think that this needs a little touch up here and there and a minimum of a few modifications. *[Desk thumping]* It needs more than a face-lift. It needs a little bit of radical surgery here and there. One of the questions which has come up, which I cannot see answered in the Bill—I think it is important that if we have tourist legislation, it be understandable to people who are going to use it. It has to be user friendly so that it is easily understood and people do not see a hidden agenda behind every clause in it. I cannot understand how the provisions in this Bill would relate to, for example, a local time-sharing operation, and how these would be included or not included.

If I can ask some very specific questions which I would really like to have addressed, I hope the Minister will take these in good stead and see if we cannot spend a little bit of time cleaning this up so that, at least, it is comprehensible to the normal reading public.

Clause 7 says that the “tourism projects seeking to access benefits under this Act must be registered,” and so forth. In (e) it says they:

“must be members in good standing of the National Associations representing the hotel and tourism industry, tour operators, diving industry, the yachting industry or other approved national private sector tourism organisations relevant to the nature of the enterprise;”

What about freedom of association that is guaranteed under the Constitution? Why must they belong to a hotel association or an association of tour operators? *[Desk thumping]* Does one know who these associations of the diving industry are? Approved by whom?

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There are matters of principle and policy involved in the running of some of these associations that one might disapprove of for very valid reasons, including reasons to do with one's religion or cultural background. To say that one has to belong to these organizations seems to me to have some rather strange connotations which might be offensive to our Constitution.

In Part 2, I have a question here as well. Under clause 9 it says:

“Tourism projects which will be reserved solely for ownership and operation by nationals of Trinidad and Tobago are: ”

It lists three here. Does this mean that in order for them to get the benefits under this Act, they must belong to Trinidad and Tobago nationals? For example, I can think of a lovely Tobago building, an old plantation house called Grafton House in the middle of a bird sanctuary. It is under 21 rooms. Does this mean that it can no longer be used for the enjoyment of tourists because it does not belong to a national of Trinidad and Tobago? The people it belongs to now, I understand, are the grandchildren of the people who originally owned it, and it was left to them in the way that one does leave things in families. Does this mean that this can no longer be used as a tourism facility?

It also talks about ground tour operators; that I understand. What is a destination management company? Is this a travel agency? Does this mean that there can no longer be any joint ventures between local and foreign travel agencies? Those which are owned by nationals of Trinidad and Tobago and nationals of other countries; for example, like Jamaica, other Caribbean countries, those in Latin America and other countries abroad?

Does this immediately wipe those out, that we can no longer have that kind of joint operation or, does it mean that if we do have them, they will not get the benefits? That is not what this clause says. This clause says:

“Tourism projects which will be reserved solely for ownership and operation by nationals of Trinidad and Tobago.”

It does not say that in order to obtain benefits under this Part, these projects must be owned by nationals of Trinidad and Tobago.

They talk about accommodation facilities of under 21 rooms. When I do a little calculation and I build a guest facility in my mind, this could mean seven bedrooms, seven bathrooms, a kitchen, a few store rooms, a dining room, a TV room, a lounge, and a laundry room. It does not even have to be seven bedrooms. I could get it down to five, if I really want to, and ancillary rooms here and there. This is not clear, it is not defined and it is going to cause confusion.

**3.15 p.m.**

I wondered also—when I looked at the sections that deal with applications for approval of projects and I realized that these must go to the Minister of Finance—why then do we also have to go through the Tourism Industrial Development Corporation (TIDCO)? If they have to go through TIDCO to get all the approvals from TIDCO, they have to go through the Ministry of Finance and be re-examined in the Ministry of Finance? Is this not a needless duplication of effort? I am sure that the Ministry of Finance is not going to take somebody else's recommendations without checking them up for themselves. It just seems to me that, reading through this, we are going to have—It is adding to bureaucracy; well may be not adding to it but, I do not know, the situation is bad enough as it is now.

Even if one looks at clause 15 and one is looking at the interim approvals by the Minister one would look at the clause which deals with determining capital expenditure. Clause 15(2) states:

“For the purposes of this Act, capital expenditure which may be approved for a project is expenditure in respect of—

- (a) the construction of a new tourism project or a building to be made into a tourism project;
- (b) the expansion or addition to an approved tourism project...”

Clause 15(4) states:

“The capital expenditure that is approved by the Minister in respect of a project shall be certified by the Minister to the holder of the interim approval granted in respect of that project...”

That is step one. First of all one has to get interim approval of the project. Step two is that one has to get a certificate by the Minister. Clause 15(4) continues:

“...and the Minister may, after request by the holder of the interim approval, add to, delete from, or otherwise vary the items of capital expenditure...”

That is step three. I continue:

“...that will be approved by him, where it is fit and proper to do so in the circumstances of the case; and any such addition, deletion or variation shall be notified by a further certificate from the Minister to the person to whom the interim approval is granted.”

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That is step four.

Clause 16 states that the approved tourism project is another order which has to be made. That is step five.

Clause 16(2)(c) indicates recommendations. This is not, obviously, intended to be a simple, straightforward procedure. It is extremely laborious, convoluted and bureaucratic. I am just wondering if we have had somebody go through this step by step, as though they are actually doing the request themselves, to see exactly how difficult this is. We are not questioning the need for this Bill, we are not questioning the importance of the industry, we are not even questioning the need for employment in the industry. What we are questioning is the way in which this Bill is set up.

The tax provisions, Mr. President, I am not even going to mention them because they are so confusing. I am going to leave that up to my elders and betters, who, I am sure, are going to bring them up. I would like to just make a few other comments in relation to the Schedules that are attached.

Under Articles of Equipment for Tourism Accommodation Facilities in Schedule 1, I looked through these and I have a general point to make in relation to the Schedules; that is, it is a bit curious that we are allowing ourselves to set limitations that are this stringent. For example, under “(j)”:

“Any other article or equipment for exclusive use in or in connection with the operation of tourism accommodation facility except foreign works of art, paintings, sculptures, books and reading material of historical foreign significance which will be excluded from duty free exemption.”

Firstly, I would like to know what this means. Secondly, would they include things like Columbus’ diaries as reading material of historical foreign significance? Well, of course, they are! They are of local significance.

We have a rather fascinating history, in Trinidad and Tobago, of different periods of foreign inculcation—I think that is the word that is used here. We have had Spanish, French, English, the Courlanders who always fascinate me, there have been Germans, Norwegians and various other people. What are we going to do—just chop this off and throw it away and say that this is not going to be included in articles of equipment that we are going to allow? This does not make sense! These are the sorts of things that build up fascination: where people will come from other countries to see the connection between our country and theirs and the flow of history. Obviously, we think that this should be chopped of.

My problem here is similar to that of treating the whole question of culture as though tourism is going to develop our culture; our culture is already developed; our culture is already here. To, perhaps, assist Sen. Dr. Dhanny, our musicians and artistes do make a very good living for themselves and their families, already. I assure you people like David Rudder do not starve in making a living from the culture of Trinidad and Tobago; they probably make more than the Prime Minister.

Under Schedule 2, once again, we are limiting to 13 areas. I quote:

“Areas of Activity to be Undertaken by Tourism Ancillary Facilities”

I am not unhappy that we are leaving out things like casinos, but we are also leaving out playgrounds, theatres, concerts, operas and dance which are not physical centres, necessarily, but they are not, in the sense of No. 10, which is, cultural centres but these can be movable feasts. We are leaving out the health tourism to which Sen. Dr. Dhanny referred.

I do not want to go on because every time I look at one of these—Schedule 13 is the same way: it is limiting, it leaves out core areas like, painting, sculpture, music, dance theatre—all sorts of areas. I realize the Minister can deem certain things, subsequent to this, fit for inclusive use in connection with operations, but there have to be operations of these ancillary tourism facilities which leave out core areas of culture which are *very* important to Trinidad and Tobago.

I could go on, but I really do not want to because—Schedule 4, again goes into:

“These facilities must have a minimum of eight guest bedrooms...”

Does this mean eight beds or eight bedrooms or accommodation for eight people?

Schedule 5:

“Tourism Accommodation Project”

There are so many things that are unclear and poorly drafted. Schedule 5 states:

“Integrated Resort Development (IRD)

It includes a hotel of at least 200 rooms.

It includes any major amenity/amenities such as golf course or marina and such other sporting, cultural or eco-tourism facilities.”

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Such as what? Unless we have this laid out clearly, one may find that this is very limiting in relation to people who want to get into the tourist industry.

I looked at the next session which dealt with villas and condominiums and the demand that—I quote:

“...it is clearly shown by the developer that the construction of these villas and condominiums is critical to the viability and success of the entire project.”

Then I looked at things like:

“The number of the villas and condominiums to be constructed...”

Why is the number critical; is the cost of construction critical to success? The selling price of condominiums, the cost of rentals and the cost of construction, why are these critical to the success of the entire project? What has the cost got to do with it, rather than the quality, the extent, the imagination and the creativity, why the cost alone?

There is no indication, anywhere in the Bill, why these are key and why they are essential to the viability and success. They may be ancillary to, but this is indicating that they are key to and critical to. I think that we deserve better than this. I am, for once, not going to comment on the typographical errors, the lack of editing and the misspelling. I am not going to bring any of those things up.

### **3.25 p.m.**

I would suggest that we take a look at the provisions, the wording of the Bill, the way it is set out, and the contradictions. Looking at tourism accommodation projects in Schedule 5, which talk about there not being less than 20 bedrooms which should contain public facilities, with an appropriate number of public rooms: dining—dining nothing. I presume it means the dining room—bar, and lounge. What about eco-lodges? It does not have these things. Are they immediately to be cut out? There must be seating space in lounges and bars to provide for at least one quarter of the total number of guests. Okay, there go your eco-lounges. Ecotourism does not have that kind of thing. The development of tourist accommodation facilities must not, in general, contain more than 50 per cent of its bedroom accommodation in the form of self-contained apartments and not more than a further 10 per cent provided with not larger than two-ring stoves and 3.0 cubic feet refrigerator kitchenettes. I mean, Mr. President, we are not even keeping up with technology. We never heard of microwaves?

I am not sure why, I do not want to be totally negative and sarcastic about this, and I really do not want to go on picking holes in the wording, but I do think if we are going to have a Tourism Development Bill which is going to stand the test of time, one that we are going to be able to use, the least we could do as a responsible Chamber is to refer this to a select committee that can go through it and start to resolve some of these obvious errors, anomalies and contradictions.

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

**Sen. Muhammad Shabazz:** Mr. President, it is quite clear to me and to us on this side that this is not a Tourism Development Bill. The Government should understand what everybody is saying about this Bill. It is not about developing tourism.

As a matter of fact, what does this Bill seek to do? On this side we see it as the Hoteliers Bill. It is really a Bill that seeks to give concessions to local and foreign hoteliers in building the infrastructure or putting up hotel rooms and places for tourists to come—but mainly hotel rooms. Give them certain concessions. The Bill lists what the concessions are. Let us be clear about what is happening here. If it is a Tourism Development Bill, let this be part 1 of the Tourism Development Bill which is to develop the hotel arrangement in Trinidad and Tobago in order to make, so that when tourists come here we will have a place for them to stay.

Of course, building more hotel rooms does not ensure that we will have more tourists coming into the country. As a matter of fact, if hotel rooms would bring tourists into our country, then all we have to do is build a number of hotels and everything will be all right, the country would be in a good position and we will be safe. Apparently, storms in other countries determine how many tourists come here more than any other thing for the time being.

What are the exemptions offered? When we look through the Bill it is stated clearly. With regard to tax benefits in Part 4, the Bill spoke about new or existing tourism project exemptions; and in Part 5, transitional and miscellaneous provisions: pending applications under repealed tax, penalties; how we save tax benefits, the custom and excise duty exemptions, permits, what types of concessions one will get, and advanced tourism projects. Very clear on what is in line for the hoteliers.

We look at the back of the Bill. What we find, again, is that they know what is to be done about tourism, you know, because they speak about the heliports, the roads, the irrigation, everything that is supposed to be done, but in truth and in fact, this Bill offers nothing about building the tourism industry, other than giving concessions to hoteliers.

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I want to make this point to this Government. Sometimes when this Government comes with a Bill like this and everybody tells them it is badly drafted, or it should go to a committee and we see them fighting, most times there seems to be an underlying reason why they are fighting to bring it through. We have examples in the House: the desalination plant. Why were they fighting to push it through? Because some promise was made to somebody or to some friends of theirs.

We see the same thing happening in other places with the horse-racing Bills. We believe that the reason this hoteliers Bill is being forced to come through this Senate under the guise of a Tourism Bill is because somebody or somebodies have been promised things as far as the hotel concessions and other things are concerned, and it is like they cannot pull back. That is the feeling we get on this side, Mr. President. That is, indeed, the feeling that we are getting on this side. Why are they forcing it so hard? Everybody tells you it is badly drafted. Everybody tells you it does not say anything about tourism. So why are you forcing it so hard? Is there another reason? We would really like them to answer. Tell us what you have promised and to whom you have promised it. Why do you want this Bill to be coming through so hard?

When we talk about tourism, Sen. Dr. Dhanny made the point that you must have a plan. Yes, it is going to increase employment to some extent; yes, we are going to have the human resource aspect of it where you are going to develop and train young people. All of that is fine and good. But without a real tourism plan: What are you going to train these people to do? How are we intending to develop tourism? What is the plan? Coming with a Bill like this, I would hope that the Government could have said, "We intend to put these hotel rooms into place because we intend to do so and so, and we intend to take tourism along a certain direction. We want when tourists come into the country that they are expected to see certain things, go to certain sites and do certain things". What type of tourism are we intending to get ourselves involved in?

It was nice to hear Sen. Dr. Dhanny say that if you are going to be pushing for tourism the health needs in your country must be developed. You cannot have tourists coming into your country and if you have a crisis you do not have the health situation to deal with it. I agree with that. I think that health should be developed and we should look at that if we are going to talk about bringing tourists into the country.

With respect to the crime rate, people look at the country to determine if they are coming into the country what they are going to see, what is the state of crime

in the country, what are they going to be exposed to. These are things that we need to work on and we need to sell ourselves as a country really, having developed in such a way that tourists feel it is safe to come here. It is your duty to work on that for the time being.

People will read about what is happening all over the world, Mr. President. There is no need to just say that we want a good news station so people would not hear the bad news, or do not put crimes on the front pages of the newspaper, put it in the middle of the paper so people would not see it; people would know. So we need to work on things like these if we are going to develop tourism and think about developing tourism in our country.

Not only that, the water situation, the situation of infrastructure: what are you going to train your people in? What are you going to tell the young people? When you are developing a tourist industry, Mr. Minister, you must be able to train your people to deal with tourism and tourists in a certain kind of way. You must be able. Barbados, and other countries that have developed their tourist industry have succeeded in training their people.

Sen. Dr. Dhanny spoke about the issue of—and I do not want to base my whole contribution on Sen. Dr. Dhanny over there, as he made his contribution on Sen. Montano over here. It meant that he must have been saying something, because most of what the Senator said had to be in reply to what Sen. Montano said.

The point is, I am agreeing that, yes, there are certain things which must be done. You must train the people. People must learn other languages. What type of tourists are we going to bring into our country? Only English speaking tourists? Are you not going to train other people to speak other languages? Why have we not spoken about that? Why are we still not talking about that?

Let me just give an example. Although Barbados has a big tourist industry, in Barbados, I am not really a tourist, you know, Sir, in a general kind of way. I am a traveller to Barbados. The way the people—and I say this without any ill feeling to the Barbadian—deal with others, they see a tourist as a particular kind of person, you know. How are we going to train our nationals? What are we going to tell them? All these are things that we must look at and put into place very, very clearly. We must not talk about tourism in a spurious kind of way, in a nebulous kind of way; let us talk about tourism in a serious kind of way. That is what we want to do.

Mr. President, when we look at what is happening, let us start here. Now, let me just deal with this Bill, there are one or two points I want to touch on, though they were touched on just now. The Preamble says:

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“Whereas it is desired to develop the tourism industry in keeping with the following National Tourism Objectives:

- The creation of substantial, meaningful and sustainable long term direct and indirect employment.”

That may do well with this hoteliers Bill. It continues:

- “The increasing of foreign exchange earnings”

It will happen. It goes on:

- “The enhancement of the arts and culture”

I will talk about that further. You have not explained. I do not know how you are going to do that. How does this Bill aim to do that?

On page 1 of the *Hansard* the Minister was speaking about theme parks:

“Then we have theme parks. A cultural theme park study is completed with the assistance of the IADB and the Ministry of Tourism is examining recommendations. This is a short-term tourism action programme. This cultural theme park involves, as my friend Sen. Shabazz suggested—”

I accept your friendship, Sir.

“...opportunities to showcase our culture. We can develop and package our culture and there are certain suggestions like the history of pan, and various festivals can be highlighted. In the cultural theme park you will actually have the making of a steel pan and the opportunity for small museums in this particular theme park displaying arts. There can be shows, plays, a small amphitheatre, all these within this particular theme park concept. You can also have the different dances. This is a very new and interesting area and it is important for tourism.”

Agreed. But we need to understand how it is happening. When it is happening. Just as he could say he will give the hoteliers a five year tax concession, come and tell us we would have theme parks, that we have already put on the drawing board theme park No. 1 for such and such a point, at such a date, the year and the time. Let us know these things. Do not just talk it and when you have already talked, you have no intention of implementing it, because you are just trying to get your hoteliers Bill through the Parliament.

He went on again. Here is a good point.

“There is great potential here for employment generation. If you look at our neighbouring island Jamaica, it has gone after this market in a huge way...”

This is the question of the music. How would you want to develop your music, film making? You spoke about all of that.

Now, the issue of film making. I see you have it here as an ancillary programme, and only nationals could be involved in it, because that is what you said you would do with your ancillary programmes. We want to know how you arrived at only nationals being involved in it and I will take that up when I am dealing with something else.

Your music needs not only to be developed for the tourist industry. It is understandable, Mr. President. If our music is developed now, the problems we are having with copyright, the problems of getting the music to the international market—as a matter of fact, if you make your music popular, that would help to bring more tourists into this country than anything else could. You quoted Jamaica. A number of people go to Jamaica now because their music was developed with the help of Government and other things to make sure that it was successful to attract the tourists to their country. So you need to work on that. As we talk about that, maybe you are trying to work on it in some particular way, but I will explain to you why it is not happening.

Schedule 2 speaks of “Areas of Activity to be undertaken by Tourism Ancillary Facilities”, such as:

1. “Marinas;
2. Boatyards;
3. Dive operations;
4. Water sports;
5. Charter boats;
6. Cruise activities;
7. Tour Operations;
8. Recreational Space Use;
9. Theme Parks;
10. Cultural centres;
11. Film making;
12. Special events;”

In the same light, when you spoke about the ancillary facilities, you spoke about ancillary and transportation as being one of the things that you would reserve solely for the ownership and operation by nationals in Trinidad and Tobago. When you say “transportation services” you need to be clear. Are we saying that if we had a big hotel in Trinidad and Tobago or somewhere, would the people who are moving from that hotel, if you had to take people on tours, that only the local people must be given the contract to do just that? Is that what you mean? That if the hotel is owned by foreigners, does it mean they will not have the permission to do that? You need to be a little more specific and clear, because we could run into problems as we go along.

**3.40 p.m.**

Mr. President, when we look at it, there are basically three types of tourism development: eco-tourism, which is looking at the environment and looking at the organisms and their relationship to the environment—a very important sector of tourism. What is the hon. Minister doing about that? There are beautiful places. How are the people going to be transported to Asa Wright, the Wild Fowl Trust and the Rain Forest? What type of tourism does the Government want to develop?

In Trinidad, it must be understood that for some reason we rejected a type of tourism that was just sand, sea and leisure tourism. We did not want that because it was felt—I am talking about the feeling before—that it would bring a certain kind of environment and attitude into the nation that the hon. Minister really did not want. We did not probably want the people who just see tourists as people we look up to. We have a kind of a culture; a kind of something about us that keeps us independent and strong. We want to preserve or do things in a way that we see fit; how we want to exhibit it.

We did not want to have tourism where it was just about fun; people come to the beaches—even if we bring people in—because sand, sea and leisure are important but there could be conventions, business people, that we could bring in to do these things. I am not saying to reject people from coming in, but when we understand what is happening with the drug trade in Trinidad and Tobago, are we just going to invite every tourist to come in to Trinidad and Tobago just like that? How are we going to market the type of tourist that we want in this country? That is very important. So if we are talking hoteliers and hotel development, I am cool with it. But the hon. Minister cannot just bring this to say it is a Tourism Development Bill. Clearly, it cannot be!

For instance, we understand that in the Philippines and Indonesia, people go just to look at the rice terraces. *[Interruption]* Well, we were developing rice in Nariva. I think that was cut out. But that might have been something for the tourists to go and see how the rice paddy grows in Trinidad and Tobago. I am just putting the idea to you that it might have been, if the Government did not stop the people from growing rice in Nariva. There are a number of other things that they need to look at.

With respect to the Bird Sanctuary, we have all these other things. What type of infrastructure is there, and what is being done to ensure that we are going to have the natural type of tourism that Trinidad is so blessed with? What are your ideas for it? We see in Guyana and St. Vincent, the hot locations, the development of the natural resources. Who are going to be your guides? I am not blaming you for some of the things that are happening. We could still go down to La Brea and probably there would be the same problems, too. What is the position with your guides? How are you going to set standards so that when tourists come here they can go and tell a friend that Trinidad and Tobago is the place to visit?

Pass your hoteliers Bill, yes; draft it in a way that you would give your hoteliers the concessions they want, but do not draft it and bring it to us as a Tourism Bill. Let us go a little further. Your guides would have to know about the flora and fauna, the sites properly marked off; how people get to the sites; your tour guides; your people taking them there. All these things are important.

We look at another form of tourism that is called historical tourism. Trinidad and Tobago is again blessed with that. It is a tourism practice in Cuba, Puerto Rico and most of the countries with rich Spanish history. In Trinidad we have all of that. In order to do that, we have to consider the car rental situation. There are things like the Tobago Heritage Festival. What are you going to be doing with the Tobago Heritage Festival? The question of the drums; they spoke about the pan; the calypso—all these things. We probably need to develop things to show people how the calypso was developed; how the pan was developed.

In Texas there is a place called Fort Wade, Indiana where you see how the American Indians and the Cavalry fought. One can do all these things in this country. You look at the development of pan, chutney, calypso; let us have street theatre. What are you going to do, and how are you going to develop this thing? Best Village was one of the big festivals in Trinidad and Tobago, just like the Tobago Heritage Festival; just like crab racing. Again, it is a place where you could show the rich cultural heritage of Trinidad and Tobago.

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You need to work to develop these things if you are talking tourism, otherwise you are just going to bring people into this country with nowhere to go, nothing to see. I have faith in the Trinidad citizen, but people will just pounce on them and all kinds of weird things would happen to the tourists, and while you were building hotel rooms, you did not do anything to keep the tourists happy and safe. Then your tourist industry would fall again.

So we need to look at all these things. We need to look at how we will develop not only “Best Village;” we need to look at things like the Borough Festival, how we would develop that. In the same light as I ask them how would we develop the Borough Festival, Sir, I ask that Point Fortin, which has one of the biggest Borough festivals, should get some kind of contribution—even half of what is given to the Sugar and Energy Festival in Couva. Give Point Fortin half. Point Fortin gets nothing. The Sugar and Energy Festival which we started gets a lot. Look at both and try to develop them, because the Point Fortin Borough Festival brings more tourists to this country than any other borough festival in the country. Seriously. It brings more than Tunapuna; more than Couva; more than all the others. It might be tourists returning to Trinidad, you know, but it brings more than any other. Let us see how we could develop it along national lines rather than along partisan lines. I made the request and I ask again. *[Interruption]* We would do it in the next millennium.

Mr. President, the point I am making is that there are a number of things that we could do, like the Jazz Festival in St. Lucia. What about the Art Exhibitions? All these things we can put down. We talk about the Jazz Festival and again, I must take note of this. When we are talking culture the point was brought up—and I think the Minister needs to be clear on it—the question of Tobago having to go to Tourism Industrial Development Corporation (TIDCO) in a kind of a way, when you put it over, the Bill may not see it exactly so, but like Tidco has to, kind of approve, or give something as to what is happening in Tobago; there should be no relationship.

Tobago which has the House of Assembly, should in some way deal directly with the Minister. I do not know why the Minister is involving Tourism and Industrial Development Company (TIDCO); I do not know what is the rule, why are you involving TIDCO in it? In this Bill, when you are talking tourism, yes, Tidco is our tourism agency, but they should not be dealing with Tobago in that way. It is important that we look at it. We see them this year; we see the World Beat Festival—\$8 million. Eight million dollars. We see them trying. Maybe they lost this year, they will gain as we go along, but we need to ask Tidco when they

are doing things like that, because you are talking about “national”, there are a number of national promoters who could do this work. Get them involved in what you are doing so that you can get better results at the end of the day. [*Desk thumping*] So that our losses would not be as much as they have been, and that when we continue we would do far better than we have been doing.

Let TIDCO put a lot of their money into the foreign—I am making this plea seriously as a promoter; as people who understand and work with a promotion outfit—that we should ensure that they do more. Just as we spent a lot of money with the other people—I made this point; we send people to festivals and ensure that all these people go, like “Rituals”—work more with your local artistes; with your local promoters to help, because in all this development you are talking about; how would we help the local people in a serious way?

**3.50 p.m.**

Just as we could talk about giving one promoter \$78 million or a hundred and something million to bring one show into Trinidad, which was not even successful to us and which did not even bring tourists into Trinidad, I am talking about the Miss Universe Show, let us take some of that money and before we send it outside, use it in here to help develop our people and get them stronger.

As a matter of fact, I was listening to something the other day where a guy called in when they were talking about the World Beat Festival. He said that we were doing so many things, we did World Beat, World Carnival and a number of other things to put Trinidad and Tobago on the map, and we really did not. Maybe if we could develop the things that we are doing here we would put Trinidad and Tobago better on the map—the music, the film making. If you get your copyright thing in order and use a lot of that money to help and to develop your nationals here, you would do far better to attract tourists into our country.

Mr. Vice-President, I really cannot go much longer. I do not have much more to say on this Bill, but to ask the Government to take this Bill back to a committee. It is badly drafted. It is a hoteliers bill, it is not a tourist bill. If they do not want to call it the Hoteliers Bill, call it Part I of the Tourist Industry Bill and let it deal specifically with hotels. Then we would develop Part II, Part III, Part IV or whatever part is necessary to bring this industry to the level that we want it to be.

Thank you.

**Sen. The Hon. Lindsay Gillette:** Mr. President, I am extremely honoured today to be given the opportunity to make a contribution to the debate in support

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of this historic legislation, the Tourism Development (No. 2) Bill. It is my firm view that when enacted it would represent a landmark in the history of tourism development in Trinidad and Tobago.

Just in response to the hon. Sen. Shabazz, around the 1900s  $E=MC^2$  was actually developed by Einstein, and  $Y=X^2$ . Later on his theories were used to develop the atom bomb, fission and fusion. What actually happened is that it was used for good purposes for mankind. What did mankind do eventually in the 1970s and 1980s? He took the atom bomb and used it as a weapon against the Soviet Union and *vice versa*, hence the Cold War evolved. What I am actually saying is, with that came responsibility. You may derive something good but you have to be responsible and apply it properly.

So when the hon. Senator said that it is really a hoteliers bill or a bill without encompassing the whole tourist situation, you have to be very careful because the Schedule describes all the other ancillary services such as marinas—I would read it for you, for example, marinas, boat yards, dive operations, water sports, charter boats, things like that. It really tries to address it in a holistic sort of manner and takes into consideration not merely rooms, as was done in the previous Hotel Act.

When you look at the contribution of tourists, the size and growth of the tourism industry in Trinidad and Tobago: contribution to gross domestic product was 1 per cent in 1997; direct employment 10,077 persons, which is roughly 2.2 per cent of the national employment; visitor expenditure estimated roughly at \$192.8 million in 1997. If you read from the excerpt from the Draft National Strategic Development Framework it says:

“The tourism industry in Trinidad and Tobago is still in its embryonic stages. While the sector currently accounts for approximately one quarter of the Gross Domestic Product (GDP) and employment in the entire Caribbean Region, in Trinidad and Tobago, it contributes a mere 1 per cent of gross output and 2 per cent of national employment.”

The figures are such that the number of direct jobs in the tourism industry, at present, is 10,000 and out of that it generates three direct jobs so really and truly, tourism is a fabulous opportunity for this country to develop another sector. The projected annual increase for the next three years in direct employment is roughly 7,000 people; indirectly it would be 21,000 people.

It is widely recognized that Trinidad and Tobago has tremendous potential for being transformed into a unique tourist destination. We possess assets in

abundance and our population is highly educated and very talented, and we also have the political will. It is seen as a sector, which has the greatest potential to facilitate the diversification of the economy as a whole.

In his presentation, my colleague, Dr. The Hon. Adesh Nanan, emphasized Government's philosophy for the development of tourism. He said that it is the enhancement of the quality of life for the citizens of Trinidad and Tobago. Really and truly, in the Preamble in the Bill itself, it goes through some of those things in terms of what the Bill is intended to do.

Mr. Vice-President, the proposed Tourism Development (No. 2) Bill incorporates some revolutionary provisions to encourage investors to increase, not only accommodation staff but also tourist attractions and facilities, infrastructural works and other services, which are critical to the pursuit of our vision to transform tourism in our country, such as the Integrated Resort Development. I will go through a bit of what the IRD is. It is called the Integrated Resort Development, which includes a hotel of, at least, 200 rooms, any major amenity such as golf courses and marinas, and it has a minimum capital investment of, at least, \$350 million.

What the IRD was intended to do really was, we recognized that hotels, for probably the first two or three years of operation, actually end up in a loss position even after you take depreciation, which means that you end up in a cash deficit position after the first one to five years. In an attempt to help the whole development succeed and the viability of the developer, we included in the IRD things like villas, condominiums, golf courses, marinas, resorts and things like that. So that is a bit of revolutionary legislation that is coming to this honourable Senate.

Let me talk a little about the fiscal incentives. We have tax holidays not exceeding seven years, that is very clear. I know that the hon. Sen. Montano reads well how the tax would go forward. To be clear on it, if you lose money the first, second or third year up to the seventh year, it would be carried forward into the following years. So that is very clear. We also have the exemption from payment of duties on items imported for the construction of a tourism project provided, of course, that such products are not manufactured locally. We have the direct exemption from the payment of taxes on interest derived from a loan utilized for the construction of a tourism project.

In the original Hotel Act, it also spoke of dividends and that was not included in this new Bill for the simple reason that the new companies legislation says that dividends paid from company to company or company to individuals is non-

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taxable so, therefore, there was really no need to carry that piece of legislation from the old Act to the new Bill. [*Interruption*]

In addition, consideration is being given to existing enterprises and the need to encourage entrepreneurs to upgrade their properties. For example, incentives for the expansion of hotels and other tourism projects as seen fit by the Tourism Industrial Development Corporation and the Minister of Tourism. Incentives also for the refurbishment of properties and concessions for overall infrastructural works.

When we speak also of bridging finance it is to be included in the definition of approved loan for the purposes of exemption on taxes, interest and on approved loans for the construction of a tourism project.

A bit about the Integrated Resort Development also: for first time owners you also would get tax-free incentives on loans such as mortgages, so in the event you wish to purchase a villa in an IRD you could actually look for a loan facility, for example, from the Royal Bank Trinidad and Tobago Limited. When you discount that loan it will actually work out to be 9 per cent and you will get a 9 per cent tax-free loan, so to speak, into the future.

We also spoke of rental income from shops, that would also qualify once it is within the project itself, but this will not be included, for example, in individual concessions. The Bill also ensures that benefits derived from the domestic economy are optimized and equitably distributed. It ensures that the development of tourism projects are implemented in accordance with good environmental practices, in a manner that preserves and enhances the country's overall natural resources.

I know that Sen. Montano raised a few things with respect to definitions such as sizes of rooms and occupancy, but really and truly, we had consultation with the Bureau of Standards and it really conforms to international standards. So all these definitions really conform to international standards. A lot of consultation also occurred within the tourist industry. For example, when you look at the word "slip" which Sen. Montano spoke about. He said it is a slang or expression for the word "slipway". Discussions with officials of the marine industry revealed that the term "slip" is correct and refers to an in-water berth for a small vessel. The term slip is a utility for removing a boat out of water onto land.

**Sen. Montano:** Check the dictionary.

**Sen. The Hon. L. Gillette:** I will have to check that again. Notwithstanding this clarification, Government remains open to suggestions regarding certain definitions.

Mr. Vice-President, with respect to consultation, it must be pointed out that there has been widespread consultation among officials of government agencies, private sector and stakeholders representing every facet of this Bill. Matters relating to residency status and the grant of work permits for foreign investors fall within the purview of the Ministry of National Security.

I hope I have succeeded in providing additional insight and clarification to some of these issues expressed by the hon. Senators, and that you are convinced about the provisions contained in—

**Sen. Prof. Spence:** I wonder, Mr. Vice-President, if the hon. Minister would point to the clause which deals with the tax-free mortgages, because we cannot find it in the Bill, as it relates to purchasing of a villa.

**Sen. The Hon. L. Gillette:** As it relates to within an IRD? It says benefits of the developer, approved number of villas in the IRD; exemption from taxes on profits from the sale of villas. You get refunds of input, VAT, exemptions from customs duties and the benefit of lower interest rates of an approved loan for construction arising out—*[Interruption]*

**Hon. Senators:** What clause are you reading from?

**Sen. The Hon. L. Gillette:** I am just trying to find it. *[Laughter]*

**Sen. Prof. Spence:** There are advisors in the back.

**Sen. The Hon. L. Gillette:** Could you give me a second, please? *[Crosstalk]* I would undertake to provide that. *[Laughter]* Sen. Prof. Spence, I would undertake to provide that as I clear up this whole thing.

Government is of the firm view that the Tourism Development (No. 2) Bill would facilitate the transformation of tourism in Trinidad and Tobago and that within the next few years the citizens of this country would be proud of Trinidad and Tobago's emergence as the premier tourist destination.

Thank you.

**Sen. Martin Daly:** Thank you, Mr. Vice-President. Let me begin by declaring an interest. I am a non-executive director of a company, which has a substantial interest in a tourism project, as would be obvious from my contribution. I would like Senators to bear that in mind as I make my contribution, as would be obvious

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from my contribution. It is barely going to influence any of the remarks, which I have to make this afternoon.

In his own inimitable style, Sen. Shabazz was touching on something very important. This is tax legislation. This is not about enhancing the environment and all this jargon that is in the bullet points. This is tax legislation. Perhaps, one of the reasons why we are having such difficulty with the drafting is that taxation experts have not had a hand in it. This is really, the “TIDCO Posse”—and I will explain later why I refer to them as the “TIDCO Posse”. There is nothing here that the “TIDCO Posse” could help us with.

**4.05 p.m.**

This is tax legislation and we must begin our examination about this Bill by understanding that and because it is tax legislation, it has to be more than usually precise. Otherwise all that would happen is the Inland Revenue, properly defending the national turf, will resist applications that are made under clauses of this Bill that are not crystal clear. And, if you meet such resistance from the Inland Revenue, it is not because they are bureaucrats, it is because they are properly—and I think Dr. Dhanny mentioned this—guarding the revenue base of the country.

So if we are going to say to the Inland Revenue, you have to make a concession, where you would otherwise collect money, we have an obligation to say it to them very clearly, and that is why the drafting of this Bill is very important. So all this rubbish in the bullet points about preservation and enhancement of the environment, that is “TIDCO Posse” talk. That has nothing to do with tax legislation. The enhancement of the arts and culture is “TIDCO Posse” talk. It does not have anything to do with tax legislation.

Mr. Vice-President, what the Government has done—and I congratulate them on it with all of the force at my command—is finally a Government in this country has taken a stand about tourism, and that is a matter about which the Government should be congratulated. None of us who is insisting on a select committee or any other form of input into this Bill is trying to obstruct or delay anything. What I will seek to do is to show how our duty as legislators is going to be compromised if we do not have a select committee or some other forum in which we can put our heads together. Our integrity as legislators will be compromised and I will explain that in due course.

Mr. Vice-President, I feel very strongly about the fact that we have been attempting to get an undertaking from the Government about some form of committee activity and we cannot get an undertaking. I heard the Leader of Government Business talking about committee stage! Well, when the committee stage comes, what is going to happen is, Smith's ship would sink. I am not going into all of the definitions here but I would just like to show how this thing has not been properly thought out. At the top of page 3:

“‘Boatyard’ means a facility that provides services to small ships.”

What is a small ship? A pirogue? The *Ocean Princess*? What is a small ship? How is the Inland Revenue to know, whether a pirogue or a boat the size of the *Ocean Princess* is a small ship? I mean, that is absolutely absurd!

I emphasize this has to do with the revenue base of the country. We cannot confront the Inland Revenue with an application about a small ship. If they run you out of the door, they will be right to do so because they are protecting our revenue base. What is a small ship? Smith's ship sink! But of course, this is “TIDCO Posse” jargon and so, I commend Sen. Shabazz for saying that really, the Tourism Development Bill is something of a misnomer. This is tax legislation. So that is one example and my colleagues have given other examples of the dilemma we are going to create for the Inland Revenue. Do you know what would happen? People are going to be misled by this Bill and it is going to end up as “mamaguy” legislation because people are going to be misled by this Bill and they are going to come *bona fide* to make an application for something, and the Inland Revenue is properly going to refuse them and so it is “mamaguy” legislation.

Now, I am not suggesting that it is deliberate. I am suggesting that because we are approaching it from a “TIDCO Posse” outlook, we have not treated it with the proper input from the experts. We have Sen. Marshall and Sen. Montano—to name but two persons, who have great experience in matters relating to accounting and tax—who can rectify this to the Government free of charge. I do not know if it is that they want to go to a foreign consultant to get the advice that Sen. Montano and Sen. Marshall can give in committee. We are going to ignore that resource and look at it and say, “Yeah, well the drafting needs tightening up but we are not going to give Sen. Montano and Sen. Marshall an opportunity free of charge to fix this.” Why? Why?

Mr. Vice-President, let me summarize where I am so far. These bullet points—well I do not like bullet points in legislation at all, but I know it is just

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another one of these global phenomena that we feel we must have to adopt. I do not like bullet points in legislation because they are irrelevant and, certainly in tax legislation, you are not going to be able to construe anything in here by reference to any bullet point at all! So I do not even like these bullet points. But you see, what the bullet points tell me is, that it is “TIDCO Posse” talk and the Government is forced to make some kind of apology for taking a positive step in relation to tourism. The Government does not need to make any apology and all this business about sun, sand and sea. How many days sunburn do you think a tourist could take? How many days sunburn? And that is why the Government has to provide for all these other forms of tourism, including the people in the Speedos, they must have something to do. They must have entertainment and so on. But we are still making this apology that if the Government wants to support tourism we have to apologize for doing it.

Mr. Vice-President, my view is the thing that will control the negative aspects of tourism is our own behaviour and our own respect for our culture. That is what will control the negative aspects of tourism. If we show that we are concerned about our environment, if they see us throwing chubby bottle, they are going to throw the chubby bottle too. It is as simple as that. So I want to emphasize that the Government is to be congratulated for taking a positive step in relation to tourism, that is setting up a taxing regime which would make an investor in tourism projects in the Caribbean, look at Trinidad and Tobago as a favourable place to invest his money. That is why we have to get it right and not mislead potential investors or the owners of small ships.

Mr. Vice-President, when we talk about tourism and the negative aspects of tourism—as though we are the best-behaved people in the world with the lowest AIDS rate in the world—has it occurred to anyone that tourism is not only influenced by what laws we pass and what politicians do?

One of the biggest growth industries in Trinidad and Tobago is the “Yachting Business” in the North West Peninsula. That did not come about because we made a nice speech or we passed tax legislation. It came about because the world got to know that we did not get hurricanes. That is how it came about. It was just luck! It was the luck of Mother Nature. That is how that came about, and that is a perfect example of why speeches and incentives are not the only thing that affects tourism. That came about as a result of the luck of the draw with Mother Nature. The more hurricanes they have up the islands the better it is for our reputation as a safe haven. I am not a shipping person and I have no idea what is the total value of the yachts and the ships, small or big. Some of them that are moored there do

not look like small ships to me, but it must be in the zillions, and that comes about because Mother Nature has smiled on us favourably and not because of anything else.

**4 15 p.m.**

So it is against that background that we absolutely must have the input of the Senators in this Senate who have the expertise to fix this tax legislation, so that we can get away from TIDCO posse talk. Remind me, Mr. Vice-President, to explain when I get to clause 10 why I refer to this “TIDCO Posse” talk.

So, Mr. Vice-President, I support this Bill in principle but in this form I cannot, in conscience, as a legislator, support it because I will be “mamaguying” people. That is why I say, not to have the input of the experts in this Senate would compromise our duty as legislators. Every single speaker, even Sen. Shabazz, has indicated support for this legislation. It is part one of his grand plan. To Sen. Phillips through you, Sir, one of the joys of being in the Senate is standing opposite to Sen. Phillips, [*Desk thumping*] especially when I can see her shoes [*Desk thumping*] which are always very—anyway, that is another matter.

The point is, Mr. Vice-President, this is where our duty as legislators becomes compromised. I support this Bill. I think it is a wonderful thing that a Government in Trinidad and Tobago has stopped being xenophobic about tourism. I think it is a wonderful thing that a Government in Trinidad and Tobago recognizes so many different aspects of tourism, but I cannot support “mamaguy” legislation and it is “mamaguy” not because its objectives are bad. I totally support its objectives but I cannot be a party to a piece of legislation that is not credible and is going to present all these problems for the Board of Inland Revenue. I just do not know how they would resolve it and that is my difficulty.

So, Mr. Vice-President, that is the dilemma which we face and I make this brief contribution in the hope that finally we will hear some undertaking from the Government that it will avail itself of the free use of the experts on taxing matters that we have here. That is the thrust of what I am saying, because persons who have spoken before have pointed out many of the drafting difficulties. We have not even resolved the difficulty—who says that you cannot have work-related tourism? I am sure that Sen. Prof. Kenny will tell me if I am wrong, but if you have a particularly good bird place, someone who is doing scientific research for work might want to come here to use those facilities and we should encourage that person. Okay, it is for work. Who says that work and tourism are incompatible? [*Interruption*] Well, I do not know about judicial contact, but

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anyway, do not give me any basket on that subject. It is one on which the Government is a little sensitive—contact with the Judiciary.

So we really have to sit and decide, is tourism vacation? Is it the pursuit of hobbies? Is it the pursuit of scientific research? Can we accommodate all of these things within this Bill? I would have thought that an eco-lodge would certainly have scientists, that its principal clientele might be scientists, people who want to go to Matelot to record the movements of the turtles but they are doing it for work. So we need to sit and think these things out properly. I do not know, Mr. Vice-President, if someone is coming here for the satisfaction of named needs, whether we are now going to have a box on the immigration form that would require one to specify the need one is coming to Trinidad and Tobago to satisfy.

I think that might prove to be somewhat of a difficulty in the global environment. You might need to have a Simona box on the tourism form. How could any self-respecting legislature talk about tourism being an activity involving the temporary movement of people for satisfaction of named needs? I mean, can you imagine the fun the cartoonists—in fact, that whole definition of tourism really is suitable for one of the satirical columns in the tabloids. How could any self-respecting legislature put that? That is just quite absurd.

Then we come to the old TIDCO. I saved the best for last. I too, incidentally, Mr. Vice-President, would like to give critical examination to the section that is providing tax relief on mortgages for people who buy villas in Integrated Resort Developments. If it is there I would really like to see it and give critical examination to that. I am sure Senators Montano and Marshall would be interested in seeing it as well.

Now we come to the good old TIDCO, Mr. Vice-President. I wonder whether Sen. Gillette ought not to be the person to do the exercise recommended by Sen. Diana Mahabir-Wyatt and actually be a virtual applicant. I mean, you are totally at home in the virtual field, Sir, so maybe you could be a virtual applicant for these reliefs here. You could see how long, first of all, it takes you to do it and you could have—I suggest that, even if you are a virtual applicant, use a real civil servant and see how long it takes you to get through all of this. Since this is tax legislation TIDCO has no business in this. You are just having layers and layers as somebody else has made the point.

Anyway, what does TIDCO do? What is it exactly that TIDCO does? I am referring to TIDCO as the “TIDCO Posse” because, as far as I know, one aspect of a posse is a group of people getting together to have a ball. Do they do anything besides have a ball? Are they an international travel agency? I would really like to

know. Incidentally, if one has to make an application to TIDCO, and again this is for our virtual Minister, under I think it is clause 10, is it—anyway, if you have to send something to TIDCO under this Bill—I will soon identify the clause—it seems to me that you will need a lot of fax paper. Well, of course, in the virtual world now we are not using fax paper so you will need a lot of international telecommunications in order to locate the officials of TIDCO in whatever part of the world they are, whether it is South Africa, Switzerland or wherever else they find themselves at the time. So that is another difficulty.

Apart from TIDCO being another layer of bureaucracy we are going to have the added difficulty of having to fax them or e-mail them. I suppose they are swanky enough that they only have e-mail. So we will have to e-mail them at “Carlos.com” in whatever part of the world they are in order to get this approval. Carlos is my good friend and I am very glad. Every time I see him I ask him to tell me about his latest travels—well, when we are not discussing the Savannah. So we will have to send a fax to “Carlos dot com” in order to get this approval from TIDCO in whatever part of the world they happen to be at the time.

I hope that the Minister will understand that I am saying this as light-heartedly as I can. I would certainly like you to justify the existence of TIDCO, at least in relation to tourism. Maybe they are getting us a lot of investment like the old Industrial Development Corporation, but I would certainly like you to justify the investments of TIDCO in terms of what they are getting for us in tourism. They certainly did not do anything to get the yachts here. Mother Nature did that. Of course Sen. Gangar, another good friend of mine, is particularly sensitive to the link between Mother Nature and key revenue earning ministries. It is either down on the ground or it is not. So that is why he is looking at me so intently and with more than his usual smile when I am making a contribution.

I think TIDCO should come out of this. They have no business in tax legislation and they may actually get the rates of tax confused, depending on the country they are in at the time. If they are in South Africa they might apply Roman Dutch tax rates and when they go to Switzerland they will apply a flat tax or whatever they have there, and so on. I say in a light-hearted way, TIDCO has no business dealing with this. This is tax legislation and it is the business of the Ministry of Finance.

Incidentally, Mr. Vice-President, I will be writing officially to the Minister for Implementation or the Minister Against Bureaucracy because I myself have a client who cannot, after I think it is three years, get his proper exemption on loan interest on money that he borrowed in a joint venture project with Government

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where the Government has all the figures so we cannot be fooling them. They gave loan interest on about two-thirds of the loan and just did not bother with the rest of the loan. However, I will be writing to the Minister of Implementation officially about that so he can take that kind of thing into account when he is making his virtual application.

Mr. Vice-President, I apologize for a somewhat rambling contribution and I would just like to summarize again what is my position and, at least in part, what I sense is the position of many of my colleagues on this Bench. We have to get the drafting of this legislation right. We have to get it right in this particular case because it is tax legislation. We have persons in this Senate who can help us with the drafting difficulties that have been pointed out. We ought not to be put in a dilemma as legislators where we want to pass something—at least let me speak for myself—where I want to pass something. I want to applaud the Government for doing it but the methodology is wrong or, at any rate, the technical part of it is wrong. I do not want to be put in that dilemma.

Similarly, Mr. Vice-President, I emphasize that we need to have as few layers of bureaucracy as possible. Since this is tax legislation I, myself, see no role for TIDCO here or in any of their overseas offices. I think it should be dealt with by the Ministry of Finance, just as it was dealt with under the Hotel Development Act. They have the experience. They have a nose for who is genuine and who is not. They can smell a Trump a mile off. I am not so sure that TIDCO can smell a Trump a mile off but, actually, maybe to TIDCO Trump has one smell and to the Ministry of Finance he has a different smell and probably in one case one is a less attractive smell than the other. However, I rather trust the Board of Inland Revenue to nose out the Trumps than TIDCO, especially if they are nosing them out in some international entertainment exhibition. So I would like to leave it to the Board of Inland Revenue.

I entreat the Government, Mr. Vice-President, to let us have some form of committee. It may be that the select committee has acquired a slightly tarnished reputation because of some of the other Bills that have gone to select committees but I think one also has to examine that track record. I think it was Sen. Theodore who had a difficult Bill in the last session, as a result of which that Bill was sent to a select committee. I have temporarily forgotten the name of it. [*Interruption*] The DNA Bill, yes, a very complicated subject, and it was fixed in select committee, came back and was passed without any difficulty. Why? It is because that Bill went to select committee largely for technical drafting reasons, not for any political reasons. Of course, the Planning Bill has suffered a different fate for

a variety of reasons. It has gone to select committee but has not been able to re-emerge for somewhat political reasons.

There is no political dispute about this Bill. I have not heard any so far, either from the PNM or from my colleagues on the Independent Benches. So you cannot just set your face against the select committee. On the Bills that have gone to select committee for technical input where there is very little policy difference and very little political difference, the select committee has worked well. Indeed, I think much of the select committee work has been done by Sen. Prof. Spence and Sen. Prof. Kenny on some of these technical matters. So I do not think you should set your face against a select committee maybe because the Planning Bill has had a difficult passage there. It does not even have to be a select committee. One or two very creative suggestions have been bandied around during the course of the day as to how else it might be done.

So really, Mr. Vice-President, I can only end by entreating the Government not to put us in this difficulty, not to put the Board of Inland Revenue in any difficulty and let us try to get this legislation properly drafted for the reasons which I have said. Thank you, Mr. Vice-President.

**Mr. Vice-President:** On that note, I recommend that we suspend the sitting for tea. It is now 4.30. We will resume at 5 o'clock.

**4.30 p.m.:** *Sitting suspended.*

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

[MR. PRESIDENT *in the Chair*]

**Mr. President:** We do not have a quorum.

**5.03 p.m.**

**Mr. President:** All right. We do have a quorum, so the debate resumes. Sen. Prof. Ramchand.

**Sen. Prof. Kenneth Ramchand:** Mr. President, whenever I travel to Martinique or Guadeloupe, I get very frustrated by the political situation there. These countries have produced Caribbean thinkers and radicals like Franz Fanon, Aimé Césaire and Edouard Glissant. But when they are asked whether they want independence or whether they want to be part of France, they vote to be part of France because they want the subsidy from the Central French Government. The whole question of being a nationalist or being a patriot in Martinique and Guadeloupe is prejudiced by the franc.

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When I go to Puerto Rico, it is the same thing. The majority of Puerto Ricans do not wish to be an independent nation because they want to be part of America. The subsidy of the American dollar.

I went to Bermuda recently and I have never seen Black people so tame in my life. Fifty per cent of the population accept very easily that they should have inferior jobs in a tourism industry, own no hotels, own no property; they are simply workers in a tourism industry with no prospect of ever becoming owners. So, I know that the majority of people in this country are not going to oppose our becoming, in part at least, a tourist economy. People need to live and they are glad to get the dollars.

I recognize that there is a tourism thrust and it may very well be supported by many people, and that the Government has decided to invest heavily in hoped-for tourist arrivals. I suppose that is what is meant by a “blind thrust” [*Laughter*] and, therefore, those of us who do not quite agree with the policy, cannot really kick against it. If we want to be useful, we have to try to suggest ways of offsetting some of the dangers. We have a responsibility to talk about some of the dangers and we have a responsibility to make suggestions if we are going into tourism, about what kinds of tourism we should develop.

I intend to do that eventually, Mr. President, but I would like *Hansard* to register, so sometime in the future people will see it, that I have grave misgivings about the tourism thrust as here constructed. I will explain what I mean by “constructed” later on.

Firstly, Mr. President, I believe that if you count up the cost of revenue foregone in this particular Bill—and you cannot, because it is so messy; you cannot even work out how much revenue is being foregone, but if you could—you would find that we are paying too much for the jobs that we think we would get. The amount of money we have to put into tourism to get jobs is way in excess of the value of the number of jobs that would be created. I would say for every US \$100 we put into tourism, we are getting back TT \$100 in jobs. I do not have the statistics, but it looks like that to me.

The way the money is being invested, according to this Bill, it suggests to me that this is a modified Unemployment Relief Programme, where workers for once will really have to work for the handouts and this is morally pleasing but the owners and managers of tourism projects will get cut-price property and cut-price furnishings. That, to me, is the unfortunate effect or purpose of this Bill and that is why I have grave misgivings about it.

Secondly, Mr. President, if I had the time, I think I would have been able to gather the information to put a dent in the optimism that arises in the naked figures. I mean the figures that tell us about tourism as the world's largest growth industry. Everybody has been quoting that receipts from international tourism have increased by 9 per cent annually between 1980—1996, reaching \$423 billion in 1996. Everybody knows that.

While the overall figure is increasing, I am pretty certain that if you go and look at the tourism figures for individual countries, you would find that there is not that record of regular and large increases for any one country and the reason for that is that more and more tourism destinations are being added to the tourism map. It is not that there is a fixed figure of 20 places with tourism—and the tourism figure is going up and, therefore, your share is likely to increase. Not at all. The fact is that more tourism destinations are being added to the map all the time.

So, the number of tourists may be going up, but the number of tourist destinations is increasing. It is a highly competitive industry to which you cannot commit substantial parts of your economy on the assumption that the overall world figure is increasing. You are buying a pig in a poke. There are probably four times as many rooms and facilities as there are customers.

Mr. President, people say that tourists are getting more discerning; they are getting more economical; they are getting more educated; they are getting more interested. That also means they are getting more stingy. So, I really believe that we should take time and think about whether we want to forego all this revenue simply to create more rooms because, I believe and I agree with previous speakers, this is a hotel development Bill and this is really tax legislation. This is not tourism development.

If it had been tourism development and even if it had been limited only to financing tourism projects, it would have contained material in here to tell possible investors: "These are the islands of Trinidad and Tobago; there are 10 areas that we think are very suitable for tourism projects and if you want to put a tourism project in one of these areas, come and talk to us. If you are going into area B, we are pretty certain you would want to go towards ecotourism; if you are going into area C, you might be going into sun and sand." We would make up our own map about the tourism project possibilities in the country, and guide the investors to make their investments in particular areas for specific projects that we know are the suitable projects for those areas. If they do not want to do that and they want to develop according to their own likes, go to Jamaica.

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If this were a Tourism Development Bill and we restrict it even to tourism projects as here defined, it would have to specify what parts of Trinidad and Tobago we are designating tourism areas, and we would be ensuring that we are getting a geographical spread of tourism—not locating everything in Tobago or the north east—and we would have a spread of different kinds of tourism projects related to the immediate region in which those projects are located.

To summarize this section, I feel that the investments as described in this Bill are risky. They are high-risk investments, of benefit only to the owners and managers and, because they are built upon the hoped-for arrivals of tourists, these investments are not part of what I think of as sustainable development.

Mr. President, we should not think of infrastructure development as infrastructure investment. The government of a country should develop the infrastructure of the country for the benefit and welfare of the citizens of the country, but to have a policy in which you are saying, we are developing the infrastructure as an investment in tourism, seems to me to be a distortion of the natural way of doing things.

If you plant a tourist, it would not grow, and except for Tobago, tourists do not make young ones. Every year you have to fight for your share of the tourism market. So, you could put down all the rooms you like, that is not enough. You have to go out there and fight for passengers, like a taxi driver by the taxi stand. Grab a man by the suitcase and pull him in your hotel and so forth. The country's version of the taximan's hustle.

That is the first part of what I have to say. I just want it recorded in *Hansard* that I have very grave misgivings about infrastructure investment for tourism, and that a country and a government has a responsibility to develop infrastructure for the enjoyment and benefit of its people.

**5.15 p.m.**

I want to talk a bit about something that is related to that. I may seem a bit paranoid about it. I do not think I am really exaggerating it, but everyone else could think that I am exaggerating it. What happens to anything that is built upon unstable ground? The unstable ground I am talking about is the social inequity, the great disparity between the resources of the majority of our people and the resources of the people who are going to own these tourism projects. One cannot build anything upon unstable ground, and the state of unequal economic opportunity and unequal economic resources in this country constitutes unstable ground.

You know, Mr. President, I always like to give you a bit of literature. I want to read a short passage from a book by a woman from Antigua. She writes under the name Jamaica Kincaid, and the title of her book is *A Small Place*. The book is famous to me, but it is notorious to bad people in Antigua, one of whom, the Prime Ministers in our region got together and gave the Order of Caricom. Birds of a feather, I suppose. [Laughter]

*A Small Place*—the Order of Caricom for a thug—is a devastating indictment of the corruptions of post independence politics, but it is also an attempt to explain the inflammable ground on which tourism, or the kind of tourism this Bill represents, is being built. The kind of tourism that the Bill is fostering. It is a new enslavement of our working people. A lot of people in this country will regard the result of these kinds of concessions as a continuation of the plantation system. A system that keeps them in the category of servants and working people.

Miss Kincaid is apparently addressing tourists and, as she talks to them, what she is saying is that a lot of resentment is being caused by the way in which tourism is being developed. A lot of envy, a lot of sourness. She says:

“That the native does not like the tourist is not hard to explain. For every native of every place is a potential tourist, and every tourist is a native of somewhere.”

We are natives, but we are also tourists.

“Every native everywhere lives a life of overwhelming and crushing banality and boredom and desperation and depression, and every deed, good and bad, is an attempt to forget this. Every native would like to find a way out, every native would like a rest, every native would like a tour. But some natives—most natives in the world—cannot go anywhere. They are too poor. They are too poor to go anywhere. They are too poor to escape the realities of their lives; and they are too poor to live properly in the place where they live, which is the very place that you, the tourist want to go—so when the natives see you the tourist, they envy you, they envy your ability to leave your own banality and boredom, they envy your ability to turn their own banality and boredom into a source of pleasure for yourself.”

Mr. President, I take this passage very seriously. Although we are happy people, jolly people, and we have manners and so forth, when we let people see the high life that the tourists live, and when we appoint them to be the ones who serve the drinks and cook the food when they are having the hard life, we are sowing seeds of social discontent. So, we have to make sure that whatever kind of tourism

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industry we develop would not lead to a continuation of the disadvantaged condition of the majority of our people, and it should open up possibilities for the majority of our people to move out of the depression that is their lives.

A tourism industry should not make the natives feel that they are being dispossessed or deprived or put to any greater difficulties than they already suffer. A tourism industry should not make people feel that the class who have plenty are working together or ganging up to get more at the expense of widening the gap between rich and poor. If we are to have tourism, the benefits of tourism should be long-term and they should come to all citizens, not in the form of dollars, but in other forms.

What we spend on tourism should not be wasted if the tourists do not come. We do not want to be in a situation of creating 1,000 rooms and then only 300 people come, and the money spent on creating the 700 additional rooms goes down the drain. It should be one of our rules that what we spend would not be wasted if the tourists do not come.

What I am driving at is that to have a tourist industry, all one has to do is create a country that people like to visit. A country that people like to visit is a country where the government improves the quality of life and the possibilities of its own people, and makes those people happy, liberated in themselves, people who enjoy life. A government which wants to create a country like this will have to spend money on salaries, pensions, schools, hospitals, health care, facilities for the aged and the challenged, on education, on creating knowledge of and respect for difference, religion, gender, ethnicity, occupation and class. It would spend money on the environment, heritage sites, theatres for dance, drama, music, on museums, panyards, on the film industry, the television industry, libraries, festival sites, recording studios, roads, bridges, dams, lakes, reservoirs, water supply, telephone, electricity, rural development, agriculture, public transport system. The government will be taking care of its people, taking care of the environment, and taking care of the whole social landscape.

A place, Mr. President, where people are not forced to queue up outside foreign embassies and take “buff”. A place where violent crime is down. A place from which citizens do not want to escape! A place that citizens love to live in and fulfil themselves. If the citizens of a place love their place and express themselves and their love of life and their love of other people in that place, then visitors want to come here, not to study or gamble or drink or tan or whore; not even to marry. They come to share in the *joie de vivre*, the exciting quality of life

in the place. So the money that is spent developing one's infrastructure for the benefit of one's people—almost by accident, as Sen. Daly would say, like oil and like the absence of hurricanes—will bring in tourism, because one will be creating a place to which people would love to come.

I am stressing this point because it is obvious to nearly everybody that Trinidad is, and could be even more so, the place in the world that people want to visit again and again. If we kept statistics about return tourism or return visitors, I am sure that Trinidad will be top of the list. Anybody who comes to this place keeps coming back. There is a niche in tourism for return visitors. Not returning tourists, but returning visitors. That is our niche.

Mr. President, I was at a conference in Jamaica and I heard one economist get up and be glad that he could count remittances from Jamaicans overseas as part of the revenue of Jamaica; that he could count the barrels of food and clothes that were being sent back as part of the revenue, and he said, "You know, we have a great resource there. Those people over there are sending back money and material things and the economy is booming because of that." I could not speak to him in public, because I would get shot down, but I spoke to him privately afterwards, and I asked, "How can you boast about the results of a condition that you, as an economist, would like to change? If all of your Jamaican people are escaping from Jamaica to live and work overseas, what you should be thinking about is, how can we create a situation here where they can live and work. You should not scavengingly say, "Ah. They are gone and they are sending money and it improves the economy".

What I take from that situation however—and it is true throughout the Caribbean—is that it provides a special tourism niche for us. Think of the amount of "salt water Trinis", the number of Trinidadians who are living overseas, who want to come home for holiday. If we want to target a specific tourist market, try to make it easy for them to come home. Give them tax concessions on their tickets, if you like. Help those people to come back home regularly and spend their holidays. That would be our special tourism constituency.

When I am abroad, when anybody asks, "Where do you want to go for a holiday?" the first place I say is Trinidad. I think that is true of the people of Trinidad and Tobago. They want to come back home for holidays. When they do, they spend a lot of money. They look at the country and wonder whether they should open up a business here. They think about going into business, of coming back to retire, of buying a house.

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If this is a tourism development Bill, it has to locate geographical areas where tourism projects can be recognized. It has also to find targets that we would not have to fight for, and it has to make use of one of the most exciting things about this country, the wonderful meeting of peoples and cultures marked by the fact that this country is unusually rich in festivals. We have Carnival, Divali, Eid, Hosay and the Orisha.

**5.30 p.m.**

Mr. President, I can tell you that there is a kind of tourism that is going on, that people do not seem to recognize relating to the University of the West Indies. Every year, at least 50 scholars come to the University of the West Indies and spend about one month in the country, making use of the material in the West Indian collection of the University of the West Indies Library. Every year there are at least 10 groups of students from other universities—groups of about 30 persons—who come here and spend a whole semester taking up accommodation, buying food and they bring two professors with them. Every year there is an intelligent tourism. Those students go back home knowing more about old time carnival, calypso, the Hindu festivals, the Muslim festivals, African religions—they go back knowing more and they are the envy of our own West Indian students.

When I lecture a course called “Caribbean Culture and Society”; the University of the West Indies students want to know why they cannot take it, because they never heard about this, that or the other. The students enjoy themselves by steeping themselves in what is interesting about the place. About 20 per cent of them come back on their own, a year or two later, because they miss Trinidad.

Mr. President, my opposition to the present Bill is that it is very narrow and it has to do with hotel development. I do not think that hotel development of this sort—spending the money on hotel development in this way—is the way to develop a tourism industry in this country. I am suggesting that it should not be infrastructure investment, it should be infrastructure development for the people of this country.

Take carnival, for example. Nobody ever played carnival for tourists; maybe two or three years ago they started playing for tourists, but carnival is what it is because it is the people of this country expressing their joy, creativity and energy being themselves and they want carnival for themselves. Carnival exists for the people of Trinidad and Tobago, and the excess—the leftovers, the spectacle—

tourists come and buy it because they know they are witnessing the real thing. Those of us who have stopped interfering with Carnival on Monday and Tuesday, which includes me, it is because we find that Monday and Tuesday is not our carnival anymore; it is being taken away by the tourism thrust. The real carnival is right up to J'ouvert, morning then off it goes. The carnival originated—the carnival strength is that it is people expressing themselves; so is Divali.

More people are coming to Divali but I do not think Hindus are setting up Divali to say: “We are getting tourists.” The Divali Nagar site is being cultivated as a place where a certain religion can express itself: show itself to the world, tell itself what it is, hold seminars, *et cetera*. Of course, it has been invaded by commercialism. It is being invaded all around.

These festivals which are a vital self-expression of the community are being shaped by and shaped to this tourist thrust/urge. Paradoxically, if the Government wishes to encourage tourists it should spend money allowing these festivals to be independent of the tourists; give these festivals, cultures and groups the encouragement to be themselves, and the more healthily they are allowed to be themselves, the more they will be attractive to visitors who want to come and see authentic self-expression.

The other point about the mixing of peoples—the politicians may do their best to divide us, but there is such racial harmony in this country that every visitor who comes here has to comment: “Chinee, African, Indian yeah, yeah, we are all Trinis.” Every now and then we are made to act up because people want something and they want to use us, but this harmony is one of our attractions to the world.

Mr. President, I do not know, God has really blessed us. God has given us this vital culture. This is such a highly intelligent population. Every Trinidadian student who goes abroad to study is in the top three in whatever field he is studying, and this includes some of them who do not win scholarships here; they just go over there and immediately the talent just flows out of them. We are a talented, creative, original, musical people. We are an example to the world, of racial harmony. We have all these festivals. It is the festivals that keep the Government in power.

If the people in this country did not have Carnival, Christmas, Eid-ul-Fitr, Parang, Easter and Divali—“I know dey could do meh what dey like, Eid coming up, Divali coming up, dey could do meh what dey like.” If the people of this country did not have these festivals to belong to, there would be revolution and all the Members on the opposite side would not have any jobs.

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Mr. President, there is very good reason for the Government to stop thinking about tourism investment. Invest in your country, invest in your people and the tourists would come. I am not denying that there must be rooms and accommodation. I am not coming with a wild man thing about tourism. Like everybody else, I do secondary research.

Incidentally, I wanted to make this point yesterday: research may be primary and secondary. If this country believes that by putting a computer in every home it is creating researchers, it is not. It is creating secondary researchers who are reading up the stuff that primary researchers put on the Web. I was doing some secondary research and pulled out—since everybody is pulling out—The World Tourism Organization

“Employment

Travel and tourism is an important job creator, employing an estimated 100 million people around the world. The vast majority of tourism jobs are in small or medium-sized family-owned enterprises.”

That is the way we have to go, Mr. President.

“The vast majority of tourism jobs are in small or medium-sized family-owned enterprises.”

You do not bring the big giants and tell them: “Set up another hotel in Chaguaramas, everybody come to Chaguaramas.” You over-develop one part of the country with a certain kind of huge facility and you leave the rest of the country floundering. The better possibility is:

“small or medium-sized family-owned enterprises”

and it coincides with a policy that the Government seems to have to develop small business, to make all of us entrepreneurs. There are many people, of middle income, who can be involved in the tourism industry; if we develop the kind of tourism industry I am talking about, then we would break the strangle hold of the huge hotels which have half their rooms empty for half the year.

Mr. President, on this same document, supporting what I am saying; under Rural Opportunities:

“Tourism jobs and businesses are usually created in the most underdeveloped regions of a country, helping to equalize economic opportunities throughout a nation and providing an incentive for residents to remain in rural areas rather than move to overcrowded cities.”

**5.40 p.m.**

I do not see the present Tourism Development Bill guided in any way by this document which is freely available on the web from the World Tourism Organization.

So, Mr. President, sometimes I think if they were to give me a little bit of money to put up an annex in my yard, I could put up a real nice apartment there that could have two people staying in it with all the facilities, and if they guarantee me that they would rent these rooms from me, let us say three months a year, I would be glad to have something like that added to my house. So for three months of the year the Government has partly subsidized me to build this annex in my yard or to add an apartment or room to my house, and it tells me, "We want to have your accommodation on our books for the following three months in the year". Then, for the other nine months, I am telling my friends from all over the place, "Come and make mas boy, accommodation free, just come and stay by me". I am bringing in tourists who are not paying rent, but who are spending money in the country.

The main virtue of this for the Government is that it would help people to improve their own houses, and to make a little money for three months of the year and then improve their social life by having a place where their friends and family could come and spend holidays. I would like to see this added to the so-called Tourism Development (No. 2) Bill, although it is not going to cost—what is the minimum cost? I think you have got to spend up to a certain amount to qualify as a tourism project, and the kind of thing I am talking about is not going to meet that price. I would certainly like to see something added to the Bill to encourage ordinary citizens to create tourism facilities—extensions to their homes, as annexes to their homes, and the Government undertaking that we can count on these rooms for three months per year and leave me to use it for the other nine months.

Mr. President, I think I have made the basic points that I want to make and I just want to revert to the dangers I was talking about. I prefer to end on a warning note, because I see tourism—as it is at present disposed—combining with what is going on in the cinema and what is going on on television; I see tourism as transforming our landscape in an unhealthy way; I see tourism as mutilating the sensibility of our people; and I see trouble ahead. Because those people who are exploiting the country do not have any long vision at all. Let me explain. I do not agree with the racist implications of it, but in *The Mimic Men*, Naipaul describes West Indian people as people with three kinds of vision: one, the Orientals with

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long vision, totally useless because they are not living in this place; the other, whom he calls the Africans, who have short vision, living now, in the moment, for the moment; and then, the French Creoles and Syrians who have medium vision, who are the ones running the country, the parasitic oligarchy. *[Laughter]*

So, Mr. President, what we really want is to make everybody a kind of medium vision person, let everybody live in this world and be part of this world, and not just live in the moment, for the moment. You cannot do it right unless you listen first to the long-vision people.

I want to end with our Nobel Prize winner in literature who looks at the deterioration of our lives, who looks at the vulgarizing of our psyche, who looks at the destruction of the landscape. He sees it as arising from the death of the Federation and the failure to create a nation with a national purpose. He says:

“One morning—”

This is the morning after “one from ten leaves nought.” That was a signal that the Federation was over.

“One morning the Caribbean was cut up  
by seven prime ministers—”

**Mr. President:** Senator, are you quoting?

**Sen. Prof. K. Ramchand:** Yes, Sir.

**Mr. President:** Source, details, please.

**Sen. Prof. K. Ramchand:** A poem “The Star Apple Kingdom” from a collection called *The Star Apple Kingdom* by our Nobel Prize winner, Derek Walcott. Is that okay?

“One morning the Caribbean was cut up  
by seven prime ministers who bought the sea in bolts—  
one thousand miles of aquamarine with lace trimmings,  
one million yards of lime-coloured silk,  
one mile of violet, leagues of cerulean satin—  
who sold it at a mark-up to the conglomerates,  
the same conglomerates who had rented the waterspouts

for ninety-nine years in exchange for fifty ships  
 who retailed it in turn to the ministers  
 with only one bank account, who then resold it  
 in ads for the Caribbean Economic Community,  
 till everyone owned a little piece of the sea  
 from which some made saris, some made bandannas;  
 the rest was offered on trays to white cruise ships  
 taller than the post office; then the dogfights  
 began in the cabinets as to who had first sold  
 the archipelago for this chain-store of islands.”

Mr. President, I believe that the implications of this Tourism Bill—as it is before us—are leading to the creation of a chain-store of islands in this country.

Thank you, Mr. President.

**Sen. Joan Yuille-Williams:** Mr. President, so much has been said already, but I rise really to support much of what has been said on this side by both Benches, because I too had some difficulty with the interpretation of this Bill and therefore, so much had been said, that I do not think I would be long. Although, Sen. Gillette assured us that everything was very clear, I had difficulty in following it as much as I had difficulty in following the linkages of the opening statements to the Bill itself.

This Bill is entitled the Tourism Development (No. 2) Bill. I went back to the *Hansard* contribution of the former Minister of Tourism which was delivered on August 3, 1999. I want to read this paragraph because the kinds of things we are talking about and the reasons things were brought here and, probably, why they were brought in this form—probably this paragraph will inform it. He said:

“By Minute No. 2039 dated August 3, 1996, Cabinet agreed *inter alia* to equity participation by the Government of the Republic of Trinidad and Tobago in the Tobago Hilton project which formed part of the tourism development being undertaken by Tobago Plantations Limited. As a result of representations made by developers of the project, a technical team was established to hold discussions with the developers. Based on the report of that team, Cabinet agreed by Minute No. 3062 dated November 20, 1996 to

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the amendment of the definition criteria for approved tourism projects to Include Integrated Resort Developments. Subsequently, the Attorney General caused to be prepared a Bill entitled The Tourism Development Act, 1997.”

So, actually, if we go through it, this Bill was not really put in place for tourism development, *per se*, as we would want to think; it was really to facilitate this particular project, and this started since 1996. I would want to believe at that time, probably—that is three years ago—if the Hoteliers Act had been amended then, this probably could have gone through based on that Act and, in three years’ time when this comes to the Parliament, we would have had a better Tourism Development Bill.

I see nothing wrong with trying to facilitate a project, but you could not do all together. Even the haste with which this was done—it has been three years, I do not know what happened in the interim—now we are faced with a tourism development bill and, as most people said here, it has little to do with tourism development. I think that is why my colleague, Sen. Shabazz, thought that this was an hoteliers Bill. But we could have worked on it differently. So I am saying again, that much work has to be done on this.

I want to just go back to May 1994. I know those from TIDCO, and others will notice a Working Paper for Discussion, it is called *Tourism in Trinidad and Tobago, Issues and Opportunities*. It is a Tourism Master Plan and Investment Programme and it was prepared for the Government of the Republic of Trinidad and Tobago, by the NRA Consulting Group Incorporated. It was not prepared for any particular administration. Therefore, I am quite sure that on this document, a lot of money, which was Government's money, which is the country's money, was spent to do the research and all this preparation. Therefore, some of the linkages which we are hearing people talking about: linkages of sporting events; linkages with cultural events; linkages with festivals; if we had only gone through the document carefully, some of these linkages could have found their way into this Tourism Development (No. 2) Bill.

Therefore, I am saying that even though we might come to the stage where at this time you might have to accept this with some changes, much more needs to be done to this particular Bill if it has to become a tourism development Bill. I agree with all those who say it has nothing to do with the development of tourism. It was originally started to facilitate Tobago Plantations Limited. I have seen the Tobago Plantations brochure. They have sold all the condominiums already. I have seen them all. I had a few with me last time; I did not walk with them today.

Many of the villas have been sold already. Therefore, is it still necessary to hustle this Bill?

What I also looked at was clause 44 of the old Tourism Bill, which deals with the retrospective effect. It says:

“Where on commencement of this Act any person is engaged in a tourism project in respect of which he would be eligible to enjoy benefits under this Act, such person may submit an application under this Act for all the benefits that he would be entitled to, had this Act been in force at the time of the commencement of the tourism project.”

That clause has been deleted from this new Bill, that whole retrospective effect.

I am still wondering now: what is the haste? Who is out there waiting for this Bill to be passed? Since—it seems to me—it is not retroactive. This is what I am thinking. I understand that there are groups or project holders out there who are waiting for the passage of this Bill, and the pressure is really on the Senate now to pass it. You cannot say there is no pressure, because even though we are asking that this, not even go to just a select committee or back to the drafters or so, you know there is going to be limited time to do it, so somebody must be pressing us. I want to know, at the end of it, whether or not the retrospective effect will still hold after this Bill has been passed. It is deleted from the Bill which the hon. Minister used and therefore, I ask that question.

Seeing we have reached this late stage—because I was going through some of the issues in this document—I would not go through this. I would just go directly to the Bill. At this time I am going to be looking at the smaller persons in the tourism industry. We are talking about levelling the playing field all the time, and I am asking myself: Are we going to be levelling the playing field here? Or is this made, in turn, with the bigger developers in mind?

**5.55 p.m.**

I should make a comment on the definitions. I do not believe because the Bureau of Standards or anybody else uses a particular definition that we are supposed to use it even if we find it is not applicable. I find in this Parliament sometimes we have a way that if somebody else does something, we use it. I remember legislation being brought here, and I was told that it happened in Barbados—and Barbados has this—and it was lifted from there or it was lifted from some other part of the world, and therefore it seems to me that if it was lifted from somewhere else, then it is not good for us.

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Mr. President, we could pass this Tourism Development Bill with a simple majority, as is, and do you think it is fair for another Caribbean country to just say, Trinidad and Tobago has passed that Bill down there so let us use it here? Those of us on this side know the difficulty—a simple majority can allow anything to happen. Therefore, I do not think we should always say that because something is done somewhere else, or is found somewhere else, that is good enough for us.

Clearly, there were difficulties in the definitions. I think Members have gone through them and shown in some areas where things do not sound right; when it does not make sense, and I feel that we should try to accept them and see what we could do at this stage to rectify them. I do not think that because we found it anywhere else it is good enough for us at all.

Let me just look, for the benefit of the smaller tax hoteliers, very quickly, at Part I, clause 3. I am wondering, why are we going into a two-tiered system? For old-age pension, we went into two-tiered; NIS, we went into two-tiered; and so very often we go into a two-tiered system. I am asking why are we going into a two-tiered system? Those over \$120 million: “full or partial tax exemption not exceeding seven years...” But I feel those people who are in the lower bracket are the most difficult to facilitate anything. Therefore, I am wondering, why five years and seven years? This is one of the questions Sen. Gillette asked very clearly. Why? Why do we not have the same for both groups? Those hoteliers or developers who have less money are the ones who really need that kind of exemption, and I do not see the reason for having that two-tiered system.

Mr. President, if I look very quickly at clause 7. “Requirements for facilities to access benefits.

Tourism projects seeking to access benefits under this Act—

- (a) must be registered with...
- (b) are subject to annual inspection by the Corporation in respect of matters concerning Trinidad, and the Assembly in matters concerning...;”

I just wanted to ask: When will the benefits be given, before we go through the project or after the project has been built? It is not very clear to me whether it is before the project is done or after. Because the Bill is saying “subject to annual inspection” and one does not know what the result would be if one fails the inspection. So I would like the hon. Minister to tell me, clearly, what does that mean.

With respect to subclause (e) “must be members in good standing with the National Associations...”

I also want to talk on that for a while because it comes back to the union—closed shop. Let me say something. In most cases, as has already been said, those associations do not function too well. The smaller hoteliers will tell you that when you go to any of these meetings nothing is said about them. It is usually the bigger hoteliers who would dominate it. You have to pay a fee of almost \$2,000 per year.

Let me also say that the larger hotels have foreign managers in most cases, and those are the people who talk in the meetings. Therefore, they have an entirely different focus. So why should I, with my small project, get into that association with those people with their 500 and 600 rooms who have a different focus; who are not concerned with what I have to be concerned with at all? It means that I would be paying that money just to keep registered, getting no benefits from that association. I am speaking on behalf of those smaller hoteliers. I do not think that they should be forced into this. It is not only those hoteliers; the taxi drivers, the cooperatives, all of them. One cannot guarantee any of these associations as approved ones.

Therefore, we need to look at that very closely because I think this is a little discriminatory. I do not see it as necessary to belong to the association and be members in good standing. You are paying your money all the time and there is nothing going on there that benefits you at all. So I think we need to look at that Bill.

Again, I am looking at Part II, clause 9 and, as I said before, I am concentrating clearly on the smaller persons this evening. Much has been said about the others who were waiting on this Bill.

“...projects which will be reserved solely for ownership and operation by nationals of Trinidad and Tobago are:

(a) accommodation facilities under twenty-one rooms;”

I am asking, if there are 22 rooms, are you telling me that a foreigner can come in and get the facility for a project with 22 rooms? Why I am saying that is because I think that number should be increased—because with 21 rooms, foreigners can come in here and get all the tax incentives and so forth, for a facility of 22 rooms. This is a small facility. I have noticed those houses which are being constructed are looking as though they have 22 rooms. So I am saying that we should move from 21 rooms and increase it to 30 and 40 rooms. Think about it. I am just saying that that should be increased a bit. These are for nationals only and 22

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rooms is a small facility. You will be almost rivalling nationals with 22 rooms and above, but that is what it says at the lower scale.

Then we look at the ground tour operators/destination management company. I remember the last time this Bill was here, I asked a question which I will ask again with respect to ground tour operators/destination management company. I was saying—I even spoke to some hoteliers especially in Tobago—that they felt that some of these foreign companies need to have a representative on the ground to look after their people who come down here. They know the language, they know the culture and all that kind of thing. So many times they are here. They were even told of the Scandinavian Leisure Group. I think it was as an example. They brought a group that usually comes down and they felt that there should be some opportunity for them to have someone from the company on the ground so that they would be able to operate some of these tours for those people. But there is something else I had asked: with respect to ground tour operators, can any foreigner come in there and manage any destination or company? As it says here now, you are saying these are projects only for nationals but there are a number of foreigners who are in here managing these destination management companies and one wonders what would happen if there was that kind of application for a foreigner to manage one of the destination companies. In fact, I think it came up—let me see if I can find it in the *Hansard*.

**6.05 p.m.**

I was asking if a foreigner wanted to work or operate a ground tour, whether or not they would have been able to get a work permit to do to it. I could remember we were asking that question, I do not think the Minister of National Security was here at that time. As it stands here, the Bill states in clause 9:

“Tourism projects which will be reserved solely for ownership and operation by nationals of Trinidad and Tobago:

(c) ground tour operators/destination management company.”

It did not give the size or anything like that, but we also felt that the agents come down here and they need to work with their people on the ground. Agents of companies must come down; they bring down an airline—if you are an agent, you have to work. We were wondering whether those people would be permitted to get a work permit to work here in Trinidad and Tobago.

At the time, the response was that the hon. Minister was not sure because he said, at that time, he did not issue work permits himself. I am wondering what is

the liaison between the Ministry of Tourism and the Ministry of National Security in terms of granting work permits to these foreigners, ground tour and destination managers, who come in to do work in Trinidad and Tobago. We need to know that because it is important to us. We feel that at some time somebody should be allowed, from that company, to work.

If you look at clause 13, the whole business of the interim certificate, there are a few questions and, again, I am going to be very direct because of what we want to ask. Is the interim certificate for a person or a project? For how long is the interim certificate valid? These are some of the questions we have.

We also noted—and I think it came up in the last debate—that there were certain conditions which were necessary for the interim certificate, but we also noted that if you did not get an interim certificate but you got the final certificate, the conditions on the interim certificate were not necessary for the final certificate. Let me just give you an example:

- “(2) The Interim Certificate of Approval granted under subsection (1)—
- (a) shall be in such form and contain such particulars as may be prescribed;
  - (b) shall specify the tax benefits that will be granted to the owner or operator on completion of the project; and
  - (c) may impose such terms and conditions to be observed by the owner or operator.”

That is for the interim certificate and that is what the Minister can give. Therefore, there are certain conditions under which you are working. When that person comes to get a final certificate, it is based on whether all these things have been done.

We are saying that if the person did not get an interim certificate, did the project and then came for the final certificate, there were no guidelines at all between the approval and that final certificate. I hope that I am being clear in that case. Some of the things that are in that interim certificate should be placed somewhere so that it could be included in what is necessary for the final certificate. If it is good for the interim certificate, the person who is getting a final certificate should have to go through some of these. I am very careful to find out whether or not it is for the person or the project.

One of the questions that an hotelier asked me is: Could the certificate be passed on? These are more than small details, but they are very important and we are saying that you do not just rush through this thing, because these are the

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questions which the public servants are going to be asked and they will have to find answers when people come. I have been asked by hoteliers.

I noticed that in the granting of the approval of the interim certificate it states:

“...may impose such terms and conditions to be observed by the owner or operator.”

Someone wrote next to me, “their policy and their profit may just change from time to time.” There are no specific rules at all that should be imposed, just that they “may impose such terms and conditions.” I think we need to look at that and also tell me for how long an interim certificate is valid.

If we go very quickly to Part 3, “Customs And Excise Duty Exemptions”, the small hoteliers told me that they were not really benefiting from this at all. Even putting tourism development aside, they were not benefiting at all. Subsection (2) states:

“A permit is subject to the conditions that the building materials and articles of tourism equipment therein specified shall be used exclusively in connection with the construction and equipment of the project for which the interim approval or the additional interim approval has been granted and that such building materials and articles of tourism equipment are not manufactured locally or not readily available locally.”

In fact, with that exemption, small hoteliers do not benefit at all, because they are so small that they have to get all their things locally. That is why I want to tell the Minister that Government is not really levelling the playing field; most of what is in here is for the large tourist hoteliers. The small hoteliers said that they would not be able to benefit from these customs and excise duty exemptions. They have to go to the market as I would go to purchase my things.

If we go to Part 5, very quickly, clause 41, “Penalties” it states:

“The Corporation or the Assembly, as applicable, shall conduct annual inspections of tourism projects and failure to meet the requirements set out by the Corporation or the Assembly will result in a withdrawal of the certificate for benefits.”

When are these standards set? After you have received the money, or do you know before? It is not clear. Persons should know the standards before beginning. If you read that very clearly, there is no place where it is told what is going to happen in terms of the penalties in clause 41. Persons want to know

whether they will know the standards before beginning the project. After you receive the money, what is going to happen? I think that some of these things are just left in the air. That is why we felt there were so many little questions that needed to be answered.

As I said before, public servants have to use this, people in the industry would want to read this. In fact, I went to a hotelier myself and as we went through this, he could not identify with it. Things were not as clear as some people may think them to be.

Schedule 2 was tacked on there to give the idea of the development of tourism. That is the only reason Schedule 2 is tacked on. The whole thing has been done so very quickly, not quickly—*[Interruption]*—yes, it has been hanging around but without much thought. This Schedule 2 tells me that you recognized that this is not tourism development and, therefore, you stuck a schedule here to say, “Look, we have this here, look we have that behind there,” but that is not so. If you had really read through this, the rest of the Bill would have been formed, they should have taken cognizance of what is happening there.

You just do not put theme parks, cultural centres—that is why Sen. Mahabir-Wyatt was asking specific things about special events and cultural events and how they fit in. For example, cultural centres do not make a cultural event of a project because you put cultural centres. Regarding special events, I remember the last time someone asked and you said put “horticulture”, but special events do not make your festival and sporting events part of a tourism project. This is why we felt you cannot really look back at the Bill and say, “Look at the width or the breadth of the Bill.” The Bill did not just cater for those things. They were just at the end of it; not even an appendix. Therefore, we have a lot of difficulty with what is said here.

My main criticism is, even though the Bill is not tourism development—I would hope at some time somebody would withdraw this Bill and come with something new, even though you said that you need to have it now because there are so many people waiting on this Bill, I do not know why, but they are waiting to have it. Still, I feel that you owe it to yourself and the country that certain things must be made clear. We cannot go with this Bill as is. It is very difficult to follow. There are a lot of conflict situations in it.

The small hoteliers say that they have to pay a room tax, a head tax, therefore, and when they look at certain benefits they are not really benefiting from it. Even though our focus was on certain large scale projects, if this is to replace the Hotel

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Act then we have to ensure that all those who were benefiting that way could still benefit from this. As it stands now, it is extremely difficult to find your way inside this Bill, where things happen. How do I identify with it? I am a small person, I want to have this project, I want to have, for example, events tourism, I want to do a certain type of sport every year as large as possible and I want to develop; how do I find my way here to see if this Bill will cater for me? I am doing something to attract the tourists in, how do I fit into it? It is not easy to find out at all.

We said that carnival is one that had linkages with it; carnival is a large scale project, there are other things that come out of it, and if we want to do that—many people are running cultural projects now and they feel that they would like it to fit in as a tourist project, but it is actually difficult to see how it fits in here. If you go through this Bill, you really would not want to fit in because there is nothing here that says some of those things could fit in.

In fact, this is so wide and so vague that it is absolutely very difficult and that is why I think my colleague said that this was catering mainly for the hotels, the infrastructure, rather than for development of tourism. I think that the Government should really look at that very closely. I do not think you wanted to hide it, because as I said, when we looked at what Minister Assam said in the *Hansard*, clearly he seems to understand that he was doing this for a particular purpose. He started off by saying so, he made no apologies for it and I do not see why at this time any of us should make any apologies for this.

Therefore, I want to say that I agree, but even though we are all interested in tourism development—and regardless of what you say, the last administration had been very much interested and that is why so much work was done on this discussion paper. It is a very detailed discussion paper. This was going for consultation and out of this would come the Tourism Bill. *[Interruption]*

#### PROCEDURAL MOTION

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, in accordance with Standing Order 9(4), I beg to move that this Senate continue to sit until the conclusion of all the contributions from Senators on the matter now before the Senate and before the Minister of Tourism replies. We have agreed to that.

*Question put and agreed to.*

**TOURISM DEVELOPMENT (NO.2) BILL**

**Sen. J. Yuille-Williams:** We were very much working towards the development of tourism, and I am a little disappointed that by 1996 not much reference was made to the taxpayers' money which was spent. Therefore, I think we need to look at all this; the types of tourism, the same point that Sen. Prof. Ramchand made, that we did not give it the breadth we needed to give it. Apparently, that was not what was the desire. What was desired was to get a Bill here to facilitate certain large projects beginning with Tobago Plantation.

**6.20 p.m.**

Mr. President, there is one thing I also heard here this evening and that is there were extensive discussions with hoteliers and interest groups. I spoke to one of them in the Chamber two days ago, and they said they are still writing something on this because they did not have the opportunity. I spoke to hoteliers in Tobago and they had not even seen it, even though it was out for such a long time. So I do not know who in the stakeholder community really had a chance to go through this because, I am sure if they had done this, the Government would have been able to get some kind of response from them and this might have been different.

Mr. President, it is a sad thing, that after all the work and time spent on bringing this up, the Government failed to continue what was started. As I said before, it was prepared for the Government of the Republic of Trinidad and Tobago and not for any particular party. What was necessary was that they move on to doing a particular Tourism Development Bill.

So whereas we are very much interested in supporting anything that would help to develop tourism, we just felt it is difficult to support this in its present form. I know a simple majority would carry it through, but I do not think at this stage, we really want to press it, that just because a simple majority would take us across that we would want to do it. We live in this country and we want to do the best for the country. We try to get together and work on something that we would be able to identify with. At the moment, we cannot identify with this Bill in its present form.

Mr. President, I will only urge the hon. Minister to listen to some of the comments that we have made. As I said before, if probably, during his presentation he had given us some chances, he would have seen exactly where we were going and, by today, we would have been much better off having given some answers and knowing some of the areas which we had done.

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Mr. President, I would like to close by clearly indicating that we find it very, very, necessary that it should not go to the committee stage, and that it goes to some kind of special committee. In fact, I feel that we have to do some redrafting. This is how I saw it from my very first reading. There is time and I think a lot of goodwill on both sides, and if we do that we would have something at least much better than this, that we can accept this afternoon. I also hope that even though we work on it and we accept it, attempts would be made to take it back and work on it again, so that we could even come back with a better product. Probably, we will have to repeal this whole Bill when they bring back a much better product.

Mr. President, thank you. [*Desk thumping*]

**Sen. Prof. John. Spence:** Mr. President, this is very difficulty for me because quite recently, in fact, only in August I spoke on this Bill, and it is difficult to speak at this hour in the evening, especially if it means repeating what one has said earlier on. So I would try and condense what I had said earlier. Before doing that, I want to read from a fax that I received from the Tobago Branch of the Trinidad and Tobago Hotel and Tourism Association, because I think that some of the points that they have made here are important—certainly, it seems that it is important to that association. So I would read the comments that they have made which they have transmitted to me.

The first comment is that in Part 5, clause 41, Penalties: it is suggested that there should be provisions for appealing the decisions of the Corporation or Assembly. That is the first point. They are asking for a system of appeal. The second point they made is that no mention was made in this Bill about the Assessment Licensing and Classification of Hotel Accommodation Standards Document. Apparently, in relation to the assessment of hotels, in accordance with the Laws of Trinidad and Tobago, section 26 is a Standards Act, Chapter 82: 03 as amended by Act 29 of 1985. What they are suggesting is that either this Act must be reviewed, in light of this development, or there must at least be some relationship between the standards which are set up and which are now law, and what is being done here with respect to hotels.

Then they said, with reference to Schedule 9: the rationale at arriving at the minimum size of investment is not known. However, they feel that with respect to the accommodation sector, the figures TT \$18.6 million and \$2.5 million which represent the international and local investment respectively are too high. And, certainly, my own position is that with respect to the local investment, that figure of \$2.5 million certainly is much too high. Personally, I would suggest a figure of

some \$1/2 million, especially as Sen. Prof. Ramchand has suggested, that we might be wanting to encourage smaller unit guest houses and things of that sort, certainly for the local investor. So I would strongly urge that that figure be reduced.

There are some other points, which I do not necessarily agree with. One is that it is suggested that when there is an investment of at least TT\$4 million from abroad, the investor should get resident status granted for as long as the investment remains. Well, I am not myself too enthusiastic about that but that is something they have suggested.

Mr. President, also they have suggested that if an investor owns a villa, which is costing at least \$2 million, as long as he remains full owner he should have right of residence, but for that right, he should pay an annual fee. They have suggested here an initial payment of \$100,000.00 and then an annual fee of \$10,000 to \$15,000.

They made some other suggestions which do not relate directly to the Bill. But I will give them because the point that they are making here is that you could develop in other ways, which would mean that you do not have to overload the system with hotel developments. They have suggested that offshore banking should be developed; which would assist with the rebuilding of Scarborough. I suppose if Scarborough is rebuilt that would enhance its attraction as a tourist destination. They have also suggested that computer parks and telemarketing would create jobs with no impact on the environment. High cost of labour in the United States of America and Europe—we can enter these markets and compete profitably. They have also suggested that the only way cruise tourism may bring money into the island is through a tax free port. Those were the points that were made to me, by the Hotel and Tourism Association, Tobago Branch, signed by the President, Mr. Dillon.

Mr. President, when I spoke previously on this Bill, I made the point, which I made in questioning Sen. Dr. Dhanny, that I do not think that enhancement of the arts and culture should be an objective of tourism. Art and Culture are something that we ourselves have as a people, and then we invite people in to participate in the enjoyment of our art and culture. Certainly not that we should use tourism to be enhancing our art and culture.

In respect of the Preamble, I also would suggest that preservation of the environment is something which we have to do, so that any tourism impact should be that they do not have any negative impact. The objective of tourism should be that there be no negative impact on the environment.

Mr. President, I am fully in support of linkages to other sectors of the economy. Indeed, I think that there has been some change in the Bill, since I last spoke because I urged that linkage to agriculture should be a conditionality and I think that it is worded in a stronger way now, than it was in the last Bill. I certainly think in this version, the Minister has to take linkage into account in making a decision as to whether the project should be an acceptable project or not. I hope that linkage would be emphasized.

In many instances, in the Caribbean, the return from tourism—apart from the jobs created—is very small in foreign exchange earnings because of the large importation of goods and services, including agricultural products from abroad. Indeed, I think the fact that we are given so many customs free concessions, even though these concessions are only given if these goods are not available locally, it seems clear that we recognize that problem.

**6.30 p.m.**

I urged on the last occasion—in fact, I moved an amendment on which I think that there has been some accommodation of that position in this Bill. However, I think there are some areas which need strengthening and that is that the Tobago House of Assembly should have a definitive say in tourism developments in Tobago. I quoted the tourism master plan, which Sen. Yuille-Williams has also quoted, in which they have suggested 1,000 hotel rooms for Charlotteville. I think that would completely change the character of Charlotteville. I think it would be very deleterious to Tobago on the whole. I certainly hope that is not the sort of development which takes place.

It seems to me, really, and this has been said by other speakers before me, that if we are talking about a Tourism Development Bill we should be ensuring that the developments that take place, that is the projects that we give concessionary arrangements for, are projects which are in keeping with some sort of development plan that we have. I certainly hope, at least in the case of Tobago, which is very fragile, a small island that can easily be overrun by tourism and by tourists, that the Tobago House of Assembly, in giving its approvals—and I think it has to be approvals rather than just recommendations—would take into account the development plan for Tobago because I think that Tobago could easily be spoilt irretrievably if the plan is not properly carried out. In Tobago I prefer to speak of conservation tourism rather than ecotourism, the emphasis being that the tourists who come must be interested in conserving the country as it is and not just ecotourism which could mean large numbers of people overrunning the island.

Much has been said about the definitions. There is one to which Sen. Mahabir-Wyatt referred and that is the definition of “tourist”. I think the problem here is that there is in this definition what I assume to be a typing error. It says:

“‘tourist’ means a person who leaves his normal place of residence and works and travels...”

I suppose it means place of residence and work. There should not be an “s” there:

“...and travels to another location...”

So that presumably it is just a typing error but it does not mean that you read it quite the wrong way because of that error.

Another bit of editing which I think needs to be put in deals with the term “Chief Executive Officer”. It is first referred to in clause 4(2) but the definition does not come until clause 10(1). So, clearly, the definition should be put in at clause 4(2), then, in clause 10(1), one just refers to “Chief Executive Officer” because it has already been defined earlier on. You do not define later on when the actual phrase is used in an earlier place.

Now, clause 7 says:

“Tourism projects seeking to access benefits under this Act –

- (b) are subject to annual inspection by the Corporation in respect of matters concerning Trinidad, and the Assembly in matters concerning the Assembly;”

Why not, “...in matters concerning Tobago”? The Assembly is not going to be involved in matters in Trinidad so it should be in Tobago. [*Interruption*] It has been changed? It has not been changed in my version. Then it says:

- “(c) must provide relevant statistics/economic data at intervals as required by the Corporation;”

They should include, “or the Assembly”. The Assembly should also be provided with the relevant facts and figures.

Then it says under 7(e) that the people seeking projects must be members of various associations. This has been referred to previously and my question is, it says approved associations; approved by whom? Is it by the Corporation? Subclause (f) talks about linkages and I agree with that fully. As I said, I think that should be put down on a firmer basis.

In clause 11(2) it says:

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“Upon receipt of an application under subsection (1) the Chief Executive Officer may require the applicant to submit to him such information and plans as he may require, and without limiting the generality of the foregoing, the Chief Executive Officer shall submit the application to the Assembly for comments.”

Well I would say, “for approval” rather than “comments”.

Then in subclause (3) it says that:

“The Assembly upon receipt of the information, plans...”

And so forth, shall:

“...make the necessary recommendations to the Chief Executive Officer.”

I would say, “should forward the necessary approvals”. In other words, I believe that Tobago has got to be able to say what development it wants and does not want. Now, you may argue, as I said in my last presentation, why not Mayaro and why not Cedros? Well, I think there is a closer relationship between Cedros and Port of Spain than there is between Port of Spain and Tobago. Certainly the chances of rapid tourist development taking place in Tobago are much greater than they are for Mayaro, so that we have to be more protective of that situation.

The people who are going to be involved in doing the development of tourism in Tobago are not going to live there, apart from the few who may live in villas costing a couple million dollars. We have had two examples of situations in which there has been interference, I think, to the detriment of the development in Tobago. The first was the Four Seasons Development for which there was objection in Tobago, which was overruled by the responsible Minister. So I think, really, one has to be very careful if we are going to develop in that way. Then, in respect of the interim approval being revoked and revived, again the Minister is acting. I believe that with respect to Tobago the Minister should be acting in consultation with the Tobago House of Assembly.

Now, there was some question as to whether the concessions with respect to tax-free loans for mortgages and duty exemptions would apply to persons who purchase villas. I do not think that they should apply. I do not think it is clear that it does apply in this Bill but I intend to move a couple of amendments at the committee stage which would ensure that they do not apply. This is because I think it is one thing to give concessions to the developer, but to give concessions to somebody who wants to buy a villa really is taking it a bit far. Anybody who can afford to buy a \$2 million villa can afford to pay taxes on it as well. That

certainly should not be part of the tourism development for which the taxpayer should be paying. So I will move a couple of amendments in the relevant clauses which ensure that there is no tax concession, either by way of mortgage loans or by way of import duties, for furniture and so forth which might be brought in for this concession.

Now, Mr. President, I shall make some general comments about the procedures that we should adopt. I do not know why my colleague, Sen. Daly, was so hard on TIDCO. After all, I think that TIDCO was in some way involved in the queen show, perhaps not directly but indirectly. I gather that since then we have had, what, four cruise ships calling on Trinidad, so that really must be a result of the queen show. We have also had the, what is it, World Beat Festival which I think lost only \$2 million. It might have lost \$4 million. So I do not know why my colleague is so hard on TIDCO.

Seriously, though, my dealings with TIDCO suggest that this is a bureaucracy which is even, perhaps, greater than many Government departments. So I am not convinced that by putting up a separate agency, as has been done here, which is supposed to bypass the bureaucracy, the bureaucratic problem has in any way been solved. All it has done is to put an extra layer in. When this was being spoken of by one of the Senators earlier on, no mention was made of the Ministry of Tourism. Now, these proposals have got to be first vetted by TIDCO, then they have to go to the Ministry of Tourism before they go to the Ministry of Finance.

I do not believe that any civil servant is going to present to the Minister for his signature a document which he himself has not vetted. Clearly, he has got to do it. It would be irresponsible if an accounting officer in the Ministry of Tourism asks his Minister to sign a document which he himself has not vetted. So that means that all the procedures which TIDCO has gone through, have got to be gone through by the Ministry of Tourism. I will put my head on the block that when it goes to the Ministry of Finance they are going to go through it again because they finally have to make the concessions, whether it is the tax department or what have you.

So, instead of having one layer—and I asked the Minister of Finance this on the last occasion—why can the concessions not be done by the Ministry of Finance? You pass the Bill, you say what the concessions are and then the income tax department or the customs department, or whoever it is, gives the concession in the Ministry of Finance. That is where it resides. Why have we set up this fantastic bureaucracy with two additional layers to be gone through? Sure, TIDCO should get the clients, organize them, recruit them from all over the world,

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advertise the nice Tobago and Trinidad and so forth, help the client to fill out the forms stating what concessions they will get and so forth.

All that can be done. It does not have to go into the Bill. That is what their job is. I asked this on the last occasion. Why is TIDCO—in fact, the first time around we asked, why have we got to have this Bill at all? Just have concessions which are standard procedures in the budget. Each year you will say what the fiscal incentives are and then you pass the necessary law to implement the fiscal incentives. What is this all about? So, certainly, I believe myself that we are not helping development in this way. What we are doing is putting two layers of bureaucracy in between the actors, which is the Ministry of Finance and, I mean, I suppose it will go through in this way. One of these days, however, I am sure that we will live to regret the way that we have set it up.

So, Mr. President, I really feel that, one, we have to be extremely careful about Tobago. Two, I think we should be careful how we give these concessions. I think they are important but we should limit them only to developers. Three, I think that we should be sure that the linkages occur. This is really important; and four, I think we should look again at the bureaucratic system we are setting up.

Now, Mr. President, the only final words I should say, which I said at the beginning of my presentation last time, are there. Sen. Dr. Dhanny referred to the necessity to develop agriculture as well. Well, I hope the next Bill that I have to consider is an agricultural development Bill. Why have we not had one? Sure, tourism needs development. It provides jobs but it does not provide jobs in the same way that jobs are provided in the agricultural sector. So I would say to the Government, yes, fine, this is very good. When is the Agricultural Development Bill coming? Thank you, Sir. [*Desk thumping*]

**Sen. Cynthia Alfred:** Mr. President, legislation of this nature, however nobly conceived but so poorly written, is, I am convinced, designed to provoke, challenge or maybe stimulate us to a debate that would leave no doubt in the mind of the listener as to what we think of the draftsmanship which is so sadly lacking. Having said that, Mr. President, I would not, therefore, reiterate what others have said but rather go into certain areas that have not been touched or perhaps have been touched on just briefly.

I quote, first of all, from the *Sunday Express*, November 14, 1999 page 3, and the headline says, “Air Caribbean lowers fares for foreigners”. Somebody spoke about it before, Mr. President, and I was so pleased to note that Air Caribbean has equated the fare being paid by foreigners, that is from Trinidad to Tobago and

*vice versa* to the same as is being paid by a local. Mr. President, you may recall that I brought this matter up more than once so when I saw this I felt pleased. I do know some of the persons, that is tourists, who spoke to me. They were very loud in claiming that they would never return to Trinidad and Tobago and that they would tell their friends the same. According to this article, this concern has been voiced to the leaders of Air Caribbean and they have taken note. So, I would like to commend them for this and to say that matters of this kind, when we bring them up, Mr. President, and we see results like this, we feel good because it means that the people out there are listening.

The other point I would like to make is in respect of signage. Just two weeks ago I was on my way from Princes Town to Port of Spain. When we left we did a sort of bypass, so when we got somewhere near to San Fernando we proceeded through a certain route. We did not know what the route was but it appeared to be leading us into Port of Spain, which it did eventually, Mr. President. However, there were no signs and we ended up in an area where there were so many cane fields and I began to become scared because I felt as if we were going nowhere. We just kept driving and driving, and the road appeared to be just going into more and more cane fields and I was beginning to get worried.

I think we need many more signs in this country, not just for tourists but for local people as well. In the case of tourists, Mr. President, you know that, being a stranger in a strange land, once there are signs that you can follow you can go to any part of the country and feel comfortable. So this is something that I think the tourism division ought to look at, [*Desk thumping*] perhaps in conjunction with the Ministry of Works and Transport and other divisions.

On the question of Tobago, Mr. President, I do of course agree with Sen. Prof. Spence in that there is a Tobago House of Assembly and special consideration should be given to Tobago. In respect of the Four Seasons Hotel and other hotels that are contemplated like the 1,000-room hotel and things like those, just last week in Tobago for the first time—Tobagonians are people who are reluctant to demonstrate. I know because I am one myself. I am not saying that I am, but there is a reluctance on the part of Tobagonians to get out in the streets and demonstrate their disapproval of certain things.

Last week, however, there was a massive demonstration by public servants on particular matters. I want to assure this Senate, and all who may have interest in putting up hotels and in flouting certain rules and regulations as they relate to construction and development in Tobago, that Tobagonians are not going to sit idly by and allow these things or these people to ride roughshod over us. It is time

Mr. President, that they recognize that Tobagonians are people who must have a say in what is going to happen in Tobago. I make the point and I rest my case.

**6.45 p.m.**

Mr. President, also in Tobago, and I spoke about it before, so I will not belabour the point about the waste energy plant. All I am going to say in this respect is, we cannot give with one hand and take back with the other. We cannot tell people, "Come to Tobago. It is beautiful; it is unspoilt"; and in the next breath say, "We are going to put up a plant that will scare you from coming into Tobago." Because I am convinced that this is not what it is designed to do, but I am sure that would be the effect, not only for the tourists but also for the locals; perhaps, especially for the locals.

Of course, there is the question of infrastructure in Tobago. The southwest water plant is one; the sewerage system; the agricultural input by Tobagonians. In other words, the Division of Tourism must work in conjunction with other divisions to ensure that the tourism product, when presented, makes sense.

In other words, there is no point saying, "Come to Tobago where you will have the beautiful atmosphere", but at the same time, you are going to import foodstuff that is riddled with a lot of chemicals when, in Tobago, one can go the organic way and plant produce in such a way that one gets the natural benefit. The Tourism Division in Tobago must know that it must link up with agriculture and the other divisions to provide the visitor with something that is truly and purely Tobagonian. This is something that this Government, perhaps, should take into consideration.

There is quite a lot of talk here about the investor. Nothing is wrong with that, but the time has come for us, as a people, and for this Government and any subsequent government, to look at making and encouraging our people to be investors. What is wrong with someone owning, say 20 acres of land, perhaps worth \$5 million—\$7 million, and you tell that person, "As a government, we will give you some money—not give but make moneys available—to help you to set up a hotel, set up some sort of tourism industry and after so many years, you would follow the rules as the others would, and you pay us back." Let us help our people get rich. If we are doing it for others, then of course, we can do it for our people.

It is something that needs to be looked at. Our people need the opportunity to show what they can do, and this Government and all subsequent governments should think in terms of helping our people get rich.

There is one particular hotel in Tobago that is one of the oldest hotels there, but from what we know, it has been experiencing some problems. It would be a great idea for a government to take that hotel, infuse some moneys into it, bring it up to a certain standard and let it be some sort of shared venture. I would not call the name of the hotel. No, I do not think that the owners may want that but, if the Minister is interested, he can always get in touch with me and I will tell him which is the hotel.

**Sen. Gangar:** Tell the Tobago House of Assembly.

**Sen. C. Alfred:** That is something which I am sure they may be interested in infusing some cash into.

Now, Mr. President, I make one point here in respect of, again, helping locals. Around 1996/1997, a certain citizen of Trinidad and Tobago went to the United States to ask for investors in a hotel project that he had in mind. He got the investors and things were proceeding quite smoothly when, a certain top official called the gentleman at a gathering and asked him what was his business. He told him, and he said, "Why do you have to have outside investors? Go back to Trinidad and Tobago and we will assist you." The man did. He came back to Trinidad and Tobago and, today, he does not have a hotel or something even remotely resembling one because what was determined at the end was that it was a deliberate ploy to get that gentleman to come back to Trinidad and Tobago, and after he went from one lending agency to the next, everybody was negative and he never got through.

I hope that this Government—and I know that our government when we come into power next year—would not take that route because we would ensure that our locals would be given the necessary opportunity to advance themselves. [*Desk thumping*]

Now, Sen. Dr. Eastlyn Mc Kenzie asked me to say something on behalf of hoteliers in Tobago, but Sen. Prof. Spence handled that very well for which I am glad, but there are just one or two areas that she mentioned, which I want to mention for her.

In the preamble of the Bill, at the very beginning, it says:

"The creation of substantial, meaningful and sustainable long term direct and indirect employment"

This is the association talking now. They wanted something, perhaps a little more expanded, instead of saying just what it says. They wanted to know, like how many jobs and things like those. It went on to say:

“The enhancement of the arts and culture”

The hoteliers were concerned. They asked, “What signal would they send to the Ministry of Culture and Gender Affairs?”

Perhaps, Mr. President, this has in mind something to do with the Tourism and Industrial Development Corporation document that came out when the copyright legislation was being debated, where the document spoke about the economic benefits to be derived from the rich and diverse culture. I got the impression here that there is a link between what TIDCO said and what is in this Bill. I do not think it was a deliberate attempt, or any attempt at all, to leave out the Ministry of Culture and Gender Affairs. At least, I hope it was not.

Then, Mr. President, on page 9 of the Bill at Part 2, Approved Tourism Projects, it says:

- “(a) accommodation facilities under twenty one rooms;
- (b) ancillary and transportation services; and
- (c) ground tour operators/destination management company.”

The hoteliers wondered whether dormitory type facilities should not be included here. They said maybe it would go under page 27 which I think is a Schedule. They thought it should be mentioned and they wanted to know if that was implied under the Schedule.

Of course, Mr. President, page 10 speaks about the Assembly giving comments and so forth. One point was made that in some instances, the Assembly may not reply. In other words, when the Assembly is asked by TIDCO, the Chief Executive Officer, or whomever, the Assembly may, for one reason or another, not reply, in which case that puts one in an invidious position. But, assuming that they do reply, we do not believe that it should be just comments. We believe that the Assembly should play a greater role in determining what facilities are put in Tobago.

On page 12, Mr. President—this again is from the Hotel Association—clause 15(4) says:

“The capital expenditure that is approved by the Minister in respect of a project shall be certified by the Minister to the holder of the interim approval granted in respect of that project, and the Minister may, after a request by the holder of the interim approval, add to, delete from, or otherwise vary the items of capital expenditure that will be approved by him, where it is fit and proper to do so...”

This is if it is granted. But what happens if the Minister does not agree with the project? We feel that something must be said here. The person should have some course of appeal or something. If the Minister agrees, it is fine; but if the Minister does not agree, then the person, according to this, really does not have anything to stand on. They think it is only fair that he should know why his request has been turned down.

Page 20, clause 41, Sen. Prof. Spence spoke about that, so I would not bother to go into that. Under Schedule 2, horticulture—which is one of the areas I spoke about the last time—should be added to that list.

Finally, under Schedule 1, Mr. President, I think this was mentioned but I am not absolutely sure, the Hotel Association asked that there be different categories. Instead of just saying:

“(a) Bedroom furnishings and fixtures.

(b) Entertainment equipment...”

and so forth. Have categories—kitchen, bedroom, pool. Put it out like that and itemize each of them. Because, what has happened is there is generalization in some instances and then you have specifics in others, so that makes it difficult. Perhaps, to get away from all that, specify, itemize each one so that there will be no doubt as to what is in and what is out.

I think those are all the points I need to make because, as I said, some of the points were already made. The last thing I want to say is, because of the importance of a bill of this nature, I agree with all the others who have recommended that this Bill be put to a committee. As was mentioned, sometimes when we hear a bill going to a committee, some Members, especially on the Government side, are not pleased, but one must agree that all of us want the best for the country and, in a case like this, seeing that this Bill is really so badly written, we feel that it is only fair to all the players that it goes to a committee that could sort it out, of course, with experts from the various fields; bring back a document to which we can all relate and, therefore, in the final analysis, whatever comes out of this Bill will be to the benefit of all the people of Trinidad and Tobago.

I thank you, Mr. President.

**7.00 p.m.**

**Sen. Dr. Eric St. Cyr:** Mr. President, at this late stage I should probably hold my peace, but this is such an important measure that I thought I should make

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some brief remarks. The first thing I want to say is that I am very happy that after 30 to 40 years we have decided, as indicated by the intent of this Bill, to actively promote the tourism sector. The reason I say that is because this is the area of international economic activity which is growing and booming, and if we do not get into this area, we are not only going to lose a great opportunity for job creation, but we will put ourselves outside the stream of international capital flows, without which, we virtually have excluded ourselves from the full benefits of being in the global economy.

I do not think we could do anything about the sweep of the world into one integrated economic system. To me, the main issue is how best to join in this area of economic activity. The agricultural sector worldwide has shrunk relatively to a small proportion of world economic production. Manufacturing has shrunk also to a relatively small proportion of world production, and in both those cases, the march of technology has made both agriculture and manufacturing very capital intensive, rather not capable of generating large numbers of mass jobs. The area where jobs are now being generated in reasonably large numbers is in the tertiary or services sector, and the productive end of that services sector is the tourism activity. I am saying that I am very happy indeed to see that we have finally taken a positive step to assert this industry.

We have been able, because of our petroleum resources and, more recently because of our gas resources, to avoid going in this direction, but I think looking 25 to 50 years down the road, if we do not position ourselves now, it could be to our great disadvantage.

I want to congratulate the Government on asserting by this Bill the importance of this sector. Having said that, Mr. President, I agree with the comments that there are wider areas of tourism development which this Bill does not address at all and for which we would need to make proper provision. I understand that one has to start somewhere, to the extent that we are about to start by giving incentives to the hotel and resort type facilities. I would go along with that.

I take as very serious the comment which I have heard that the Bill, as it stands, does not give a robust handle on the tax breaks that are being given to the industry. From that point of view, I would think that the practitioners of that art should be the ones who should sit and make sure that the details are properly worked out so that we could be sure of what incentives we are giving, and we could be sure that there is no ambiguity in the application of the incentives we are giving.

My final comment concerns the operation of the Bill. I, myself, think that it is unnecessarily bureaucratic. I was just looking at the various steps. I see that to get a measure through, one goes from the owner, to TIDCO, to the Minister, who then would give an interim certificate and later, a final approval. It then goes to the Minister of Finance who gives the final say. In the case of Tobago, we have the Tobago House of Assembly interspersed there, so it goes from the owner, to TIDCO, to THA, back to TIDCO, then to the Minister of Tourism and finally, to the Minister of Finance. I think that is unnecessarily bureaucratic.

One of my fears is, in particular, concerning where it goes to THA for comments. I wonder what will happen if the recommendations of the THA and the recommendations of TIDCO and/or the Ministry of Tourism were to differ, how that would be resolved, and the Bill does not give any direction on that matter. So, I would think that we would want to be wise before we come to that potential area of conflict to set in place a proper functioning mechanism.

Mr. President, as I said, I will be brief. I have been here since about 9.00 this morning and I have to be back at 11.30 a.m. tomorrow. With those brief remarks, I thank you, Sir.

**Sen. Philip Hamel-Smith:** Mr. President, I will be very sympathetic to the appeal of my friend, Sen. Dr. St. Cyr and try to not keep him any longer than we plan to, but I think there are a few issues that have arisen during the course of the afternoon that I think need to be addressed, and I thought that maybe a short intervention might be in order.

I am particularly pleased to stand after the short contribution by Sen. Dr. St. Cyr, because he makes one of the points that I think we need to underscore and stress. I think some of us are just not seeing the real value of the thrust that is obviously being attempted here by virtue of this piece of legislation towards a broad promotion and development of this all important sector.

Sen. Dr. St. Cyr made the point that this is the largest growing sector internationally. We heard from Sen. Prof. Ramchand earlier on that whatever information one pulls from whatever source, it will tell one that if one is not in the mainstream of this development, one is not in the mainstream of development. When one adds to that an economy that has so many fundamentals in place but has a statistic, namely the unemployment statistic of the kind that we have, I think it goes without saying that what is being done here is absolutely an essential ingredient for us to move forward. The only way we can make the kind of dent this administration would like to make—that any administration could possibly

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attempt to make—on the employment problems we have in Trinidad, is to actively promote the tourism sector. I venture to say for the benefit of Sen. Prof. John Spence that the other sector which obviously addresses the issue is agriculture.

Having said that, I want to address a few other issues that emanated from the other side. I remember Sen. Shabazz asking the question, and he underscored it and repeated it a few times, what was the need for pushing ahead so hard with this Bill? Why the urgency? Those are the words he used. Which people are waiting for it? Who is it for? Who is it promised? To whom? They were words to that effect. He was creating a distortion in people's minds, which I think is very unfortunate.

I would like to tell him that in my little region of Trinidad, namely the Maraval Valley, there are at least four small business people I know of who are absolutely backed against the wall waiting in earnest for the provisions of this Bill to cut in. People who are waiting for relief that is going to be available to them under this Bill for things like renovations and expansions to small accommodation facilities which squarely fall under the provisions of this Act. So, it is unfair to say that there are big giants outside there who are going to swallow up the benefits of this, and it is intended not to reach our people.

The other thing I think needs to be underscored and made quite clear is that the Act is not a Hotel Development Act. Many people have mentioned that the Act is narrow. I have heard it over and over again, but a cursory reading of the Act will indicate clearly that whereas the main plank of a tourism product is, in fact, the hotel, the Act—and maybe it does not do what everybody would like it to do, but it cannot address every need of everybody—certainly points in the direction of telling the reader of this piece of legislation that the benefits the Government is attempting to bring to the table by virtue of this Act are benefits that accrue far beyond just hotel stock.

One does not have to read only the First Schedule, as was alluded to, to get the list of benefits, but all through the Act, mention is made of various facets of related, and in some instances, small activities, where all are going to be ancillary to mainstream tourist activity or hotel tourism. In fact, there are many small businesses in that area, also, that are actively sitting there waiting. I am aware of a dive shop operator who expected this to be on the statute books two years ago and he is stalled. He is waiting on the legislation to take place. There are many others out there of whom I would not be aware. So, the Act goes far beyond just providing relief for giant international hotel operators.

On the score of sizing of projects, I want to deal with clause 9 which was referred to a while ago either by Sen. Yuille-Williams, Sen. Alfred or both. They questioned two provisions of that clause to the extent that the line of argument was that an international investor could access benefits under this Act if they put up accommodation of just 21 rooms. For that particular purpose, there is a Schedule 9 which, in fact, attempts to separate the international investment level from the local investor, and one would see—notwithstanding the fact that we may have to tinker somewhat with the Schedule when we get to the specifics of the Bill—that at least in concept, the Bill has adopted an approach where it clearly differentiates between a local investor and an international investor. If one looked at the 21-room investment that was being referred to, one would clearly see that unless the rooms were going to be luxurious, we were talking about an \$18.6 million minimum investment by the international investor.

**7.15 p.m.**

If one brought in a 21-room guesthouse at the rate of \$18.6 million, yes, the international investor would be eligible. It makes nonsense of someone saying that this Bill is, in fact, offering small investments to international investors. Schedule 5 is quite clear. As I said, I do admit that some work is needed to be done on it.

Whilst I am on my legs I just want to answer a question that was asked by Sen. Prof. Spence of our Minister in the Office of the Prime Minister. He had not been able to point to the exact clause in the Bill. I think, maybe, it is worth just drawing that to the attention of Senators here. The question which dealt with the exemption from tax of interest on approved loans is clearly spelt out in clause 38. It is just two and one half lines worth of words and it clearly refers to the tax benefits flowing through to the person who is borrowing money for tourism projects and provides that the interest that they pay would be free of tax and therefore, obviously, offered to them at a discounted rate.

**Sen. Prof. Spence:** That was not the issue, Mr. President. The issue was whether a purchaser of a villa in a development would also get a mortgage—that the person who loaned them the money would also not pay profits on land interest. That is a different kettle of fish altogether. Certainly, I do not think that should be the case.

**Sen. P. Hamel-Smith:** The question of whether that should or should not be the case is a decision that has to be taken. The Bill, as it is worded here, clearly provides that that is the case. One may be prepared to vote for or against that particular provision. [*Interruption*]

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The project? Maybe we could spend a minute or two on that. It refers to an approved loan. If one looks at what a tourism project is: a tourism project includes an Integrated Resort Development (IRD), which includes a villa and a condominium. Clearly, a loan for one of those particular aspects of an IRD, provided it meets the criteria set out in Schedule 5, will constitute a tourism project, according to clause 34, which then entitles the particular project to an exemption under clause 38.

**Sen. Prof. Spence:** Mr. President, the developer gets that concession, so it is being given twice: the developer gets it and the man who buys the villa gets it too? Is that what the Government is doing?

While I am on my feet, I wonder if the Hon. Senator could comment on the Tobago branch of the Hotel and Tourism Association's suggestions that the \$2.5 million for local investors should be less because small investors would, perhaps, fall below that figure.

**Sen. P. Hamel-Smith:** Yes, I would be prepared to comment on that. I do feel that it is high. The other thing that is wrong with the Schedule—we are not here to tinker—as I said, I prefer to deal with that in the committee stage. When one goes to the Schedule, one would see at least two anomalies that need to be addressed. One is that there is a proviso, at the top, that talks about the type of provisions for projects excluding the cost of real property. Therefore, that would aggravate the problem that Sen. Prof. Spence is referring to. The facility would be \$2.5 million excluding land. It could very well be \$3.5million or \$4 million as the minimum. I do admit that there is room.

The other thing that is wrong with the Schedule—seeing that we are looking at it right now—is that there is a conversion rate stated above; that therefore begs the question: what currency are we referring to at the lower part of the Schedule. I think those sorts of discussions could better take place in some other forum rather than on my legs in the debate. I do admit—the response to the question is yes, there is room to look at that at that level.

The point I was making, however, was showing that they purposely and objectively decided to differentiate and distinguish between the level of investment of the international investor and therefore, address the other issue that was being made: that is, the house was being given away to small projects to international investors.

Mr. President, in the interest of time, I would just end here. I look forward to participating in the other forum in trying to bring this Bill into the form. It is clear

to me that the Bill is one that the country needs. There are many people outside there: big and small, that I think would add a lot of value to the economy if, in fact, we see this into our statute books. I look forward to that happening very shortly.

Thank you, Mr. President. [*Interruption*]

**Mr. President:** Is that a point of clarification?

**Sen. Yuille-Williams:** Yes, I was just wondering whether that retrospective effect was taken out of this version of the Bill?

**Sen. P. Hamel-Smith:** Mr. President, if I may be allowed to return to my feet. There is some misunderstanding with regard to what version of the draft we are reading from. The one the hon. Minister read from, obviously, clause 44 was not included. Therefore, when the question was asked of him, when he was on his legs, he was referring to clause 44 which is not what I have in my version. I have checked with other Members, clause 44 is in some people's version and it is not in others. The version that I have—rightly or wrongly, we will discuss it at another level—does have a clause 44 and it deals with some retrospective effect of the provisions of the Act. I cannot explain why we are the victims of many versions having got to us.

**Sen. Prof. Spence:** Mr. President, I wonder if I could ask your guidance on this subject? Does that invalidate our whole discussion, if we are discussing different Bills? Surely, in Parliament we cannot be discussing different Bills; that is a serious error here. I question whether our whole discussion is valid.

**Mr. President:** I would not think that it would invalidate the debate that we have had here, unless there are, really, very fundamental differences and omissions. I do not think, from what I have heard, that there are any fundamental differences. If, perhaps, there is one clause—We are speaking about clause 44, is it? In my copy clause 44 states:

“The Hotel Development Act is hereby repealed.”

**Hon. Member:** Mine too!

**Mr. President:** I do not know whether clauses 1—43 are all very different. I am saying that unless clause 44 makes a very fundamental difference to clauses 1—43 then it may, in fact, make the entire debate null and void, but as it is I cannot see it.

**Sen. Prof. Spence:** May I, Mr. President? I am not suggesting we should invalidate the debate, but I really do think we have a problem because the omission of that clause—which the Minister seems to have in his Bill, if it is indeed an unintended omission—does have a quite serious effect on the Bill.

**Sen. P. Hamel-Smith:** If I may, my suggestion would be—seeing that the Minister, in fact, presented a Bill in a certain form that omitted, let us call it, clause 44 that was in some drafts.

**Sen. Prof. Spence:** They did not amend it, the Bill did not have it. I questioned that at the time. My Bill did not have it.

**Sen. P. Hamel-Smith:** I am subject to correction, but I believe the Minister's draft did not have it.

**Sen. Prof. Spence:** That is right.

**Sen. P. Hamel-Smith:** Therefore, what I would be suggesting that we do is, treat with clause 44 as an amendment, at another level, as being an additional clause that we bring into it. I do not think clause 44 forms any substantial part of the debate.

**Sen. Prof. Spence:** Mr. President, it could not form a substantial part of the debate because it did not occur in some of our Bills. It might have done, had it been in our Bills.

**Sen. P. Hamel-Smith:** Agreed.

**Sen. Prof. Ramchand:** Mr. President, I just want to know—whatever is done at whatever stage—I would just like a clarification as to whether the intention is that these provisions should be retroactive. I do not know, which is the correction version.

**7.25 p.m.**

**Sen. Mark:** *[Inaudible]*

**Sen. Prof. Ramchand:** Well, tell us!

**The Minister of Tourism (Dr. The Hon. Adesh Nanan):** Mr. President, I want to thank the hon. Senators for their contributions in this very important debate on this very historic piece of legislation before the Senate this evening.

Let me deal with that matter that seems to have caused some controversy. Mr. President, clause 44 in the previous Bill is now clause 40 in this new Bill. So, clause 40, states that:

“Where on the commencement of this Act any person is entitled under the former Hotel Development Act to tax benefits in respect of any hotel project the provisions of that former Act shall continue to have effect so as to preserve the benefits conferred on that person as specified in the Order granted under that Act.”

This is basically what clause 40 is; it has been modified.

Mr. President, I would like to thank hon. Senators for their contributions and I would like to refer to some of the contributions with respect to the importance of the growing tourism industry.

I would like to start with Sen. Shabazz, my good friend. He seems to be seeing a ghost behind every post. *[Desk thumping]* *[Laughter]* In his contribution he made mention of what has brought this legislation before the Senate, what is driving this legislation. I want to tell them this evening that what is driving this legislation is the Government's vision to improve the quality of life of the citizens of Trinidad and Tobago. *[Desk thumping]* That is what is driving this legislation.

He also made reference to languages and the importance of being multilingual and having the citizenry being conversant with various languages. For the hon. Senator's information, I spoke already in the Senate about the introduction of Spanish for the new academic term in primary schools, over 50 of them, there is a programme called “Conversational Spanish” taking place now in primary schools. Of course, Cabinet has agreed that German would be taught in Tobago. So that instead of Spanish, as in Trinidad, German will be taught in Tobago.

**Sen. Alfred:** You said German. You mean instead of Spanish in Tobago they will teach only German?

**Dr. The Hon. A. Nanan:** Mr. President, they have the option in Tobago. So that is my little response to Sen. Shabazz and his contribution. Of course, I can feel his enthusiasm for this tourism industry, but I want to point out to him that not everything can be put into legislation.

In his contribution he spoke about various mechanisms that he put forward today with respect to the growth of tourism. I want to inform him, as I said in my opening presentation, that apart from this legislation that is coming forward, there is also a national tourism policy that is being prepared; there is a tourism strategic plan, a five year plan; and of course, I would give credit where credit is due, it is coming forward from the Tourism Master Plan.

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There have also been various studies completed over the last few years and there is continuing research on issues affecting tourism locally and internationally. A very important area is a Human Resource Development Plan for Tourism, and this is being developed together with the Trinidad and Tobago Hotel and Tourism Association and other educational institutions. Again, there is standards legislation for the critical elements of the tourism sector to be brought to Parliament.

Mr. President, Sen. Mahabir-Wyatt and Sen. Prof. Ramchand both spoke of issues with respect to the tourist product. What I would like to point out here, I agree, in terms of what the tourist appreciates is a set of experiences. Sen. Prof. Ramchand spoke about culture, and Sen. Mahabir-Wyatt spoke about culture in terms of the history of the island. I want to refresh hon. Senators' memories about the origin of culture, especially in Trinidad, with respect to cuisine, cultural expressions and other art forms. Because mention was made here of festivals with respect to a multireligious and multicultural society such as we have here in Trinidad.

I am sure that we all remember the rediscovery of Trinidad and Tobago by Christopher Columbus in 1498; that was the influence of the Spanish in Trinidad. I just want to put it into perspective of what we are looking at in terms of our culture and our heritage and how we can use that background to propel our tourism industry.

Of course, we are familiar with the situation in terms of the Spanish colonization, we had a very low input in terms of the Spanish populating Trinidad and they had to make a decree that they would invite Catholic nations to come to Trinidad and Tobago.

Part of the acceptance was coming from Martinique and Guadeloupe. I am sure we are all aware of the French planters, because the attraction of Trinidad was really a large set of agricultural land. We had the planters from Martinique and Guadeloupe and they came with their African slaves into Trinidad. So we are seeing, in terms of a chronological sequence, what is happening with culture.

Then there was the abolition of the slave trade. So you had in 1845, some people say 1838, it depends, and as we come down the line you will see the abolition of the slave trade.

Then we had the indentured labourers coming in. So we had the East Indians, then the Chinese and Portuguese, and later the Syrians and Lebanese. So you could see, as we come down the line, the cultures emerging. Eventually, when the

British colonized Trinidad, they met French speaking citizens because of the influence from Martinique and Guadeloupe.

So, I just put that into perspective in terms of where we are and how we can use that aspect of our heritage, because of our forefathers, and we have all adopted that kind of heritage as our own as Trinidadians.

So, that is the aspect of the emergence of our tourism thrust and how we can utilize that kind of heritage to propel our tourism industry, as stated by Sen. Prof. Ramchand in terms of our culture and our festivals.

In fact, in Bali, which is similar to Trinidad in terms of the multireligious and multicultural society, the attraction there is the festivals. They have used their festivals to attract tourists to the island. In fact, it is a premier tourist destination. That is part of the culture and heritage that I wanted to bring forward, Mr. President.

**Sen. Yuille-Williams:** Just tell me what part of the Bill takes into account what you have just said there, because one of things you have been saying about this Bill is the linkages which are not there. So now you have gone into that area which, I think, tourism development should really take into account in terms of this Bill. It is one of the criticisms we made about the Bill, what you have just said was not taken into account. So I am just asking where you would take that into account.

**Dr. The Hon. A. Nanan:** Mr. President, I was responding in terms of what Senators said in their contributions. I think the debate is now how it should have been. I would respond and I would also give some background in terms of culture and heritage. I was just responding to some of the comments made.

So Mr. President, in light of the many issues raised by members of the Senate, I would like to suggest, with your leave, the adjournment of the debate to facilitate behind-the-Chair discussions with a view to ironing out those issues.

I further reserve my right to conclude debate on this most important piece of legislation entitled the Tourism Development (No. 2) Bill at the next sitting of the Senate.

I thank you.

#### ADJOURNMENT

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, before moving to adjourn this honourable Senate, I would just like to

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remind my honourable colleagues of our agenda as we go into the next week, November 30, 1999.

Mr. President, I just want to inform my colleagues that we are going to conclude this matter next Tuesday. We are also going to deal with the Environmental Management (Amdt.) (No. 2) Bill and then we go into the Human Tissue Transplant (No. 2) Bill and the Human Reproductive and Genetic Technologies (No. 2) Bill. So I am just serving notice that we start at 10.00 a.m. and we may go until 10.00 p.m. I just want to serve notice so that people would be reminded.

Mr. President, I beg to move that this Senate do now adjourn to Tuesday, November 30, 1999 at 10.00 a.m.

**Mr. President:** Hon. Senators, before putting the question, may I mention that I think a light meal is available for Members who desire to ensure that they have something on their stomachs before they leave here.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 7.38 p.m.*