

*Leave of Absence**Tuesday, July 11, 2000***SENATE***Tuesday, July 11, 2000*

The Senate met at 10.30 a.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Mr. President: Hon. Senators, leave of absence from sittings of the Senate has been approved to the following Senators: Sen. Cynthia Alfred, from July 04 and continuing and Sen. Diana Mahabir-Wyatt from today's sitting and continuing.

I am advised that both Senators are ill. On behalf of the Members of the Senate, I wish them a very speedy recovery.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from the Office of the President of the Republic of Trinidad and Tobago:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

Appointment of A Temporary Senator

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: MISS EUDINE JOB

WHEREAS Senator Cynthia Alfred is incapable of performing her functions as a Senator by reason of illness:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, 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, EUDINE JOB, to be temporarily a member of the Senate, with effect from 11th July, 2000 and continuing during the period of illness of the said Senator Cynthia Alfred.

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 10th day of July, 2000.”

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Mr. President: Hon. Senators with your permission, I may need to return later on to this item because we might expect another instrument of appointment in replacement for Sen. Diana Mahabir-Wyatt.

OATH OF ALLEGIANCE

Sen. Eudine Job took and subscribed the Oath of allegiance as required by law.

STATUTORY INSTRUMENTS COMMITTEE

(Appointment to)

Mr. President: Hon. Senators, I have appointed Sen. Philip Hamel-Smith to the Statutory Instruments Committee replacing former Senator Carol Cuffy Dowlat.

ARRANGEMENT OF BUSINESS

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, I seek leave of the Senate to deal with "Bills Second Reading" at this stage of the proceedings.

Agreed to.

HOMES FOR OLDER PERSONS BILL (1999)

[Third Day]

Order read for resuming adjourned debate on question [May 25, 2000]:

That the Bill be now read a second time.

Question again proposed.

Mr. President: Are there any further contributions?

The Minister of Sport and Youth Affairs and Minister of Social and Community Development (Hon. Manohar Ramsaran): Mr. President, I wish to preface my winding up by extending appreciation to Members of this Senate for the support which they have expressed for the Homes for Older Persons Bill 1999. I also noted the constructive comments on and criticisms of the Bill, and for that I am most grateful.

Mr. President, when I listened to the Senators opposite, especially the Independent Senators, the impression was that this is a much needed piece of legislation; where we will be dealing with our senior citizens or older persons to

ensure that, when—for some reason or the other, unfortunately, I think—they are placed in a home or homes they would be well protected and well catered for.

Just to reply to Sen. Prof. K. Ramchand, when he mentioned—in his support for the Bill he noted the treatment in homes and what takes place in some of these homes. He alluded to certain events that took place late last year in certain homes and the way they treated their inmates. I want to agree with Sen. Prof. Ramchand that, indeed, this is what really hastened this piece of legislation.

When we listened to some Members of the Opposition in the other place and here too, they wanted to know why the haste, why bring this Bill. I want to thank Sen. Prof. Ramchand for that support. He also mentioned family life, the breakdown in family life and why we would have to reach this stage of taking our parents to these homes. I would like to let him know yes, we are concerned, hence the reason for doing so much in the Ministry of Social and Community Development and other government agencies and departments to deal with our families and to ensure that we strengthen our family life to have a nation that could be proud of, not only its senior citizens, our parents, but indeed the younger people.

10.40 a.m.

He reminded me of something, maybe it is a joke, maybe it is a story, but it goes like this, Mr. President. There was this family and they had, of course, with them, their children's grandfather, the father's father and he used to have lunch and dinner with his son and family. But as he became older he started to break things; for example, he would knock the glass or the wares over or whatever he was eating, and they tried everything and it would not work. So eventually they provided a wooden bowl and spoon for him and put him on a separate table.

One day their son was late for dinner. They went to look for him and found him in the workshop with a piece of wood. They said, “Son, are you not coming for dinner?” He said, “No, I am preparing some utensils for you; I am now making a bowl.” They asked, “Why are you doing that?” He said, “This is for when you become old so I would not have to put you aside and to ensure that you eat from a wooden bowl too.”

Mr. President, I think that this is very appropriate when we deal with our Homes for Older Persons Bill and moreso our grandparents and parents, how we treat with them and what message we would send to our youngsters. So I think that when we talk about homes for older persons and we bring forth this Bill to this honourable Senate, it is not that it is a pleasurable thing to do, but, indeed, we

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have to correct what is wrong in this country and to ensure that when, unfortunately, our parents are sent to these homes for older people they must be protected; hence the reason for this Bill.

I promised at the end of my presentation of the Bill on May 25, 2000, that in winding up I will treat with the suggestions, queries and concerns expressed or raised by our hon. Senators. Mr. President, this is so because it is a new piece of legislation, a new thought, and, at least, I think we would listen to the Senators opposite, we will listen to the Independent Senators and see how we could put this piece of legislation into place so that we could satisfy our older people. It is not, as some people say, to add to our political agenda or to make our resume look good.

I have listened with concern, and at the end of my winding up and when we have the Bill completed at the committee stage, it would be for the better of our older persons. Indeed, I am happy and extremely proud that our Senators, especially our Independent Senators and Opposition Senators, would make contributions that can strengthen this piece of legislation, make it more humane, at times, and to ensure that there is some measure of success when we do introduce this Bill.

I will speak first to Sen. Alfred's concerns—and I will join with you, Mr. President, to extend to her a speedy recovery, I understand that she was in an accident; I am sure she would recover quickly. She spoke about clause 4(7) that a quorum of four for the older persons' care board is not enough. We considered that and we will be amending that to increase the quorum to six persons.

She also asked why the "Division of Aging" and not another name, and this was shared by one or two other Senators. I want to let you know that this has been a question of much debate and the Department of Human Services in the United States and the international body that deals with senior citizens came up with the name of the "Office of the Aging". The argument was that it was much more humane than calling them older persons, senior citizens and so forth, because we age from day to day. You could be one day old today and tomorrow you are two days old, so you have aged one day. We thought that this was a process for not only old people but, indeed, through from birth to death we age, and hence it was decided that the "Office of the Aging" should be the appropriate term in keeping with the United Nations protocol and so forth.

She asked also whether there would be consultation on developing the classes of standards to be applied to determine the grant of licences. Mr. President, as I

said before, in introducing this piece of legislation we wanted to ensure that we talked to people, that we consulted with people. We do not want to have a piece of legislation that would deal with our senior citizens or older people and not be consulting with people who would know. So the answer to that question is yes, there would be consultation.

Mr. President, clause 17(2) regarding a minister transferring a licensee or the sole surviving licensee of a home, as he thinks proper; this is in the case of death. I would like to let this august Chamber know that, at least, this Minister and I am sure other ministers, would by no means be free to make a unilateral or any decision that would not be fair and legal. There would be a process for making a decision that is clearly stated in clause 17. The decision would be made after due consideration of representation by the Administrator General, executors or administrators of the deceased licensee or any other interested parties, and, in my respectful view, the provision is very reasonable.

Again, she asked, What is the Division of Aging? The Division of Aging referred to has not been formally established. The intention is to reconfigure and enhance the Geriatric/Adolescent Partnership Programme Division (GAPP) so that it would serve as a Division of Aging. The functions of the division would be as follows. I would like to add here that we have in the ministry now various divisions that were not there before; divisions to deal with particular problems in our society, like the Change Management Unit which is responsible for poverty reduction measures. We also have a division to deal with people with disabilities and a division to deal with social displacement, and we have continued to make divisions within the ministry.

In the past when I came into office in 1995, we had an *ad hoc* arrangement, any officer could deal with a problem, and tomorrow when somebody comes into the ministry, again, it would be *ad hoc*. We have continued to structure the ministry in such a way that when you come to the ministry and you have a particular problem, you could go to any particular division to deal with this problem. So yes, the question was asked with certain connotations, but, indeed, I would not bother with that, because, as I said before, politics should be kept away when we deal with the Ministry of Social Development, especially when we deal with people in difficult circumstances, people who are older, people who are poor and so forth, we must all work together to improve the quality of their lives.

This division will receive applications for licences and conduct investigations for the grant of licences; to conduct annual inspection of homes through a facility review team; to monitor the operations of homes for older persons; to act as a

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secretariat for the older persons Care Board; to arrange for the conduct of training programmes for care givers of homes for older persons; to conduct research on matters pertaining to older persons. I think I have answered what Sen. Alfred asked and, indeed—[*Interruption*]

Sen. Mohammed: I thank the hon. Minister for giving way. You are outlining the functions of this particular division and you said that the division is about to be established in the ministry, but we would like to, at least, get some more particulars about this particular division and how it is going to be structured within the ministry; who are the people who are going to be ensuring that these functions are carried out and how many people are involved. I know you said that when people come into the ministry there are several divisions and so forth, but give us some more details about this particular division, please; if you can.

Hon. M. Ramsaran: Thank you. Mr. President, as I said before, we have in the ministry the Geriatric/Adolescent Partnership Programme and we are going to enhance this team of officers in such a way—the numbers will be about seven, we have coordinators, and members to deal with different aspects of ageing. I do not have a particular number but, indeed, it would be a unit that would be professional in its approach to dealing with ageing.

So far the ministry has sent four people to be trained re aging, and, indeed, we are preparing ourselves for this eventuality. I am sure, hon. Senator, that when this Bill is passed and proclaimed, we would be ready hand in hand. I know it is the concern of many Members, not only of this Parliament but, indeed, the wider public, that we pass legislation and we are not ready, but I assure you that this would be done. We are working simultaneously to set up this Division of Aging, and also as soon as this is enacted we will have a provision in place to deal with this Bill, and not only this Bill but, indeed, we have more to deal with in the Division of Aging like old age pensioners and so forth. All this would be considered by this particular division.

I now turn to Sen. Prof. Julian Kenny. Again, I want to thank him for his input. He asked some very pertinent questions, and I would try to answer some of these. He expressed concern as to the definition of “older person”. The definition for “older person” is a person 60 years and over, and this is the United Nations definition which is internationally applicable, so you are, indeed, right Senator. Regarding clause 4, that there ought to be a vice-chairman, we have acceded and it will now be amended to include the vice-chairman on the Care Board.

Regarding clauses 3(5), 5(2) and 6(4), that not all homes would be able to have a registered nurse or physician on staff and, therefore, may be in breach of the Act; clause 5 has been amended so that it would be sufficient to have the services of a registered nurse or physician on call. In establishing standards to be applied, the reality of the different kinds of institutions should be considered. In granting licences to homes the different categories would, in fact, be taken into account.

The client classification manual referred to in clause 5 which would be developed by the Ministry of Social and Community Development would give consideration to the varying clientele and, therefore, the need for different categories of homes. Accordingly, we envisage and would, therefore, have corresponding licensing requirements for three types of homes as follows:

- (1) residential care facility; that is for residents who are well, able-bodied and not requiring skilled nursing and medical care;
- (2) skilled nursing facility; a facility where the residents are provided with accommodation and board and are in need of 24-hour skilled nursing care;
- (3) intermediate care facility; a facility other than a residential care facility or a skilled nursing care facility which provides accommodation, board, personal care and basic health and nursing care under the supervision of a registered nurse or a physician.

Mr. President, as I said before, we are looking at all the constructive criticism to ensure that when we do put this piece of legislation into effect it would deal as widely as possible with the problems associated with older persons. I would thank Sen. Prof. Kenny for his particular input. Regarding clause 22 he asked whether the particular manager of a home will be expected to be on the premises on a 24-hour basis. Of course, no, however, clause 22 has been accordingly amended to clearly reflect this.

Sen. Montano said that the older persons Care Board has no function under the legislation. I want to put on record that the functions of the board are as follows:

- (1) to advise the Minister on all matters related to the care of older persons, the administration of the Act and standards to be observed in the care of older persons;
- (2) guiding and assisting the Division of Aging in the implementation of the Act;

and, indeed, you may add

- (3) to do other things that are normally associated with a board in making recommendations to the Minister, in dealing with staff associated with the Division of Aging to ensure that they are guided in a particular way.

They, I am sure, when chosen, would seek to protect the interests of the older persons in our country.

The Senator asked whether there are no transitional provisions to cover homes which are not licensed when the Bill is enacted. A transitional provision, clause 33(a), has been included. This clause states:

“Nothing in this Act shall affect the operations of a home for older persons within six months of the coming into force of this Act.”

Regarding clause 9(2), the six-month wait for a licence is too drawn out; clause 9(2) has been amended to decrease the time frame for granting the licence to two months.

Mr. President, as I said we would continue to look at what was said and again thank Sen. Dr. Eric St. Cyr for his contribution. It was very short but, indeed, in my mind, a very appropriate contribution to deal with the problems associated with older people. He asked that some form of subvention be given to these homes. I want to let him know that, indeed, there are homes in this country, some you will call commercial and some you would call non-profit homes. Those non-profit organizations would apply to the ministry and we would, indeed, study their proposal and grant subventions as would be necessary.

10.55 a.m.

Of course those that are commercial are another matter. This Bill would cover them also, but indeed for those who apply to us for subvention, we currently give subventions to Siparia, Point Fortin, La Brea, Sangre Grande, Chaguanas, Couva, Mayaro, Toco and the J. C. Mc Donald Home for the Aged, all of which have operated on a non-profit basis.

To reply to Sen. Joan Yuille-Williams, who was very political in her contribution in asking what we have done for our people. Mr. President, when we look at what has taken place over time and the problems in our country, within the last four and a half years we have been putting laws and systems in place to deal with the population. This morning before we came here, we launched the United Nations Development Programme's latest report and it reflects Trinidad and

Tobago's steady growth, and of course, it is people-centred, and Trinidad and Tobago has done quite well as we deal with the problems facing our country.

Today as we talk about strengthening our children, giving them the different tools to survive, as Minister of Social and Community Development and Minister of Sport and Youth Affairs we have heard criticisms about our 10,000 children who are now being given school places, and as the Minister responsible for social development, where our children are concerned, I feel particularly pleased that they will be placed in a school system, because not all are academically inclined, and I am sure that our sports in Trinidad and Tobago could benefit.

For example, these children will now be given an opportunity to play cricket, football and develop themselves, because at least, I do not expect 30,000 persons to become doctors and lawyers, but indeed, when they are placed in a school system, we could have the best sportsmen and sportswomen in Trinidad and Tobago and this is something to which I am looking forward with great anticipation where sports can now be given that added boost.

There might be children in the streets, but if these same children are placed into a school system, we could have them playing football, cricket, and taking part in different activities so that at the end of the day they will become better human beings. Also in the area of social development, when we look at the children who fall through the system, those who turn to crime on the streets at an early age, they too would be given that opportunity to be in a school system to learn something and be better human beings. I am very proud and happy that this Government could bring in a system where our children will now be in a school room and not in the streets and, indeed, as the Minister responsible for these two ministries which deal with young people in the country, I am happy that we could do that.

To answer Sen. Yuille-Williams will take me another 30 to 40 minutes and I do not want to go into what we have done over the last four years to deal with the development of people in this country of Trinidad and Tobago. We have done quite a lot, and maybe at another time, I could really detail what we have done and what we are continuing to do to improve the quality of life of our people in this country.

Sen. Mohammed: Before the Minister takes his seat, I need some clarification. I was not here when the actual debate took place, but the Minister made mention of the Older Persons Care Board that is going to be established under this legislation and we were speaking earlier about the Division of Aging and he referred to the functions, he indicated that our colleague, Sen. Montano had enquired about the functions of the Care Board and proceeded to outline some of these functions. Can he please clarify the role and function of the Care Board

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and the division? What is the link? Is it that two agencies are being established to deal with these matters?

Hon. M. Ramsaran: Mr. President, the answer is yes, as any other board set up in this country, the board will be the body that will be responsible for policy and the Division of Aging will be like the secretariat to carry out these policies, so there should not be a conflict of interest. They would work hand in hand.

Sen. Mohammed: Can you repeat the functions of the Division of Aging? I think you mentioned there was some link with the Care Board, could you clarify that further?

Hon. M. Ramsaran: To act as a secretariat for the Older Persons Care Board.

Back to Sen. Yuille-Williams, she spoke about the need for a dietitian/nutritionist on the board. I am pleased to announce that in the other place we amended it to include a dietitian or nutritionist on the board.

What is the structure of the Division of Aging? Again she asked several questions trying to hint to this Senate that we would be working *ad hoc* and I mentioned earlier that it is not so, but the structure of the division is currently being worked out by the Ministry of Social and Community Development as I alluded to earlier.

I now go to Sen. Rev. Teelucksingh: and he wants to know the question just asked by Sen. Mohammed; what is the link between the Older Persons Care Board and that of the Facility Review Team. The Facility Review Team is part of the Division of Aging, which would submit periodic reports to the board and this entire team is to ensure that things go as we expect them to and they will be visiting the homes, looking at what is taking place to ensure that all that we do here today, and what we will be doing in the ministry would be for the benefit of the older persons in Trinidad and Tobago.

Sen. Mahabir-Wyatt wanted to know about the definition of a home. She was asking if she has a mother and a sister if this will be a home. This might not technically be a home, but it will be a good thing if the ministry could receive complaints because within the home set-up we have abuse of older persons and if we could investigate a private home where there is abuse, I think this could be something that could be positive. In my opinion, if we could investigate abuse in a private home rather than leaving it out of the system, it would be positive if there are sufficient reasons to believe that we could investigate a private home to ensure that abuse does not take place there because the entire Bill is to protect the older person.

Mr. President, as I said before, I am very grateful for the contributions made by the Senators opposite and I assure Sen. Shabazz—I remember when he spoke on this Bill, he left us in haste.

Sen. Shabazz: I spoke on that Bill?

Hon. M. Ramsaran: Yes, I am sure you did.

Sen. Mohammed: I thank the hon. Minister for giving way again. I have one more question which deals with the annual inspection of these homes. I understand during the debate some concerns may have been raised with respect to an inspection only once a year. During that time, efforts can be made to make the homes look good and what have you. Are you making any amendments with respect to that, to have a more periodic inspection?

Sen. Shabazz: I was going to speak this morning to tell you do not put any homes above any rum shops.

Hon. M. Ramsaran: Mr. President, I was always told that this was an honourable House and I would give way to good questions. I assure Sen. Mohammed that I will reply to her question during the committee stage. When we leave this Chamber, I would want all Senators to be satisfied and to ensure that when we deal with our older persons we would do so with dignity, and as to rum shop, I do not frequent rum shops too much, so maybe Sen. Shabazz is more versed in rum shops than I am. *[Laughter]*

Through you, Mr. President, I would like this Senate to continue to be of a very high standard of which I have heard, so maybe Sen. Shabazz should bear that in mind when he talks about rum shop and politics.

Mr. President, I sincerely hope that I have been able to treat adequately with the concerns expressed about the Homes for Older Persons Bill and I assure hon. Senators that any time I come to this Senate it is to listen with respect to senior citizens of this country and indeed their contributions have been taken with all the worth I can muster. I thank you for the support of this Bill.

Mr. President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: Hon. Senators, because of the large amount of proposed amendments we will go through them clause by clause.

Clauses 1 to 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I beg to move that clause 3 be amended as follows:

“Delete the definition of ‘Facility Review Team’ and substitute the following:

- (i) ‘The Facility Review Team’ means a team within the Division of Ageing appointed by the Minister and authorised to inspect Homes for Older Persons.”
- (ii) In the definition of ‘older person’ delete the word ‘sixty-five’ and substitute the word ‘sixty’.”

Sen. Dr. St. Cyr: Would the hon. Minister give some justification for that change?

11.10 a.m.

Mr. Ramsaran: As I mentioned in my winding-up, it is in keeping with the United Nations definition for older persons. Although Sen. Diana Mahabir-Wyatt is not here she mentioned that she would like to see the definition changed.

Mr. Chairman, I beg to move, that we have come up with a new definition which was not circulated and reads as follows:

- (iii) Delete “home which means Home for Older Persons” and substitute “home which means the house or other premises established for the express purpose of caring for and housing older persons whether for a reward or not.”

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4.

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

Mr. Chairman: There is a proposed amendment by the Minister.

Mr. Ramsaran: Mr. Chairman, in clause 4(1) delete the words “to assist and advise the Minister on matters relating to the administration of this Act, and the Board shall exercise such powers, duties and responsibilities as are delegated to it by the Minister.”

I would like to propose that clause 4 be amended as circulated.

- 4 (i) In subclause (1) delete the words “to assist and advise the Minister on matters relating to the administration of this Act, and the Board shall exercise such powers, duties and responsibilities as are delegated to it by the Minister.”
- (ii) In subclause (2) insert after the word “Chairman,” the words “a Deputy Chairman” and after the word “ten” the word “other”.
- (iii) Delete subclause (2) (e) and substitute the following:
“a nutritionist or dietician”
- (iv) In subclause (5) delete the word “Minister may appoint a member to” and substitute the words “Deputy Chairman shall”.
- (v) In subclause (6) delete the words “members present shall appoint one of their number to” and substitute the following “Deputy Chairman shall”.
- (vi) In subclause (7) delete the words “other members presiding and three” and substitute the words “Deputy Chairman in the absence of the Chairman and five”.

Mr. Chairman: Any contribution on the proposed amendment to clause 4, Sen. Dr. St. Cyr?

Sen. Dr. St. Cyr: Mr. Chairman, the amendments were circulated about 10 minutes ago and they are rather extensive, so if we could be a little slow, please, Sir.

Mr. Chairman: Okay, take your time. Any Member wishes to make a contribution on the proposed amendment to clause 4?

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Mr. Chairman: We will come back to clause 4(A) at a later stage because it is a proposed new clause.

Clause 5.

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

Mr. Ramsaran: Mr. Chairman, I beg that clause 5 be amended as circulated.

- (i) In subclause (2) delete the words "Every Home" and substitute the words "the licensee of every Home"
- (ii) In paragraph (a) delete the word "and" at the end of the paragraph
- (iii) In paragraph (b) delete the full stop after the word "Act" and substitute the words ";" and "and"
- (iv) Insert a new paragraph (c) as follows:

“(c) shall ensure that where a registered nurse or physician is not resident at the Home, their services can be readily available if a resident is in need of such.”.

Sen. Jagmohan: Mr. Chairman, in clause (5)(iv), can you please explain what this means? That a certain number of registered nurses or physicians would be on call and they would be at their respective homes when required. Does it mean that?

Thank you very much.

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

11.20 a.m.

Clauses 6 to 8 ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I beg to move that clause 9 be amended as circulated, as follows:

“In subclause (2) delete the word ‘six’ and substitute the word ‘two’.”

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clauses 10 to 16 ordered to stand part of the Bill.

Clause 17.

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

Mr. Ramsaran: Mr. Chairman, I beg to move that clause 17 be amended as circulated as follows:

Delete clause 17 and substitute the following:-

“17Where the licensee or the sole surviving licensee of a Home for Older Persons dies, upon an application by the Legal Personal Representative, beneficiary, or any other interested persons the Minister may, after considering the representations of the Administrator General, the character, fitness, financial status and any other relevant factor in relation to the applicant, grant a temporary licence to an applicant for a period not exceeding six months at a time and subject to such terms and conditions as are prescribed under this Act.”

Mr. Chairman: Do you want to elaborate on it or explain anything?

Mr. Ramsaran: Mr. Chairman, there were questions asked and I explained during my contribution.

Question put and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

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

Clause 22.

Question proposed, That clause 22 stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I beg to move that clause 22 be amended as circulated as follows:

Delete subclause (1) and substitute the following:

“Manager (1) Every Home for Older Persons shall have a named Manager who shall ensure that at all times there is present on the premises, an officer who shall be responsible for the operations of the Home.”

Sen. Jagmohan: Mr. Chairman, in this section, the amendment explains a little more but it did not say whether the person who is in charge in the absence of the manager would be designated assistant manager or superintendent or whatever, it just says “an officer”. I am wondering if this could get us into difficulty. The officer could be a person of a standard or level who might find matters there unmanageable because of knowledge and ability. If we had said, “assistant manager and the person so designated”, Mr. Chairman, it would be

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straightforward that this person would be responsible to the manager and carry out his duties in his absence.

Mr. Ramsaran: Mr. Chairman, when we look at these homes, they might not have an assistant manager. What we are trying to ensure is that there will always be somebody responsible in these homes when either the manager or the assistant manager is absent. We talk about a 24-hour operation and this section is to ensure that there is at least an officer present, maybe in the wee hours of the morning, and not necessarily the manager or the assistant manager, and we expect the homes to name a responsible person.

Sen. Jagmohan: Now, it is based on expectation, Mr. Chairman, and it is good for us to have a high level of expectation but we seem in our system not to have success based on pure expectation. Sometimes it is necessary to name, and then we make it mandatory, and where certain aspects of operations are mandatory for personnel or staff we have had greater success.

Mr. Ramsaran: Having a named officer, you could call him whatever you want, the fact that he is a named officer by the management will say something.

Sen. Jagmohan: Mr. Chairman, I go no further.

Question put and agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Clause 23.

Question proposed, That clause 23 stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I beg to move that clause 23 be amended as circulated, as follows:

“In subclause (d) delete the words ‘of each resident’ and substitute the words ‘or other person who is responsible for the resident’.”

Question put and agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 to 26 ordered to stand part of the Bill.

Clause 27.

Question proposed, That clause 27 stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I beg to move that clause 27 be amended as circulated, as follows:

“Renumber clause 27(1) as clause 27.”

Question put and agreed to.

Clause 27, as amended, ordered to stand part of the Bill.

Clause 28.

Question proposed, That clause 28 stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I propose that clause 28 be amended as circulated, but only with the deletion of subclause (2). The second proposed amendment has already been done in the other place. The amendment would therefore read:

“Delete subclause (2) and renumber clause 28(1) as clause 28.”

Mr. Chairman: Clause 28, hon. Members, was just to renumber. The proposed amendment at Roman (ii) of clause 28 is withdrawn because it is already included in the House of Representatives amendments.

Amendment withdrawn.

Question put and agreed to.

Clause 28, as amended, ordered to stand part of the Bill.

Clause 29.

Question proposed, That clause 29 stand part of the Bill.

Sen. Mohammed: Mr. Chairman, in respect of clause 29, we did raise some concerns about the annual examination of a home and we were hoping that some kind of amendment could be made to make it a little more often than once a year.

Mr. Ramsaran: Mr. Chairman, I do not know if this would help or how legal this would be, but they use “at least once a year”. I do not know if it means that we could—and at subclause (2) it states:

“In addition to the inspection and examination referred to in subsection (1) the Facility Review Team shall inspect a Home for Older Persons when so directed by the Minister.”

Sen. Mohammed: How could the Minister determine when it would be necessary to have an inspection?

Mr. Ramsaran: He would get a report.

Sen. Mohammed: Perhaps we can have an inspection quarterly or twice a year, because throughout the year you do not know what conditions would be prevailing.

Mr. Ramsaran: Mr. Chairman, as I am guided, it is at least once a year. I do not know if it covers that, and it gives the Minister the authority to do more. Some of these visits, ma'am, would be determined by some reports coming to the Minister, as happens now.

Sen. Rev. Teelucksingh: Can I ask a question? This is my major concern with the Bill. Clause 30 talks about a report. The Facility Review Team is to submit a report to the Minister. Now, if an inspection is to be done once a year, will a report be forwarded to anybody as a result of the inspection and examination referred to in clause 29? That is one of the questions I raise. Then my major concern is, which is the real governing body in this Bill? Is it the Older Persons Care Board or the Facility Review Team? There must be a governing body. This has been my concern. I would like you to answer that for us please, Sir. A report—what will happen to that inspection?

11.35 a.m.

Mr. Ramsaran: Mr. Chairman, clause 30(2) states:

“A report on the inspection or examination conducted by the Facility Review Team at the instance of the Minister shall be forwarded to the Minister within forty-eight hours of the completion of the inspection or examination.”

Sen. Rev. Teelucksingh: Mr. Chairman, my understanding of it, Sir, is that if the governing body is the board—the Old Persons Care Board—you should not have another parallel body with no connection and relationship whatsoever. I am seeing—even in clause 30—that report should not be forwarded only to the Minister but also to the board, if the board is the governing body. I am talking about clause 30 and it is also linked to clause 29.

Mr. Ramsaran: In my humble opinion, there is a connection. The Minister will appoint the board, and then there is the Facility Review Team, which is more or less a technical team, as shown by the make-up and expertise on that board. They will inspect these homes and let the board and the Minister know what their findings are and how the Government should deal with each particular home.

Sen. Rev. Teelucksingh: Will you consider adding in clauses 29 and 30 then that “this report should be submitted to the board in addition to the Minister”?

Mr. Ramsaran: “To the board and Minister”.

Sen. Rev. Teelucksingh: Yes, “to the board and Minister”.

Mr. Ramsaran: Okay?

Sen. Rev. Teelucksingh: Thank you very much.

Sen. Mohammed: The Minister outlined, that part of the functions of the board is to advise the Minister. Perhaps, the team should be reporting to the board and then advise the Minister accordingly.

Mr. Ramsaran: Mr. Chairman, I have no problem with that.

Mr. Chairman: Clause 29 does not deal with the report. So, there is no amendment to clause 29.

Question put and agreed to.

Clause 29 ordered to stand part of the Bill.

Clause 30.

Question proposed, That clause 30 stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I wish to amend clause 30(2) as follows: after the word “Minister” at the end of line three insert the words “and the Board”.

Question put and agreed to.

Clause 30, as amended, ordered to stand part of the Bill.

Clauses 31 to 33 ordered to stand part of the Bill.

Clause 34.

Question proposed, That clause 34 stand part of the Bill.

Mr. Ramsaran: Mr. Chairman, I wish to amend clause 34 as follows:

“In subclause (1) renumber paragraph (j) as (k) and insert a new paragraph (j) as follows:

‘(j) procedure for dealing with complaints arising from this Act.’”

Mr. Chairman: Is that not in the House of Representatives amendments?
[Interruption]

Mr. Ramsaran: Mr. Chairman, I think that was done in the other place and the officer was not aware of it.

Mr. Chairman: The Minister is withdrawing the proposed amendment to clause 34 because it was already done in the House of Representatives.

Amendment withdrawn.

Question put and agreed to.

Clause 34 ordered to stand part of the Bill.

Mr. Chairman: There are two new clauses, new clause 4A and new clause 33A. We will do new clause 4A.

New clause 4A:

Mr. Ramsaran: Mr. chairman, I propose a new clause 4A which reads as follows:

- | | | |
|------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “Functions
of Board | 4A. | The Board shall be responsible for— |
| | (a) | Advising the Minister on all matters relating to the care of older persons, the administration of the Act and standards to be observed in the care of older persons; and |
| | (b) | Guiding and assisting the Division on the implementation of the Act.” |

New clause 4A read the first time.

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

Question put and agreed to.

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

Question put and agreed to.

New clause 4A added to the Bill.

11.45 p.m.

New Clause 33A.

Mr. Ramsaran: Mr. Chairman, I propose the following new clause 33A:

“Nothing in this Act shall affect the operation of a Home for Older Persons within six months of the coming into force of this Act”

New clause 33A read the first time.

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

Question put and agreed to.

Homes for Older Persons Bill

Tuesday, July 11, 2000

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

Question put and agreed to.

New clause 33A added to the Bill.

First and Second Schedules ordered to stand part of the Bill.

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

Senate resumed.

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

INTERRELATED BILLS

The Minister of Finance, Planning and Development (Sen. The Hon. Brian Kuei Tung): Mr. President, the Miscellaneous Taxes (Amdt.) (No. 2) Bill, 2000, the Stamp Duty (Special Provisions) Bill, 2000, the Income Tax (Amdt.) Bill, 2000, the Corporation Tax (Amdt.) Bill, 2000, and the Stamp Duty (Amdt.) Bill, 2000 can be considered as being interrelated. I would therefore ask leave of the Senate to deal with them all together.

Question put and agreed to.

Mr. President: For the information of members re the procedure, the hon. Minister will move that the Miscellaneous Taxes (Amdt.) (No. 2) Bill, 2000 only be read a second time. He will, however, make the presentation for all five Bills so that when Members speak, they can make the contribution for all five Bills also.

MISCELLANEOUS TAXES (AMDT.) (NO. 2) BILL

Order for second reading read.

The Minister of Finance, Planning and Development (Sen. The Hon. Brian Kuei Tung): Mr. President, I beg to move,

That a Bill to amend the Miscellaneous Taxes Act, Chap. 77:01, be now read a second time.

Mr. President, this Bill to amend the Miscellaneous Taxes Act, Chap. 77:01 deals with exemption from departure taxes of visitors who enter and remain in Trinidad and Tobago for a period not exceeding 48 hours. The proposed amendment represents one of several initiatives of a comprehensive strategy designed to facilitate the sustainable development of the tourism industry in Trinidad and Tobago. Government has earmarked tourism for accelerated growth, given our country's vast potential in terms of natural resources and cultural heritage.

Over the past few years, several programmes and projects related to product development, human resource development, institution strengthening and

marketing have been undertaken to lay a foundation to boost our tourism industry. As recently as June 1st, this year, Mr. President, the revised tourism development legislation was assented to by the President of Trinidad and Tobago; this is Act No. 9 of 2000. This new legislation makes provision for tax concessions and incentives to be provided not only to owners/operators of hotels that now exist, but also to owners and operators of a wide array of other tourism projects. Through this revised legislation, it is expected that investment in the tourism sector will be substantially increased.

It is also noteworthy, Mr. President, that on the recommendation of the Trinidad and Tobago Hotel and Tourism Association (TTHTA), Cabinet has agreed to an annual budgetary allocation in the Ministry of Tourism to provide for marketing, promotion and training. This allocation will be equivalent to 30 per cent of the hotel room tax collected in the previous financial year and is estimated to amount to some \$7.2 million.

The proposed concession which is intended here is intended to facilitate the promotion of Trinidad and Tobago as an attractive destination for short stays initially. This will be relevant particularly for the selection of Trinidad and Tobago as one of the destinations of a multi-destination tour within the Caribbean. The thinking behind this approach is that visitors could be enticed to visit Trinidad and Tobago for at least a day or two and, in the long-term growth, arrivals will be boosted through repeat visits as well as longer stays.

What I am saying, therefore, Mr. President, is that people who are visiting say, nearby Venezuela, who may want to see what Trinidad and Tobago looks like, need only fly across to spend less than 48 hours and return to Venezuela and get a glimpse of what Trinidad and/or Tobago looks like as compared to Venezuela. This means that the removal of the departure tax removes one other financial constraint, if you want to call it that, to their coming to Trinidad and Tobago, as they will no longer have to pay the departure tax for such very short stays. Similarly, if they had gone to Grenada, Barbados or any other country, they would be enticed at a very reduced cost to visit Trinidad and Tobago and return without having to pay this extra departure tax.

Sen. Prof. Spence: Mr. President, I wonder if the hon. Minister could tell us what is the purpose of departure tax? I think it is relevant.

Sen. The Hon. B. Kuei Tung: I can stay all day and give you a lecture on taxes. It is exactly as the name says. It is a tax; a revenue that is collected by the Government on behalf of the people of Trinidad and Tobago so that it can be used

to meet the expenses, in this case, it should be the expenses of the airport. I say it should be, because from what I am told, the departure tax has been collected and retained by the airport over years. There is, I am told, some \$30-odd million sitting to the credit of the Airports Authority, so it seems as if they have been doing fairly well in spite of the fact that the Government has had to finance the cost of the new airport. That is a different matter.

I was saying, Mr. President, although visitor arrivals to Trinidad and Tobago have increased over the years, the absolute figure compared to that of other Caribbean destinations is moderate. Visitor arrivals to Caricom countries—and the numbers I have are only for 1998 unfortunately—were 4.8 million, while arrivals to Trinidad and Tobago account for only 7 per cent of this figure. What it means is that Trinidad and Tobago has to continue developing a competitive edge in order to increase its share of the tourism market.

It is to be noted as well that on average, 45 per cent of our arrivals come from the United States and from Canada; 26 per cent come from Europe; 27 per cent from the Caribbean, Central and South America, and the balance from other countries. The trend in Trinidad and Tobago regarding length of stay has revealed that visitors from North America tend to stay an average of 7 days while arrivals from Europe tend to stay approximately 10 to 14 days.

Let me just repeat, Mr. President. Visitors from North America tend to stay an average of 7 days, whereas visitors from Europe stay between 10 to 14 days. Almost twice as long as the North American visitors. I seem to have read some time before that visitors from North America also travel more frequently than visitors from Europe. It means that having left as far as Europe to come to the Caribbean, they prefer to stay a much longer period of time than the North Americans who are fairly closer by.

Another factor for consideration is the quantum of departure tax that will be foregone as a result of the implementation of the waiver of departure tax for visitors who spend 48 hours or less. To give an idea, Mr. President, total revenue from departure taxes during 1997 was \$32.5 million. In the 1997 winter period, 4.2 per cent of the visitors stayed for a maximum period of 48 hours and the revenue collected was a little over \$698,000.

During the summer months of the same year, 1997, 11.6 per cent of the visitors stayed for a period of 48 hours, and the revenue collected was \$1.8 million. It would be expected, therefore, that roughly the revenue foregone, once this waiver is implemented, is in the vicinity of \$2.5 million, and this represents a

little under 8 per cent of the total revenue of about \$32.5 million. These are just extrapolated numbers. I have no idea what precisely is going to happen. Since 1998 I am pretty sure our visitor arrivals have gone up, so the numbers may have gone up a little, but I suspect that the ratios may remain pretty much the same.

In spite of the fact that revenues will be foregone in terms of the departure taxes for visitors who spend 48 hours or less, it can be surmised that there can be a concomitant increase in visitor expenditure that contributes to the national economy in terms of additional room nights, food and beverage and entertainment in order to contribute to the promotion of our destination and improve our competitive advantage. I want to remind this honourable House that we are speaking here of a stay of less than 48 hours or less than two days.

Under the present legislation at section 27(k) of the Miscellaneous Taxes Act, Chap. 77:01, one of the groups of visitors who are exempt from payment of departure tax is in-transit passengers remaining in Trinidad and Tobago for a period not exceeding 48 hours. There has been representation by other visitors who stay 48 hours and less, and whose final destination is Trinidad and Tobago, that a requirement to pay departure tax is inequitable. In light of the fact that tourism is an emerging industry in Trinidad and Tobago, it is considered that the grant of this proposed incentive would go a long way towards facilitating the growth of this sector.

Mr. President, with your permission I would like to move on to the other Bill which is the Stamp Duty (Special Provisions) Bill, 2000: An act to provide for the payment of certain stamp duties and fees by money. I think this amendment, Mr. President, is way overdue. I think even the name suggests that it may be a bit funny to think we are now providing for payment of certain stamp duties and fees by money.

The Bill before the House seeks to provide for the payment of stamp duties and fees in money and remove the requirement to affix adhesive stamps to instruments in respect of such stamp duties and fees. Mr. President, prior to the proclamation of the Trinidad and Tobago Postal Corporation Act, 1999, certain government agencies and departments collected revenue in the form of postage stamps. In order to conduct certain transactions, members of the public are currently required to purchase postage stamps at the post office. On presentation of the postage stamps at the relevant agency or department, these postage stamps are then affixed to the instruments as evidence of payment of the relevant stamp duty or fees.

12.00 noon

All revenue collected by such means would have been accounted for in the Consolidated Fund and the necessary accounting procedures would have taken place between the post office and the relevant agency or department. However, with the enactment of Act No. 1 of 1999, which established the Trinidad and Tobago Postal Corporation, or TTPost as it is now called, as a separate legal entity, it has now become necessary for those agencies and departments to discontinue this form of revenue collection. The revenue of the Trinidad and Tobago Postal Corporation, commonly referred to as TTPost is not considered as part of the Consolidated Fund.

Following the enactment of Act No. 1 of 1999, an interim arrangement was made whereby agencies and departments continue the collection of revenue by means of postage stamps up to the end of the 1998/1999 financial year, that is, September 30, 1999. In return, the Postal Corporation waived the postage fees to all government ministries and departments. Any surplus in revenues derived therefrom in favour of TTPost was to be treated as part of Government's equity in the Postal Corporation. The above was a temporary mechanism pending the enactment of the necessary legislation to allow for the collection of revenue by means of money where the law currently specified that the revenue be collected by means of postage stamps.

Government collects approximately \$12 million annually in revenue by means of postage stamps. Government's total expenditure with respect to postage for the period October 1, 1999 to May 31, 2000 amounted to approximately \$1.1 million. The collection of revenue by means of money would include electronic funds, transfer and cheques, as well as allow for other forms of monetary payments which currently exist or are likely to be introduced.

The Bill also seeks to eliminate the need to affix the postage stamps to instruments as a means of verifying payment. The Bill would allow for other means of verifying payment such as impressing with stamps using a dye. With the collection of revenue by means of money, the provisions of the Exchequer and Audit Act which govern the receipt of public moneys will apply.

Mr. President, as the Minister of Finance, Planning and Development, under the Exchequer and Audit Act, I have responsibility for the management of the Consolidated Fund and the supervision, control and direction of all matters relating to the financial affairs of state. I would, therefore, have to put in place the necessary accounts and administrative procedures with respect to the collection of stamp duty and fees by means of money.

Mr. President, the next amendment is for the Income Tax (Amdt.) Bill, 2000. The Bill that is now being read for the second time before this Senate seeks to amend the Income Tax Act, Chap. 75:01, so as to exempt from the payment of income tax, dividends and distributions paid by the Export Import Bank of Trinidad and Tobago—EXIM Bank, as it is commonly called—to its shareholders. This Bill was debated in the other place recently and was passed without amendment.

There is, as well, another Bill before this Senate which deals with a similar subject matter as the one which is currently being debated. That Bill is the Corporation Tax (Amdt.) Bill and, like this one, it also provides incentives to attract the necessary private sector participation in the Export Import Bank.

Mr. President, the Export Import Bank of Trinidad and Tobago, which I will refer to as the EXIM Bank, replaced the Trinidad and Tobago Export Credit Insurance Company Limited, or EXCICO, in 1997. This Export Credit Insurance Company Limited, or EXCICO, as I have said, was established in 1974 to provide insurance facilities to Trinidad and Tobago exporters against risk in the export of goods on credit terms. The company covered risk such as insolvency of the buyer, protracted default by overseas buyers, import control risk and other risk occurring outside Trinidad and Tobago which were beyond the control of the exporter or the buyer. EXCICO also offered limited pre-shipment and pro-shipment trade financing to exporters.

As Trinidad and Tobago's economy and, in particular, the export sector developed, it has become necessary to put in place the necessary mechanisms to continue to support our export business activities. In particular, it became imperative that an adequate supply of trade credit and associated financial services should be made available to the export sector. EXCICO has been under-capitalized and, given its weak financial position, had been unable to provide meaningful support to exporters.

It is in this context that our local EXIM Bank was conceived. Our exporters were at a competitive disadvantage since they compete against exporters who are supported by EXIM banks with more capital, a wider variety of programmes and more government support. The EXIM Bank is intended to have the capability of providing export and import financing servicing with emphasis on export credits, export credit insurance, guarantees and finance for small, medium and large businesses in Trinidad and Tobago.

Mr. President, the Inter-American Development Bank, through its multilateral investment fund, has expressed a willingness to consider an investment in our

EXIM Bank on condition that there is a strong private sector support in EXIM Bank. At present, the Government provides a guarantee to back up the obligations of EXIM Bank in the amount of TT \$44.68 million, or US \$7.1 million. It is the guarantee that provides credibility to the EXIM Bank.

It is proposed that when the EXIM Bank has a sufficient capital base, the Government guarantee will be withdrawn. In order to attract the necessary private sector participation in the EXIM Bank and to allow the bank to build up its capital base rapidly, as well as to keep its cost of capital and borrowed funds at competitive levels, it is proposed that the Income Tax Act should be amended as follows:

Firstly, that dividends at the common stock of the EXIM Bank payable to private sector individuals as well as to foreign shareholders, should be exempt from income tax. In this regard, you will know that the Income Tax Act already provides for the exemption of tax on dividends paid by a resident company to a resident individual.

Secondly, clause 2 of the Bill seeks to amend section 8 of the Income Tax Act by exempting from income tax for a period of 10 years, dividends paid by the bank to its shareholders, both resident and non-resident. That is the 10-year tax holiday.

Thirdly, clause 3 of the Bill would amend section 50 of the Act to exempt from the payment of withholding tax, any distribution made by the bank to non-resident companies or non-resident international agencies for a period of 10 years. This provision would act as an incentive to non-resident investors in the bank.

Finally, interest payments made by EXIM Bank on funds borrowed from institutions resident outside Trinidad and Tobago will also be exempt from the payment of withholding tax.

Clause 3 of the Bill also deals with this issue and would amend the same section 50 of the Income Tax Act accordingly. This provision is intended to act as an incentive to non-resident investors in the EXIM Bank.

Mr. President, assuming the necessary private sector and international participation in the bank, EXIM Bank is expected to be a viable entity. The bank does much work in supporting the non-hydrocarbon export sector. It is not a deposit seeking institution and would, therefore, not be in competition with the other banks and other non-bank financial institutions. Its programme of activities include providing working capital guarantees to encourage banks and other financial institutions to make working capital loans for production and marketing

activities. It provides marketing loans to encourage exporters in activities such as oversees trade fairs, shows and missions. It provides credit insurance for agricultural goods and it provides bank letters of credit policy to protect insured letters of credit issued by foreign banks.

The establishment of our EXIM Bank is a positive development for the stimulation of non-hydrocarbon exports. The benefits that will accrue to the economy include the generation of new employment, as well as increased foreign exchange.

This is the final part of this compendium of Bills and, as I said, when I presented the Income Tax (Amdt.) Bill just now, I had indicated that the Corporation Tax (Amdt.) Bill dealt with a similar subject matter and that its objective was to provide tax incentives to attract the necessary private sector involvement in the EXIM Bank, the Export Import Bank of Trinidad and Tobago.

The Bill which is the subject matter of this presentation was also debated in the other place and was recently passed without amendments. The tax incentives apply to both individuals and corporations and, as such, both the Income Tax Act, Chap. 75:01, and the Corporation Tax Act, Chap. 75:02, require amendments.

Mr. President, this Senate has already heard in my earlier presentation of the Income Tax (Amdt.) Bill, that the Government currently provides the guarantee to back up its obligations of the EXIM Bank to the tune of \$44.68 million. This Government guarantee will be withdrawn when the EXIM Bank has an adequate capital base to support its operations. The EXIM Bank would, however, require the necessary private sector input in order to build up its capital base. To this end, it is proposed that the Corporation Tax Act be amended in the following manner:

One, that the profits of the EXIM Bank would be exempt from corporation tax for a period of 10 years or until its capital reserves or retained earnings are equal to its initial capital of TT \$31.5 million which is US \$5 million, whichever is less. The period of 10 years would commence from the date of the initial investment of private sector funding into the EXIM Bank. This measure is to be found in clause 3(b) of the Bill.

All distributions received by a resident company from the EXIM Bank would also be exempt from corporation tax for a period of 10 years commencing from the date of the initial injection of private sector funds into the EXIM Bank. It will be noted that under the existing law, distributions which are made by way of preference dividends are subject to tax in the coffers of resident companies. The exemption provided by clause 3(a) of the Bill would not be wide enough to

include preference dividends received from the EXIM Bank by resident companies.

An investment tax credit—equal to 10 per cent of the investment made by an investor in the initial capitalization in the common stock of the EXIM Bank—will be available to the investor in equal increments over the next three years subsequent to his investment. This amendment is to be found at clause 4 of the Bill.

Although this Corporation Tax (Amdt.) Bill is recognized by its brevity, the impact of its provisions contained in the Bill is far-reaching and is expected to help place the EXIM Bank on a sound footing.

Those, Mr. President, are the five amendments that I would like to present this morning. With that, Mr. President—

Mr. President: The stamp duty on sea cargo.

Sen. The Hon. B. Kuei Tung: Did I miss one, Mr. President? You are right, Mr. President. That was only four I did. I am sorry. I thought I had come to the end of my presentation.

I am also seeking to amend the Stamp Duty Act, Chap. 76:01. This Bill seeks to amend the First Schedule of the Act in order to exempt from stamp duty a policy of insurance in respect of cargo on board any ship or vessel, a policy of insurance which, in insurance terms, is regarded as marine insurance.

The First Schedule to the Act provides for the imposition of certain taxes and duties and certain transactions. By reference to the said schedule, the rate chargeable on a policy of sea insurance is 25 cents for every \$500 or part thereof for sums assured in respect of travel. Simply stated, it means that any exporter of goods who ensures his cargo locally, must pay the duties aforementioned. It is to be noted, however, that the stamp duty could be avoided if the exporter decides to bypass the local insurance industry and insure his goods outside Trinidad and Tobago.

Permit me, Mr. President, to point out to this Senate as well that pursuant to section 64(1)(b) of the Act, policies of insurance made outside Trinidad and Tobago and enforceable within Trinidad and Tobago, may be subject to stamp duty if that transaction is brought to the attention of the Board of Inland Revenue within two months. For all practical purposes, an exporter is, therefore, in a position to insure his goods externally without any consequence as the payment of stamp duty.

12.15 p.m.

If an exporter decides to insure externally, the following would obtain:

- (1) The local insurance would lose business. In fact, local exporters have been cutting costs, wherever possible, in order to remain competitive in a global and liberalized environment.

In 1999, Government-appointed brokers, Risk Management Services, provided information which would suggest that exporters took advantage of cheaper shipping costs provided by other countries.

The report attributed high, local marine cargo rates to stamp duties which were increased in 1992 from five cents to twenty-five cents for every \$500 of sum assured.

- (2) The loss of business to the local insurers is tri-dimensional:
 - (a) gross revenues would be less;
 - (b) it follows a chargeable income to the respective companies; and
 - (c) the associated revenue from corporation tax is likely to be less; and
 - (d) revenue associated with the insurance premium tax, chargeable at the rate of 6 per cent per annum on general insurance business placed with local insurers will also be lost.

In the above regard, Finance Act No.5, 1995 is the authority for insurance premium tax.

- (3) Our foreign exchange reserve will be impacted as companies seek funds to pay for insurance placed with foreign providers.

In addition, there is need to support the export drive as a continuing thrust in promoting economic development in the country.

Mr. President, information from the Board of Inland Revenue indicates that stamp duties and policies of sea insurance have accounted for less than 2 per cent of total stamp duty for the last three years.

For the aforementioned reason, therefore, I submit to this honourable Senate that the benefits to be derived from the proposed amendments to the Act will outweigh revenues to be foregone. Accordingly, I wish to move that the Act be amended to exempt policies of sea insurance from stamp duty.

With that, Mr. President, I beg to move. [*Desk thumping*]

Mr. President: Senators, however, may speak on all five Bills.

Question proposed.

Sen. Nafeesa Mohammed: Mr. President, it was not my intention to participate in this debate here today, as my colleague Sen. D. Montano was supposed to have done so this morning. However, we just got word that he is not too well and, therefore, would not be in the Chamber today.

Mr. President, one of the things I have learnt about this UNC administration is that the shorter the Bills that they bring to this Parliament, the more poisonous and dangerous is the sting: like sting in a scorpion. I say so because looking at these five Bills that were presented by the hon. Minister, at face value, they all seem to have very noble intent. Certainly, we on this side would like to support the intent behind the Bills. But as usual, as one reads through these Bills, one can see some danger lurking and, as usual, in typical UNC fashion and style. Mr. President, we are seeing yet another situation where there is a possibility that friends and family of the UNC administration can benefit in a very significant way from one of the measures here. I am going to show you how, Mr. President. But, before I do so—[*Interruption*] The hon. Minister is saying to bring my friend and family. I would like to bring all the citizens of Trinidad and Tobago to benefit from the resources of our country. [*Desk thumping*]

When we are dealing with amendments to stamp duty and talking about the revenues of our country, we have to ensure that there is fairness and equity in what is being proposed, Mr. President.

When I look at the second Bill which forms part of this package—that is the Bill dealing with the provision for the payment of certain stamp duties and fees by money—this is a very significant piece of legislation. On more than one occasion, on this side of the Chamber, we have raised certain issues and I can recall—particularly, not too long ago when we were dealing with some of the land Bills that were being debated in this Chamber—that I did, in fact, raise some of the hardships that are experienced on a daily basis, particularly by members of the legal profession and law clerks *et cetera* who have to come and transact business dealing with the transferring of title to property and so on. One of these hardships is the problem that exists with respect to the requirement of having to affix stamps on documents that are going to be registered or filed or what have you, and not just postage stamps, but the hardships experienced as well in having to deal with

the stamp duty section; where the amount of duties that are paid are actually embossed on the documents.

We know, Mr. President, that for some time there have been many difficulties. In fact, with the advent of the postal corporation, TT Post, we were concerned that these revenues that are supposed to be going to the Treasury—the hon. Minister says it is supposed to end up in the Consolidated Fund—we have expressed concerns in this Senate as to the situation now where it is almost a private corporation that is, in fact, collecting this revenue by way of stamps that are purchased from the post office. We are very heartened to know that there has been some transitional mechanism to ensure that whatever moneys that were collected during the period of the corporation from existence to the present, that that money will, in fact, go to the Treasury, if I may say so, or to the Consolidated Fund.

Mr. President, this Bill seeks to provide, now, for a system whereby one would no longer have to pay these duties by way of stamps or having the embossing of the stamp at whatever department of government and, in fact, you are talking now about setting up a system where one can pay in cash for these transactions. We have no difficulties in terms of making such a transition. We welcome that new arrangement.

As the hon. Minister said: “It is long overdue.” Mr. President, one of the concerns we have now with this new system that is going to be introduced—where one can pay by way of money—is to ensure that proper administrative machinery is put in place to ensure that the system will work efficiently and effectively. I say so because we know that sometimes one may go into a particular department of government and one may take time off from one’s job to do some transactions. Lo and behold when you reach there the cashier is not functioning at the time or they have certain hours and when it is lunchtime one cannot get one’s business done *et cetera* and by 2 o’clock the cashier might be closed and so on. We hope that with this change the Government will ensure that the operations for the collection of this money—the time and what have you—will be properly worked out, so that members of the public and persons wishing to do transactions in government departments will be able to get the service that is required with such a change. Then you are dealing with cash, so we are hoping that they would have all that is required.

It is like when one goes to pay one’s land and building taxes. One goes there and sometimes has to return for whatever it is. There are many difficulties. They may not even have change to give you. I am not saying in that department, but it could happen in another department. We want to ensure that proper machinery is

put in place and proper checks and balances to ensure that the moneys are properly collected and accounted for.

This system also applies to the Companies Registry. We know when one wants to form a company one has to pay certain duties by way of postage stamps. As well, one goes to the Inland Revenue Department and pays the necessary duties. One of the hardships has been that one goes there to file a document and one is told that he or she has to bring X amount of dollars in stamps to get one's transactions done. This is a problem encountered by citizens on a daily basis. Right here in the Red House, if one wants to obtain a birth, marriage or death certificate, one may come from Penal, Cedros or Toco to the Red House to request such a document only to be told that one has to go and get \$25 in stamps in order to request the document. Lo and behold, when you ask around, some people may not even know the streets in Port of Spain too well. Where can you get these stamps?

Long ago there was a pharmacy right near the Red House, opposite the Hall of Justice at Temple Court, where one could have run across and gotten the stamps, but that business is no longer there.

12.25 p.m.

There is that difficulty; there has always been this hardship when you go to these departments to obtain the stamps and so forth. We are very relieved to know that now you can come and pay in cash and you can request your document.

We just wish that the length of time, especially in the registry downstairs here, that it takes to obtain these documents, can be speeded up. It used to be two weeks to get a certified copy of a deed, now you have to wait two, three and four weeks to get a birth certificate. You pay now, you request it and you have to come back a week later before you get your certificate. We are just hoping that these systems can be improved.

Mr. President, I raised some concerns at the start of my contribution, because in reading through the provisions of this Bill, that is the second Bill in the package, a Bill to provide for the payment of certain stamp duties and fees by money, there is a clause that is very worrisome. We have to express concerns about it, because we are here to protect the people's business and to ensure that whatever is being done it is being done in fairness and above board with transparency and proper accountability.

If the hon. Minister looks at clause 4, it reads like this:

“Notwithstanding the Stamp Duty Act or any other written law, the Minister may, by Order, subject to negative resolution of Parliament, vary the amount of any stamp duty or fee which immediately prior to the commencement of this Act was payable by means of embossed or impressed adhesive stamps or postage stamps.”

With all due respect to the hon. Minister, this is a recipe for major—if I may use the expression—curry favouring, because this Bill would be seeking to give the Minister that power to vary the amount of any stamp duty or fee that is payable. That is a very dangerous power to entrust, particularly, under this UNC administration, to this particular Minister. I say this with all due respect, hon. Minister, because over time we have read reports where a certain company had purchased a very large building in the city of Port of Spain, that is the Huggins Building. Today we have the Companies Registry owned and operated by the Government of Trinidad and Tobago being housed in that building.

What it means, therefore, is that whatever the cost of the building, when you go to pay your stamp duty—because for every transfer of title, every legal document or deed that has to be registered in this country, you have to take it to Inland Revenue to get it assessed for stamp duty purposes, and in doing so it varies according to the value of the property. With a private property, a home for example, if there is a dwelling house on a property that you are purchasing, you get exempted from stamp duty if the cost is below \$300,000. If the value exceeds \$300,000 then a certain rate is payable in terms of stamp duty.

Now you are dealing with buildings that the present UNC administration has control over, where they are selling out government houses and properties and what not, and what you are saying is that the Minister now will have the power to vary the amount of stamp duty that is payable. You are dealing with property that could be valued at millions of dollars and, therefore if you say that the stamp duty on those properties is 5 per cent of the value of the property, do you know how much revenue that will result in, in terms of revenue for the country?

Here it is this Bill is seeking to give the hon. Minister of Finance, Sen. The Hon. Brian Kuei Tung, the power to vary the amount of any stamp duty or fee that is payable. This is a very dangerous power to give to the hon. Minister, with all due respect, because it means that he will have that wherewithal in a particular transaction. Let us say that one of his good friends who may be involved in private business decides that he wants to buy a property in Port of Spain or elsewhere—maybe it might be a large parcel of land in Toco—if he decides that

he wants to buy such a property the Minister can simply say that he is varying the amount of stamp duty. This measure is saying here “the Minister may by order, subject to negative resolution”. All he has to do is create the order, there is no debate on it and the order will come into effect.

Mr. President, this is a dangerous provision and we on this side of the Senate must express our concern about such extensive powers being placed in the hands of the Minister. If there is some legitimate reason for wanting such a power then by all means stipulate or specify the categories that may be necessary, that you are looking at, you would want to vary the amount of stamp duty or fee that is payable. State a category, specify, spell it out, but to give the Minister that extensive power to simply vary the amount of any stamp duty or fee which is payable, that is very dangerous; especially, as we the people of Trinidad and Tobago have been following and noting the track record of this UNC administration. We have to express our fears and concerns about such a power being vested in the hands of the Minister; with all due respect.

It is certainly too much power. If you want to have such a provision by all means let the measure come to Parliament if need be and let it be subject to affirmative resolution, where we can have a debate on why it is the Minister may want to vary the amount of stamp duty. If somebody wants to buy the land, wherever it may be, in Toco, Icacos, Mayaro or right here in Port of Spain or probably in St. Clair, where there are valuable properties, that, at least, we would know and there would be some transparency. We will have the opportunity to debate the matter and see how necessary such a variation would be.

As it stands, Mr. President, clause 4 in a Bill that appears to be so harmless and so simple is a dangerous clause and we are objecting to this particular power. [*Desk thumping*] Otherwise, in terms of wanting to make that transition from having to pay the stamp duty by way of money instead of by way of postage stamps and what have you, we welcome it, and we welcome too the provision that you can do so by way of electronic means, because we know nowadays you can have the Linx machine so you can make these payments.

Mr. President, whilst we are dealing with this Bill that seeks to provide for stamp duties and fees, they are all related. We are talking here about stamp duties and duties that are payable to the Government, and one of the concerns that has already been expressed in this Senate is the existence of what is called estate and succession duties. I think there is a separate piece of legislation that deals with the requirement to pay estate and succession duties. That deals with people who have passed away, and in terms of their estate if they were owners of properties there

are certain duties that are payable. Since 1981 the law was amended to read that if you died after 1981 and you were the owner of a property, estate and succession duty no longer had to be paid.

As a member of the legal profession—and I am sure my colleagues would testify to this—one of the greatest difficulties in the process of transferring title to property whenever we do a search is, if a client is buying a property and that client has to obtain a mortgage from a bank or what have you, one of the first requirements—if those lands were previously jointly owned by somebody—they would ask for an estate and succession duty certificate. Mr. President, this is one of the most difficult certificates to obtain nowadays.

I recently had the experience where it took me five months to obtain an estate and succession duty certificate for someone who died in 1951. At the end of the day, after visiting the Inland Revenue Division here, going up to Henry Street at the Valuation Division—you go there from time to time, you call, you make inquiries, and they tell you that the documents are up there, the documents are down there and you are just spinning around in circles. Only to be told, at the end of the day that the duties that were payable were something like \$200 for all the years, it was more of a penalty than anything else.

When you go there, it is a case where you have inadequate staffing to deal with the provisions of these certificates. Sometimes you have to look at it and do a balancing act, because the candle may well be costing more than the funeral to retain such—[*Interruption*]

Sen. Kuei Tung: Is the Senator aware that this requirement has now been changed by this Parliament during her absence?

Sen. N. Mohammed: What did you say, hon. Minister? [*Interruption*] Since when?

Sen. Kuei Tung: It is one of the things we did while you were away. [*Laughter*]

Sen. N. Mohammed: Thank you, Minister Kuei Tung. I hope it is in effect. I take it that I no longer have to look for an estate succession duty certificate? I am very relieved to know that that has been removed. I know that we on this side—[*Interruption*] I am assuming that it would be with immediate effect. Is that so?

Sen. Kuei Tung: Yes.

Sen. N. Mohammed: Thank you. Mr. President, with respect to the Bills in the package, the third and fourth Bills to amend the Income Tax Act and the

Corporation Tax Act, the hon. Minister talks about the Export Import Bank and certain exceptions and so forth. As we are talking about banks, banking and what have you, I would just like to ask the hon. Minister, what is happening with the Islamic Bank that your Government had been boasting about since 1996 thereabouts, when there was talk about setting up an Islamic bank in the country? What is the status of that bank? I am just asking generally about it.

Mr. President, one of my other colleagues will deal with the other Bill that is in this package, that is the first one, the Miscellaneous Taxes (Amdt.) Bill. Basically, our major concern with respect to these five Bills presented here by the hon. Minister this morning relates to that second Bill dealing with the stamp duty and fees, and clause 4, which would give the Minister extensive powers, as he, under this provision would have the power to simply vary the amount of stamp duty that is payable.

When you are dealing with property, properties can be very valuable, and the more valuable they are, the more stamp duty that has to be paid. We want to ensure that the law is the law and that it is implemented at all levels and that there is fairness and equity in how the law is enforced. We do not want to have a situation where the hon. Minister will be able to simply decide when to vary and when not to vary, especially in these times, knowing that their term in office is coming to an end, very quickly.

In fact, we were very surprised to see the hon. Minister actually participating in a debate here today, because for some time we have noticed how very low-keyed he has been in this Chamber. With these few words, I thank you for the opportunity.

Mr. President: Hon. Senators, we will break for lunch at this stage. This sitting is now suspended until 1.45 p.m.

12.38 p.m.: *Sitting suspended.*

1.43 p.m.: *Sitting resumed.*

Sen. Prof. John Spence: Mr. President, I have two or three very brief points to make; one is with respect to the departure tax. I really cannot for the life of me see the need for this waiver, I do not really think that it is going to make any difference whether additional tourists come or not.

I wonder if we could have some information as to how many tourists came to the island since the marriage time was shortened to three days instead of a week? How many new tourists have we attracted by that arrangement? I remember

recently—although it was three working days—a poor couple who came to get this benefit could not get it because there was a public holiday between. I really do not think it is going to make any difference, but in any case, an extra night, US \$200.00 spent, and some estimates of the benefits of tourism are that we retain 10 per cent of the dollar. So let us say we get US \$20.00 by benefit of having that tourist for one night and we give up \$100.00, surely this is going to be needed when the new airport comes on stream. That \$30 million will soon disappear and I certainly think we need every dollar we can get if we are going to subsidize it through the taxpayer. I really cannot support that particular measure.

With respect to the stamp duty, which is necessary because of the change of the postal services, I agree with Sen. Mohammed that we have a problem with the Minister being able to vary a transaction immediately prior to the coming into effect of the Act. I cannot understand why we should have a measure of this sort at all. The Minister did not explain to us why we needed it and why retroactive. What does immediate mean, how short is immediate? In any case, it has to be more precise than that, but certainly I would like to—on behalf of Minister Mark—propose that the measure be made subject to affirmative resolution of Parliament.

Minister Mark always insisted on these occasions that we have affirmative rather than negative. At least we can find out what is happening. Does it mean that there are going to be individual cases treated or there would be a category of waivers that the Minister may give? Would he say all of a certain category is the case, or is he going to take out the individual instances and say no stamp duty in this case? It is not clear from the clause, so certainly the minimum I would suggest is that we should have it subject to affirmative resolution in Parliament.

Finally, Mr. President, to support Sen. Mohammed's plea for the collection of all taxes and duties being made more friendly, easier to do than at present, in the United States of America, just before income tax is due, they ask the people to go to the airport to receive money; in Trinidad and Tobago it is quite the reverse, you have to fight. Now, the time when people are most likely to be attending these offices is during their lunch hour and that is also the lunch hour of the cashiers and instead of having four cashiers when there are more people, you have just one. Can the cashiers not stagger their lunch hour? Very simple things like that would make it easier; it is the only country in the world where you have to fight to pay the Government money. It really is quite amazing, so I certainly support any measure that makes that easier.

Thank you.

Sen. Dr. Eastlyn Mc Kenzie: Mr. President, I would like to begin by welcoming my colleague to the Senate. My flight was delayed and I was not here on time to witness her swearing in, but I congratulate her and wish her the best, and tell her it is quite an experience and I am sure she will enjoy every moment of it in the Senate. I am sorry in that the situation is that Sen. Alfred is at hospital, but we are happy to have you and please enjoy it.

I have two or three comments to make. First, unlike Sen. Prof. Spence, I welcome the measure of the short stay, non-paying of departure tax. I recently had the experience of being in Barbados where I went with a choir and one member had to leave before the scheduled four days, and those who took her to the airport returned rejoicing, thinking they would not have to pay departure tax because she did not, and I told them it was only because she spent 24 hours. That was the rule.

I know in Tobago we have many of our relatives coming for funerals and they will come the day before the funeral and leave the day after and they have to pay \$100.00 departure tax, and they really feel it is not worth it, so I support the hon. Minister on the measure, and I am sure that many Tobagonians who come home just to attend a funeral or so would welcome this measure and they probably would spend the \$100.00 in another way, or leave it with a relative, so I welcome that.

Mr. President, I also welcome the change from stamps to cash or plastic, whatever it is, but I want to support Sen. Mohammed on the administrative measures that we ought to put in place to ensure that the thing runs very smoothly. I know as Sen. Prof. John Spence says, many times you see the sign: "Cash closes at this time." "No cashier." "We are closed for lunch." And there are two cashiers manning a cage and you cannot tell one to take lunch at 11.00 a.m and stagger the hours to make it very efficient and easy for people to pay, but my major concern in this area is the fact that we would have to put the measures in place before the Bill becomes law because we have to set up cashing stations in divisions where we do not have them now.

For example, when we go to the Registrar General's Office in Tobago where we get our birth certificate, marriage certificate and deeds we carry stamps and we have to carry stamps according to the denomination. If it is \$20.00 stamps, you cannot carry four \$5.00 stamps, if they ask for two \$20.00 stamps, that is what you have to carry. They do not have a cashier and a cashier's cage and that type of thing, so I think you have to start from now to get cash registers and systems in place and train the people, appoint cashiers, or transfer them or what have you, because you will have the law coming into effect and we would not be ready to

implement it. I am asking the hon. Minister of Finance to look into this, especially where it pertains to Tobago, and to have these people ready; the cashier's cage and systems put in place before it becomes law.

Finally, I agree totally with Sen. Mohammed, and to a great extent to what Sen. Prof. Spence was saying. Probably, we may have certain categories of transactions that may warrant a waiver because I know that in some instances charitable organizations and churches ask for waivers from these types of duties where they are purchasing property for different purposes. What we may need to do is spell out these if we are going to look for waivers, but I certainly do not agree that the Minister should have a blanket power to just waive or increase or decrease the duties that one has to pay in certain instances.

I certainly do not agree with the question of the negative resolution of Parliament, and my experience here informs me that many times we bring Bills to Parliament seeking approval when the rules have already been implemented and sometimes I wonder what is the use of bringing them, because it is just as if the Parliament is taken for granted, and so I certainly do not agree with clause 4 as it is stated in the Bill.

Thank you, Mr. President.

Sen. Prof. Kenneth Ramchand: Mr. President, just a very brief intervention, and the first one has to do with the Stamp Duty (Special Provisions) Bill. As far as I understand it, Sen. Mohammed has raised a point that needs to be answered and I would really like to hear the Minister's explanation of clause 4 which gives the Minister the power to vary the amount of any stamp duty or fee. I would state that the Explanatory Note which does not form any part of the Bill is quite misleading because it gives the impression that all this Bill is doing is providing for the payment of stamp duty and fees in money and removing the requirement to fix adhesive stamps. So I have to confess that when I read the explanation I thought, this is just routine and I need not even read the Bill, so I am grateful to Sen. Mohammed for raising the point. I am not sure I will go along with the point that it is short and stinging.

Sen. Mohammed: And deadly too.

Sen. Prof. K. Ramchand: And deadly, but I think it needs to be answered so I will wait for the explanation.

The second one might sound as if I am "kicksing", but I am not, and that has to do with the waiver of departure tax. Even if many people rush to Trinidad and

Tobago because we have reduced the departure tax as the Minister suggests, the quantum is not all that much, so I am not really quarreling about the amount of money, but I want to raise a question about the principle.

I support Sen. Dr. Mc Kenzie that whenever these bills come to the House, I look to see how they help citizens of the country and citizens of the region and I really do not see how waiving the departure tax for people who can afford to come just for 48 hours gives them any kind of relief. I really do not feel that they should mind paying \$100.00 if they come here for 48 hours. So I do not feel the need for a piece of legislation to exempt these people from paying a measly \$100.00, but I feel that there is a real problem for citizens of this country who, every time we buy a ticket we pay a 15 per cent tax on it and after paying that 15 per cent tax, I find it hard that we should also have to pay a departure tax every time we travel. I have spoken to the Minister about this before, that every time I travel, I pay my ticket tax and departure tax and when I return and want to buy two bottles of Old Cask Rum I am fooling myself that I am getting it duty-free; I could only do that once a year. *[Laughter]*

Mr. President, I think there are things about this departure tax that I would like—any member of the Caricom region who comes in and out of Trinidad and Tobago should not have to pay it at all, and I feel that citizens who are travelling, having paid their duty on their ticket, should not have to pay departure tax, because we have already paid a 15 per cent tax. I do not feel that extending that relief to these rich 48-hour visitors—*[Interruption]* They would be covered by the fact that citizens of Trinidad and Tobago do not have to, but I do not feel that doing this is a big deal for either tourism, or the citizens of this country.

Thank you, Mr. President.

2.00 p.m.

Sen. Eudine Job: Mr. President, hon. Senators, I am mindful of the sober circumstances under which I am here today. However, I believe that God is the designer and interpreter. I would like to say that I am very happy to be here. This morning's session was very instructive. I would like to thank hon. Senators for the welcome I received, and already I feel as though I belong here. *[Desk thumping]*

Mr. President, I would just like to comment on the Bill to amend the Miscellaneous Taxes Act and the taxes for visitors to Trinidad and Tobago who remain for a period not exceeding 48 hours. We cannot underestimate the importance of tourism to Trinidad and Tobago, particularly to Tobago, because we in Tobago know that tourism is driving our economy. We know that in any

sort of tourism development there are concessions that have to be made and certain infrastructure that have to be put in place.

In terms of the concessions for visitors, we understand that we are competing, not only regionally, but globally. Our competitors are from Japan; they are from Korea; they are from all about, and we have to understand that being so far south, we have to put measures in place that would encourage visitor arrivals, that would decrease the burden of barriers to entry and such like. But we must also be aware that there are certain infrastructure that have to be put in place, for example, the sewer treatment plant in Tobago and so on, which, if not constructed, would be a deterrent even if we can get the visitors to come.

Mr. President, we, on this side, understand the proposal made by the hon. Minister, but one of our concerns really is, how does the Minister propose to calculate 48 hours from arrival? Since the time of arrival is not printed, it is not on the passport or anywhere, but I guess you can check it by the flight arrival time? What we want to propose here is that the Minister changes the period of 48 hours to two calendar days—and I guess we can avoid any kind of misconstruing the period and any confusion that results.

Thank you.

Sen. Dr. Eric St. Cyr: Mr. President, I thought I would have had the honour to be the first to congratulate Sen. Eudine Job on her maiden contribution, Sir, but I see that you went ahead of me and I thank you for the privilege of being the second to so congratulate her.

The various measures before us I have little difficulty with, most of them. One could make a case for exempting the departure tax for short-stay visitors; as well as one could make perhaps an equally good case for charging a user fee for the use of the airport. I do not want to spend any time on those matters.

The one point I want to raise is the Stamp Duty (Special Provisions) Bill, 2000. As most of the speakers before me I am very much troubled by clause 4, and in my considered view, I think clause 4 should really be deleted. If we skip the parenthesis, what we are saying here is “the Minister may vary the amount of any stamp duty or fee.” And I do not think, in a truly democratic setting, that the Executive or any arm of it should have the authority to vary taxes. In my view this is a very serious violation of the right to be taxed as given to the parliamentary representatives. I was going to say, like one of the former speakers, “unless I could hear a good explanation from the hon. Minister.” I, quite frankly, cannot

think of any explanation that would override this fundamental principle and so I would seriously ask that the hon. Minister consider deleting clause 4 from this Bill.

I thank you very much, Sir.

Sen. Rev. Daniel Teelucksingh: Thank you very much, Mr. President. Just a brief contribution. First of all, I want to congratulate Sen. Job on her maiden contribution and extend a most gracious welcome to her. [*Desk thumping*] Mr. President, the Stamp Duty (Amdt.) Bill 76:01 about maritime insurance [*Interruption*] [*Laughter*] yes, maritime with a common “m” i.e. sea insurance, with the exemption of stamp duty on policies of sea insurance in respect of cargo and so on. Here it is we are spending precious parliamentary time, looking again at adequate insurance for local exporters—I think I heard the Minister explaining this as to the main concern of the Bill. What provision is there—I am asking myself—for the protection of the same local businessmen who have to import?

Since the fiasco of the loss of \$30 million in rice, what improvements have we made in trying to protect our imports? This is about our local exporters, this is what the Bill is about. An insurance for products that leave the country. What about importation? In fact, while the hon. Minister was speaking I asked myself: With all these conventions we have signed, we are participants of so many protocols and so on, is there any kind of international understanding as far as maritime insurance is concerned? And protection for our own people here who import almost every day?

2.10 p.m.

I am sure they have problems possibly with persons from far-off distant countries from whom they import. We have lost, and this is a classic example—up to now there is a mystery as far as this \$30 million rice shipment is concerned. As far as insurance is concerned, there is no protection at all, not even for the Government of Trinidad and Tobago, far less for the small entrepreneurs. Will cargo intended for Trinidad and Tobago be covered adequately through some insurance companies? Just as we are telling ourselves we are going to do something to help or to protect all those from our country who export, what about the same people who are waiting for their goods to come in? What kind of protection do they have?

The next Bill on which I intend to raise a concern, Mr. President, is the Stamp Duty (Special Provisions) Bill, 2000 to provide for the payment of stamp duties and fees by money. Now, I consider this to be a very important Bill and as we are asking the Government to look again at clause 4, I would like to congratulate the

Government for reconsidering its position on that infamous clause 7 of another Bill. Oh, certainly I think that was quite good and magnanimous of the Government that they should spend some time to look again at the famous clause 7 of the equal opportunity legislation. We are asking them to be just as magnanimous and consider looking at clause 4 of the Bill before us. It is either that the affirmative resolution should be added to the Bill or, and I agree with my colleagues, that clause 4 should be withdrawn. I would not say what is my view on clause 7 as yet of another Bill.

Mr. President, it is a very good thing that the hon. Minister made reference to TTPost, the Trinidad and Tobago Postal Corporation. It is called Trinidad and Tobago Postal Corporation but we all know it is the New Zealand Postal Corporation. I would ask the hon. Minister to tell us, when he is winding up, if the term “stamp duty”—it is an archaic term and I notice that he has continued to use it—will remain on our books. Is this an isolated event with which we are dealing this afternoon with the term “stamp duty” which might just be redundant and archaic because of the privatization of the postal sector? Do we need to use the term “stamp duty” now? That is important. Certainly there is a Stamp Duty Act. Does Government intend, since the postal sector has been privatized, to revisit what is called the Stamp Duty Act to deal with even the terminology? It seems as though it is fast becoming irrelevant.

In addition to that, we are being told that there are provisions in the old Stamp Duty Act with unfair obligations to the Treasury. I would ask the question, if we are discovering the need to replace the use of stamps by the use of money for certain fees and duties, should this be done in a piecemeal fashion as we are doing this afternoon? Why should it not be a total package to be dealt with one time rather than a little piece at a time? This is an *ad hoc* approach to dealing with the question of the use of stamps.

I ask a very serious question here. Since the privatization of the postal sector—and I am not sure about the timing, Mr. President. I am sure it is well over a year since the postal sector has been privatized—what became of governmental duties and fees that were paid by the use of adhesive stamps to TTPost? Were these moneys forwarded to the treasury or kept by TTPost? Over the last year and more, people have been getting, for example, birth certificates and marriage certificates and buying stamps from TTPost for that purpose. Were those moneys forwarded to the treasury or has TTPost kept those sums? What was the quantum since they started? That is an interesting question. That must have amounted to millions of dollars. If today, through this legislation, the Minister is

saying that this money belongs to the Government of Trinidad and Tobago, does TTPost owe us, or was it part of the partnership agreement, into which we entered at the time with New Zealand Post, that all fees and duties paid by citizens of Trinidad and Tobago through stamp duty should remain with TTPost?

You will remember, Mr. President, that I have been very concerned, and worried too—always concerned—that we in Trinidad and Tobago could not even manage a little post office that we had to allow people to come from so far to teach us how to put spit on stamps. I was totally against it. It shows how incompetent we have been as a people and this is just another addition. We should do a computation of the amount of money spent by our citizens, using stamps, the same stamp—we are trying to stop something, you know. This is what this legislation is doing, trying to correct something by saying, “Listen, this money really belongs to the Treasury of Trinidad and Tobago and not TTPost”.

That is the power of this legislation, to put a stop to something. Why is it that, at the time of the initial negotiations, this was not done? This is a question that we should ask ourselves, why was this part of the giveaway in the package and why was this not done at the time of the first set of negotiations. It is a question that I need to ask and I think it is a very important one. I thank you very much, Sir. [*Desk thumping*]

Sen. Muhammad Shabazz: Mr. President, again let me start off by congratulating my new colleague for her contribution here today. [*Desk thumping*] Not only that, but it is really good to have another “Jobian” contribution, a more sobering one and one that is well balanced, coming from this side.

Mr. President, clause 4, as everyone who spoke here today said, must be removed or must be looked at. Not only that, my colleague, Sen. Mohammed, has asked that this Minister not be given that privilege at all. I do not know if she has anything on him but I say that probably no Minister should be given that privilege, [*Desk thumping*] more so a Minister on that side. I think that the Minister has been asked to consider it and I honestly believe that he will consider it before this Bill is passed this afternoon.

What I really want to speak about is when the Minister spoke about removal of the departure tax for people who will be here for only 48 hours. I think Sen. Job made a good point by saying that when the Bill talks about 48 hours that is going to cause real problems because people would have to be checking the time they are coming and the time they are leaving in order to come up with that 48

hours. Maybe we should go the way that she has suggested. The other thing is, when this 48-hour exemption is approved, the first thing is, as has been pointed out here, we really would not be saving a lot of money. However, if it is the intention to help and the Minister feels that it would attract tourists to the country, that is fine.

I do not like to hear Senators from that side at all, Mr. President, talk about attracting tourists to this country. It takes me right back to the Miss Universe fiasco. They were unable to do that. I do not think that this will cause them to bring more tourists because the opportunity that they had to bring a lot of tourists into the country brought none. They spoke about thousands and thousands and thousands yet we saw none. I do not think that this measure will bring hundreds into the country or make any difference, so I do not know why they are putting that measure into place. I do not know why you want to do it but I say that even if you are going to do it, look at the locals too.

What about us who want to leave this country for 48 hours and only staying away for a day or two days? Why is that tax not removed for us? Why is the Government only looking to give benefits all the time to foreigners to attract people here and they are not doing anything for locals? [*Desk thumping*] This is a Government that always talks about everything for all—“Computers for all”, “School places for all” and “Water for all”. Everything they talk about is for all and it does not happen for all. Then they cut down and it happens for some or for a privileged few. So we “ain’t taking this mamaguy” with “for all”. Give the benefit of not having to pay that kind of a tax to those of us who travel and stay out of the country for one or two days. [*Desk thumping*]

I want to make another point—Sen. Job brought it up in a slight way—about the barriers to entry into our country. If you are talking about here being a tourist destination, people travel from other and bigger countries and do not even have to come here with a passport. Look at what is happening in Caricom. We have reached the stage, and you could take the initiative you know, where we could ensure that citizens coming from other Caricom countries should not have the type of pressures they do when they have to come to our country. Maybe if we take that initiative and we have it here first, it may happen for us going up the rest of the islands. It is something that we need to look at, the type of problems that people experience, especially people in the Caribbean when we are talking Caricom, to come to this country. It is a sad thing.

I was speaking to somebody in Barbados recently and this man claimed that he has worked with Caricom over the years and all the problems that we talk

about still keep arising. Then I said to him, “Well, we are having young, new people coming now and maybe that will make a difference”. He said, “But we discussed that over 30 years ago”. We seem to be discussing the same thing now. Let somebody pick it up. I have read in the papers that people no longer—before, Trinidad used to be called upon to discuss problems in Caricom and make some kind of—solve them in some way. They are no longer calling on us. Let us get back to that Big Brother attitude. Let us get back to that point and try to do things to make a difference in Caricom, and maybe this could be one of the ways. There was talk about the point of entry, the barriers that we are having.

I want to say this. I went to the Caroni Bird Sanctuary the other day. If the Minister is talking about bringing tourists to this country, I must say, Mr. President, I was really disappointed. The birds in the sanctuary—and the guys tell you that—when one went to the sanctuary 20 and 25 years ago, do you know what used to be seen at the end of the day? One would see all these flamingos coming to these green trees and in no time at all, on an evening, the trees would be red. Now we are not seeing the birds at all. Now we just see them flying coming in but the trees are remaining green and we are not seeing the spectacle that the bird sanctuary used to be.

If we are talking about tourists there are places, like the Caroni Bird Sanctuary, that must be seen about. We must ensure that when tourists come to Trinidad there are places to take them that are well taken care of. They are talking about people poaching and going in and killing the birds. We cannot talk about setting up systems when you do not have these kinds of protections in place to ensure that when a tourist comes to Trinidad and Tobago he could leave and say, “You know, the Caroni Bird Sanctuary in Trinidad is somewhere you should go. You should go to the Asa Wright Nature Centre”.

The places that we want tourists to visit are places that should be properly developed and well taken care of, and I think we need to look at that. I think if we are going to do things to attract tourists, we should not bring the tourists in and then have nothing really to show to them, or what we have to show to them is so beaten, so mashed up, that it is a waste of time bringing them. We want them to encourage other people to come to our country. Now, I do not want to end, but there are a number of other things that need to be done. The crime situation needs to be looked at. We need to work harder and maybe the whole country needs to work harder, but they, as the Government, must set those initiatives. Just as the Government could say here that they want to remove this departure tax, they could do other things to ensure that they set up certain initiatives to make sure that it happens.

I see here the Minister said that somebody asked him earlier the reason for departure tax. He explained it is probably to help in the airport, or whatever it may be, but it is to meet expenses at the airport. We see that there is \$30 million in credit sitting there. When we look at the airport situation maybe there is some way—there must be ways to use that \$30 million. If it cannot be used in the airport, use it to do other constructive development that will help Trinidad and Tobago, that would help to attract the tourist and that would develop other tourist sites. Use this money to do that, because the aim for doing these things is really to bring the tourist to Trinidad. So do not just leave \$30 million sitting there. As a matter of fact, so many other things could be done with \$30 million.

2.25 p.m.

Mr. President, I do not want to be out of line, but \$30 million could help the Government take the school from off the bar and take it somewhere else. There are so many things that \$30 million could do. I think the Government needs to look at that—only if the school and the bar will be a tourist attraction. I do not know. It might be the only one of its kind in the world. *[Laughter]* So, indeed, it might be a tourist attraction. I think when one is looking to attract tourism, it must not be at the expense of our young children. It must not be at the expense of anybody. In attracting tourists, it must not be that when they leave, we will become the laughing stock. So the Government should utilize its money.

Mr. President, through you, I would like to ask the hon. Minister to really look at that. The Government has a very short time again, but it could look at it during that time. If not, it will fall upon us to ensure that these are the things that we will do to create a better tourist industry in Trinidad and Tobago.

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

The Minister of Finance, Planning and Development (Sen. The Hon. Brian Kuei Tung): Mr. President, for a while there, I thought, while you were acting as President, you might have changed my portfolio. *[Laughter]* Mr. President, I wish to thank you very much and hon. Senators for their contributions. Let me also say congratulations to our newest Senator. It is a pleasure having her. I must say she has a very refreshing voice. We are glad to welcome her to the Senate and to hear her make her maiden contribution on her very first day. *[Desk thumping]* I want to thank everyone for their concerns and contributions made today. I must admit, I did not come as prepared as I would like for today's session but, being pressed into service by the Leader on the Government side, I thought I would try my best at what has come out.

Mr. President, what I would like to do therefore, is to address some of the concerns that have been raised today as best as I can. Please understand that these very simple amendments have—as I said, in my presentation—very far-reaching implications. Many of them are fairly simple in their own right and, I think, many of them are intended to bring us into the 21st Century quickly, in particular, the one that deals with the stamp duty. When one considers in this day and age that we are still talking about making payments of government taxes or duties by stamps, one will understand how archaic are some of our systems. I did hear the pleas that have been made with respect to the efficiency that we need to bring about.

Only recently, I had a meeting with some of my departmental heads and at that meeting, I tried to explain to them that I have come from a business background. I gather as the Minister of Finance, Planning and Development that the perception from the paying public is that Government is the hardest person to pay anything. As a matter of fact, I have told them that as a businessman, there is no business in Trinidad and Tobago that will survive if they keep refusing to collect or receive money as the public service seems to give. So, I think the message is coming through and the Government is beginning to understand demands that are being made by the paying public—I say paying public, in terms of any form of payment that has to be made to the Government.

Mr. President, one gets the distinct impression that if one does not know his or her tax number, you could not pay the Board of Inland Revenue. It does not make sense. In any business, they will take your money first and then say, we will find out about your tax somewhere later on. But Government's priority is, if it does not know your tax number, it will not take your money. So, I think, I have been able to make that point which has certainly been fully understood by the departmental heads, that a change has to come about, in terms of being able to give a more friendly service.

Similarly, in terms of efficiencies, I would welcome the day when you can go and pay for literally any Government service at any cashier wherever it may be, whether it is Trinidad or Tobago, whether it is Mayaro or Port of Spain. We do not need specialized cashiers, for example, a cashier for this and a cashier for that. In the old days, I suppose that might have been a good way to create jobs in the public service. In the long run it does not work because these are not long-term permanent jobs. The thing about it is, in this day and age with the computer in particular, you must be able to say, any payment that is made could be identified quickly and that particular file could be credited quickly. That is a simple

computer system or application that could be made. So, the Government is working towards those aims and efficiencies.

Mr. President, I know that in terms of the stamp duty, in particular, the Government would have to put in place a lot more efficient systems. I think we have the skills at the public service level to put in more up-to-date systems. I am thankful that, at least, we are beginning to understand the message that I have made in my previous budgets. I have said that we are going to fall by the wayside if we do not become computer literate quickly. If one sees some of the measures that I have taken—firstly, I have tried to make sure that public servants have access to loans, so that they could have computers in their free time at their homes, not only for themselves, but also for the kids because we need to bring the children on board quickly. Now, fortunately for us, children are never afraid of computers. As a matter of fact, as adults, we tend to find that new technology is something that we are scared of.

Not too long ago, who would have heard about cellular phones in Trinidad and Tobago far more for computers. Very soon there will be cellular phones that will give you Internet access. I will leave that for Sen. Gillette to say because he is the expert in that area. I better not get into that one. But there will be phones that are going to give you a whole range of services from one small instrument and we have to be prepared for it. So, having said that, I did hear a number of concerns that were raised. I was given a very preliminary explanation as to why clause 4 exists. I know that Sen. Dr. St. Cyr is not going to accept a preliminary explanation. I want to suggest that I am going to commit this particular Bill to committee and I am not going to do it today. I am going to do it next week when I have a full understanding as to what that particular measure was intended to do. I do not want any more powers than I have. I do not need any more muscles. *[Laughter]* So, unless it makes a lot of good sense, I am really not going to do it.

I think there are some problems with the system that Government wants to address and that may be the wrong approach in addressing them. As I said, in terms of the Bills, they need not have been sent to committee but I am going to send that one to committee. I am going to defer it until next week, if I have the blessing of the Senate in that approach.

Mr. President, having said that, therefore, I can talk a bit about tourism. We are very weak with respect to tourism and we have been over the years. We are coming from way back in terms of the rest of the Caricom countries. There is no one measure—and that starts with whether you get married in three days or one

day, or whether you come here and pay no departure tax in two days—that is going to work as a magic cure—like snake oil in the whole West Indies—that will certainly bring everybody into Trinidad and Tobago. I heard Sen. Job say that we are so far down south. One has to pay an added airfare just to get to Trinidad and Tobago, whether you like it or not. One could go to the Bahamas and pay far less; one could reach all the way down to Barbados and also pay far less. Even if you were coming from Europe, you could stop in Barbados and enjoy your vacation and get everything, in my view that Trinidad and Tobago has to offer, except its hospitality. So, therefore, one has to come to Trinidad and Tobago to sample Trinidad and Tobago hospitality.

Sen. Prof. Spence: And its rainforest.

Sen. The Hon. B. Kuei Tung: Well, I am sure there is a lot still going. I was merely trying to give you an idea of what should be done in order to bring visitors here.

The other thing about it is, we have to be careful because we do not want to open our floodgates and put pressure on our infrastructure. So, therefore, what the Government wants to do is make sure it gets the up-market tourist. You are not going to get the up-market tourist by merely saying, do not pay 24 or 48 hours departure tax.

Mr. President, what the Government wants to do to encourage tourists who have gone to other territories close by, is make it inexpensive for them to come by and see what we have to offer, and hope that the next time they plan a vacation, Trinidad and Tobago is going to be their destination of choice. That is precisely what the Government is trying to do. The Government is merely trying to make sure that it has enough armory that if it is able to attract enough good quality tourists, it has the wherewithal to make their entry as easy as possible. So, I have no answers as to why the Government is doing it for non-residents or non-citizens. I am merely saying that the Government is doing these things in the hope that in the long run, many of them are going to be able to attract good high- quality tourists to our shores. So, if it appears as if Government is discriminating against Caricom and/or Trinidad and Tobago residents that was certainly not the intent.

Mr. President, I am not sure if I am qualified to answer Sen. Rev. Teelucksingh's comments about the rice matter. I am not going to even make an attempt to say what happened to the rice. I could just quickly say that what is here before us is really to make marine insurance coverage for cargoes that are leaving us cheaper—not only cheaper—because Government will be removing the stamp duty by this Bill on marine insurance that is generated in Trinidad and Tobago.

2.35 p.m.

No one who is shipping stuff into Trinidad and Tobago is going to insure it from Trinidad and Tobago. One will normally find that marine insurance is negotiated from the exporting country, so if it was rice, for argument's sake, coming from India, one assumes that the insurance policy would have been done somewhere from India or somewhere outside, and it covers the shipment from India to Trinidad and Tobago.

What we are doing here today is quite the opposite. We are actually insuring the goods that leave our shores. What has happened is that in recent times the practice has turned up where because we now have a fairly open economy—by that I mean in terms of foreign currency and foreign exchange—it meant that exporters in Trinidad and Tobago can also place insurance on goods leaving Trinidad and Tobago from outside. So, the local insurance industry was being denied the right to carry those insurances and earn some income. It was cheaper for the exporters to do it where they did not have to pay the stamp duty if they arranged the insurance outside Trinidad and Tobago, whereas if we removed the stamp duty, at least we are allowing the insurance providers to be a little more competitive. That is the whole intent.

Sen. Rev. Teelucksingh, I am sorry I cannot give you more information about what happened to the rice or the bicycles, or what have you. I know as much as you do on this matter. On the question of TTPost that was also raised by Rev. Teelucksingh, I think he is being very harsh in his judgment of Trinidadians when he said that we cannot even run a post office—far more. I think what has happened is that our Trinidad and Tobago post office has become archaic in every sense of the word. I can only go by what I hear now. Many people are very impressed with the TTPost service now. The morale has changed.

I am a firm believer, incidentally, that any organization that remains the same for more than six or seven years is going to lose its sting. It becomes static, and static is a wrong word anyhow. Once you get static, you start to regress. You do not stay one place; you get worse.

Sen. Mohammed: Just like the UNC!

Sen. The Hon. B. Kuei Tung: We need seven years, so that means you are giving us one more chance. *[Laughter]* Therefore, I think TTPost, from what I am hearing now, particularly with respect to people who have never got mail delivered to their homes, is doing an exceptional job. The people have really

become much more rejuvenated. Many of the people see themselves as being self-employed as opposed to being Government-employed. There are a number of couriers that are running around, the mail people seem to be much happier now than before. I think the organization has really become quite good.

The Senator asked about what happened to the money they collected with all those stamps which were sold from before. I thought I had covered that in my presentation, but he may have missed it. Let me elaborate on it again. Until this Stamp Duty Act is amended, they will continue to do the same thing they have been doing in the past, which is, to sell stamps for people to put the stamp duty on. An arrangement had been made, and I want you to remember that TT Postal Corporation is owned by the Government of Trinidad and Tobago. What is run by New Zealand is the management of the company.

We have a management contract, but the ownership of the company is Corporation Sole. TT Postal Corporation is owned by the Minister of Finance, as Corporation Sole, on behalf of the people of Trinidad and Tobago. Please do not see it as a foreign company that is grabbing Trinidad and Tobago's revenue and running with it, because it has to pay all its expenses, like a normal corporation, in terms of these same postal workers I talked about—the administrative staff, and so forth. They have expenses with respect to rent, and so forth.

What we had arranged in the interim was that in exchange for their collecting that revenue on behalf of the Government, they would send all the Government's mail for free. "Free" meaning that that is the exchange for collecting revenue. When we do this, we will then have to revisit that interim arrangement. It is not that they collected the money and did nothing with it. They continue to send all the Government's mail on the same imprest basis.

Bear in mind that when it was Trinidad and Tobago Post Office it did not matter. The money went into the Consolidated Fund and came back out of the Consolidated Fund. In those days, government never paid for stamps, because as long as it was marked "Trinidad and Tobago Government", it was mailed automatically by the post office.

In exchange for that remaining, because we do not have any special budget now—bear in mind that now that the Trinidad and Tobago Postal Corporation has come about, I will now have to find a separate budget for every government department. I will have to do that as soon as we have passed this Stamp Duty (Amdt.) Bill, because it is now going to say that they will no longer be issuing stamps as payment for revenues for things like deeds and conveyances, and so forth. It is not that they have credited the money, it is no longer going to the

Miscellaneous Taxes (Amdt.) (No.2) Bill
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Consolidated Fund or that they are collecting money wrongly or falsely. That is the explanation I have for that part of it.

Mr. President, I think many of the other Bills were sort of gleaned over. I did not hear anything raised on Export Import Bank (EXIM), but I thought it was a very important feature in today's five Bills. I think the EXIM Bank is going to be a very successful bank. We are trying to encourage the private sector to get involved in the EXIM Bank, and unless we make the EXIM Bank attractive in the first 10 years, I think the private sector would be a little reluctant. I do know, and having spoken to many of the Trinidad and Tobago manufacturers, that they are anxious to put money into it, because it provides them with a comfort in terms of the risks that are insured by EXIM Bank that they would not have had otherwise. There is a lot more that EXIM Bank can do, and I am glad to hear that the Inter-American Development Bank (IDB) and other multi-laterals may be interested in putting money in it, once it is private sector run.

We certainly do not have any desire as a government to run EXIM Bank. Therefore, we will be happy to see EXIM Bank transferred into the hands of the private sector. It is there to service, principally, the export sector which is part of the private sector. Bear in mind that when I speak here, I am talking totally about non-oil. It is not normal for the oil sector to go there, because the risks in the oil sector are much larger than they can cope with at this point in time. *[Interruption]*

What I have heard so far is that the bank that was interested just disappeared. They never came back, but bear in mind that they would have had to file an application with the Central Bank. That is the latest we heard. They have not expressed any further interest in Trinidad and Tobago at this time.

With these few words, Mr. President, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Sen. The Hon. B. Kuei Tung: Mr. President, I beg to move that the Bill not be committed to a committee of the whole Senate in accordance with Standing Order 63.

Question put and agreed to.

Question proposed, That the Bill be read the third time and passed.

Bill accordingly read the third time and passed.

STAMP DUTY (SPECIAL PROVISIONS) BILL*Order for second reading read.***The Minister of Finance, Planning and Development (Sen. The Hon. Brian Kuei Tung):** Mr. President, I beg to move,

That a Bill to provide for the payment of stamp duties and fees by money be now read a second time.

*Question proposed.**Question put and agreed to.**Bill accordingly read a second time.***Sen. The Hon. B. Kuei Tung:** Mr. President, I beg to move that the Senate do now resolve itself into committee to consider the Bill clause by clause. However, because of the concerns raised by Members the other side, I am seeking the Senate's permission to adjourn the committee stage of this Bill to the next sitting of the Senate.*Question put and agreed to.***INCOME TAX (AMDT.) BILL***Order for second reading read.***The Minister of Finance, Planning and Development (Sen. The Hon. Brian Kuei Tung):** Mr. President, I beg to move,

That a Bill to amend the Income Tax Act, Chap. 75:01 be now read a second time.

*Question proposed.**Question put and agreed to.**Bill accordingly read a second time.***Sen. The Hon. B. Kuei Tung:** Mr. President, in accordance with Standing Order 63, I beg to move that the Bill not be committed to a committee of the whole Senate.*Question put and agreed to.**Question proposed, That the Bill be read the third time and passed.**Bill accordingly read the third time and passed.*

CORPORATION TAX (AMDT.) BILL

Order for second reading read.

The Minister of Finance, Planning and Development (Sen. The Hon. Brian Kuei Tung): Mr. President, I beg to move,

That a Bill entitled an Act to amend the Corporation Tax Act, Chap. 75:02 be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Sen. The Hon. B. Kuei Tung: Mr. President, in accordance with Standing Order 63, I beg to move that the Bill not be committed to a committee of the whole Senate.

Question put and agreed to.

Question proposed, That the Bill be read the third time and passed.

Bill accordingly read the third time and passed.

2.50 p.m.

STAMP DUTY (AMDT.) BILL

Order for second reading read.

The Minister of Finance, Planning and Development (Sen. The Hon. Brian Kuei Tung): I beg to move,

That a Bill to amend the Stamp Duty Act, Chap. 76:01, be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Sen. The Hon. B. Kuei Tung: In accordance with Standing Order 63, I beg to move that the Bill not be committed to a committee of the whole Senate.

Question put and agreed to.

Question proposed, That the Bill be read the third time and passed.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Public Administration (Sen. The Hon. Wade Mark): Mr. President, before moving to adjourn this honourable Senate, may I take this opportunity to advise hon. Senators of the order of business at the next sitting of the Senate which will be on July 18.

We shall continue debate on this very important Bill that we have deferred to next Tuesday. From there, we will go on to a Bill to amend the Community Mediation Act. We will continue and deal with a Bill to provide for the licensing of bailiffs and for other related matters; that is Bill No. 10. Then, we would like to go on to a Bill to amend the Dangerous Drugs Act, 1991 and, thereafter, we will debate a Bill to amend the Patents Act, 1996.

Those are the four Bills with which we intend to deal next week; and the following week we intend to deal with Private Members' Business—the Motions of Sen. Prof. Kenneth Ramchand and Sen. Prof. John Spence.

Sen. Mohammed: At what time are we starting?

Sen. The Hon. W. Mark: I will announce that shortly.

Mr. President, I beg to move at this time that this Senate do now adjourn to Tuesday, July 18, 2000 at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 2.54 p.m.