

*Leave of Absence**Tuesday, March 01, 2005***SENATE***Tuesday, March 01, 2005*

The Senate met at 1.30 p.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Madam President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Joan Yuille-Williams from today's sitting of the Senate.

SENATOR'S APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Joan Yuille-Williams is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a Member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Joan Yuille-Williams.

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 1st day of March, 2005.”

OATH OF ALLEGIANCE

Sen. Joan Hackshaw-Marslin took and subscribed the Oath of Allegiance as required by law.

CARIBBEAN COMMUNITY (CARICOM) REGIONAL ORGANIZATION FOR STANDARDS AND QUALITY BILL

Bill to give effect to the Caribbean Community (CARICOM) Regional Organization for Standards and Quality (CROSQ) Agreement between Member States of CARICOM, brought from the House of Representatives [*The Minister of Foreign Affairs*]; read the first time.

ANTI-TERRORISM BILL

Bill to criminalize terrorism, to provide for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists' assets, brought from the House of Representatives [*The Minister of National Security*]; read the first time.

PILOTAGE (AMD'T) BILL

Bill to amend the Pilotage Act, Chap. 51:02, brought from the House of Representatives [*The Minister of Works and Transport*]; read the first time.

PAPERS LAID

1. Annual report of the Public Service Commission for the year 2002. [*The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith)*]
2. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 1997. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
3. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 1998. [*Sen. The Hon. C. Enill*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 1999. [*Sen. The Hon. C. Enill*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 2000. [*Sen. The Hon. C. Enill*]

6. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Sport and Culture Fund for the year ended December 31, 2001. [*Sen. The Hon. C. Enill*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Regulated Industries Commission for the year ended December 31, 2002. [*Sen. The Hon. C. Enill*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguaramas Development Authority for the nine-month period January 01, 1998 to September 30, 1998. [*Sen. The Hon. C. Enill*]
9. The Education (Local School Board) (Amdt.) Regulations, 2005. [*The Minister of Education (Sen. The Hon. Hazel Manning)*]

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Sen. W. Mark:

Community-based Environmental Protection and Enhancement Programme

28. A. Could the hon. Prime Minister and Minister of Finance inform the Senate from which ministry vote/head is the CEPEP programme funded?
- B. Could the Minister provide the Senate with details of the allocation of expenditure made to the CEPEP programme on a yearly basis from its inception to May 31, 2004?
- C. Could the Minister indicate what plans, if any, have been put in place to conduct an efficiency and forensic audit of the CEPEP programme from its inception to May 31, 2004?
- D. Could the Minister inform this House whether the Auditor General's Department is responsible for the audit of financial accounts of the CEPEP programme? And if not, why not?

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, this answer is not yet ready. I understood that the Minister of Public Utilities had a discussion with the hon. Senator and they have agreed to defer it for one week.

Question, by leave, deferred.

Sen. Mark: Madam President, you know I do not normally accede to these requests—

Madam President: I know you do not.

Sen. Mark: —but in light of the circumstances, I know that the Government is in retreat. So I hope they will come forward in one week's time to provide me with the answer.

Madam President: Thank you, Senator. A speech is not really required you know. Shall we move on to question No. 33, Sen. Mark?

**Piarco International Airport Runway
(Details of Works)**

33. Sen. Wade Mark asked the hon. Minister of Works and Transport:

- A. Could the hon. Minister provide the Senate with the following information pertaining to the paving of the runway at the Piarco International Airport:
- (i) who were the appointed consultant engineers of the project;
 - (ii) did the engineers possess any previous experience relating to airport runways;
 - (iii) what was the original estimate provided to the Government for the project by the engineers; and
 - (iv) were the tender documents of the contractors ever evaluated by the consultant engineers?
- B. If the answer to (iv) is in the affirmative, could the Minister state:
- (i) what were their overall recommendations; and
 - (ii) did they recommend the lowest tender?

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, in the absence of the Minister of Works and Transport who is out of the country, I will answer the question.

Madam President, with respect to part A of the question, the consultant engineer on the Piarco Airport runway overlay project was Geotech Associates Limited. The engineers, Geotech Associates Limited have been employed on the following airport runway related projects:

Crown Point Airport: Construction management for the overlay of 1,830m runway and they provided specialist advice on materials including the use and testing of slag in the bituminous mix. The client was the Airports Authority of Trinidad and Tobago, the location was Tobago and the date was 1985 to 1986.

Crown Point Runway Extension: Construction supervision of runway extension involving 1 million cubic yards of earth fill, quality control of common fill, crushed rock base courses, and asphaltic concrete courses. The client was the Airports Authority of Trinidad and Tobago, the location was Tobago, and the year was 1988.

Piarco International Airport: Comprehensive geotechnical investigation for new roadways, terminal building, taxiway, taxiway bridges, apron et cetera. Provide recommendations for foundation and pavement design, site filling, excavations, et cetera. The client was ZHA International, Riccondo & Associates, the location was Piarco International Airport and the year was 1991.

Grantley Adams International Airport: DCP testing on runway and pavements, the client was CEP Limited, the location was Barbados and the year was 1996.

R. L. Bradshaw International Airport: Mix designs for asphaltic hot mix and quality control testing and inspection for apron extensions, the client was Trinidad Contractors Limited, the location was St. Kitts and the year was 1996 to 1997.

With respect to part A.(iii), the original estimate provided to the Government was \$32,500,000 plus VAT of \$4,875,000 in November 2002.

In answer to part A.(iv), the consultant engineer was not a member of the evaluation team appointed by the Central Tenders Board to undertake technical or financial evaluations for this project. However, the consultant engineer acted as adviser to the tender evaluation team and assisted in the evaluation of the technical and human resource capabilities to undertake the project. They also accompanied the tender evaluation team to the asphaltic concrete production plants of all seven tenderers to assess plant capacity and testing facilities.

With respect to part B, in accordance with their brief, the consultant engineer provided comments on issues of a technical nature. No attempt was made by them to comment on financial data given in the technical proposals of the tenderers or to rank the tenderers in any way.

Sen. Mark: Madam President, I would like to ask the hon. Minister of Public Administration and Information whether he can provide this Senate with the award price of this particular contract.

Sen. The Hon. Dr. L. Saith: Madam President, I do not have it, but I will convey to the Minister of Works and Transport and I am sure he will make it available.

Sen. Mark: Madam President, through you, can the hon. Minister of Public Administration and Information indicate to the Senate what is the final cost of this said project?

Madam President: Hon. Minister, do you have the information?

Sen. The Hon. Dr. L. Saith: Madam President, I do not have the information.

Sen. Mark: Madam President, if the hon. Minister does not have answers to these questions, may I ask, with your leave, to defer question No. 34? I would not like him to be embarrassed and not be able to answer, so I would like to defer that question.

Sen. The Hon. Dr. L. Saith: Madam President, I am not embarrassed to answer the question. If the Senator has supplemental questions that require additional information, obviously I am not in a position to answer them.

However, I have no objection to the request to defer question No. 34.

Madam President: Sen. Mark, so are you asking that the answer to question No. 34 be deferred?

Sen. Mark: Yes, Ma'am.

The following question stood on the Order Paper in the name of Sen. W. Mark:

**Piarco International Airport
(Details of paving of runway)**

- 34.**
- A. Could the Minister of Works and Transport provide the Senate with the recommendations of the engineers of the Ministry of Works and Transport in respect of the paving of the runway at Piarco International Airport?
 - B. Could the Minister state the total value of the work certified to date by the consultant engineers?
 - C. Could the Minister further inform the Senate whether the consultant engineers provided any performance bond for the project?

- D. If the answer to (C) is in the affirmative, could the Minister indicate what steps the Government intends to take to recover moneys for work that the engineers certified that did not meet the qualified standard specified in the contract?

Question, by leave, deferred.

Madam President: Let us go to question No. 53.

Sen. Dr. Eastlyn McKenzie: Madam President, before we waste any time, I must state that both of us have discussed it and the answer is not quite what we want it to be, so we have agreed to a deferral of two weeks.

The following question stood on the Order Paper in the name of Sen. Dr. E. McKenzie:

**Tobago
(Lands acquired in)**

- 53.** (i) Could the hon. Minister of Agriculture, Land and Marine Resources state whether all lands acquired, used or entered upon in Tobago by the State for development projects have been paid for?
- (ii) If the answer is in the negative, will the Minister state in detail those parcels of lands not paid for:
- (a) their acreage, location and boundaries, owner/s, and purpose for which the lands were acquired;
- (b) the reasons for the delay in affecting payment?

Question, by leave, deferred.

**Forensic Science Centre
(Matters before the Courts)**

56. Sen. Wade Mark on behalf of Sen. Robin Montano asked the hon. Minister of National Security:

- A. With respect to matters currently before the courts of Trinidad and Tobago that have been postponed because they are awaiting a forensic report from the Forensic Science Centre, could the hon. Minister inform the Senate of the number of such matters as at January 18, 2005, which are more than one month old from the date of arrest and charge and in which the accused persons are in custody because they have been unable to get bail?

- B. Could the Minister provide a breakdown of the number of matters referred to in (A), with particular reference, but not limited to:
- (i) date of the offence;
 - (ii) nature of the offence;
 - (iii) length of time the matter has been pending; and
 - (iv) amount of bail that has been fixed?

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, in response to question No. 56A, with respect to the matters currently before the courts that have been postponed because they are awaiting a forensic report, the Commissioner of Police has advised that as at January 18, 2005, there were 111 such matters which were more than one month old from the date of arrest and charge, and in which the accused persons were in custody because they were either remanded without bail, or were unable to access bail.

In the latter regard, the Commissioner of Police has explained that 33 of the 111 accused persons were remanded in custody without bail being granted. The remaining 78 were granted bail ranging in sums between \$10,000 and \$300,000, but were unable to access such bail. As such, those persons are still remanded at the State prison.

With respect to 56B, a list has been, or is being distributed for the information of hon. Senators which sets out the following information:

- the number of matters which are currently before the courts of Trinidad and Tobago as at January 18, 2005 that have been postponed because they are awaiting a forensic report from the Trinidad and Tobago Forensic Science Centre, which are more than one month old from the date of arrest and charge and in which the accused persons are in custody because they were unable to obtain bail;
- the nature of the offence;
- the date of the offence;
- the length of time the matter has been pending and the
- amount of bail that has been fixed.

Sen. Mark: Madam President, through you, can the hon. Minister of National Security tell the Senate what steps have been taken to address these matters, particularly when we take into account the impact that they can have and are having on the administration of justice in the system today?

Sen. The Hon. M. Joseph: Madam President, hon. Senators, at present the Forensic Science Centre is examining the list provided by the police to obtain the present status. That is the reason for non-completion of each matter since that is what is currently taking place.

I have informed this Senate already of some of the longer term measures that are being taken as they relate to increasing the capacity of the Forensic Science Centre to respond in a timelier manner with respect to equipment, personnel, et cetera.

Vide end of sitting for written part of answer

**Forensic Science Centre
(Court matters postponed because of)**

57. Sen. Wade Mark on behalf of Sen. Robin Montano asked the hon. Minister of National Security:

With respect to matters awaiting trial before the courts of Trinidad and Tobago in which the accused persons have been granted bail, but which matters are being postponed because they are awaiting a forensic report from the Forensic Science Centre, could the hon. Minister provide this Senate with details of:

- (i) the number of such matters;
- (ii) the date and nature of the offence; and
- (iii) the length of time the matter has been pending.

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, according to the information provided by the Commissioner of Police, there are 232 matters awaiting trial before the courts of Trinidad and Tobago in which the accused persons have been granted bail but which have been postponed pending submission of a report from the Trinidad and Tobago Forensic Science Centre.

A list has been—I assume—distributed for the information of hon. Senators which sets out the nature of the offences, the date of the offence and the length of time the matters have been pending.

Sen. Mark: Madam President, in light of the escalating crime wave in this country, can the hon. Minister of National Security indicate to this honourable Senate what concrete measures have been taken by his ministry to address these delays that are certainly having a negative impact on the administration of justice, and at the same time the continued escalation of the crime wave in this country?

Sen. The Hon. M. Joseph: Madam President, I have indicated in response to the first question—because the matters involved with the Forensic Science Centre did not happen overnight—that we have put measures in place to deal with trying to find remedies to the situation involving the Forensic Science Centre, and as I have indicated, we have also been putting things in place to deal with overall measures.

We have just purchased the Ibis machine and we have been ensuring that there are some equipment upgrades. The problem with respect to recruitment is because of the fact that staffing there is a specialist type of activity; you just cannot pull people off the street and put them to work at the Forensic Science Centre.

We just got approval for the offering of four scholarships. We are discussing with the British government to see whether or not we can second—for a short-term basis of at least six months to one year—expertise that would help to deal with some of the case backlogs.

Sen. Mark: Can the hon. Minister indicate if there is a staff shortage on a professional level within the Forensic Science Centre, and if so, apart from granting four scholarships as he has indicated, what other steps are being taken to upgrade and offer training opportunities for citizens who may be interested in pursuing same? Are four scholarships adequate to deal with this particular crisis that is affecting the centre?

Sen. The Hon. M. Joseph: Madam President, at this point in time we are doing a comprehensive review of the needs. As I indicated, one of the immediate measures we are taking is seeing whether we can get personnel on board to assist as quickly as possible. In the meantime we are going to look at what we need to do for the immediate, what we are going to do in the short term and what we are going to do in the long term as it relates to making sure that the Forensic Science Centre is properly staffed to ensure that we are able to provide cutting-edge technology as we deal with crime and criminal activity.

Sen. Seetahal: Madam President, in January this year, in answer to a question I had filed, I recall that the Minister had said there were some 3,000-plus cases outstanding for which forensic reports were required and the answer I just heard in relation to question No. 57 was that there are 232 matters in which the accused had been granted bail, but matters postponed because they were awaiting the forensic science report.

It seems to me that the two things are inconsistent. It seems so because it is 3,000-plus—no it is only about 33 who did not get bail in those matters where

they are waiting. So if there were 3,000-plus in January awaiting forensic reports, if you say now there are 232 matters, that is a big gap with 2,000-plus to be accounted for. That is my first question.

Secondly, in April last year, in answer to a question of mine, you had indicated a number of things that were to be done to upgrade the Forensic Science Centre, but the answers now are the same that you gave in April last year and I want to know if there has been any progress.

Thank you.

Sen. The Hon. M. Joseph: Senator, some progress has been made. I am not in a position now to indicate precisely what they are because I know that some staff arrangements had been put in place.

With respect to the 3,000 number, I would have to review because I do not know whether or not the question of “Matters before the Courts” as opposed to some matters which may still be there. I would have to double check to respond to that.

Vide end of sitting for written part of answer.

Icacos Government School

(Reasons for delay in construction)

65. Sen. Sadiq Baksh asked the hon. Minister of Education:

Could the Minister inform this Senate of:

- (i) The reasons for the delay in the construction of the Icacos Government School? and
- (ii) What is the scheduled date for the start of construction of this school?

The Minister of Education (Sen. The Hon. Hazel Manning): Madam President, I would like to inform this honourable Senate that the construction of the Icacos Government Primary School is on the ministry’s 2005 priority listing.

Requests for proposals from design consultants for designs and supervision of construction of the Icacos Government Primary School were issued in February 2004. Some delays in the procurement process were brought about largely by difficulties encountered in the sourcing of available technical professionals suitable for serving on the evaluation committee and by protraction of the actual evaluation and subsequent negotiation processes.

An award, however, was made on December 13, 2004. The selected consultants who are at present actively engaged on the project have held consultation with stakeholders and have commenced site surveys. The pre-qualification of contractors which is being carried out parallel with the designs is scheduled to be conducted over the period February to April 2005. Detailed designs and tender documents for construction are scheduled to be completed in July 2005 and the invitation to tender for construction will follow immediately.

As to part (ii) of the question, construction is earmarked for commencement in October 2005.

Thank you, Madam President.

Icacos Fishing Complex
(Non-functional Refrigeration Facilities)

66. Sen. Sadiq Baksh asked the hon. Minister of Agriculture, Land and Marine Resources:

- A. Is the Minister aware that the refrigeration facilities at the Icacos Fishing Complex are non-functional?
- B. If the answer to (A) is in the affirmative, could the Minister inform this House whether the Government intends to repair or replace the refrigeration equipment at the fishing complex?
- C. If the answer to (B) is in the affirmative, could the Minister indicate the scheduled completion date for the repair or replacement of the equipment?

The Minister of Agriculture, Land and Marine Resources (Hon. Jarrette Narine): Madam President, the reply to question No. 66 is as follows:

With respect to part A, the Minister of Agriculture, Land and Marine Resources is aware that the refrigeration facilities at the Icacos Fishing Complex are non-functional. This fishing complex was constructed in the year 1984 at the cost of \$1 million and was fully equipped for use by the fishermen. Cabinet gave approval for the management of this facility in 1984 to the Cedros Fishing Co-operative (CFC) and also agreed that financial support should be given to the co-operative for a two-year period.

However, the CFC did not maintain the facility satisfactorily as the viability of the complex depended on the procurement of contractual arrangements with the National Fishing Company—then State owned—for sale of fish and shrimp.

Subsequently in 1990, the Icacos Fishing Association (IFA) was given approval by Cabinet to develop a fully integrated facility at the complex for the processing of fish and shrimp and to enter into a joint venture arrangement with a local company.

The joint venture agreement was discussed with Mainstream Industry Limited which proposed to upgrade the facility to a modern processing plant and a ministerial committee was appointed to establish the joint venture arrangements and oversee the operation.

The IFA however, proceeded to renovate the centre prior to the finalization of lease arrangements and resisted all attempts by the ministry's officials to intervene. Sometime later the joint venture with Mainstream Industry Limited failed and the company retrieved its equipment from the complex and delivered the facilities back to the IFA which was unable to engage other joint venture partners.

A visit by officers of the ministry in April 1993 revealed that the complex was vandalized and several items of expensive equipment including the generator were missing. The IFA is now defunct which means there is no association of the fishermen.

With respect to part B of the question, the issue of repair or replacement of the refrigeration equipment does not arise at this time as the fishing complex is completely vandalized. The ministry intends to meet with the fishermen within the next month to ascertain whether they need to have the fishing centre refurbished—as a matter of fact, they have constructed a number of temporary structures on the beach—and to obtain the agreement to use the facilities under agreed terms and conditions, and for the demolishing of these structures once Government undertakes refurbishment of the centre. Consideration will only be given under these conditions.

With respect to C, as the issue of vandalism is still relevant, the date of the repairs or replacement of the equipment will depend on the outcome of these discussions.

Thank you.

2.00 p.m.

Sen. Baksh: Is the Minister inclined to tell us what the Government's policy is in terms of the encouragement of fishing and marine exploitation in the southwestern peninsula?

Hon. J. Narine: What I do know is that the Government has a policy for agriculture; we have a policy for fisheries, and it has always been the policy of the

Government to develop these facilities and have it managed and run by the fishermen, and not the Government as such.

Sen. Baksh: I do not know if the Minister will be inclined, but if that is the case, you cannot have marine exploitation without refrigeration. It does not go hand in hand at all. You must have refrigeration if you are involved in marine exploitation.

Hon. J. Narine: I am certain that the goodly Senator was listening to know that in 1984 the PNM built a million-dollar facility there and handed it over to the fishermen, which, in turn, was supposed to have a joint partnership. This did not work out. A couple of years after, it was given to the Cedros Fishing Association, which also did not work out. As a matter of fact, that facility had been vandalized about 15 years ago and nothing was done since then. We are now trying to have some arrangement with the fishermen and in one month's time when we meet with them we would finalize how this arrangement would work. It is strange that the Member has asked that question, since he was in office for a six-year period and those facilities were not working. As a matter of fact, the generator was stolen years ago and not replaced.

WRITTEN ANSWER TO QUESTION

The following question was asked by Sen. Wade Mark:

Freedom of Information Act (Detailed Particulars of)

7.
 - A. Could the Minister of Public Administration and Information provide the Senate with a detailed list of all public authorities that have published the required statement of particulars in accordance with the provisions of section 7 of the Freedom of Information Act?
 - B. Could the Minister further provide the Senate with a detailed list of the public authorities that have not complied with section 7 of the Freedom of Information Act?
 - C. Could the Minister further provide the Senate with a list of Ministries under whose jurisdiction the various public authorities have (i) complied and (ii) not complied with the provision of section 7 of the Freedom of Information Act?

Vide end of sitting for written reply.

ADULT EDUCATION PROGRAMME

The Minister of Education (Sen. The Hon. Hazel Manning): Madam President, I am pleased for this opportunity to inform this honourable Senate of the improvements which the Government has made to promote lifelong learning opportunities as it accelerates the drive towards building the human capital to meet the goals of Vision 2020.

These improvements have been made under the Adult Education Programme now managed by the Ministry of Education. Within recent times, the Government has made major strides in establishing support programmes which provide for the continuous learning needs of our citizens. The goal is to provide as many avenues as possible outside the formal school system that would ensure access of our population to acquire the essential life skills that are so necessary today to cope with societal changes, to cope with technological development and even one's own personal development.

The improvements to the Adult Education Programme to which I refer, are as follows:

- (1) A restructuring of the existing course offerings of the Adult Education Unit:—

From September 2004, the 28 existing craft and vocational courses offered under the programme have been upgraded and converted to National Examinations Council, Level I courses. This means that contact hours have been increased and that certification in these courses are now at the level of the National Examinations Council, Level I. This upgrading has increased the attractiveness of the programmes with the result that there are now 201 classes with approximately 3,000 students pursuing the NEC, Level I certification at the 46 Lifelong Centres across the country. At the same time, the programme continues to provide educational opportunities for persons to complete CXC, Primary School Leaving Certification, Literacy and Numeracy and participation courses as follows:

- (i) At the CXC level—
 - there are 79 classes with 3,425 students pursuing primarily English, Mathematics, Principles of Accounts and Social Studies.

- (ii) At the Primary School level—
 - there are 33 classes with 231 students.
 - (ii) At the Literacy and Numeracy level—
 - 29 classes with 177 students.
 - (iv) Participation courses, for example, Child Care Assistant, Floral Arrangement, et cetera.
 - There are 70 classes with 1,186 students.
Giving a total of approximately 8,000 students in 411 classes, including NEC, Level I.
- (2) The introduction of additional courses in the programme: During 2005, a total of 90 additional courses in the above-mentioned areas will be added to the timetable of the Lifelong Learning Centres, for example:
- More Literacy and Numeracy courses.
 - CXC preparatory courses, and
 - Primary School Leaving certification courses.
- These additional courses have all been designed to augment other national efforts to close literacy gaps and to provide second chances for primary and secondary school leavers.
- (3) The incentives for staff of Adult Education/Lifelong Learning Centres: The staff of the 46 Lifelong Learning Centres which are 46 supervisors, 411 part-time tutors and 46 janitors, are currently paid rates that have been in existence since October 2000. Increases have been approved for the staff as follows:
- Tutors hourly rates (with tertiary level qualifications)
 - from \$30 per hour to \$60 per hour.
 - Other tutors
 - from \$30 per hour to \$50 per hour.
 - Supervisors monthly stipend
 - from \$626 to \$1,000.
 - Janitors stipend
 - from \$100 to \$300.

These revisions are at a cost of \$2.3 million for the year 2005.

Overall, the total additional cost of the improvements I have outlined today is \$5.8 million. This investment signifies Government's commitment to educational development across the system, to the building of a bank of critical social sector programmes with the objective of training and equipping persons with knowledge and marketable skills, thus supporting Government's effort in ensuring that persons are employable; that they can contribute to community and national development.

I thank you, Madam President. [*Desk thumping*]

CHILD WELFARE LEAGUE (INC'N) BILL

Question put and agreed to, That a Bill for the incorporation of the Child Welfare League of Trinidad and Tobago and matters incidental thereto, be now read a first time.

Bill accordingly read the first time.

TOURISM DEVELOPMENT (AMDT.) BILL

Order for second reading read.

The Minister of Tourism (Sen. The Hon. Howard Chin Lee): Madam President, I beg to move,

That a Bill to amend the Tourism Development Act, 2000, be now read a second time.

The Tourism Development (Amdt.) Bill, 2004 that is before us, is seeking to correct, through the passage of various amendments, the major flaws of the Tourism Development Act of 2000. It also seeks to strengthen the legislative framework as it relates to the granting of incentives to investors in the tourism industry by adding to those incentives further incentives that are not found within the 2000 Act. Before I explain to this Parliament the amendments to the Tourism Development Act 2000, I wish to first give a brief history of the incentives that were provided for the tourism industry under previous Acts. What I shall also attempt to do is to explain a bit about the Hotel Development Act of 1963; I will speak briefly about the Tourism Development Act of 2000 and I will also explain to this Parliament the importance of the amendment to this particular Act, referred to as the Tourism Development (Amdt.) Bill, 2004.

In 1963, an Act was written into law, referred to as the Hotel Development Act of 1963, and I shall just read the preamble to this Act:

Tourism Development (Amd't) Bill
[SEN. THE HON. H. CHIN LEE]

Tuesday, March 01, 2005

“An Act to encourage the development of the hotel industry by providing relief from income tax and customs and excise duties, and to make provision for matters incidental thereto.”

This particular Act was provided for persons wanting to invest in the hotel industry, specifically, and within this Act, certain incentives were provided. I shall just list some of these provisions that were provided for. They allowed duty-free importation of items of building material and articles of hotel equipment. In other words, an investor who wanted to invest in the hotel industry was allowed duty free on building materials. This is assuming that these materials were not manufactured in Trinidad and Tobago. It also allowed the importation free of duty for articles such as refrigerators, air conditioned units, cutlery: knives, forks, and so on; things that are not manufactured in Trinidad and Tobago.

Also included in that Act were tax incentives, such as accelerated depreciation on depreciable equipment, as well as, capital allowances on approved capital expenditure, and also several tax exemptions were provided. These incentives were provided at that time because the Government felt that it was necessary to increase the number of rooms that were in Trinidad and Tobago and, therefore, allowed certain incentives for investors to now invest their money in the tourism industry, as opposed to investing in any other industry. As a result of this Act, several hotels were built.

Under the Hotel Development Act of 1963, owners and operators of hotels were granted interim approvals for the construction, renovation, refurbishment and operation of hotel projects. The interim approvals stated tax benefits, incentives that may be granted to the owners and operators when these projects are substantially completed in accordance with the conditions of the interim approval. Among the tax benefits and incentives that were available under the Hotel Development Act, included, as I mentioned before, accelerated depreciation on depreciable equipment, capital allowances on approved capital expenditure. However, with the introduction of the Tourism Development Act of 2000, these benefits were no longer available. In other words, some of these benefits that were provided for under the Hotel Development Act were, for some strange reason, omitted from the Tourism Development Act of 2000.

What I would like to do now is to speak briefly about the Tourism Development Act of 2000, its preamble and the incentives that were provided for under this Act. The preamble to the Tourism Development Act states:

“An Act to facilitate the development of the tourism industry by providing to investors incentives and concessions and to make provisions for matters incidental thereto.”

In other words, under the Tourism Development Act, the then administration saw it necessary to provide incentives for, not only hotels, as stated in the Hotel Development Act, but it allowed the tourism industry and the definition of tourism industries to be much wider than just hotel development. Let me give some examples under the Tourism Development Act.

Under Schedule 2 of businesses that were allowed certain incentives under the definition of a tourism project were marinas, boatyards, water sports, charter boats, cruise activities, tour operations, recreational space use, theme parks, cultural centres, film making, special events and golf courses.

These were all definitions of businesses that were considered as tourism projects. Many of you are aware that tourism is not only about hotels, and I have to give them credit for finding the wisdom to realize that other industries, apart from hotels, are part of this growing industry.

In recognizing that it is not only hotels, they have broadened the definition of tourism projects, including as tourism projects, developments referred to as IRDs, which are integrated resort developments. For those of you who are not familiar with IRDs, I shall give a brief description of what is an IRD. An IRD contains, in its total entity, other businesses apart from hotels. It has golf courses; you may find villas; you may also find as part of that development, condominiums, hotel sites, cruise and tour operations, spas. All of these are what is referred to as an Integrated Resort Development, one that integrates many different types of businesses to amalgamate into a massive tourism project.

I shall just read briefly to you the definition under the Tourism Development Act of an Integrated Resort Development. An Integrated Resort Development, referred to as an IRD:

“...will be treated as an approved tourism project and be eligible for incentives referred to where the IRD meets all of the following basic criteria:

- It includes a hotel of at least 200 rooms.
- It includes any major amenity/amenities such as a golf course or marina and such other sporting, cultural or eco-tourism facilities.
- It has capital investment value of at least TT \$350 million.”

Integrated Resort Developments exist all over the world. You will find IRDs in the south of Spain, in the United Kingdom, the south of France, even in the Caribbean, as close as Costa Rica and the Dominican Republic. There are many IRDs that are being developed. Even in our sister isle there is an IRD, the Angostura Project, which is one of the first Integrated Resort Developments in Tobago. Of course, many of you know that this project consists of a golf course, a hotel, villas, condominiums, lands for sale on the waterfront and lands for sale along the golf course. My understanding is that there is another IRD that is being developed in Tobago which will soon begin construction.

So under the definition, all the businesses that were allowed under the Tourism Development Act of 2000, were, as I stated, the marinas, the water sports, the film making, the hotels, camp sites, dive and eco lodge and guest houses, as well as, Integrated Resort Developments. Again, I have to commend the former thinkers of this particular Bill for including all of those entities under the definition of a tourism project.

Those of you from Tobago will know that in order for a tourism tree to grow—and I refer to a tree which has many branches, and these branches may include hotels, tour operators, entertainment, all different facets of tourism—it requires nurturing, support from the Government, certain incentives provided to investors in the tourism industry. What I am hoping to do is to explain why this Bill will help nurture the industry and why it is that incentives and the support that the Government is providing will help to grow this tree.

Apart from the definitions that were provided earlier, there were, unfortunately, major flaws in the Tourism Development Act of 2000. Certain incentives within the Tourism Development Act were provided, however, they were poorly written. One of the particular sections which our investors today are literally crying over is section 38 of the Tourism Development Act, 2000. For your information, section 38 says:

“Subject to subsection (2), the Minister to whom responsibility for Finance is assigned, may by Order exempt from tax, interest received on an approved loan for a period not exceeding seven years or the period of the loan, whichever is the lesser period.”

It goes on to say:

“A person in receipt of any interest from an approved loan, exempted from tax under this section shall—

(a) keep a separate account of the interest to the satisfaction of the board.”

Basically what this section says is that it will exempt from tax interest of any approved loan. Let me explain what that means. It means that if, for example, an investor wanted to invest in a hotel plant—and I will use some examples. Today, the construction of a hotel, as I understand it, costs a minimum of about US \$100,000 per room—per key. That is for the entire development. If one wants to build a 100-room hotel, he has to invest about US \$10 million. If he wants to build 200 rooms, he invests about US \$20 million. This requires a high level of finance; it requires equity; it requires going to a financial institution, going to a bank and saying: “We want to build a hotel; this is our business plan.”

What the bank will then do is either approve the loan or not approve the loan. That will be based on cash flows, on equity that you provide and on many other factors. But assuming that it provides the loan and assuming that it provides this finance, for example, 50 per cent of that capital injection, then that money has to be borrowed immediately, because for a hotel, it requires a high capital injection from the beginning. In other words, you do not borrow and then you owe contractors. You pay contractors right away, or you pay for furniture and equipment immediately. I do not think you get much credit in that area.

So someone borrows to build a hotel; it may take two to three years to build, he has to put out that sum of money upfront. Then between the time he invests his money to the time that the project is approved, he has to pay interest on that money to the bank. What this particular section is saying is that the interest that he pays to the bank, if it is an approved project, is not subject to government taxes. In other words, the bank will not have to pay the government tax on the interest it has earned. The bank can now accrue that benefit and pass that benefit across to the investor. What that would redound to, is lower interest rates to the developer. That is the bottom line.

If this particular section is accessed, at the end of the construction of this development, that person is entitled to interest free and tax free on interest money loan and should be entitled to a rebate. The problem, however, is that this particular Act, the Tourism Development Act of 2000, did not take into account the ability for the developer to be retroactive, meaning that after the project is approved, it did not allow the developer to acquire his money retroactively. What do I mean by that? I mean that final approval in this Act is only granted when the hotel is completed. Final approval is only granted when the Ministry of Tourism says that that project has been completed and, “yes, we can deem this a final tourism project and, therefore, it is approved.” Therefore incentives kick in from that point onwards. Therefore, all of that money that they have spent bridging the finance from the time it was constructed to the time the hotel was opened is lost.

Tourism Development (Amd't) Bill
[SEN. THE HON. H. CHIN LEE]

Tuesday, March 01, 2005

I have had, upon assuming office of the Ministry of Tourism, many individuals and investors coming to my office—one almost in tears, saying that he was promised these incentives under this Tourism Development Act and because he could not access these incentives, he was unable to continue his business. In fact, he said he was shutting down his business. He was going to retrench about 50 to 60 employees; he was talking about selling his house and moving somewhere else. It was a very serious matter for this person. It was only then I understood how serious and grave this particular problem was.

In the other place, I referred to this particular Bill as “cattle boil” legislation. One of the reasons I said that was because it made certain promises. It says: “Go ahead, build your hotel. Go ahead and invest.” Then when the time came for the investors to ask for their money back, there was nothing. For those of you who know what that is—I am an older person, so I will know—“cattle boil” legislation is when you give something to somebody and you take it back, you get a “cattle boil”. I think the older people know about that. I will have to teach you guys.

That is exactly what happened here, and what we are hoping to do today is to correct those flaws in the Act, to ensure that persons who are promised, can receive the incentives, because we, on this side, when we promise, we deliver. [*Desk thumping*] So I am hoping that when we amend this Bill today, as it was passed in the other place, that those certain persons who were promised incentives can now access them.

Sen. Seetahal: Before you touch on that point, could I ask, through you, Madam President, are you saying that they cannot get their refund? I am not sure I am grasping what you are saying, because you are saying that they cannot get it. That is the conclusion I am deducing, but reading the Act, it suggests—which is probably not a good thing, but it suggests that they can get it back as a refund—the businessman that is.

Sen. The Hon. H. Chin Lee: I am saying they cannot get it because they had not consulted with the Ministry of Finance, the Board of Inland Revenue. All of those things were not approved before the Bill was brought. But what we are saying in this particular amendment is that in order for it to be retroactive, the Ministry of Finance has to approve and sign off on it. Even if the Ministry of Tourism signs on it, it still does not allow it to be retroactive unless the Ministry of Finance approves it, and that is a major part of the flaw. They were not able to access that.

Let me just read some of the developments that are now waiting with bated breath to hear what happens today. It says:

“The following hotels were granted interim approvals under the Hotel Development Act and after substantial completion, applied for and were recommended by Tidco for final approvals under the Tourism Development Act. However, final orders were never issued because of the issues relating to the non-inclusion of accelerated depreciation...”

which I referred to in the previous Bill:

“and capital allowances in the Tourism Development Act and retrospective exemption from tax, interest received on approved loans.”

So it is two matters. They were dealing with the ability to be retrospective on exemption from tax as well as having the capital allowances and the accelerated depreciations included in the new Tourism Development Act.

So what we are seeking today is to include what was provided for in the Hotel Development Act, which is the capital allowances and the accelerated depreciation, as well as to clean up this whole section 38 and allow investors to have access to what was promised. Let me just read some of the hotels that are now waiting with bated breath:

We have Manta Resort Company Limited; Manta Lodge in Tobago; K. P. Resorts; Enchanted Waters; the Chaguaramas Terminal Limited; Crews Inn Hotel and Yachting Centre; the Royal Hotel, 1978 Limited; Coral Cove; Mariner Hotel Limited; St. Joseph Investment Limited, that is the Trade Winds Hotel; Chancellor Hotel; Ricardo Limited International Hotels; the Cuffy River Nature Retreat; Sundeck Suites; Chaguaramas Hotel and Convention Centre; Shaka Hislop; Mon Brio Investments Limited; Chaconia Inn; the Ambassador Hotel; Bella Former Resorts Limited, known as Coco Reef, Grafton Beach Hotel, Grand Courland Resort and Spa.

This is just to name a few resorts which, as I said, under the Act, were promised but it was never delivered and we hope today to rectify that problem. Added to that is the creation of section 35A which reintroduces two benefits under the Hotel Development Act.

Sen. Mark: Could the Minister of Tourism assist us as it relates to the quantum that is owed to these hoteliers, in total, given the fact that they have not been receiving the necessary benefits as outlined by him and as contained in this Act? What is the total value involved here? Secondly, if I may, Madam President,

could you indicate to this honourable Senate which Minister would be responsible for finally approving all tourism projects, particularly as they relate to Tobago? Would it be the Tobago House of Assembly, the Chief Secretary, or is it going to be our Minister of Finance?

Sen. The Hon. H. Chin Lee: First, answering your question in terms of the total quantum, I do not have an exact figure, but I know it accrues to millions of dollars.

Sen. Mark: But we will get it before you close off the debate?

Sen. The Hon. H. Chin Lee: What has to happen is that all of these hotels that I mentioned, have to, first of all, have audited accounts. We have to look from the time of the interim approval to the final approval and those figures have to be approved by the Board of Inland Revenue and the Ministry of Finance before any approvals are done. This is an accounting process so I would not have the exact figure available right now.

Sen. Mark: Madam President, if I may, through you, we are not asking for an exact figure. We are being asked as parliamentarians to give approval to measures that would involve millions of dollars. The Minister, through you, Madam President, could, in fact, provide us with a rough estimate of what is the sum involved here. We do not want direct figures. Just give us a rough estimate.

Madam President: I see the Minister of Finance was making a move to get up. Minister, please continue.

Sen. King: Madam President, if I could ask a question as well, please.

Madam President: Yes.

Sen. King: May I ask the Minister, through you, Madam President, whether the retroactivity is up to the year 2000 and not previously.

Sen. The Hon. H. Chin Lee: The retroactivity would be six years from the time that the final approval is given.

Sen. R. Montano: You are talking about proclamation?

Sen. The Hon. H. Chin Lee: Yes. Let me just read the particular amendment. It says at clause 17:

“Exemption from tax of interest on an approved loan:

Subject to subsections (3), (4), (5) and (6) the Minister to whom responsibility for finance is assigned may, by Order, exempt from tax the interest received on an approved loan, not being a loan used for bridging finance, for a period

not exceeding seven years or the period of the loan whichever is the lesser period.”

So it is six years from the time in which the final approval is given.

Sen. R. Montano: What do you mean by final approval—proclamation?

Sen. The Hon. H. Chin Lee: The final approval granted by the Ministry of Tourism.

Sen. Prof. Ramchand: Madam President, I do not understand many of these things, but I take it that since the Act came in, in 2000, there cannot be any retroactivity for 1999.

Sen. The Hon. H. Chin Lee: No, it is retroactive from the time that the hotels are approved. [*Crosstalk*]

Sen. King: The 1985 Act was repealed in 2000. It was working up until then.

Sen. Prof. Ramchand: Madam President, I just want to be clear, because the way I think, you cannot give anybody any kind of exemption for 1999 and 1998. We are dealing with the Tourism Development Act, 2000. It cannot go back earlier than 2000.

Madam President: Let the Minister continue and let us see if we could get some clarification. Hon. Attorney General, you wanted to say something?

Sen. Jeremie: Madam President, I just thought that this is a matter that has to be checked, especially if it deals with matters of tax and retroactivity. There might be a constitutional question, so that I was suggesting that the Minister be allowed to continue and in his winding up he will provide a response.

Madam President: Okay. So let the Minister continue and then we would try to get all the answers in the winding up.

Sen. The Hon. H. Chin Lee: Madam President, I would just like to say that the Tourism Development Act did not express retroactively, the loans. What we are seeking to do with the Tourism Development (Amdt.) Bill that is being brought here is the ability to be retroactive from the point in which the project is approved.

As I was saying, section 38 would allow—[*Interruption*]

Madam President: I think what was just suggested is that a lot of the questions seemed to be related one to the other, but as the Attorney General said,

Tourism Development (Amd't) Bill
[MADAM PRESIDENT]

Tuesday, March 01, 2005

there is something that needs to be checked constitutionally and they would try to have all that ready so that at the winding up, the Minister might be able to answer some of these questions.

Sen. Mark: Madam President, I had asked him a simple question. It had to do with who is going to be responsible for the final approval of tourism projects in the Republic of Trinidad and Tobago. I just wanted to find out that. That is all. Do I need a constitutional debate on that?

Madam President: All right. Let him answer that question if he can, and then we will move on.

Sen. The Hon. H. Chin Lee: Madam President, I would like to be given the opportunity to complete my presentation and then they can speak when they are ready.

Madam President: Can you answer that question while they are debating it?

Sen. The Hon. H. Chin Lee: That is part of my presentation, so I wish to just continue where I left off—

Madam President: And you would be able to answer that in the process.

Sen. The Hon. H. Chin Lee: —and then I would be able to answer that question.

Madam President: All right. Let the Minister continue.

Sen. The Hon. H. Chin Lee: As I was saying, the ability to allow investors to retroactively acquire the interest, the taxes on interest, would be now allowed under the amendment to section 38. Added to that, what we seek to do is to reintroduce accelerated depreciation on depreciable equipment and, as well, to allow capital allowances on approved capital expenditure. This will also redound to a decrease in the taxes.

Also, section 4(2) will allow the importers of motor vehicles for use in approved tourism projects to be exempt from motor vehicle tax, and also including dive operations to section 9, so that benefits and incentives under the Tourism Development Act are reserved for local investors in the tourism diving industry. Also, as part of our overall plan to encourage and increase the number of centres provided for the private sector, the Government will shortly introduce the Tourism Development Corporation which would be an entity specifically designed for the marketing/promotion of the tourism industry.

We have found that in Trinidad and Tobago the tourism industry is growing by leaps and bounds. I have some figures here which speak of the accommodations and the number of arrivals to Trinidad and to Tobago. In the year 2000, our arrivals to Trinidad and Tobago were some 398,559; in the year 2001, we received some 383,101; in 2002, we had 384,212 arrivals and in the year 2003, we had 407,814 arrivals. The year 2004 is estimated at 450,000 arrivals.

Because of the number of arrivals, Trinidad and Tobago is witnessing a boom in the tourism industry, and because of the fact that the number of rooms that are available—and I would just like to give some accommodation figures for the information of Parliament. In 1997, there were 3,652 rooms; in 1998, 3,971; in 1999, 4,236 rooms. That is the total number of rooms in Trinidad. And in Tobago, in the year 2001, there were 4,850 rooms; in 2002, 5,190 and in 2003, 5,943. In 2004, it is expected that it will cross 6,500 rooms. The rate of occupancy, despite the number of rooms has increased—

Madam President: Are you going to give way?

Sen. The Hon. H. Chin Lee: Yes.

Sen. Prof. Ramchand: Madam President, through you, could the hon. Minister tell us a little more about those arrivals? What proportion were returning residents; what proportion were transit; what proportion were conference and cruise ships, et cetera. I think we do need to know, especially about the returning residents.

Sen. The Hon. H. Chin Lee: This information provided to me by the Tourism and Industrial Development Company of Trinidad and Tobago states that arrivals—and this is in 2003—VFRs, which are visiting friends and relatives, was 27 per cent; leisure, beach and vacation was 36 per cent; business and convention, which is an increasing market, was 17 per cent; weddings and honeymoons, 2 per cent and others, 18 per cent. In terms of where they came from—from the United States of America, it was 33 per cent; Canada was 11.5 per cent; the United Kingdom was 13.5 per cent; the Caricom was 25 per cent and the rest of the world, 13.6 per cent.

So what we are also experiencing is an increase in the number of business arrivals to our shores, in Trinidad, specifically. Just over the weekend, I had the privilege of launching the new Marriot Hotel at Invaders Bay, and in speaking with the manager of that hotel he indicated that from the time they opened to today's date, they are running at an average of 95 per cent occupancy. I was also at the Chancellor Hotel not too long ago and the owner indicated that their

occupancy level was exceeding that of 90 per cent since the beginning of the year. In speaking with the general manager of the Hilton, he also indicated that his occupancies are exceeding 90 per cent. I asked them what has created this level of occupancy. Why are there so many arrivals in Trinidad? He indicated that the level of business is increasing at a phenomenal rate in our country and, therefore, the demand for business hotels is increasing.

Tobago is also another success story. But although Trinidad's main arrivals—and answering Sen. Prof. Ramchand's question—the arrivals in Trinidad and the source from which they come is very different from that of Tobago. It is a different market. Although governed by one country, the source markets are completely different from Trinidad. While our main arrivals are from the United States and Caricom, the main arrivals to Tobago are from the United Kingdom, Germany and Europe. Today we have in excess of six major airlines flying directly to Tobago. These flights are not coming to Trinidad. We have different airlifts out of Trinidad. Going into Tobago you have airlines such as Martin Air, Condor, Lauder Air, out of Austria and Holland directly to Tobago. You have airlifts coming in from the United Kingdom such as Virgin Atlantic and British Airways. All of these airlifts are now causing a serious demand for more rooms on the island.

So what I am hoping to do today is to signal to the population that the Government is open for business; to indicate that if you are interested in developing or building hotel plants that we would provide the necessary incentives; we would ensure that what is promised in the Hotel Development Act or the amended Act, will be provided and that it is okay to invest. Despite the fact that there are flaws in this Act, we will amend this particular Act; we will provide the right incentives; we will also provide the right climate through the Tourism Development Corporation. The timing is right to invest in the hotel industry.

When I say, the timing, let me just state for the Parliament the projects we can look forward to in the year 2005 in Trinidad and Tobago. In Trinidad, very soon we can look forward to the waterfront project. The waterfront project will consist of a 4 star-plus hotel on the waterfront. It will also have a major conference centre in excess of 50,000 square feet. The particular hotel that was designed for that waterfront will be approximately 300 rooms, and the construction is due to begin in August 2005. The completion date is set for 2007. As well, they will have two towers with an average of 20 storeys high, with roughly 225,000 square feet of office building.

The conference facility, as I said, will consist of 50,000 square feet and 20,000 square feet will be shared with the hotel. There will be a retail space of 30,000 square feet and there will be parking for this particular complex for 800 cars. This will single-handedly convert our tourism sector to a business and conference capital in the region. Why do I say that? I just referred to a recent letter written by a chain of hotels which is interested in managing this particular complex. They have stated that a 400-room business hotel with 50,000 square feet of associated meeting space in Port of Spain will make it the leading facility of its type in the southern Caribbean. It goes on to say that—and this is the hotel chain and I do not wish to call the chain—

“We are delighted to have the opportunity to potentially manage what could be the premier business hotel and conference centre in the Caribbean.”

So that when we speak of business and conference tourism, we are not speaking loosely or in terms of what we are dreaming or what we are hoping; this is happening now. Construction would begin in August and by 2007 we will become the business and conference capital of the region.

In our sister isle of Tobago, I also understand there are two projects that are now being discussed and, hopefully, will be finalized this year. One may very well be an Integrated Resort Development with 7-star ability, rooms exceeding \$800 to \$1,000 per room—something which I know you can afford—and it will consist of an integrated resort, with condominiums, hotels, but all catering to a higher-end market. There are also development plans for other hotels in Trinidad and Tobago.

All of these projects will provide for added inventory of rooms which are desperately needed in Trinidad and Tobago. In fact, I have been told, when I was at the tourism conference in London and in meeting with one of the major airlines that fly to London, that, “We are flying there once a week and that in order for us to fly twice weekly it would be necessary for you to increase your room stock”. In other words, it is a chicken and egg situation. We cannot have more airlifts until we have more rooms; we cannot have more rooms until we have airlifts. But because of the increase in the amount of business, I think that the climate is right to invest in more inventory, both in Tobago and in Trinidad.

I am a firm believer that when business succeeds, Trinidad and Tobago succeeds. When the hotel and tourism industry does well, we do well. What we will do is provide the necessary climate, the incentives to allow business to succeed. And how do hotels succeed? By having arrivals to our shores. Hotels

Tourism Development (Amd't) Bill
[SEN. THE HON. H. CHIN LEE]

Tuesday, March 01, 2005

succeed by having a certain level of occupancy. Some hotels may claim that 60 per cent occupancy is break even. Some may even claim that 40 per cent occupancy is break even. But, of course, anything exceeding break even is what they refer to as profit or gravy. We are hoping that we can maintain a 75 to 80 per cent occupancy, both in Trinidad and Tobago, so that the hotel industry will increase, so that the tourism industry will prosper and that will only redound to higher levels of employment. It is said that for every hotel room, three persons are employed directly, and it is said, indirectly, 10 persons are employed.

I have seen a figure where it is stated that in total 10,000 persons are employed directly in the tourism industry and 40,000 indirectly. It is a very labour-intensive type of industry. It will also redound to an increase in our gross domestic product—a contribution to our GDP. It is an industry that is non-oil based. So it would not only provide employment, but it will bring contributions to our overall gross domestic product.

So with that, I wish to urge the Parliament to consider this Bill, to approve it without amendments and by approving it—

Sen. King: Thank you, Madam President. The Minister was informing us that, yes, it is going to be the development of the non-oil sector, which we are all begging for. I wonder if the Minister could inform this Senate, on every dollar that we import or we earn through tourism, how much do we actually retain in the country as income?

Sen. The Hon. H. Chin Lee: I have heard a figure of some 63 per cent that we retain. The reason I say that is because we have a very large manufacturing base. A lot of the services that are provided, the beverages, the alcohol, the tour base operations, all of which are locally produced, as opposed to other islands in the Caribbean.

Sen. King: Could I ask, is this CSO data, or hearsay?

Sen. The Hon. H. Chin Lee: It is information that has been provided to me by Tidco.

One of the reasons for that, as I said, is that the input—and I have said this in many forums before, that the hotel industry is not only about the hotels provided, but rather we have tourism amenities such as napkins, agricultural produce, alcohol, soft drinks, food production, food and beverage, all of which are inputs into our hotels. So that the more we manufacture—

Sen. Prof. Ramchand: Could the Minister, if he has figures available, give us a rough calculation about income foregone, money spent on promotion, and then our take; whether we are winning or losing? Income foregone and all incentives and tax concessions et cetera; money spent on trips abroad for promotion and glossy magazines, et cetera, those are expenses. So you cannot just tell us so much money came in. We need to know whether we are winning or losing. So if the hon. Minister has those figures, I would like to hear them.

Madam President: Your time is running out. You still have some time. You have 10 minutes.

Sen. The Hon. H. Chin Lee: I will make a note of that.

I have no doubt that the industry has, and continues to contribute to our GDP and there are the tangible and intangible contributions. You have the tangible contributions in the form of room rates, taxi operators who are hired, in the form of restaurants and services, entertainment, all of which are industries which gain. From the guy who sells doubles at the corner to a tourist, to someone selling creole food, are all benefactors of the tourism industry. We have an industry that is blossoming; we have an industry that can one day become one of the largest—apart from the oil sector— contributors to our GDP.

So to say this is your income and this is your return, I think you have to look at it with a long-term view. The most I can tell you is that in Tidco, the marketing budget last year was some TT \$25 million which, to me, is not enough. It ought to be much more than that. I can give some figures on what hotels earn and I can say with great confidence that the amount of money that we get from tourism services way surpasses the promotional figures that I have just given you. The potential and possibilities for the future are enormous.

3.00 p.m.

Madam President, added to that, I just wanted to state to the Parliament that our intentions are to market Trinidad in a specific way, to promote business and conference tourism and out of that, all of the other investors in the tourism sector will benefit. The eco, the rain forest and all the other attractions will benefit. We have to market Trinidad differently from Tobago. Tobago, as we know, is typical sun, sea and sand and has a different market, has a different source destination from which these people arrive so that the kind of marketing done for Tobago has to be very different from that of Trinidad. Whilst Trinidad focuses on conference tourism, Tobago focuses on different kinds of advertising that relate to the European market, the German market, the Austrian market, the Dutch and British markets and so forth.

Tourism Development (Amd't) Bill
[SEN. THE HON. H. CHIN LEE]

Tuesday, March 01, 2005

In Trinidad we are looking at the American market and by extension, the European market. So within the new TDC we will streamline the marketing to ensure that the money is well spent. The money that the Senator spoke about is focused; it is not what we refer to as blanket marketing and hoping someone comes, but it is done in such a way that it is pinpointed, it is precision bombing if you will, that will directly attack where your source destination or your source markets are from.

Added to that, the Ministry intends, apart from Carnival, to have other events during the year. As you know, last year, we celebrated tourism month by creating a tourism park and we intend to redesign that this year which, eventually, would become a major attraction.

On May 21st, 22nd and 23rd, we are introducing a culinary festival where we basically will close off one of our major streets in Port of Spain. We will have at that event some of the finest chefs in Trinidad, from the most renowned restaurants, as well as two international chefs highlighting our local cuisine. That will also be advertised internationally, and I am certain that this event can highlight all of the culinary cuisine that is so indigenous to our population.

Apart from that, I wish to state that for all of this, and for all that I have said, for this tourism tree to grow, we ought to nurture it, we ought to provide the right support through the Tourism Development Corporation, we ought to provide the right incentives for investors, we ought to provide for them the right climate for persons wanting to invest in the tourism industry, and by amending this Bill, I am certain that it will encourage further development in the tourism sector and I am certain that one day it may very well become one of the largest contributors, apart from the oil sector. With that, I beg to move.

Question proposed.

Sen. Carolyn Seepersad-Bachan: Madam President, I am pleased this afternoon to participate in this debate on a Bill to amend the Tourism Development Act, 2000. Madam President, the Minister alluded and rightly so, that governments around the world are recognizing tourism as an export industry that generates foreign exchange, creates jobs and encourages economic diversification. It is now one of the largest and fastest growing industries globally, moving into the mainstream of economic development and seeking to reduce their country's reliance on traditional industries. Governments around the world are signalling their recognition of the tourism sector as a valid economic development area.

The Minister rightly stated that there is an emerging new outlook for tourism, and hence this was the rationale that prompted the Tourism Development Act of 2000. In this new emerging look as tourism becomes this powerful economic tool, we are now focused on economic integration, communication technology and investment for tourism, trade and export linkages to tourism, the cultural development aspect and the sustainability of our environment.

Madam President, the new outlook talks about this exciting experience, this interesting destination, and this is why the Minister spoke extensively about tourism no longer being hotel rooms and the tourism ancillary services which are now classified as tourism. And that is because we have an aging world population, one where the tourists themselves are no longer—they are all aging and they are interested in education and knowledge, so their idea of an exciting vacation is not about a comfortable or a luxurious room, or just sand and sea, they are interested in the culture, in traditions, in knowledge and in learning about that particular destination. This is why we must add that cultural aspect, we must add the historical aspect, and we must add that traditional aspect to tourism.

Madam President, if I take this tourism industry and fit it into the local context of Trinidad and Tobago, there are many strengths that we have for tourism. My colleague, Sen. Augustus was saying to me earlier, we talk about tourism and all these great ideas and you will swear they are brand new, but we have been trying to market Trinidad and Tobago as a tourist destination since 1973. The reasons for that are because Trinidad and Tobago possesses many strengths when it comes to tourism. There is a large population base, it is a cosmopolitan city, it is a cultural diversity, it has the potential for entertainment activities, and it also has the sand and sea resorts. An example is Tobago. In some cases, it is stated that it is superior to our Caribbean neighbours. We have extensive natural areas, especially when we talk about eco-tourism Trinidad has that advantage.

But all of this adds up to what we call the comparative advantage. You would have heard the Leader of the Opposition, the hon. Basdeo Panday talking about that comparative advantage. But how do we take that comparative advantage and make it into a competitive advantage?

The comparative advantage we have is because of the resources that exist as I just outlined. But what do we need to do to get that competitive advantage? For example, we can focus on that cosmopolitan flavour to create that exciting, urban destination; we can look at the entertainment and the cultural experiences, for example, Carnival. Do we want to develop a pan museum where we can look at

Tourism Development (Amd't) Bill
[SEN. SEEPERSAD-BACHAN]

Tuesday, March 01, 2005

how pans are made and tuned? Do we want to look at the history, for example? What has happened to the history of pan? How did Carnival itself evolve? And we saw some of that displayed this year in Carnival in terms of the stick-fighting and so forth. Do we need a museum for that as part of the interesting destinations, the exciting destinations? The Minister mentioned the convention, the conferences—even the business meetings are now considered part of the tourism experience. Am I not right?

But for us to get that competitive advantage, we must link it within the export industry—marketing—because awareness of Trinidad and Tobago means awareness of the products of Trinidad and Tobago which can boost its export drive. So this is where they are seeing the linkages with the other areas of the economy.

Madam President, tourism can foster an environment for developing a distinctive Trinidad and Tobago, producing a package for visitors for us to become that exciting destination. When I talk about the exciting destination with the exciting products, even if one talks about a specialty coffee, do we have the will to do it? And I can only do this judging from what takes place here today with the amendment to the Tourism Development Act 2000.

The Minister was right when he said the Tourism Development Act of 2000, that proposed legislation was to act as a catalyst to transform tourism, and hence the diversification of the economy. Today, we have to talk about the diversification of the economy because even the energy czar, according to the People's National Movement, has now stated that there exist only 15 years of gas, so we better get on with the diversification. I do not know if that is the reason the Minister is here today, attractively and earnestly trying to push tourism on.

All the time we were scoffed at and ridiculed whenever we talked about that in this Parliament and about the importance for the diversification of the economy, and he has said it, 15 years of gas. What will we do when the gas runs out? This is why I probably see a minister of tourism earnestly moving forward and saying, okay, this is what we want to do for the tourism sector.

Madam President, in terms of that Tourism Development Act of 2000, it was a catalyst but it was also designed to encourage investors and entrepreneurs into risky areas, to revamp the existing physical incentives under the Hotel Development Act, as the Minister rightly said, and to invest in a wider array of tourism projects which we could consider to be the tourism ancillary service, such as boating and marinas and so forth, inclusive of the theme parks and the cultural

showcase, the convention centres and so forth; the tour operators, whether it is a helicopter tour and so forth. We wanted to encourage and give incentives towards this area. There were also incentives that would allow them to upgrade their current room stock because at that time it was recognized that when one looks at the room stock in Trinidad and Tobago, out of the 2,500 only 800 met international standards. So part of the incentive programme was to get renovation and upgrade the existing room stock to international standard. And, of course, one of the things identified—I am referring to the *Hansard* then, that some of the objectives stated were to create those meaningful linkages with agriculture, manufacturing and the services sectors.

But in looking at this Bill, the Tourism Development Act of 2000—and I think it is worth mentioning to this honourable Chamber. What informed the Tourism Act of 2000 was a report called the Tourism Master Plan and that plan was developed some time in 1994/1995. I ask the Government today: Is it still committed to that Tourism Master Plan? That Tourism Master Plan identified several areas for immediate action and almost urgent action if we wanted to transform Trinidad and Tobago into becoming that interesting and exciting destination.

Nowhere have I seen in recent times any mention of this Tourism Master Plan. It could be that parts of it have been pulled out and are now developing into further detailed action plans. But I wanted to look at the plan because some of the issues identified in that Tourism Master Plan were the development of a number of anchor projects. For example, the North Coast. It talked about the country marketing, which the Minister talked about, and in terms of how we are to determine the appropriate budget, the actual requirements given the competitive environment that we are in when it comes to marketing our Caribbean neighbours and so forth. For example, I do not think our marketing budget could ever be compared with that of St. Lucia or any of those other islands. One just has to see the type of advertising and the aggressive marketing that takes place for tourism in other countries; the level of services, because the level of service in Europe, they have identified so many different levels and how to promote levels of service. This is something we know that Trinidad and Tobago is not yet of a service-oriented culture, and what are we doing? Are we committed to developing that service-oriented culture?

Madam President, one of the areas I really wanted to take a look at in the Tourism Master Plan deals with the economic linkages and the tourism investment incentives. I see this Bill as trying to enhance and clarify the

Tourism Development (Amd't) Bill
[SEN. SEEPERSAD-BACHAN]

Tuesday, March 01, 2005

incentives that are established in the 2000 Act. But what I find strange is when the 2000 Act was established in 2000 this Government was in office. This is 2005, almost five years later. I thought by now we would have been seeing a lot more incentives to really implement what is in this Tourism Master Plan. Instead, all I am seeing is a clearing up of ambiguity in the Tourism Development Act 2000. I wanted to ask those couple of questions before I got to the Bill and relate them to the Bill.

There are a number of incentives that were identified within the Tourism Master Plan, and let me just talk a bit about that because one of the things I looked at with the whole investor's risk and in terms of the reduction in that investor's risk—for example, there was a recommendation for 150 per cent write-off of free investment study expenses. I am not saying it may not be implemented, because it may have, but the problem I have found when trying to research this type of Bill, especially when it comes to taxation—and I am sure all Senators here would agree with me—it is such a difficult exercise because the legislation needs to be harmonized. When one wants to look for incentives one has to look under the Aid in Industry Act, the Fiscal Incentives Act, the various Finance Acts coming forward to determine where these incentives are. It is one of the things that I found that even when one looked at the Tourism Development Act itself what we were trying to clarify probably could have been dealt with in some of the other Acts.

Madam President, I wanted to make that point as well because I know down the road, we would be going back into this problem and I appeal to the Minister of Legal Affairs, that there is need to update the legislation for taxation. He talked about the consolidation and the exercise, and I am hoping that one of the areas that priority will be given to is taxation and the issue of these various Acts. Whether it is the Income Tax Act, Fiscal Incentives Act, there are many, many amendments coming from 1980 onwards and in all the Finance Acts that have been passed, so it makes it difficult to follow.

The Minister is saying that it is completed but we would really appreciate a copy of that because it makes life difficult, and I know when we get to the gas taxation issue that will come up again. In looking back at some of the Acts, I did not see if any of these incentives were implemented. These incentives were recommended under the Tourism Master Plan and this was 1994/1995. [Interruption] You tell me because there is now a Minister of Tourism and he should be able to assess whether these incentives are in place or not. I am just asking the question.

Let me just give a list of them. For example, the 150 per cent pre-investment study expenses; there was also a 30 per cent investment allowance over the three years—but what I am talking about is more for equity invested by an individual or company in an approved tourism development project. We know that we have accelerated depreciation but at that point there was a three-year period that was recommended for the accelerated depreciation. One of the areas, and this is not only related to tourism—it is something that we have been asking for many times and you see it all over the place, training.

When an industry comes in and wants to get into training, what sort of incentives are we encouraging for that training exercise? Because we cannot develop the depth of training and the quality of the training can improve depending on the incentives offered to that particular investor. For example, in this report it was recommended that there be a 150 per cent write-off for employees and so forth involved in the tourism sector, and I wonder if there are any thoughts about putting that in place.

The 100 per cent tax credit, for example. There was a 10 per cent on the hotel room. That I noted was done in the 1995 Finance Act. There was also a personal development incentive that was recommended, which is 150 per cent write-off of direct costs incurred by approved tourism project owners and so forth. So instead of just having the country marketing drive, you also can have the investor marketing drive. Therefore, what was recommended here was that there be a 3 per cent of the net profit, the deduction of that amount, so it must not exceed the 3 per cent of the net profit; that 150 per cent write-off be given when it comes to market development. So the particular investor coming in can actually look at some form of market development if we give them that 150 per cent write-off. These are just some, there are others but, given where we are today, and what is happening, and listening to what the Minister has said, those are very important to propel the industry forward.

There are also some other areas in terms of the economic linkages to tourism, agriculture and fisheries. Through you, Madam President, I am asking the Minister to give us an indication as to where we are with respect to this Tourism Master Plan. Some of it was implemented in the Act of 2000, and I am interested in knowing if any other parts of this Tourism Master Plan are forthcoming in future legislation and when I say future, I do not mean long term, I mean in the near future.

Tourism Development (Amd't) Bill
[SEN. SEEPERSAD-BACHAN]

Tuesday, March 01, 2005

Madam President, for example, the linkage with agriculture, fisheries and the small business development were identified and how to develop the integrated linkages with the Small Business Development Company and the financing mechanisms to go with it. In here, there were some action plans that were outlined in terms of how to achieve those linkages. I was very interested when I looked at it and I actually saw the objectives, the activities associated with it and the partners. For example, the one I am talking about is in terms of the integrated investment linkage identified as partners; the Small Business Development Company (SBDC), the Agricultural Development Bank (ADB), the DFL and so forth, in those days because TIDCO was not existing at that time.

Madam President, with that little background I now turn to the Bill. Much has been said this afternoon and some of the questions that were raised on this particular Bill were questions that I had in my own mind when I started looking at it. I could not understand the period of time that we were talking about in terms of this retroactivity and again, I know and I heard it before on that side of the Senate, that there was this ambiguity or some vagueness in terms of the Act itself which lead to some interpretation problems and, of course, investors having problems in accessing the various incentives.

Let me start, for example, with clause 4 which, in this particular case, they are amending section 3 of the Act. Just the same way under the Hotel Act of 1963 there was the accelerated depreciation facility and from what I gathered, when I read the Bill, this particular clause is trying to amend the relevant section 3 of the 2000 Act to include the accelerated depreciation and the capital allowance.

Madam President, if one looks back at that particular section 3 in the 2000 Act—I am wondering if there was a reason at that time for excluding the accelerated depreciation and the capital allowance. If one looks at it there is the tax exemption to the interest on loans approved. This is referring specifically to tax exemption not exceeding seven years in Part A, in respect of the gains or profits from the approved tourism project. So basically this is saying that you are giving a tax holiday for seven years. If you are giving a tax holiday for seven years, is there a need to have accelerated depreciation? If most of the equipment we are talking about will be for a period of four to five years and if you grant them accelerated depreciation on the capital allowance then it may not roll over. Unless you are talking about—

Madam President, if we deal with accelerated depreciation and we grant it to them at the time of purchase, with accelerated depreciation most of the write-off

will take place in the first couple of years compared to a straight line method where you will have even throughout. So if most of the accelerated depreciation takes place in the first couple of years, it is immaterial because there is a tax holiday; and after the seventh year what happens then? The depreciation expense is going to be very small.

The point the Minister is making is in cases of loss positions. That is, if you have a loss position. But if your accelerated depreciation does not put you into a loss position, you do not need it.

From what is being said, I am gathering that your accelerated depreciation and the purpose of putting it in, is to be able to allow for that carry forward of the losses. If you use your accelerated depreciation that puts you into a loss position then you would be able to carry it in. But it means then that you must be in a loss position by the end of the seventh year. This is what I am wondering. If that were the intent and the purpose of it and probably you meant that you wanted the accelerated depreciation, the benefits of it to really come forward from after year seven, you would have done the analysis; you would have worked it to determine whether or not it is relevant.

Some of the tax consultants I have spoken to have indicated the same thing. They are not seeing the benefit because over a seven-year period, if you are not in a loss position, then what is the purpose? What is the benefit of this particular addition of the accelerated depreciation on the capital allowance? I am asking the question in case there is another objective and we do not end up in another area where there is an interpretation issue again.

The next point I wanted to raise very quickly, clauses 5 and 6 of the Bill. Clause 5 deals with the issue of vehicles and the way it is worded I am wondering if it is now such that the importer or the concessionaire would be given this concession for just one vehicle. I am asking the Minister to take a closer look in terms of that because when we are dealing with a fleet of vehicles, would it really apply?

Madam President, through you, the importation of vehicles for tourism purposes, hon. Minister, while this should facilitate the process with respect to importation, it does not address specific issues, and this is what I am concerned about. So whether or not we are giving approval for one vehicle per concessionaire, the current practice is that we are dealing with a fleet of vehicles, so I am wondering in that particular case.

3.30 p.m.

Madam President, one of the problems coming forward in these particular Bills was expressed at the time of the debate of the 2000 Act. In the 2000 Act, there tended to be a lot of discretionary powers on the part of the Government and the Minister. I think that the reason for the granting of discretionary powers at that time was that it could be used if there were unforeseen circumstances.

If we are starting a tourism industry, we want to gain from experience, and as we go along and we learn from it, we can definitely word clauses that are clear. As a result of that, over time, in an industry like this, what I imagine would happen is that we would allow for some discretionary powers, so that as circumstances arise, we could grant tax benefits.

This is five years later. By now we should be more experienced, unless the tourism industry did not develop over the last five years. There would have been several developments that would allow them now to state specifically the requirements and what would be eligible for tax benefits. I am saying this because one of our problems as a country, when we look for foreign investors—and it happens across the Caribbean as well—is that we are not very clear. When we have too many discretionary powers, it is seen as a distraction and a disincentive.

When investors are dealing with putting investment into foreign countries, the countries must be clear as to how. When they have to approach a financial institution for \$200 million, they have to be very clear on what their tax benefits are, which institution is granting this tax benefit and when it would be recovered, so that they can work their financial models down to a “T”. They do not want to know that it might be so, or that they may have to approach a Minister, et cetera.

We have to make the business model as clear as possible. That is what makes the cost of business in a country lower, more competitive and cost effective. That is something we have to be very careful about when we are dealing with legislation, especially when we are dealing with incentives. We need to be very clear, deterministic and not probabilistic in our legislation. This is why they may find that an investor who may want to invest in an Integrated Resort Development (IRD), for example, as the Minister mentioned, may very well think that this legislation has too many areas of interpretation and that he should go to another Caribbean island where the legislation is very clear and where he knows for sure what he is entitled to and he can work his financial model down to a “T”. They do not want to know, at the end of the day, that they have to incur costs for arbitration or interpretation or to employ consultants to look at interpretation issues. At the end of the day, that will increase the cost to the foreign investor.

I make that point because, as much as possible, we need to clean up all of this legislation; all the issues dealing with incentives for foreign investors, especially when we are dealing with factors favourable to foreign investment.

I come back now to clause 17, which is in question—section 38. One of the areas mentioned under clause 17 is the issue of bridging finance. I raised the issue a couple times with those on the other side because the Minister had mentioned it some time ago during a debate in which he said that bridging finance was clearly based on interpretation. It was clear that it did not cover incentives. The tax exemption did not cover bridging finance.

When I went back to the *Hansard*, the Minister who piloted the bill in this House clearly stated that it covered bridging finance. I tried to see why one was saying that it does not and during that time it was clear it was the intent of that bill to provide tax exemptions for bridging finance. I tried to link all the clauses. I tried to relate it to other legislation that we have, for example, the Fiscal Incentives Act or the Aid to Industries Act where there may have been tax holidays and tax exemptions on interest on loans.

One of the problems I found myself coming up with is that I am not sure if this particular clause covers the problem that they have identified. They are saying that in this particular case, for some reason, when the project is now approved, as the Minister rightly said, the final approval is not until the project is completed. During that time a person has gone ahead, expended capital, sourced financing and as a result incurred interest costs and when the project is completed and he wants that tax exemption, he is no longer entitled to it because of the approval.

They mentioned bridging finance and I thought that probably the bridging finance was not covered at that time because the bridging finance is a temporary measure. It could be for a year or two years. You source the bridging finance until you finalize your financial arrangements and financial instruments. The bridging finance is a way of expediting the project so that you can move ahead quickly.

That is what I saw the Minister saying in the debate in 2000, yet it was not covered for the tax exemption. I wondered about the interpretation because it is not clear to me under this section. I ask the Minister, through you, Madam President, to look at the section that deals with the interim approvals under the Act. It clearly states that you cannot start the project until you get that interim approval. When you acquire that interim approval, that approval clearly states what is the capital expenditure requirement, the environmental issues, et cetera.

When it comes to the final approval, you can vary some of those terms under the interim approval. If under the interim approval, you do have approval for capital expenditure, I do not understand why that capital expenditure is not qualifying for the tax exemption.

It may be that as you approach the financiers and the Minister of Finance you say that you are not sure it is covered. Yes, it mentions the interim approval, but I wonder now if you need, to clear that problem, a further clause, which could be the solution. I am not saying that it is an all inclusive solution, but the interim approval of the capital expenditure would have been based on the plans forwarded for the particular project. So, for all intents and purposes, it should be the capital expenditure for the project unless there are any variations based on further analysis.

If that is the capital expenditure and we put in a clause that specifically states that the capital expenditure approved and given interim approval is subject to that tax exemption, I thought that it would make the situation crystal clear instead of saying that at any point in time the Minister of Finance can retroactively give out tax exemptions based on seven years.

I am not talking about the projects that went before. I am talking about projects going forward. Let us say that they approve a project tomorrow morning and they grant interim approval and it has a capital expenditure of, let us say, \$200 million, then that interim approval for the \$200 million, if the clause specifically states that there is a tax exemption, the interest on any financing of that capital expenditure would be exempt from tax, then we are cleared. For projects going forward, the person can even approach for bridging finance or other financial instruments and the interest from that would be tax exempt from that day forward. So he can immediately claim his tax exemption. This is the point I am making.

In the case of projects that have gone before, I would like to say humbly that there can be no projects before 2000 that can qualify for that tax exemption. This retroactive period can only be from 2000 to 2005 because 2000 was when you introduced the new Act. Before 2000, you had the Hotel Act that addressed that issue. It cannot be before 2000.

In cases like these, all you are trying to do for projects between 2000 and 2005 that have received the interim approval and are now probably obtaining the final approval, for those prior years, is give final approval, not exceeding the seven years, because seven years is your tax holiday period; for the interest during that period to become tax exempt.

That is my suggestion in terms of clarifying the issue. I think it makes for cleaner legislation in the sense that once the interim approval gives the approval for capital expenditure, then that capital expenditure should immediately qualify for that exemption. We should not have to wait until the finalization of the project when the hotel is finished or when the IRD is finished to qualify for that exemption. In that case, there are no timing issues and there is no uncertainty.

I am thinking about it from the perspective of the investor—that the investor will have no doubt in his mind that his capital expenditure, when he approaches the financial institution, will be tax exempt. That is what I wanted to propose with respect to this issue.

We have to look at the competitive environment in which we are. As the Minister rightly said, there is this competitive environment within the region. I know the Minister continues to talk about tourism being on the rise because we have so many visitors. He is always talking about the increasing trend in tourism. I ask the Minister, because we have to be really serious: How many of those visitors were returning residents? How many actually rented a room? Or did they stay with family and friends during the Carnival season?

We always look at the Carnival season and use that as a gauge. Maybe tourism is on the rise. Over the years, we have seen more and more people vacationing in Trinidad and Tobago, but we must ask ourselves if we are capitalizing on the true potential of Trinidad and Tobago. Since the 9/11 attack, many countries, including some of the European countries and the US, are no longer favoured destinations for vacations. Even among our local community we would hear that complaint. Many Trinidadians and Tobagonians look to the region now for their vacation as opposed to going to the US because of the hassles of increased security and so on and the hassles at immigration and at the airport. To avoid that hassle, because we are going on a relaxing vacation, we choose a destination that we know is a relaxing one.

I remember 9/11. It was mentioned that there was a Caribbean island—I do not remember the name of the Caribbean island—offering packages as part of their marketing thrust as a getaway from all the terrorist activity and come to this particular island. The Caribbean is ideally suited at this time. It is ideally poised to take advantage of tourism because of what is happening on the global scene. When we see tourism on the rise, it may not be because of our marketing thrust. It may be because the other destinations that were once favoured are no longer favoured and, by extension, Trinidad and Tobago is now becoming a favoured destination in the Caribbean.

Tourism Development (Amd't) Bill
[SEN. SEEPERSAD-BACHAN]

Tuesday, March 01, 2005

What happens then when we have crime? I hear this all the time and I listen. We have to be serious and talk about what we are putting in place to protect our visitors. I know that the Minister talked about the cruise industry—and that is a big area of tourism. We talked about the tours. There was also home porting and areas like these. So, if we are really serious about it, we have to ensure that our visitors are safe. We cannot promote tourism with the current climate with which we are dealing.

Although I keep hearing that tourism is on the rise, I ask any Senator in this House to tell me where they have seen in research that there is a positive correlation between crime and tourism. Nowhere have I seen it before and this Government continues to talk as if the crime is increasing, but tourism is also increasing. That could never be. There must be a negative correlation. It is only logical to come to that conclusion based on analysis and past experience.

I wonder sometimes when we talk about these issues and about the crime advisories. I looked at tourism on the Net and they were talking about advisories. The more advisories that you have on your country, there is definitely a negative correlation between these advisories and tourism. Let us face that fact and understand it. We will never be able to get tourism off the ground unless we deal with the crime situation in this country. Madam President, that falls squarely in the lap of this Government.

I go back to what we were dealing with. There are several ancillaries we need to look at and this is where I thought I would see more in the Bill—theme parks, cultural centres, eco-tourism, et cetera. I know that Tobago has been progressing in terms of eco-tourism, but what is happening here in Trinidad? Trinidad has been known to have some of the best eco-tourism areas, although they destroyed Union Estate. It was supposed to be an eco-tourism area. There were plans under Tidco to develop that area for eco-tourism. They destroyed it completely with all the rare species. We have been through this in this House. All the species have been destroyed and I wonder if the Minister of Tourism can tell us that now that the aluminium smelter has moved from that point, if there are any plans to retake the estate and make it into an eco-tourism park or something of that nature.

Madam President, it is my understanding that no industry will set up business on that site. Because of the well-abandonment programme, it is clear that no industry—and the real reason for the aluminium smelter moving from Union Estate had nothing to do with its size. It had to do with the soil conditions and the

suitability of the soil. This Government continues to hoodwink this nation, but they have spent \$300 million destroying—I want to know if they are going to spend another \$300 million to rebuild.

Sen. Dr. Saith: Will you give way? [*Senator gives way*] Your leader always says that if you do refute, it is true. The plant did not move because of soil conditions. The plant moved because it grew from 125,000 tons to 325,000 tons. That is the fact.

Sen. C. Seepersad-Bachan: Madam President, it is amazing, but we will hear the truth as it comes out later on. The Minister is clearly aware that there are reports that state otherwise and there were several concerns raised about the site.

Madam President, it is also interesting to know that we have had no gas in 15 years; that the NGC has no gas to sell to anybody because the producers have no more gas and here we are talking about aluminium smelter. This is why all we can do in this country is sign memoranda of understanding. We cannot do anything else.

I want to know if they are going to destroy another area in Chatham or wherever. They are against the residents now because they are objecting to it, destroying valuable agricultural fields because they want to hoodwink the nation again that something is happening. There will be no aluminum smelter unless they address that gas reserve problem.

Madam President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. W. Mark*]

Question put and agreed to.

Sen. C. Seepersad-Bachan: Thank you, Madam President. I did not realize that the time went so quickly. I hope that the Government takes note because when we continue to clear land and destroy agricultural fields, I want to know what will support our tourism sector.

As I mentioned earlier, the importance of the linkage between tourism and agriculture, fisheries, et cetera is of vital importance if we are to realize the maximum potential of tourism in this country. But the Government just moves on—anything to spend money. This is the land of plenty. Twenty-eight billion dollars in expenditure is no problem.

Let me get back to the area of the discretionary powers of the Minister. I want to reiterate this point because when we are dealing with the processes and procedures, which are complex—I mentioned before that these procedures tend to increase the cost of doing business in Trinidad and Tobago to the investor whether local or international. Right here our local investor would prefer another destination for tourism investment projects rather than stay here and deal with complex processes and procedures.

I hope that the Minister takes note that at least one of the ways we need to move the tourism sector forward is to get very quick and clear decision-making in this business and move out all the discretionary powers and make transparent all the legislation. The rules must be transparent. Let the rules be known upfront so that people are very clear on what they are doing.

I say this because I note the issue with Tidco and the THA. As I was telling Sen. Dr. McKenzie earlier, no investor wants to know that he must come and file his application at Tidco and partly get it approved and then move it to the THA for approval; then he does not know if it is the THA he has to talk to or Tidco. We must have one body responsible for that. That body must have a clear mandate and a clear understanding of what it has to do. The mere idea that they are saying that they want the THA to approve the project means that they might be telling me: Is it that they want Blanchisseuse to approve their own projects or Maraval to approve their own projects? It is the same project. There are common incentives. It is the same plan. It is a common approach; a common methodology. Why not put one institution to deal with that?

I raise this issue because I want to be very clear. If we want to continue as a country favourable for foreign direct investment, we must get all the factors favourable for foreign investment. We must continue to promote those factors and to keep them clear. This Government has continued to erode all those factors. They have now destroyed the Judiciary. There is now so much speculation over the Judiciary—the independence of the Judiciary. Madam President, that is a factor—

Madam President: I just want to caution you not to bring that into your debate.

Sen. C. Seepersad-Bachan: Madam President, I am saying that if we do not have independence of institutions, one of the factors favourable to foreign investment, and we have political interference—this has nothing to do with this government only—once you start that and it is a track record, the perception about the country, whether it is a future government, that is a fact of political stability.

Whenever we stand in a conference with international investors, the first thing they tell you is about political stability, independence of institutions, independence of the Judiciary, proper legislative processes, independence of the Executive and accountability. These are factors favourable for foreign investment. If we do not continue to promote that, then we could never talk about a tourism industry to attract hundreds of billions of dollars. What are we talking about?

Madam President, let us really get our act right. If they are serious about developing the tourism industry and other industries, they must get their act together and stop the interference in everything they see, undermining every independent institution.

I listened here today to talk about Tidco and I fail to see why there is the need to dismantle it. Tidco was a recommendation by the World Bank. *[Interruption]* It started in their time. It has nothing to do with the UNC. If management is a problem, let us deal with the systems of accountability. I want them to understand that all over the world there are probably about 9,000 agencies equivalent to Tidco and this is because this is the way they have identified to look at tourism and industrial development. This is why I took time out earlier in my contribution to outline the linkages between tourism, industry and export. If we do not have that integrated approach—

Sen. Dr. Saith: Thank you, Senator. I am glad you raised the question of having an institution focused on tourism. I am sure the Minister would indicate to you what we are doing about that, but I wish to remind you that Tidco ended up paving roads in this country. *[Desk thumping]*

Sen. C. Seepersad-Bachan: Madam President, I think the Minister misunderstood what I said. He is saying that they need a tourism development corporation focused on tourism. I am saying that in a country of 1.2 million persons, they are looking for foreign investment, whether in the tourism industry or energy. He would find that all the incentive taxation issues are common issues to deal with. There is a common approach; a common methodology. How many persons would he find among 1.2 million persons who would become tax experts on tourism industry, tax experts for industry? There is a common approach and that is why it came together. That is why the world over is using this integrated approach. They recognize the synergies of this particular approach. That is my point.

If they do not recognize it, we are coming back to a client state. We are just setting up regulatory agencies and institutions all over and employing people and we find ourselves with a problem finding the calibre of person to man these

Tourism Development (Amd't) Bill
[SEN. SEEPERSAD-BACHAN]

Tuesday, March 01, 2005

institutions. Then we will hear one day that they do not have a proper CEO because they cannot pay the wage; they do not have enough CEOs in this country or they do not have enough tax experts. This is why it comes together. We want to be able to explore and capitalize on the synergies. There are common approaches.

I fail to understand why we need to break this up again. This is a retrograde step. We had the Industrial Development Corporation, the Export Development Corporation and then the Tourism Development Authority. This is the reason they were merged—to give those same synergies and to explore those symbiotic relationships.

Another issue that we have to understand if we want to deal with a successful tourism sector is the perception, and empathize with the investor. We cannot put people to head corporations like Tidco and whatever they propose, who have had no experience in investment and who have probably never filled out a form or gone to the docks and cleared a container of goods; never interacted with the Customs Division or probably never filled out a Caricom Form of Origin. Once that has not happened, they could never understand the practical issues that need to be addressed—that investors face on a day-to-day basis. When they talk about staffing these institutions, they must be headed by people from the private sector.

I will give you an example. Do you know what Japan does with its agency that is equivalent to our Tidco? Every three years the president of say, Toyota, is asked to take three years leave and become president of their equivalent of Tidco. They run that for three years. Then they will go to Mitsubishi, take the chairman from there, ask for three years leave and he gives some service in that area—heads the agency. They bring the industrial and practical experience to bear on what is before them.

4.00 p.m.

Madam President, how can you talk about a developing industry when you do not have the people who understand the issues of that industry? That is the problem that we have when we are dealing with these particular institutions, and it is not just that these institutions will be staffed by political supporters of the party, but you will get nowhere. Although the Minister mentioned \$25 million, that \$25 million will go to waste—that will be \$25 million lost as opposed to spending \$35 million or \$50 million that will bring us \$50 million or \$75 million in value.

Madam President, those were the areas that I wanted to address. I cannot understand why you would want to move into a situation where we are breaking up Tidco and taking this retrograde step.

There is one other issue that I want to raise very quickly. There was a question that was raised sometime ago. Let us take an example like the Integrated Resort Development (IRD). If you are a beneficiary of all these incentives—you have received a tax incentive for the appliances that you have brought in for that condominium; you have received a tax break and customs duty exemption on all the materials imported for construction; and now you are about to sell that particular condominium or villa, because the IRD allows for the sale of these villas, condominiums and so forth—what happens when they go to sell that condominium or villa? The price that the purchaser will be paying, is the price exempt from these duties?

If for example—I am not saying Tobago Plantations by any chance, but I am just looking at Tobago Plantations—I have a villa that I can sell—and that is something like an IRD—and across the road there are houses, even for a local purchaser or a local investor to buy, because I may not be in the income bracket that will allow me to afford this particular condominium, but I can afford the small house across the road, what I am paying for that house is in no way comparable to the value to what I am paying for this particular condominium. What has actually happened is that this condominium has all the tax exemptions, and those tax exemptions may be passed on to the purchaser or vice versa. Even if the person did charge the market value for that particular condominium, did he make a capital gain based on tax exemptions? That is the point that I wanted to raise. This is not something that I am saying there is an easy answer for, but this was a question that was raised sometime throughout the study in 1995 or 1996, and this question has never been answered.

Madam President, to conclude, there are other islands in the eastern Caribbean offering longer tax holidays, lower discounts and quicker decision-making to attract investors, and we face a competitive investment climate in this region. We want to participate; we need legislation; we need the political will to continue to create a competitive edge for Trinidad and Tobago in the tourism industry.

Madam President, I thank you. [*Desk thumping*]

Sen. Prof. Kenneth Ramchand: Madam President, thank you for the opportunity to express some thoughts on the proposed amendments and, by extension, tourism as spoken about by the hon. Minister. While the Minister was speaking about incentives and concessions, I was wondering if I would be able to find a way to beg for concessions, because when I import books from Amazon.com. the books cost more to bring in than the cost of the book itself. I

wish I could get concessions for those online libraries that I have to subscribe to, because it helps me with my work. I know that this is a Bill about tourism, so I cannot really go into that matter at great length.

Madam President, the hon. Minister said that when the hotel and tourism industry is doing well, Trinidad and Tobago is also doing well. He also said that tourism contributes to the gross domestic product (GDP). Well, oil and gas also contribute to the GDP. What do we mean when we say that a country is doing well? What is the significance of the GDP if you have a GDP which makes you look great to the outside world, but your GDP is not properly distributed among the population? If a small minority benefits from the high GDP, but the majority gets only a small fragment of the GDP, then you cannot go about boasting of a high GDP. [*Desk thumping*] I have doubts that even if tourism boosted the GDP, the question is who is benefiting? I hope that I will not be put to shame when I ask the question of who is benefiting.

I am looking at one of the amendments and clause 17 says:

“Section 38 of the Act is repealed and replaced by the following:

Subject to subsections (3), (4), (5) and (6) the Minister to whom responsibility for finance is assigned may, by Order, exempt from tax the interest received on an approved loan...”

Madam President, I am sitting here wondering who is receiving interest from a loan. Is the man who is investing in a hotel getting interest from a loan? Common sense tells me that it is the banks and lending institutions that are now being helped to develop the tourism industry. I find that they do not deserve that. You are giving the banks and the lending institutions exemption from tax on the interest that they receive from loans that they give to the poor little man who is trying to build a hotel! Well, I hope that somebody will correct me and tell me that common sense is wrong, and there is some high illiteracy here that will explain that it is the investors who are benefiting, or some Jesuit or some sophist will argue with me and prove that tourism benefits from this.

Madam President, the question is: What do we mean by doing well and who does well? I have not heard anything in the Minister's presentation, and I have not read anything about tourism in Trinidad and Tobago, which persuades me that this is an industry that contributes to the human development of our people.

What are we doing? We are embedding a substantial number of our people in jobs—cooks, washers, ironers, waitresses and cleaners—there is a word for that

which is “servant”. Now, yes, people have to wash clothes and dishes, we need them to do the work and it is decent work. I will not say that it is honourable work, but it is decent and honest work, and somebody has to do it.

If you are going to develop an industry that wants to claim that it is providing employment for taxi-drivers, doubles sellers and cooks and bottle washers and so forth, you have to show that you have a care for these persons and you want them—either through education or by economic opportunity—to better themselves. So if we do have to develop a hotel industry in this way, I would like to see legislation which says that everybody who is working in a hotel is going to get shares in the hotel. So I want to be a shareholder. I am washing sheets and blankets and so forth, so I am a shareholder, and after a while I could get out of this thing if I want.

Sen. Dr. Saith: As comrade?

Sen. Prof. K. Ramchand: Yes, as comrade. Every day when I wake up I say thank God for what Fidel Castro says he believes in. I do not know if he really believes it, but if he believes in a just and equitable society where opportunities are available to all, and incomes are adjusted so that there is not a massive gap between the top and the bottom; and if there is a minimum wage and a maximum wage, “Yes, I am a comrade, I am a socialist, I am the last of the ‘commies’.”
[*Interruption*]

Madam President, we are embedding our people in certain kinds of occupations without showing them how they may be able to get out of it. That is not the worst of it. You are embedding them there and you are almost telling them that they do not have to go to continuation classes—I am sure the hon. Minister of Education is sitting there wondering what about the education of these persons. Are these persons going to give up education and go and work in the tourism industry? If my education system is working properly, are the people we produce going to want to work there under the conditions that they have to work at present? This is an industry that depends to a large extent upon the under-development of ordinary people. I know it exists. I am not saying that you cannot have it, but provision has to be made.

Madam President, when one asks the question, what do we mean by doing well, we have to talk not only about the GDP, but we have to ask the question as to what impact the industry has on the food supply. If we have a tourist boom, and these tourists are staying in hotels, and these hotels can afford to pay a certain price for fish, chicken, vegetables and so forth, vendors are human beings, and

they are out to make money. If the hotel can pay them so much then that will be the price for the ordinary people. So a tourism industry has an impact on the prices that an ordinary citizen pays for food, drink and accommodation. This also has an impact on the food import bill, because you have to import—I do not eat beef—Omaha steak and things like that. You are going to be bringing in all the luxury items that your luxury tourists require, and the food import bill will be going higher and higher.

I do not think that you will be draconian enough to say that if you are staying in our hotels you cannot get some of what you are accustomed to. But, we have a certain cuisine here; we have a certain kind of food supply. Every morning our citizens stop by the shops to buy sada roti and tomato chokhaa, sada roti and baigan, and so our hotels are serving sada roti and baigan and sada roti and tomato chokhaa, and we will let the tomato grower know that we have a market for tomatoes, and we will let the baigan man know that there is a market for baigan and so forth. So, we will be selling food in our hotels that is largely produced in our country. I know that you will not do that. When those fellows put up their foot and they want Tanqueray gin and Glen Fiddich, you will have to give them that. You will not dare offer them El Dorado 15-year-old rum. So the import bill will go up. I want to know how this adds up to, “we are doing well”.

When you build these big luxury hotels and you go into this niche market, or even the businessmen and the conference fellows, once you plant tourism, you grow casinos, and where you grow casinos, you grow the mafia. You have to be very careful with a tourism industry and a hotel industry where you are setting up systems to prevent “gangsterism” infiltrating your country. We cannot even throw out the ones who are here, and I do not know how we are going to stop the others, but, at least, we have to recognize that this is an industry—I am not saying do not have it. I wish I could say, do not have it, but I have to face reality. We cannot shut ourselves out from the rest of the world. I have to face reality and I know tourists are going to come, and I know hotels are going to be built, but I think we have to be aware of these things. We cannot speak glibly about doing well, if the phrase “doing well” does not have reference to the lifestyles, to the values of the country as a whole, and reference to the human development of our country. I have already suggested that even if we take a narrow view of “doing well”—as making money—then it is only a small part of the population that will do well.

Madam President, I cannot be as aggressive as I would like, because I do not have the statistics to prove it. I really look forward to the hon. Minister convincing this Parliament that tourism makes a profit. I would really like some

solid figures about the revenue foregone and the additional revenue proposed to be forgone. I would like to know how much money is actually spent on tourism promotion—I mean the salaries of the persons who are employed to promote tourism, all their perks, all their travel and all their minimal promotional activity. I want to know how much that cost. I also want to know what money comes in from tourism and who gets it. How much money is retained? I cannot believe, “and we retain 63 per cent”. I want to know how much money we retain and, of what we retain, where it goes. So I am not convinced that is the way that we have to go when the gas and the oil run out.

Madam President, talking about the impact of tourism on the lifestyles, on the values and on the cost of things—the total economic impact and so forth—what is the moral of Tobago? What is happening to land in Tobago? What is happening to land in Tobago is a direct result of tourism. “Fellows like the mango so they want to buy the tree.” People come on a holiday and they flash their dollars—it is \$11 to \$1—and they can afford to buy up our land. They are not only buying up the land, but they are also going into the tourism business. They are making it harder for ordinary citizens to buy a piece of land and have a farm and so forth. They are biting into the tourism industry by bringing their friends to stay in their big houses and using their chartered airlines and bringing in all their sausages, hamburgers and frankfurters and so forth.

Madam President, if we do not think of a whole set of supporting legislation—as I said, I want legislation which says that all employees from hotels will get shares to buy—for gambling, casinos and so forth, and supporting legislation about land—if you are going to have a tourism thrust—I want back the Aliens (Landholding) Act. One of the greatest catastrophes has ever been inflicted on this country is the withdrawal of the Aliens (Landholding) Act. We need it back, especially in this age where people have realized that Trinidad is sweet; Tobago is sweet. Everybody who comes here wants a piece of the action; they want a piece of the real estate; they want the property; they want citizenship; and they want resident status. We have to make sure that the land is not alienated—the land is not owned by persons in the next generation who live somewhere else. Again, if you want to have a tourism thrust, you have to think of supporting legislation; you have to think of the dangers of this industry; and you have to try and defend them. This is even worse than the alienation of land into the hands of foreigners.

Madam President, I almost give up on being the “Red House man”. If I had the money, I could hire a set of professors to come down here and give us a report that the Parliament should be located in the Red House, and that the Red House is totally suitable for that. If I had the money I could get such a report, but sometimes you know you have to fight another day. When I become prime minister, I would just say, “I want Parliament back in the Red House.” If one prime minister could do it, a next prime minister could do it. So, it is okay. If you want to do it now, we could do it another time when I am prime minister in my new life.

I think I want to be known as the Planning and Development of Land Act man. If you are going to encourage a tourism thrust and tourism projects, you must have a blueprint for the whole country in which you are saying this is agricultural land; this is for housing; this is for industrial development; this is for universities and schools; this is where we are building roads; and these are the areas where tourism projects may occur.

I have to warn the hon. Minister that if they are going into the tourism thrust—I keep begging the Leader of Government Business and I also talked to the Attorney General himself—please, we want the Planning and Development of Land Act. We want that blueprint to be set out because of the way in which our land is exploited and developed; we want to know that the environment is being preserved and nurtured; we want to know that when you are bringing in tourists you know where you are sending them, and they will not just be walking all over your garden. I will come to some more of that later on.

Madam President, thus far, I have been talking on the question, what do we mean by doing well, and what are the other elements of doing well that do not just have to do with bringing in dollars. I am about to begin another phase of my argument. I see that I have two more minutes before the tea break. I cannot preempt your place in the Chair, but I do not know if you want me to shut up now, or just say the first two sentences of my second section.

Madam President: Yes.

Sen. Prof. K. Ramchand: Okay. Madam President—

Madam President: Senator, seeing that you cannot find your place and almost one minute has gone; I do not think that you could say much in that one minute. [*Laughter*]

Sen. Prof. K. Ramchand: Thank you very much for your responsiveness.

Madam President: I think I will give Senators an extra minute for tea. Hon. Senators, we shall now suspend for tea and we will return at 5.00 p.m.

4.29 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam President: Senator, you spoke for 25 minutes so you have 20 of that 45 minutes left.

Sen. Prof. K. Ramchand. Madam President, thank you. The Minister asked the question about where we would go when the oil and the gas run out, and that was one of his reasons for wishing to develop the tourism and hotel industries. There are glimpses in his presentation that, yes, there is need to focus on the industry. Unfortunately, he talked about strategic bombing. Well, the Americans strategically bombed Iraq, and look at what is happening there now. Strategic bombing does not always work. Sometimes you think that you have strategically bombed, but you are just blasting the desert air.

So, although I appreciate his point, it seems to be true that tourism will be different in Trinidad from what it is in Tobago. He said that in Trinidad it will be business and conferences and in Tobago there will be more—I do not like to say these words: sun, sea sport and entertainment, et cetera—conventional tourism. I feel that we could look at it a little differently.

Madam President, I have noticed that the people who come to Trinidad—I do not know enough about Tobago—again and again, are people who get caught up in and are fascinated by the cycle of festivals that structure the Trinidadian year. I feel that we should invent a new calendar and stop talking about January, February, March and so forth and start talking about parang, Christmas, New Year, Carnival, Easter, Eid, Divali, La Divina Pastora and so forth. Just spread out the whole year. This country is held together by the fact that we have these festivals and activities coming from the different groups, and all these activities and festivals are participated increasingly by the whole society. The existence of these festivals, in a kind of chronological order, throughout the year, and the kinds of overlaps between them, push us into being the very complex hybrid people that we are.

The fusion of peoples and cultures that takes place in this country—and can still take place in spite of what vested interests may be pushing in terms of dividing us into tribes—has become what it is because of the meeting of cultures and peoples. Our year is run according to those festivals that bind us. I am saying that the people who come again and again to Trinidad come because one or two or three of these festivals really interest them; they want to take part in them; and

Tourism Development (Amd't) Bill
[SEN. PROF. RAMCHAND]

Tuesday, March 01, 2005

they are fascinated by a people whose sensibilities have been formed by this kind of cycle. That is not something that you have to spend money on as a tourism project. What you need to do is to spend your money and give people the facilities to express themselves as naturally as they are doing.

If we encourage the country's self-expression, we are making ourselves into the kind of place that the rest of the world wants to come and see and enjoy. I do not know if that is the experience of the hon. Minister, or persons who are involved in tourism, but that is my experience with the persons who come and see me when they come to Trinidad. They are coming here and they will say: "You all do not have any hotels; you all do not have any beaches; you all do not care for tourists; but we love to come here."

Madam President, not only that, but the cultural content in this country is not only enjoyable as festivals and street processions and so forth, but it is the subject of serious study by people from universities all over the world. Our tourism thrust really has to be oriented to our culture in a serious way, and that serious way is to do what ought to come naturally to a good government, that we want to encourage our people to fulfill and express themselves. If we do our wonderful thing, naturally we are like a magnet for people all over the world.

So, it may well be true that business and conferences will attract people, and the sun and sea would do so, but our tourism wealth—our tourism magnet—is the culture of this country. If you want to dress it up, you could bring out a calendar that has all these things in it every three weeks or four weeks, et cetera. We are living in the world so we will still have the little western calendar in a little box at the bottom of the page, so that people will know what is going on, and we will be timing ourselves in relation to them.

Madam President, sometimes I do not know when it is September or October. I know that parang is coming up; I know New Years is just now; I know Easter is coming up and Corpus Christi and so forth. I know all the festivals; all the myths and all the religions. They are in the head of the Trinidadian; they regulate their behaviour. I would like to see a tourism thrust that invests in the people and in facilities for the people to express themselves. That is the kind of tourism that I will not be unhappy about, because we will be inviting people who want to have a good time, but serious people at the same time.

We have a scholarly and student clientele as well. Madam President, not only that, but if we were to spend our money on these festivals and on this culture—and this is a cultural content that can be exported. When I say where we are going

when gas and oil run out, we are going in the direction of training our people with all the multimedia skills to produce the DVDs, videos and recordings to export the culture, to export that content. I do not see the tourism thing as separate from this other business of the cultural content being marketed. This is all part of the same thing—the human development and self-expression of our people.

Madam President, my experience of this kind of activity—I do a lot of it with visiting universities—is that these American and Canadian students who pass through the hands of those of us who help in these programmes become the envy of Trinidadian students who want to know how come they are finding out so much about our country; how come they know our country is so wonderful and we do not know; and how come they want to be us and we want to be them. This thing that I am talking about—the cultural content of this country—is also part of the education of the country. This is an education into who I am, where I came from and where do I have it in me to go in the world. Again, this is not just tourism, but the development of a society. I think this could help to revolutionize the education system.

Of course, I know nationalism is a bad word these days. I have no problem with nationalism, because my nationalism does not lead me to want to conquer or cleanse anybody else. My nationalism wants me to love my country and love my people and recognize that every “zandolie” has a hole and this is my hole and I love it. This kind of thing will bring a stronger nationalism and a stronger self-knowledge to the country. This will lead to greater patriotism and will stop or help to stop some of the tribal divisiveness that is always there to be exploited by people without vision or imagination, and who are looking only in terms of what they can get in the short term.

Madam President, so where do we go when the oil and gas run out? We go in the direction of education; we go in the direction of facilitating and developing the culture; we go in the direction of exporting cultural content; we go in the direction of educating our people in nationalism and patriotism through allowing them to see who they are in the world; and we go in the direction of and spend our money on the University of Trinidad and Tobago to turn it away from being a simple training facility set up by sponsors to an authentic centre for science—a science which will produce our own technology in which we will then train our people in.

5.15 p.m.

We would develop appropriate and fitting technology only if we had a set of scientists at the University of Trinidad and Tobago working on the principles of air-conditioning, for instance, on the use of solar energy, on the soil types of Trinidad and the kinds of pottery and the kinds of tiles that can be made from that. If we had a real science centre at the heart of the University of Trinidad and Tobago, we would also become a wonderful technology centre where we could train our people for jobs here, for jobs where they do not have to modify inherited technology and depend upon foreign consultants who do not understand the psyche of people here and who do not understand our geography, our history, our culture but who are invited to come and just make us cram that technology.

We would spend our money on making the University of Trinidad and Tobago a proper science and technology university. Rather than spend my money on the tourism thrust; I would spend my money there. I would spend my money on information technology. I feel that might help us to create a population who could get jobs overseas if they want, who could produce software to sell overseas and who could produce software for our own needs. That is, to me, human development and that is taking care of the future. We have the money now, let us spend it on that. That is preparing for what we would have and be, when the oil and gas done.

I have one more place where I think we could spend the money. When the Tourism Development Bill came to this place many years ago, I took the position that if you are bringing a Tourism Development Bill and you are giving tax exemptions, you are giving concessions; you are giving compensation for depreciation; if you are doing all of that, I want an Agriculture Development Bill which spells out in exactly the same terms and to the same wide extent, a range of concessions; a range of incentives; a range of projects that you want to encourage. You have tourism projects, you have agricultural projects. These are agricultural projects as approved by the Government of Trinidad and Tobago. You want to get into it, we will lend you the money, we will give you the tax incentives. Exactly what they do for tourism, do it for agriculture and it would pay off, and it would pay off at least ten times more than other investment.

Madam President, when I want to rub my calves in the night—sometimes I have to resort to it—I buy this coconut oil that they sell in Hilo. But it smells bad. For me to get coconut oil to rub my foot, I have to tell my children to go into Boot's Pharmacy in England and buy some coconut oil and if anybody is coming down, send it for me.

Sen. Dr. McKenzie: Plenty coconut oil in Tobago, you could get good coconut oil.

Sen. Prof. K. Ramchand: Where are we getting that?

Sen. Dr. McKenzie: You getting coconut oil in Tobago.

Sen. Prof. K. Ramchand: It is not deodorized?

Sen. Dr. McKenzie: No, our coconut oil—

Sen. Prof. K. Ramchand: If I rub myself with the coconut oil I get in Trinidad, anywhere I go people would say, "Aye Indian". [*Laughter*]

Madam President: While you are getting your advice on coconut oil, the speaking time of the hon. Member has expired.

Motion made, That the speaking time of the hon. Senator be extended by 15 minutes. [*Sen. Dr. E. McKenzie*]

Question put and agreed to.

Sen. Prof. K. Ramchand: Thank you very much, Madam President, and thank you hon. Senators.

Agriculture has to do with food; it has to do with a kind of industrialization based upon agriculture. Very often I complain about oranges rotting and mangoes rotting, and tomatoes 40 cents a pound because people have tomatoes and they have to get rid of them. There is no industry that preserves and I do not even believe in canning for the home. Everybody in Trinidad should learn how to preserve fruits and vegetables. I have eaten preserved bodi, tomatoes, things like that. If you do not want to go into canning them and fast freezing them and so on, you could find ways of preserving them; you could teach people to preserve. So, the development of agriculture has to do not only with the cultivation of crops, but with learning to spread the food you have produced throughout the year and across the seasons. Meanwhile your scientists at the University of Trinidad and Tobago, who are going to recreate in Trinidad in this period, an imperial college of tropical agriculture to which everybody is going to come—

Madam President: Hon. Senator, are you talking on the Tourism Bill or are you talking on agriculture? I think you are a bit irrelevant.

Sen. Prof. K. Ramchand: The hon. Minister asked: Where would we go, when the gas and the oil run out? I am telling him we go to agriculture. All right, Madam President, I will just close that off in two minutes, and then become relevant again. [*Laughter*] So we really need to spend our money, spend some on tourism, but spend it on agriculture and in developing agriculture itself, industries

Tourism Development (Amd't) Bill
[SEN. PROF. RAMCHAND]

Tuesday, March 01, 2005

based on it and at the University of Trinidad and Tobago, setting up a republic college of tropical agriculture that will help us to develop new crops and improve existing crops and so on, and also the point of the coconut oil. There are a lot of medicines and cosmetics that we can develop in this country out of agriculture; and do not talk about fishing.

So, Madam President, I will not tax your patience anymore with this digression. I feel it is not a digression because it is where we think our money should go, before the oil and gas run out. I think I will close up there and just wrap up and summarize.

While I am not totally against tourism, I think our tourism industry should be focused on the cultural product and the cultural product would bring many other benefits in terms of human, societal and political development. If we are worried about where to make our investments before the oil and the gas finish, the answer as usual, is education, the answer is science, the answer is information technology, the answer is agriculture. I thank you.

The Minister of Legal Affairs (Sen. The Hon. Danny Montano): Thank you very much, Madam President. I will be very brief this afternoon. There are just a couple of matters that I want to address, because there seems to be a bit of confusion in the minds of some Senators. Just allow me to make a comment to Sen. Prof. Ramchand, through you.

Senator, most of the incentives that you are talking about for agriculture, in fact, already exist. In fact, a bank was set up to facilitate that industry at very subsidized rates of interest and for the most part the activity of agriculture in Trinidad and Tobago is completely tax free. Not only that, but there is a regime of subsidies and it is a very extensive regime of duty free allowances for the importation of all kinds of equipment and so on, and it already exists. Your point about trying to focus on certain specific areas is well taken, and let me assure you that the entire thing is being reviewed at this point. Just thought I would share that with you.

Madam President, just a few points that I want to clarify really. When the Minister was making his presentation, introducing the Bill, he was interrupted on several occasions and some questions were asked that I am not sure that the answers were as clear. Judging from the frequency of the questions it seems that there was not any clarity in how the questions were answered. Specifically, let me just deal, first of all, with Sen. Wade Mark. He was questioning which Minister approves different things. Under the original Act there are only two Ministers, the Minister of Finance and the Minister of Tourism. The Minister of Tourism is the

Minister with responsibility for tourism in the wording of the Act, is the Minister that actually approves the order that gives all of the tax incentives with the exception of the incentive under section 38. This is the section that gives the tax free allowance on the interest on loans. In that case only then the Minister of Finance by Order, grants the tax free exemption. But it is the Minister of Tourism who does everything else. So that is the first thing.

In terms of the confusion with respect to the interest and the retroactivity, allow me just to try to explain exactly what the difficulty was in the original Act. Allow me to say at this point, that I was in the Senate when this Act was passed in 2000, I was on the other side, and we worked with the Government to try to get it right, but it just goes to show you that sometimes with the best intentions, mistakes are made. I would just like to show you what the problem was with the original section 38 and why it became necessary to correct it. To do that I have to go backwards through the Act and let me just start with the original Act at section 38. Section 38 allows the Minister of Finance to make an order to grant interest on loans that they would be tax free. That is what it says. Section 38 resides within Part 4 of the Act. Section 34 which is the first section in Part 4 says this:

"The provisions of this Part apply to a new or existing...project that has been declared by Order to be an approved tourism project under Part 2 of this Act."

It makes a lot of sense. So for section 38, the tax exemption on the interest to apply, it must apply to an approved tourism project. When you go down now to Part 2, section 16, what you see is:

"When any...project has been completed...the Minister shall, by Order...declare the...project...an approved tourism project..."

So what happened was that inadvertently we created a situation where the project is not an approved project until it is finished and the final order is granted. It is not an approved tourism project while there is an interim order, that was the difficulty. So during the construction phase the interest could not enjoy the benefit of section 38, that was the problem, and it was an oversight, it was something that none of us anticipated.

During the debate and in fact during the committee stage of this Act—and the committee stage to my recollection was the longest part of the whole process—it was very clear that the intention was that it be able to be retroactive. In fact, as I have just explained, because of the wording of section 16, it effectively stopped it because the order is the final order when the project is finished. The whole question of bridging finance does not even come into it, it was clear. But when

Tourism Development (Amd't) Bill
[SEN. THE HON. D. MONTANO]

Tuesday, March 01, 2005

you look at the original Act, when you talked about an approved loan and so on, it specifically identifies bridging finance, and yet, because of the operation of the Act, it effectively negated it. So, that in order to give effect to the original intention, the new section 38, clause 17 in this Bill, is designed to make it retroactive. In terms of the period making it retroactive—I can go back to the original Act—section 37 of the original Act had a provision for the same thing that we now have in section 38, that is, that the interest on loans would be tax free. Section 37 sets that out.

The original hotel Act did not include bridging finance, that was a new concept in the 2000 Act. But the 2000 Act preserved all of the benefits that have been granted under the original hotel Act, so that nobody would be penalized. So if anybody had been granted anything under the original hotel Act it would have been preserved into the future. The problem was the 2000 Act, in fact, anticipated that there would be projects that would be part-way through the construction phase, but needed to get the tax free allowance on the bridging finance. The original hotel Act, like the 2000 Act had a provision for an interim order so that during the construction phase you can have duty free allowances on the imports of your capital equipment. But it did not deal with the tax free interest on the bridging finance. So that the 2000 Act now contemplated that the interest on the bridging finance should be tax free to the lenders and therefore it was anticipated that those applications may stretch back to 1998 or 1999.

Bearing that in mind—and it would really extend back much further than that—the time frame that you now see in the revised section 38, clause 17, now takes you back to 1999. The intention here is to put us back to where we should have been in 2000, but for the bit of the anomaly in the way that the sections were set up and the wording.

So it is really only that that I intended to clarify for Members. It is a little confusing, but when you look at the section and when you look at section 34 you can see how—when you relate it back to section 16 of the original 2000 Act—it just effectively frustrates the intention of section 38. So this is merely to try to correct what was an error on all our part. In fact, the Independent Senators did not see it, the Opposition did not see it and clearly it was an error on the part of the Government. So with that I would close. Thank you very much.

Sen. Sadiq Baksh: Madam President, we on this side, not for one moment doubt the intention of the Minister of Tourism, in terms of correcting some of the errors that will facilitate the orderly development and encouragement of the tourism sector. But I ask this Senate to note that the lifeline of tourism is

transportation. In fact, the expansion of tourism—especially external tourism—started with the improvement in the world transportation system more so, air transportation.

You will recall, Madam President, that in this hemisphere the introduction of Pan Am facilitated that development. The Tourism Act of 1963 was mainly to get Trinidad and Tobago to fall in line with developments taking place in Puerto Rico at the time, because Puerto Rico was the then preferred destination because of its proximity and geographical location between the United States and the region. For all these years we did not take tourism seriously. The only period in which we had the stand alone Ministry of Tourism was under the United National Congress between 1995—2001. We recognized tourism as an opportunity and an area for growth, but more importantly, one of the fundamental pillars in the diversification of the economy. We did not want to ask what we would do when the oil and gas ran out, we had a plan. That plan included the development of the Piarco Airport development project, the improvement of the port of Port of Spain, so as to facilitate the orderly development of the tourism sector, to facilitate BWIA to become a regional airline and to become a hub linking Trinidad and Tobago with the rest of the world.

The Minister of Tourism has been promising for a long time to bring this particular Tourism Development (Amdt.) Bill, 2004 and today we have it before this Senate. But, Madam President, in one breath we have the Minister saying that they want to ensure that people receive the benefits and the incentives to extend and develop the tourism sector, to grow it, but in the same breath the Government takes a decision to close down BWIA and LIAT. It just does not compute. *[Interruption]* That is the principle, deny it then. Because what they did was promise money to BWIA to bail it out once again, promise money to LIAT to bail it out once again and then pull it back, thus ensuring that BWIA and LIAT would then be closed down.

We are saying that you cannot be serious about growing the tourism sector and closing down BWIA and LIAT at the same time. What is even worse, they are patterning the closing down of BWIA and LIAT similarly to NBN. In that they are promising a better entity, a larger entity and in fact, information received by the United National Congress has led us to conclude that they have even asked certain people to head that board that will now oversee the improvement or the establishment of a new airline.

I want to tell you that the establishment of a regional airline is not inconsistent with the policy of the United National Congress, it is not inconsistent. But the dismantling of BWIA must be of serious concern to us on this side and the rest of

Tourism Development (Amd't) Bill
[SEN. BAKSH]

Tuesday, March 01, 2005

Trinidad and Tobago. BWIA, over its 60 years of existence—in different forms—has developed grand loyalty and the tourism sector is an important area that it serves. The link between BWIA and the tourism sector is simply that you cannot expect the same number of tourist arrivals, especially when it caters for nationals returning home from abroad—and that figure that the hon. Minister quoted from, he could easily identify the number of nationals returning home from the United States, Canada, England and Miami.

Madam President the Minister must tell us whether the Government intends also, in order to boost tourism, that they plan at the same time closing down BWIA and LIAT wanting to take over the operations of Tobago Express and the air bridge. The link between transportation and tourism is an important link and we on this side want to have those answers. Whereas we understand the incentives for hoteliers, tour operators and some areas of the transportation sector, the area with possibly the most proven potential for the creation of sustainable jobs and careers in hospitality and tourism, which has certainly become the first choice for a number of our young people, continued to be the yachting sector.

The yachting sector is a sector that came into being in Trinidad and Tobago and for years it struggled with yacht arrivals averaging about 400 and yacht days in 1990 were estimated at 4,000 yacht days. That was an area that we singled out because we would all agree, in 1995 the figure improved to about 75,000 yacht days and by 2000 the figure had risen to approximately 345,000 yacht days, a massive increase compared to 1990 of 8,500 per cent. The investment in that sector amounted to about \$160 million at that time.

5:45 p.m.

Madam President, the gross inflows of hard currency for Trinidad and Tobago from visiting yachts amounted to some \$140 million per annum. Those statistics came about because of a study done for the improvement of the facilities at Chaguaramas. The Minister would be well aware of those figures.

Madam President, we understand and I am sure that the Minister will take note of the kind of funds that people spend in maintaining yachts. One of the important ingredients missing from this improvement is the additional incentives for improving Chaguaramas. Chaguaramas is possibly the only area in Trinidad and Tobago with the potential, in a shorter possible time, to become a first world area within this country. That is an area that we want to recommend for expansion; that is an area we want to recommend for continued investment; that is an area we want to recommend that the Minister and the Ministry of Tourism pay special attention to in terms of incentives.

Madam President, the Minister spoke about the high occupancy at hotels in Trinidad especially, and I have no doubt that after Carnival the continued buoyancy in the occupancy could well be, with the new thriving area of tourism in terms of consultancy tourism. The Government continued to ensure that we invite consultants from all over the world and by-pass our local consultants who do not need to be housed at Hilton or other hotels. Maybe that is an area selected for special growth, consultancy tourism; and I do not want to recommend that, but furthermore, I do not want the Government to consider incentives for consultancy tourism, but to note that we could save a lot of funds by utilizing—[*Crosstalk*]

Sen. Mark: You are listening to MORI?

Sen. S. Baksh: Yes, MORI and Prof. Walters, it is a private—

If the government has an interest in looking at a new sector, maybe retirement tourism might be a recommended area to look at. We would need to improve our health facilities and other areas, but it is important to earmark what you want.

Madam President, we again do not see a coherent plan from the Minister of Tourism. I would like to know whether the Minister and the Government have a plan as to the number of rooms desirable for Tobago as a destination; or whether it is a free-for-all, giving the incentives, creating any number of rooms to allow more and more people to come in, and then killing the goose that lays the golden egg? Is that the situation, or is it they are following a plan: whether it is the master plan of 1995 or whether they have upgraded that plan; whether it is desirable to have 5,000, 6,000 or 7,000 rooms; and how to guard against the over-utilization and exploitation of the natural resources of Tobago, and to keep them in a pristine state so that we would be able to continuously re-attract people to come to Tobago and allow it to be a preferred destination?

Madam President, I expected the Minister to tell us which segment of the market they will be targeting for development in Tobago. Will it be backpackers or tourists for the \$1,000 per night rooms? Which area would we be developing?

Madam President, border protection. We need to ensure that we have smart borders, because as we open our borders for tourism, and we encourage more and more people to come, we need to facilitate a faster time to process visitors coming and leaving Trinidad and Tobago. We also need to ensure that the regulations covering both immigration and customs are unified and followed in the same way at all ports of entries and exits. We continue to have problems, visitors coming to

Tourism Development (Amd't) Bill
[SEN. BAKSH]

Tuesday, March 01, 2005

Trinidad and Tobago continue to have problems in terms of facilitating entry and departure, whether by customs or immigration. Your first impression is your last opportunity to make a lasting impression on a new visitor to any country. So, it cannot be only incentives in terms of the development of the plant and equipment, but the training to ensure that we facilitate the easier entry and departure of passengers.

Madam President, in the yachting sector we do not have the facilities to facilitate cruise coming on board and cruise being discharged from yachts at the ports of entry; whether it is at Chaguaramas or at the other ports designated as harbours in Trinidad and Tobago. I am glad that today I saw on the agenda the Pilotage (Amdt.) Bill, that will go further in facilitating the entry of the assistance to the yachting sector.

Sen. Mark: It is the one that they voted against to overthrow the government.

Sen. S. Baksh: That will be interesting at this time, but it is to facilitate easier entry and departure into Trinidad and Tobago; this is an important aspect of developing the tourism sector.

Sen. Mark: They went up with Ramesh Maharaj, to overthrow the UNC with that same Bill in 2001. They come back with it now. Bunch of hypocrites!

Sen. S. Baksh: Madam President, we find it difficult to really recognize in all that is taking place, the Government's real plan for the tourism sector; whether it is selected only *en passant*, or is it because they intend to look at tourism as an area for growth and opportunity, for progress and prosperity, and allowing the industry to become the best that it can be.

Thank you very much. [*Desk thumping*]

Sen. Brother Noble Khan: Madam President, thank you for allowing me these few moments to share my thoughts on a subject that is extremely interesting. What strikes me is that we are thinking in terms of the hotels, et cetera, and my mind runs to a concept of "Musafir Khana"—that is the place where the travellers stop, and also to the "Inn", that when someone came there, he happened to be without. So, we see, initially, the question of facilities being one, that is to my mind, indispensable even from the ancient times to today. It is generally felt that we are on the road towards bringing our economy in line with what has been termed the "best" in the world and, obviously, facilities for visitors will definitely be high in our priority.

What is before us has brought back to mind some early concepts of models of economic development, and one could think in terms of some of the older conceptualizers before such as Rostow; Dudley Seers; Demas; Arthur Lewis; and even our own revered Dr. Williams. We may even fast-forward to Prof. Senn, and men of the present age. The Minister indicated to us to some extent that—this is how I understand it, I may be wrong—what he is trying to do is to correct something in the law that to my humble mind would again create a great amount of hemorrhaging. It is ironic, though, that this has appeared at a time when there might be a “surfeit” of what is being sought to be hemorrhaging. One wonders if we did not have this in our time, this matter that is before us, would it have appeared. This to my mind is very important.

Besides, being the model that is followed it seems to be antiquated and out of time; not in keeping with our time; and it brings to memory the question of invitation; development; you come, you do your thing, you leave, and at the end of it, what do we hold? We are a good example of that today, in that perhaps, throughout the Caribbean islands, we have not really moved away for the monoculture as far as the economic development is concerned. So, here we are, trying to pursue a path that has over a period of time—and, we have had that experience to show that it really did not move us and now, going back into that model to create a release of funding, which obviously—and we have to take it that the framers and the passers of that law, the Houses of Parliament of the time, had seen it fit to do so. But, that being what it is, I find it very difficult to go into that mode.

So many of us, if we were to think in terms of priority or fairness and justice, what about the money that was owed to me as a worker and because of the paucity of funding at that time, I was short paid, I was not given what was due to me, even by agreement; would you go back to rectify that? Obviously, that is not before us, but it has occurred in our minds. So, there is a preference here, of trying to adjust something which is perceived, in some people's minds as being “fair” but it is highly skewed or biased away from those who are in most need of it to those who obviously are in a better position economically. So to follow a path, if we were to go through with this, this method of looking to adjust something that was at the time not as the law had perceived as being desirable, this will lead to the question of where priority lies, in-so-far as development of tourism.

I would touch a little on that, because we are under an amendment to the Tourism Development Act. What about Maracas Bay? There was a building being constructed, which I remembered as a young man. We would go up to Maracas

Tourism Development (Amd't) Bill
[SEN. BRO. KHAN]

Tuesday, March 01, 2005

Bay; we would go and swim; in those days we had no surf boards, but there was a flat board we would use to surf in the night. That building remains as a terrible eyesore for generations. I am speaking about the facility which is on the beach; perhaps, we may hear something more about that. We have heard investment in hotels at Tyrico Bay. What about that? Las Cuevas—the caves; when are we to come out of those caves? Then, as we go further up the North Coast, we see many of the bays that are there, that were accessible to people are increasingly being blocked off or entry denied.

It reminds one of what had taken place on the north coast of Jamaica—in the Montego Bay area. I do remember the former—they have all gone to the great beyond. Mr. Michael Manley, he had taken the initiative to ensure that there were little spaces where people could go and enjoy the natural beauty and facilities that were there. Are we heading towards that? “Rincon”, I am sure our experts in that language would remember it is a corner—meaning far away. The waterfalls and we are speaking about the same Las Cuevas area, what about these areas as far as development is concerned? I will come down to our own west coast along here. One could remember Point Cumana, immortalized in calypso, Amow’s Bay; L’Anse Mitan; Dheines Bay and Gibbs Bay. These were places that ensured that our people, the ordinary man—I, myself, would have cycled down the hill and gone there where we would do quite a bit of swimming and water polo and so forth. All that you see there now are big heaps of material, and the people being denied access to the bays and the facilities that should be there.

Of course, we would hear what is taking place lower down in Chaguaramas; all well and good. We also see backfills taking place in areas that were definitely reserved for sea bathing and for people to have access as far as local tourism is concerned. I do not know if we could have some kind of explanation of what is taking place in these areas. We heard the expression of what has been referred to here as the “Integrated Resort Development”. How I am internalizing that, is it an exclusive zone with a big gate? This is taking place already, and who is to go in there.

Now all of this thing that this law is geared for, is to shift benefits; benefits that really belong to the people, the common man; from our Treasury, the Consolidated Fund that is naturally due there for the development of whatsoever; and to move it or canalize it into certain areas that are again for special people and special projects. Now, if they were to do that on their own, and develop these exclusive areas, I guess I would have no problem with that. But, when you think in terms of coming back to draw out resources, just because we have some that

are flowing now—that is the way I see it, and I might also be expressing the views of quite a few people, that this is taking place—who is benefiting? I think this question has been raised here already, and to what extent and why? One would think in terms—I know we just heard about “cattle boil” a good expression. It is good to spice what we are saying, but one wonders if this is a question of lagniappe. [*Laughter*] That could possibly lead to—I would not like to use the patois phrase, it might get me into some trouble in these areas. But, these are questions that occupy my mind when we think in terms of this.

I know it is widely held that in the area of culture, the area of creative arts is one of the biggest areas as far as investment is concerned. I think the one that eclipses it is the war machinery. The mechanics that are put in place and the economies that are fired through killing people, that might be number one; after that, comes the question of culture and entertainment. One could possibly place the question of hotels and tourism within this, as a subset, but, one wonders what is taking place in other areas of the culture. What is the link that we see taking place?

Now, we have heard that quite a number of the hotels are filled at the moment—90 per cent. These are astounding figures, it goes way above what the Minister has said to be the break-even point, which might be around 40 or 50 per cent. Look at the big variance that takes place between the break-even to where he claims it is at the moment. Who reaps and who benefits? Some might say these are super profits which they are now reaping. Which is obvious if one were to adjust those figures, one could say you draw off of that because of what you did not get there. Why now, you must take there and get here too? At whose expense? Now, this might be a bit difficult counting, but, when you throw a pair of dice on the ground, and you see what comes out, there may be bars, and the \$100 that might be there, it might have 10 or 12 people around there, you know, counting into it. So, these are important aspects that we could think in terms of.

I would like to touch on, even in the area of culture, the question of the arts. How far are these hotels involved in that? How far have they ploughed back? I know some encouragement has been given by the Minister of Finance—thank you, Minister of Finance—in your last budget where you had given some ease, as far as taxes are concerned, on the question of if you support the arts. One wonders how far these institutions such as the hotels, et cetera, are involved in this. From the position where I sit, I am unaware that any great support or sponsorship has been given by some of these hotels or any at all. It seems to be a strong point that they have taken—that no, not in this area. I would like to have some proof that I

Tourism Development (Amd't) Bill
[SEN. BRO. KHAN]

Tuesday, March 01, 2005

am wrong, but this is the present. They are not ploughing back into this area, which the basis of their very existence is supposed to be; it should be a self-sustaining thing into other areas.

We have heard about the culinary arts, what about the music arts? They are not really supported in this area. All the pan music, all the calypsoes; you may have some appearances at some of the hotel shows; but, we are talking about general support for it. One does not get the feeling of that taking place. I recently saw here, one of the foremost places for arts, it is in a sorry state. I am speaking about Queen's Hall. But, luckily, I see sometime later this month, we will be having *Porgy and Bess*. It is a beautiful show, even when my children were growing up I would sing some songs from *Porgy and Bess* to put them to sleep. That is, by the way, to highlight the question of how far we are integrated in our tourism effort in our local shows. I know at the moment we have "*The Dragon Can't Dance*" that is being serialized on the papers. I do remember it! We have great authors in our country, who have made contributions towards these arts. How far are we using beyond "*The Dragon Can't Dance*" into this scenario?

Only recently, I was having a look again at *Black Midas* by Jan Carew, that is the book I am looking at, at the moment, just running over it, and this morning I was looking at *Great West Indians*, how many of them have we seen that some new books are coming up, up-dating insofar as the arts are concerned. How much support are we getting from Tidco in these areas? I am just suggesting these are some areas where we can go.

One of our colleagues has mentioned the question of transport. We hear about the Condor, Air Express; one wonders if we have German airlines, if the "Luffwaffe" is around us. We heard that they are coming and obviously investing in a good place as far as land is concerned, and I strongly support what our colleague Sen. Prof. Ramchand has said in respect of the ownership of the land and watching very closely how we deal with that.

I would like to touch on the smelter plant that we have been hearing so much about in the Icacos area. How far are we going in the area of ensuring about our environment? I have my doubts about that, because my mind goes back to the question of the Iscott experience. The central government ran it. We could not make—to use the local balance. We brought in investors; they changed it from Iscott to Ispat. They are now in the process of renaming it "Mital." One wonders if we have gone into metal, then we would go into aluminium. The whole question about the aluminium, if my memory serves me for more than 30 years

back, is the amount of electricity that they wanted from the technological point of preparing from alumina into aluminium, and for whom?

There is the big question, we are making methanol; who is benefiting from it? We are hearing downstream industry, not from the last century gone, but, the one before that, we have been bringing oil from out the ground, and what have we done with that oil so far; the experience of that? Precious little insofar as what has been referred to as the vertical and the horizontal integration. Let, me share a thought where the smelter is concerned, because I know before us is the Caribbean area. We have been sold on the Caribbean area, and even as a young person, my own vision—and quite a number of us were of that view—that the generation for the electricity could have taken place in Guyana. The power raised; open up new lands; surplus population from the Caribbean area can go there; thinking as a Caribbean people, and that electricity power would go straight up the islands. Even then as now we are still scared of the Venezuelan connection, because they have one on the Orinoco, a power plant, where we could buy the electricity from too. There you would have had the question of dealing with the smelter, with cheap electricity so to speak; even as we are doing now with Iscott. That is the major point that we have now with Iscott, that we could supply electricity, and therefore fire the machines. One wonders if this is just another way of burning up—sometimes you say you spend money like if it is burning our hands; well this could be looked at in another way, burning up what we have, by burning out the gas.

But, ironic enough, the question of Tobago will come in. I remember, some years ago, one of the sources of the gas was to the north of Tobago, and one wonders the extent to which that gas is feeding into the matrix of Tobago's economy, and the benefit that should be truly derived in that land.

The question now—[*Interruption*] of how to deal with this, what is before us; I have no doubt about the hotels; we have to definitely go that way. But, the model that we are following is definitely not geared to one that is more desirable, so that more benefits could come to our country. I am very skeptical and it is very difficult for me to support the backward payments for funds which the Minister has made out that are due to people, which obviously, is not contained in the law. One gets the feeling that, “all is not well in the state of Denmark”, insofar as that is concerned.

Madam President, these are some of the thoughts that I share, and in summary, I would like to think that we would have a second look at that aspect,

Tourism Development (Amd't) Bill
[SEN. BRO. KHAN]

Tuesday, March 01, 2005

the backward payment and even at the whole concept, because if we are thinking in terms of tourism as an integral part of our economy and it is to take a big area as far as the GDP is concerned, I do not think sufficient has been given to us, to give us a true picture of the total integration of what is before us. One gets the impression that this is a little plaster that is over a sore foot. I do not think that is the way that will win me to give us the support of what is before us, without those obviously changed.

Thank you and may God be with us. [*Desk thumping*]

Sen. Mary King: Thank you, Madam President. It is hard to follow Sen. Bro. Khan, he has covered so many of the areas that we are all looking at—the amendment to the Tourism Development Act. Certainly, tourism has to be developed as a supplementary platform to hydrocarbons. I had wanted to hear and wished that the Minister had started by giving us an overview of the Vision 2020 statement for Tourism, which probably could have guided us somewhat to some of the amendments being made in the Bill. But, that would probably come at a later date. I think these committees are keeping us a long time on these Vision 2020 statements, and we really need to see the link between Bills which are coming to Parliament.

I think one other area that we need to see, has been mentioned today already, we need the Government to bring back the Development of Land Bill, so that we could see the vision for agriculture. Are we linking agriculture and biotechnology? Are we linking agriculture and tourism? School feeding and food processing for export; all of these things are very important for the earning of foreign exchange, and for the creation of substantial jobs in the country.

I think another platform mentioned by Sen. Prof. Ramchand is the IT sector, where I know we have a fast-forward programme, but we are not really getting enough information on where we are going with information technology, with telecoms and with bio-engineering, as there are obvious links of development in all of those areas with the offshore sector, which is really not providing enough input to new jobs. So, those are things that I would like to see coming before us very soon.

However, I must compliment the Minister on his work thus far in the tourism industry. He has given us figures [*Desk thumping*] which are very commendable; we have had arrivals actually increased by 12½ per cent over a year. I presume that that growth will continue. Available rooms have doubled since 1997, which means that we have actually grown at a rate of 10 per cent per annum, which is

also very excellent, Madam President. He has also told us that between vacationing tourists and business conventional tourists, we have over 53 per cent in that area. So, obviously that is an area of focus which, with proper strategy, we could develop a lot more in those particular areas.

If you look at 2001 to 2004, you have actually had a 30 per cent growth in rooms' availability, which really and truly is fantastic growth.

6.15 p.m.

Madam President, I have a couple of little problems with the Bill. I have a problem with amending the capital allowance. It states that it means income tax relief under the Act, with respect to items of approved expenditure that are not items of depreciable equipment. I would like the Minister to spell out for me what those are; I am finding it a little difficult to actually visualize those kinds of expenditures with which we are giving some tax allowances. Under normal conditions, we have buildings, furniture, equipment and fixtures that are all allowable expenses; I am trying to fill the gap that I cannot fill from this definition.

I need some clarification on clause 5, the amendment to section 4 of the Act. Concerning cars and vehicles, under the 2000 Act, the importer actually paid 10 per cent tax on the motor vehicle tax and he also paid value added tax. Are we now exempting the payment of all taxes or will the importer still pay VAT on those, because we have only said a reduction on motor vehicle tax? The question I must ask is, if we are giving both taxes as being tax deductible, what loss would that be to the Government for its revenue? There is also a stipulation under section 4(a) that it would be ensured that these vehicles are used according to Schedule 7. I do not know how we could police that stipulation, so I wonder if the Minister could explain to us how we actually go about doing that, so that we know that it is something beneficial to us.

Madam President, clause 4, proposed amendment to section 3 of the Act, the accelerated depreciation of depreciable equipment—it is not stated and we need to know. Are we putting constraints on the rate of depreciation or are we allowing, perhaps, that the depreciation can be done in one or two years? If we are doing this, then we are actually allowing the investor to have super profits in the first couple of years. With all these taxes and exemptions we are giving, I wonder whether we really are serious about the accelerated depreciation and if so, what is the constraint?

Tourism Development (Amd't) Bill
[SEN. KING]

Tuesday, March 01, 2005

I also see that the Minister of Finance has been given the power, by amending section 38 of the Act, to retroactively exempt from income tax or corporation tax, the interest received on a loan made in respect of an approved tourism project. In section 35 of the Act, approved capital expenditure was made on an approved project or an altered existing project and a tax exemption period has been granted on any gains or profits. I think we are, really, going overboard on exempting from tax for particular periods and I do not see any constraints on the periods that the Minister can actually approve this exemption. I am wondering if it should be the Minister of Tourism or the Minister of Finance that should be awarding or approving these exemptions.

From what is before us, we have actually now brought tourism into the export processing zone complex where almost everything is tax free and very little benefits, except for, perhaps, the creation of jobs to the country. So I have a great concern with that. I want the Minister to spell out for me the rate of accelerated depreciation. The approved period for tax exemptions should be ascertained by the Minister of Finance.

If we go on to section 38, we are actually relieving the financial institutions from the tax paid on interest. I think the financial institutions, if we look at their profitability and their reports every year, they have exorbitant profits. If we just look at one aspect of what we do, as far as allowing or encouraging the financial institutions to make these super profits—[*Interruption*]

PROCEDURAL MOTION

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that this Senate continue to sit until the completion of this matter.

Question put and agreed to.

TOURISM DEVELOPMENT (AMDT.) BILL

Sen. M. King: Madam President, as soon as we reduce the reserve requirement at the Central Bank, whether it is 2 per cent or 10 per cent, we also float a bond and take back the money from the banks and then we give them interest for that money when, really and truly, that money should be used by the Central Bank for development. I have a great problem with the amount of taxes and incentives that are being given to financial institutions. I am wondering if we use this as a negotiating tool when we go to the banks to ask them, let us say, to invest or finance government programmes for housing, for the development sector, the health or education sectors or for agriculture. I would like the Minister or the Minister of Finance to tell me, what are we getting, quid pro quo; what are

we getting for the actual incentives, the profitability they were handing to financial institutions? I have great concerns about this. My proposal would be that we delete that section where it pertains to the tax on interest.

Madam President, as I go quickly through, I have only a few problems with the Bill. Section 41(a) says that both owners and operators may apply for benefits. Is the Bill to encourage investment and development for tourism? Really and truly, I would like to know what are the actual benefits that the operators would be claiming for rather than the investor. I can see the incentives for investment, but I do not understand the incentives for the operators.

One more point, Madam President. I would like to have an explanation as to why we are deleting the entire row in Schedule 9 which allows for charter boats to have minimum capital expenditure. The Minister is not here.

Hon. Senators: The Minister is here.

Sen. M. King: The Minister is here. I have a concern with this deletion. Are we going to allow vessels which are of very low value which have no safety regulations and health controls? What is the rationale for actually deleting that row from the Schedule? One thing we do not want is to have chartered boats out there which have no value and which can cause loss of life; we, really, do not want to go there at all. In the same Schedule we are removing the column for local investors. Have we now disallowed local investors to benefit from this Tourism Development (Amdt.) Bill or are we having a minimum expense for all? I would recommend, therefore, if we are having the minimum expense for all investors, that the heading be changed to "all investors", because we cannot cut out local investors. If we do that, we should leave it as it is or we must change the heading of column 2 to "all investors".

One little item I see missing from the Bill, Mr. Minister, is that I have not heard too much, even in the original Act, the talk that we have talked for many years now on Eco-tourism. There is not too much comment on it at all these days, from any of the Government ministers and yet we have so much to offer tourists with the flora and fauna and, as Sen. Bro. Khan said, the caves which I always thought we have undervalued. We should be doing something to push the caves that we do have in Trinidad and Tobago. If you go to other countries, you see these little things and they make big deals about them.

New Year's Eve we were at Uluru in Australia watching the sunset and it is just a big red rock. You go out to watch the sunset. The rock changes colour every few minutes and it is absolutely stunning, but we have things also very stunning

Tourism Development (Amd't) Bill
[SEN. KING]

Tuesday, March 01, 2005

in Trinidad and Tobago and we do not do the pushing that we should, besides our rain forest and everything else.

I look forward to the Minister's telling us what he is doing about Vision 2020 and answering the few questions I had. Thank you.

The Minister of Local Government (Sen. The Hon. Rennie Dumas):
Madam President, it is with a great sense of pleasure that I rise to support the proposals in the Bill, as raised by the Minister. I take the opportunity to focus on the very clear perspective that there is a problem that this Bill seeks to assist. Just to remind the Senate, that the Minister was clear that there were certain intentions from a previous time carried forward into this time, but by people who were not able to carry them forward very well. Therefore, we are to see whether it serves a useful function to continue those thoughts and to, actually, place them in the legislation in the way they should have been.

Today gives another explanation as to why it is seen as being very difficult to walk the road of government. When I heard one Professor say that we should change nothing, almost, and then I heard another person say that we need to give more and more and more incentives to make this programme of tourism workable, I think the last speaker gave me heart that, at least, there is a middle road that says there is a programme for tourism development that we can craft for ourselves that takes into account the unique features of our existence, but yet which bears a relationship to both the market we must sell to and the market from which we must seek to get some of our investment. If I take that perspective, then it becomes possible to put this in a context which says that there are places in Trinidad and Tobago in which the tourism activity can realistically be placed, in the context of development, whether we are talking about economic, social or cultural development or otherwise.

I will not allow the first opportunity I have to speak, since after the Tobago House of Assembly elections to now, not to take the opportunity to tell a good friend of mine that it was no fluke, that it was the result of serious work and a serious development programme. A lot of it was driven by a serious tourism development programme, Sen. Mark, which allowed the PNM to return 11 seats to one. Certainly, it was a measure of truth, realism and achievement and delivery on our relationship with the people and a collaborative effort by all the people of Tobago.

I was reading the contribution of the present PNM Member for Tobago East when this Bill was being discussed in 2000. I was reading, just at the same time, that another Senator said, that we could not create confusion by having too many

institutions and that there is no difference between Blanchisseuse and Tobago. I understood again why the other administration that proceeded this one, lost Tobago that they had held so tightly. I even remember well the discussion about tourism and how it was managed in this country, that led to the start of the break-up of the relationship of that coalition. I take this opportunity to place the development of Tobago within the full understanding that tourism plays a role in the development of Tobago, that very closely resembles the role that energy plays in the development of Trinidad and Tobago and, if we were to make a distinction, certainly in Trinidad as an economy.

The reason I went to the contribution then was because I thought it useful to remember that when we say 1963 and tourism development, of course, we are talking about the PNM administration. When we talk about the Tourism Development Plan and the award of the consultancy that led to the development of the master plan, that, again, was a PNM administration's initiative. I could understand the confusion that one Senator referred to when he said that he saw no reference to the Tourism Master Plan in the present discussions of the Government. Well, certainly, if you had a master plan recommended to you in 1985 or thereabouts, and you come now to 2004, certainly, the 20-year usefulness of that plan is now seriously in question.

I assure the Senator, that contrary to the situation which the PNM found when we went into the THA or when we went into national Government, there was, in fact, an abandonment of the tourism project in Trinidad and Tobago. Although there was a so-called dedicated minister, the Tourism Development Project for Trinidad and Tobago was in abandonment. Airlift to Trinidad and Tobago was on the decline. The rate of the creation of new accommodation was negative. The support capacity of the public utilities was negative. The reference to the ecosystems that support tourism was nowhere in evidence. In fact, when we came into these places that we are suggesting now should be linked to our tourism development, like Chaguanas and so on, they were in abandonment. The project had been abandoned.

The reason it took them so long to understand that this thing could not work was because it was not working. The single project that the UNC was able to put on the table, was one that was driven external to the government in which the government played a facilitatory role and when they put it into Tobago there was not even one single individual from Tobago as a decision-maker on that project, that was the Tobago Hilton. I suggest to you that if we examine the project today, it is marred by certain characteristics that are easily measured, that any interested

Tourism Development (Amd't) Bill
[SEN. THE HON. R. DUMAS]

Tuesday, March 01, 2005

or disinterested observer can conclude that there has been a successful transformation of the Tourism Development Programme and that this has been an engine for a successful transformation of the economy of Tobago and the selfhood and purpose that Tobago now has.

We find ourselves in a situation in which the investment in Tobago, from all slices that you can make—whether it is the international investor who is interested or you are talking about the individual down the road who has one two-bedroom and is adding on another one; you are speaking about the individual who feels that he has a chance to become a person who is giving a valuable service in an industry that is growing, in which the incomes are growing; and in which the reliability of the flow of clients to the system are also growing and, therefore, can hope to make a meaningful career out of that and so are expending family income on higher end training in the system all are signs of a growing economy and a growing confidence in the people, in that economy and their ability to manage that project.

A sizable portion of the Tobago population does not see tourism as just menial service without regard for the culture, without regard for the sense of self, without regard for an opportunity to create for their family and the various communities a real chance in transactions with the rest of the world. Those transactions that Tobago is crafting through the national programme of development, is a set of transactions that gives us a system of financing, a system of economy and a system of social relations of which we are very proud. Let us look at what is the reality.

The reality is that in Trinidad and Tobago we have to get into a system of diversification from all the things that we have done. That diversification must come alongside the development we have in energy and not away from it; alongside what is happening wherever else and that every single region within Trinidad and Tobago can be considered a regional economy which has to find a driver. I heard Sen. Bro. Khan saying that there are drivers equally critical in other areas in Trinidad, as we have done in Tobago. Certainly, I will want to lift my voice to encourage every area that can create any relationship with the national community that is family, regional and community based, should be done.

There is no other industry that gives you such a chance as tourism. That is why, in fact, tourism is the fastest growing set of opportunities in the world. It is the largest and fastest growing industry. I could not help but remember and wonder whether we understand the measure of training, the connection to the

international economy, the connection to the information highway and the technology of today's world that makes tourism so real. Because tourism is about people, every single impulse and driver of the human experience is tied up in tourism and requires our training. I could assure you—and do not take it from me, you could check and see—that it requires all the best sensibilities of a person fully cognizant of his human experience, to be a useful person and participant in that industry.

We are suggesting that tourism is another investment option and that in its development it will have certain revenue impact in terms of financing of the tourism and encouragement of financing. The Government is quite conscious of that. The Government is quite clear that investment in another industry will cost us some of what has to be able to bear the cost of carrying the rest of the economy of the nation, but, certainly, the time to do it must be now; the time to provide that opportunity has to be today.

The Bill, to me, demonstrates that there is a conscious effort at development of the tourism industry, but more than that there is a conscious effort at allowing participation in this economy by all the sections of the economy. It is not just a Bill that deals with assuring the income of the capital owner; it is also about ensuring the income of workers in their community. I am stressing the argument about “in their community”, because we have to remember that tourism occurs in the community, reducing the drive and pull of taking people out of communities, migrating to other areas, leading to a drift to urban areas that depletes the rural communities of their best talent. This is one industry that allows the flow in a different direction.

The institutional framework that we are seeking to facilitate with the investment opportunities here, is very clear. The biggest confession I got today, is the one that said, “we are not hearing”. In a real sense, the Members of the Opposition were, in fact, saying that they had abandoned the project; they stopped listening. You were not hearing all the statements, all the promotions that talked about the Cabinet committee that was party to the development of that Tourism Committee in Tobago. That was there and was being promoted for three years. Every achievement of that committee was published. In fact, some people said that we were publishing too much and that we were advertising the tourism programme too much. That committee was the start of the institutional framework for the change in Tobago, but a strong driver was the tourism Tobago division.

The physical infrastructure that was put in, and is still being put in, in support of the investment which we hope to attract and which we have been attracting in

Tourism Development (Amd't) Bill
[SEN. THE HON. R. DUMAS]

Tuesday, March 01, 2005

the airport and port development in Tobago, is decided and known. We have had enough questions and comments already in the Senate on that matter, so I know that we know. The transport infrastructure being put in, in terms of the air bridge—and Sen. Baksh is right, transport and tourism are tied very closely together, but the local sea bridge and air bridge are functional parts of the tourism experience in Tobago.

In 1964, when the first tourism policy was being developed, Tobago made it clear since then—and the papers are available for those who would like to look at them—that tourism development is not catering for the visitor, that Tobago wants to build a tourism plant, a tourism destination, that while it offers the best to the visitors, ensures that same best is shared with the members of the community. But as you strive for putting down a world-class set of facilities, from the port throughout the island, through every village and community and to give the best in the cultural, physical and social experience, as you tend to share what is the best in your nation, you also have the best available to you.

You are right, Senator. I did not know that I would ever see the day when I would hear Sen. Baksh say that he is buying into the Vision 2020 and building the world-class Trinidad and Tobago. I was quite happy to hear him say that Chaguaramas is one such place that we can work with through tourism; therefore, I know that we understand the thing, but sometimes we miss it. [*Laughter*] Sometimes you cannot avoid the truth. If we take the same experience to which Tobago came to in 1964, when some of us suggested that we hold on to the idea that it was about service and, therefore, servitude, if you take that idea and work with it and apply it to Chaguanas and some other places in Trinidad and Tobago, then, possibly, what we are trying to do today can fit into the wider mosaic of development.

Madam President, today I also had the good experience of hearing everyone say that the one time, at least for this one, the intent of the Government was one they could buy into. The questions seem to be: How far; how much and in what direction? What impact and restraints would it have and what confidence can we have in keeping hold on all of it? Of course, as a Member of the Government, I am sure that having looked at what we did with the programme of development laid down in Tobago, a \$305 million commitment on the tourism plan, our activities, whether health or the environment—

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

When we came to this Senate with the concept that the carrying capacity of both Trinidad and Tobago, in relationship to the ecosystems we inhabit, is, in fact,

our most critical factor that we must consider in how we manage our national development, there were so many people scoffing at us. Again, today, I am happy to hear people acknowledge that the carrying capacity of the island—and it is applied to tourism—is a critical factor. But the good husbandry that we have exercised on that ecosystem is so evident, that we could say last year or year before last year, the awards that Tobago has won for husbandry of the island, in terms of giving people access to the island, is a clear assurance.

We can assure the Senator who was concerned about not hearing about ecotourism, maybe we do not need to hear about it, because the whole development programme is based on ecosystem. We very well understand that in Tobago, because the drive that was carrying it there and in the Government and party, has a full analysis and understanding of the carrying capacity of Trinidad and Tobago. We know that we cannot stack people like some feed lot; just stack people, bring them and feed them, put them to sleep. What do you do with the waste? What do we do with the impact and the negatives and the turn-off that comes from things like that?

We suggest to you that all the investment, by whatever size of person, must occur in tandem with the development that the Government is seeking, the major infrastructural pieces: the transport pieces, the airlift that is coming and the institutional development. As I was just saying to my goodly Senator friend, the confidence has been expressed by the people of Tobago, that all ends of the system are being taken care of. We want to suggest that even with the new buildings, the new projects, we will be taking care of that and looking carefully at the environmental impact; looking carefully at the eco-environmental impact; looking carefully at the social impact; looking at all this as a system of interlocking pieces and we are going to develop it.

That is going to happen in spite of the attempt to suggest that this country is deteriorating as a place it cannot go. This country has, in fact, been attracting more people, whether it is because the people who want to make the crime a scary thing suggest that it is not similar to what is going on in other fast-growing economies in the world. There was a statement about seeing no correlation between crime and tourism development and then I heard another person say that—let me leave that alone. [*Laughter*] Let me stay out of that.

The Government is seeking to grapple with all the problems of development. The Tourism Development Programme is part of the National Development Programme and is a valid element of making this country a First World country.

Tourism Development (Amd't) Bill
[SEN. THE HON. R. DUMAS]

Tuesday, March 01, 2005

The Tobago experience is a symbolification, in my view, that all of it can come together for good and the political correctness of it is recognized by the community. Just as the Tobago community has recognized it, the national community will also recognize that the First World drive, the drive to make this a developed country, will continue and can be successful.

I thank you, Mr. Vice-President.

Sen. Wade Mark: Mr. Vice-President, I rise to make my contribution on the Tourism Development (Amdt.) Bill, 2004. This Bill, according to the Explanatory Note, seeks to amend the Tourism Development Act of 2000 and to strengthen the legislative framework, as it relates to the granting of incentives to investors in the tourism industry, to add to those incentives and to rectify certain errors.

Mr. Vice-President, the first question I always ask myself and we always focus on, when bills come before this honourable Senate, is essentially: In whose interest, who will benefit, ultimately, from these measures that we are being asked to approve today? Would it be the working people, the working class; the ordinary people of our country or is it going to be a group of small investors, to whom we are being asked to provide additional incentives? I have asked and I have not yet received a response, but I am hoping, the night being still young, that the hon. Minister of Tourism will provide us with some answers. What is the estimated cost or value of this particular programme of incentives that the Minister is seeking our approval for this afternoon? Is it \$10 million, \$20 million, \$100 million? We do not know. I look forward to the hon. Minister of Tourism providing this honourable Senate with some answers to this particular question. Who will benefit from these measures?

We understand—and the hon. Minister can correct me if I am wrong—that scores of workers were dislocated and affected by these particular projects, as a result of a slowing down in the development process. Will these workers be reinstated? Will these workers benefit from the millions of dollars that are to be handed out or that investors would benefit from, including banks, as was pointed out earlier? Certainly, from the information that we have, the ordinary working man and woman are under tremendous stress and pressure in this country. The latest United Nations Development Programme (UNDP) report has revealed that close to 50 per cent of the population of this twin-island Republic lives on less than TT \$12 a day. So there is rampant poverty in this nation of ours, Trinidad and Tobago, and we are being asked today to give the rich more. We do not know how much more, but we are being told that we must give more incentives over a seven to eight year-period involving a number of developers in Trinidad as well as in Tobago.

Mr. Vice-President, I would like to link tourism to crime, to drugs. I want to look at tourism in the context of the rule of law and the subversion of the rule of law. In my contribution I will look at tourism in the context of infrastructural development and the environment and what are the economic linkages between tourism and the other sectoral activities in our economy and society. Of course, that has to be placed in a contextual framework, as it relates to sustainable development overall in our nation State of Trinidad and Tobago.

My colleague raised earlier, the link between transportation and tourism. Somebody must tell us here this afternoon, either the Minister of Finance, the Minister of Foreign Affairs or the Minister of Tourism, whether the Trinidad and Tobago Government has taken a decision to close down BWIA and to create a new airline called the Ralph and Patrick Regional Airline. We would like to know if that decision has been taken by the Government, to close down BWIA and LIAT as well. [*Interruption*]

Sen. D. Montano: Mr. Vice-President, I am happy to oblige him. No such decision has been taken, but if we were to, the name for a new airline might be “Wade's Airline”.

Sen. W. Mark: As I said, if the Minister, who is in charge of Legal Affairs and consumer matters, is saying to us that there is no such decision, that the Cabinet of Trinidad and Tobago has taken no such decision and has no intention of taking any such decision, we have it on the parliamentary record tonight, that there is no decision on the part of the Government to close down BWIA. [*Crosstalk*] We are happy to hear this, because there are 2,300 jobs involved and, as you know, it is a landmark institution, BWIA; like the National Broadcasting Network (NBN) was, until it was closed down by the hon. Minister of Public Administration and Information and his Government.

Sen. Dr. Saith: And will be again.

Sen. W. Mark: They do not create, they destroy; that is what the PNM is about. Mr. Vice-President, I would like the hon. Minister to provide us with some additional information. I want to deal with an article written in the *Daily Express* of Monday, February 28, 2005, entitled:

“Tourism’s new niche

Chin Lee: T&T targets business traveller”

I want to link this particular article to the upcoming 2007 World Cup Cricket tour. [Crosstalk] That is the year for general elections as well, so we have a lot of excitement in that period. The Minister made some very interesting observations:

“...business tourism ‘was a niche where we clearly have a competitive advantage’ over our Caribbean neighbours...

We now run the very real risk of having our tourism growth stifled if attention is not given to increasing fairly urgently the level of available hotel accommodation. Consequently, in both Trinidad and Tobago urgent focus has been given to the increase and/or upgrade of room stock.”

We have a big game coming up in 2007, the World Cup Cricket Series. You know we have been given the very envious title of the “brown bag country”; we actually pulled the brown bag. Mr. Vice-President, we would like the Minister to tell us in his winding up, as we deal with tourism—this is a very important development for the tourism industry, because you have people coming from all over the world to witness and participate in this World Cup Cricket Series that will be staged, for the first time, in our part of the world—how many rooms will be required to accommodate the influx of tourists during that particular period. What steps are being taken by the Minister of Tourism to ensure that we have adequate accommodation to deal with those tourists who are going to be here? Are we going to transform the mv *Sonia* and *The CAT* into sailing or floating hotels? We do not know, so we would like the Minister to let us know.

I need some clarification, Mr. Vice-President, but I understand that it will cost you, and ordinary citizens of this country, close to \$1,500 to attend a game at the Oval. That is not for citizens of this country. I want the Minister of Tourism to look into that question, because to attend a cricket game during the World Cup finals that will take place in Trinidad and Tobago at the Queen's Park Oval is going to cost a citizen \$1,500. That is what we understand will take place with the games. So I would like the hon. Minister of Tourism to tell us how the Government will be seeking to address this question. Are you going to subsidize the people of this country who are interested in going? You seem to like to subsidize matters; maybe this is a good one for you to look at. I raise this matter in the context of the incentives being given to these hoteliers and developers. I do not know how many millions are involved, but I am sure it involves tens of millions of TT dollars.

How can we speak to the issue of business travel and establishing a niche in that market to attract businesses, when our businesses and our businessmen and women are fleeing the country because of the escalating crime rate? *[Interruption]* Thirty families, for the Minister of National Security's information, have left the Chaguanas and Central areas of this country and gone abroad, because of kidnapping, crime and threats. Mr. Vice President, do you know what is curious about our society? The Minister of National Security does not know about these things, but they brought \$60 million of Israeli spy equipment to this country.

In a newspaper of Monday, February 21, the headline was:

“From CJ Chambers to Vijay's lawyer phone link”

And they tell you exactly what took place. So they do not have the capacity to say how many citizens are leaving here to go abroad, because of the crime wave, but they can spy on a Chief Justice.

Sen. Joseph: Who is spying on the Chief Justice?

Sen. W. Mark: You, the PNM; I will not go into details on that, we have a public meeting on Monday and we will tell the population more about this ring that has been established. *[Crosstalk]* “Nah,” we coming back on Monday again.

How can we speak to the issue of attracting businesses and businessmen and this niche that my honourable colleague speaks to, when in this country the environment is not conducive? As we speak today, 55 citizens have been murdered in this country in less than 62 days; almost a murder a day under the Minister of National Security, who continues to steups. *[Crosstalk]*

Sen. Joseph: I steupsed?

Sen. W. Mark: You just did it. All right, he did not do it; he said that he did not do it. He is unconscious of it; that is an involuntary reaction. *[Crosstalk]* That is my former teacher.

Sen. Dr. Saith: Why did you say it with such joy? *[Laughter]*

Sen. W. Mark: Yes, I am ashamed myself; I am sorry, I withdraw it. My God, I am very sorry.

Mr. Vice-President, I ask my friend, the hon. Minister of Tourism, how are we, as citizens, to view this statement? This has to be pie in the sky. We are attracting a niche of businessmen to this country, when our own businessmen are

Tourism Development (Amd't) Bill
[SEN. MARK]

Tuesday, March 01, 2005

leaving the country because of a lack of national security and safety and because of the monumental failure of the current Minister of National Security in this country; total failure. I used to criticize my friend, Sen. Chin Lee, who was the then Minister of National Security, but he was a more effective Minister of National Security than the current one; total failure, this hon. Minister we have in this Chamber; Minister of Silence and Invisibility. You do not see him at all; you only see him off and on and he puts the “fellas” in front. He takes responsibility for nothing; everything is the Police Commissioner, the head of the Army or the head of the Anti-Crime Unit; he says talk to them.

All I ask here is that in an environment where you have an escalation in crime, it is very difficult to, really, compromise or, at least, to come to grips with this optimism on the part of the Minister of Tourism, as it relates to this niche market. He did say it earlier in his contribution that Courtyard Marriott has been able to fill rooms and accommodation they have available up to about 95 per cent, so they are marketing and are able to bring these people in. I am concerned that while they are bringing businessmen in, the Minister of National Security and the Government of Trinidad and Tobago are unable to provide protection for those very businessmen coming in and those who are already in. I feel that this thing is like a hoax.

When we look at the travel advisories coming out of Canada—[*Interruption*]

Sen. Dr. Saith: More tourists coming in.

Sen. W. Mark:—what is on the Internet, the information superhighway, it does not make good reading for our country. Even though we are told by the Minister of National Security and the Minister of Tourism that more tourists are arriving, how many more could have arrived if the country had more safety, if we had more security in this land? [*Crosstalk*] One of the top concerns of the Canadian advisories addresses the issue of safety and security. They are advising their citizens that there are gaps in this particular area and they have reflected this by talking about violent crimes, including assault, kidnapping and murders in this country. They are warning their citizens not to walk after dark in this land called T&T and it goes on to detail the kind of insecurity that exists in our society.

Do you know what is even more alarming? Today, as we speak, tomorrow I think and maybe Thursday, the Ministry of Labour and Small and Micro Enterprise Development is holding an industrial relations conference at the Hilton Hotel; it started today. A life was lost, a few days ago, at Point Lisas. Point Lisas

is a point where businessmen are taken by this Government. When I was in government, we took businessmen to Point Lisas as well to showcase it. [Crosstalk] What happened at Point Lisas a couple days ago? A young man, 21 years of age, Shivam Harrylal was blown to bits, blown to pieces. Not a single word, to date, from the Ministry of Labour. The Ministry of Labour has not even told the population that it will investigate the circumstances surrounding the death of that young man. There is a deafening silence in the business community in this country. There is a deafening silence from the Government of Trinidad and Tobago concerning the death of this young man. Is it because it is IGL? Is it because the plant that was blown up that caused this chap's death belonged to the Neal and Massy Group of companies which are financiers of the PNM? [Crosstalk] Melville Shipping, where our good friend Sen. Sahadeo came from, which is a subsidiary of Neal and Massy—[Interruption] That is a fact. [Crosstalk]

Mr. Vice-President: Come back to the Bill.

Sen. W. Mark: I am talking about safety here; this is safety. We are taking tourists to Point Lisas. [Crosstalk]

Sen. Jeremie: Mr. Vice-President, what is the relevance of where Sen. Sahadeo came from to what happened last week? There is no nexus.

Sen. W. Mark: All I ask is a simple question: Why the silence from the Attorney General? [Laughter] Why your silence? You are writing letters to the Chief Justice all over the place, you are putting out releases, cautioning the media not to talk.

Mr. Vice-President: Sen. Mark, would you please confine your address to the matter we are dealing with?

Sen. W. Mark: Mr. Vice-President, I am guided. You know sometimes I challenge, because I am a fighter, but I am guided.

I ask the simple question: If the Americans, Canadians and the British are putting out these kinds of advisories, how will that help the tourism product? Trinidad and Tobago is now known internationally as the second capital for kidnapping after Colombia. That is what was written in the *Los Angeles Times*; that is what the Minister of National Security sought to get retracted. These things impact on us.

Tourism Development (Amd't) Bill
[SEN. MARK]

Tuesday, March 01, 2005

7.15 p.m.

Sen. Dr. Lenny Saith does not care, he sent home 252 workers at NBN. He does not care and I can understand. If they do not care, we care. We care for Shivam Harrylal.

Hon. Senator: What is the relevance?

Sen. W. Mark: Safety; that is the relevance.

Sen. Dr. Saith: Mr. Vice-President, not only is it irrelevant, but to take the unfortunate death of a young man and make political hay of it is even worse. It is irrelevant. He has said it once, he has said it twice, and I think it is repetitious and irrelevant.

Sen. W. Mark: It hurts them. I know that, Mr. Vice-President.

Mr. Vice-President: Sen. Mark, I have to repeat my call to you to confine your contribution to the Bill.

Sen. W. Mark: Mr. Vice-President, I am guided. I am a politician 'eh', remember that.

Hon. Senator: What?

Sen. W. Mark: I am a politician, remember that. And I am very relevant, Mr. Vice-President.

Mr. Vice-President, I want to refer you to—if you do not have a copy of it—the “Foreign Commonwealth Office Travel Advisory” and it starts off by talking about safety and security.

The first item is terrorism. Mr. Vice-President, we want to attract tourists; that is why we are called upon to approve tens of millions of dollars to certain persons who have constructed tourism projects. Are they constructing tourism projects to remain idle? They want to attract visitors to fill those rooms. How are you going to attract visitors when you have these kinds of advisories talking about terrorism? It says:

“You should be aware of the global risk of indiscriminate terrorists attacks which could be against civilian targets including places frequented by foreigners...”

Tourists!

“An Islamic group, the Jamaat al Muslimeen attempted to overthrow the Government by force in 1990. The leader of the Jamaat al Muslimeen is currently standing trial in Port of Spain and increased tension and tightening of security can be expected while the trial continues.”

This is a travel advisory, Mr. Vice-President, and we are trying to attract tourists. How is that going to impact on the tourist's mind? How will it impact on the tourism product? Are they so dull? "Dey cyar see, dey cyar learn, dey don't understand the importance of this advisory?" It is dated February 28, yesterday's date, and today is March 01. Minister of Foreign Affairs, this is a very serious matter.

Do you know that the Minister of Foreign Affairs had to hop a plane and go to London and Sen. Dr. Saith had to go to America to deal with these advisories some time ago? Do you remember that? Now they scoff at it. They say these things do not mean anything anymore.

Mr. Vice-President, there is a section in this "Travel Advisory" that deals with crime both in Trinidad and in your beautiful island where you were born, Tobago; also the hon. Minister of Local Government and the Environment, who campaigned very hard, and had sleepless nights to ensure a very weak victory, a hollow victory. Thirty-one per cent of the population voted for the PNM. Out of 100 per cent, that is a minority regime in the Tobago House of Assembly, that is a minority Government, or Assembly I should say, but I will return to that. *[Interruption]* Thirty-one per cent, my dear. You have not calculated it as yet? Oh, I will get the figures to you.

Oh my dear Camille, you are here at last. I missed you. You were in the UN, were you not?

Hon. Robinson-Regis: *[Inaudible]*

Sen. W. Mark: Oh, I see.

Mr. Vice-President, may I come back to you. This is a matter of grave concern to all of us. I am a patriot of this country. I want people to come to this land, I want tourist dollars to flow, I want jobs to be generated in this country, but when I read these advisories I am concerned and alarmed. I want to see resolutions of these problems of crime, kidnappings, murders and robberies, and the beautiful island of Tobago, Madam Eastlyn—

Mr. Vice-President, they are now saying in this "Advisory" that incidents of violence have now begun to trouble Tobago, manifested through a spate of serious robberies against tourists. They are talking about rape against foreign nationals. This is what is being placed on the World Wide Web. Is that not going to have a negative impact, Mr. Vice-President?

Tourism Development (Amd't) Bill
[SEN. MARK]

Tuesday, March 01, 2005

I bring these matters to the attention of my colleagues to let them understand and appreciate that while we are in support of promoting the tourism product, there are downsides at which we have to look. We cannot just miss these things, they are too serious, and as I have said, it is in the Canadian Advisory, I would not detail the information; it is in the United Kingdom's Advisory, and the United States' Advisory warning their citizens.

Mr. Vice-President, the environment: There is a link between tourism and our environment. There is a contamination and pollution of our waters in both Trinidad and Tobago. I do not know what plans the hon. Minister of Tourism, along with the Minister of Public Utilities and the Environment has to at least address this particular crisis that is affecting both islands.

We do not have a proper sewer treatment system for Trinidad and Tobago, particularly when it comes to the tourism product. Hotels that are placed on the beachfronts are the chief culprits and I do not know what action is being taken by the hon. Minister of Tourism to address this particular pollutant with which we are faced on a regular basis, whether Tobago or Trinidad.

As I am on Tobago, I want to advise my colleague and friend, the hon. Minister of Local Government that the construction of the road called L'Anse Fourmi has resulted in massive sediment deposits into the sea, smothering sections of the Buccoo Reef, killing the corals and this is on video captured by two persons: Dr. Owen Day and a chap called Dr. Richard Langton. So when we talk about the husbanding of resources, we have an example right in Tobago where we are being told that the coral reef, based on the destruction or construction of the L'Anse Fourmi Road, is going over into the sea and, therefore, smothering the corals. Are you disputing that?

Mr. Vice-President, that is what I have in writing. Maybe the hon. Minister of Tourism can dispute it, but I need to bring these matters to the attention of the hon. Minister. There are poor infrastructural facilities. As we seek to develop the tourism product, we need to invest more in infrastructural facilities for the tourists.

When we had the mud slide recently which caused large sections of the North Coast Road leading to Maracas Beach to be closed, tourists who were visiting this country from the cruise ship liners that were docked in Port of Spain had to be diverted from Maracas to Maqueripe and Chagville and the facilities there do not exist. There are no facilities. So if we are serious about developing the tourism product we must develop the infrastructure; toilet facilities, bathing facilities, and

have tourist police to ensure that when these cruise liners bring tourists to visit these points they are given some sense of security because as you know, tourists are targets for robbery and rape in Tobago and in Trinidad. What plans are there by the Ministry of Tourism to protect the tourists when they come here?

The time has come when the Minister of Tourism must speak with the Minister of National Security to establish a special security force to deal with tourists. If you want to promote that product you cannot allow the tourists to be exposed to bandits and criminal elements. In other words, I am asking: What are the plans of the Minister of Tourism as part of the Government to deal with the poor infrastructural facilities we have in this land?

Mr. Vice-President, as you know, the lifeguards are the lifeline on those beaches for tourists, and for you and me. They have been in a constant state of revolt over the last few months clamouring for better terms and conditions of employment. They have now threatened the entire country that if they do not get their terms and conditions, come Easter, do not go to the beaches in this country because there will be no lifeguards.

Lifeguards are critical to the tourism product, when you go to the beachfront, you feel very safe and comfortable when you see red flags and yellow flags strategically placed, and with your lifeguards patrolling the beachfront so if you get into trouble in the waters, there is somebody who can rescue you within a short space of time. [*Interruption*] That is true, we need to train and discipline them, but it does not escape from the responsibility of providing these people with proper terms and conditions.

I would like to ask the hon. Minister—as we talk to the issue of the tourism product—what is he doing to address that disaster that is about to hit us at Easter? What is the Minister of Tourism doing to ensure that the lifeguards of our nation are properly and adequately remunerated in terms of their terms and conditions?

Mr. Vice-President, I also want to bring to your attention the Caroni Bird Sanctuary, a very beautiful place to visit, but the infrastructure and facilities there are extremely poor. Minister of Local Government do you believe that they do not even have toilet facilities for tourists? That is a major scenic point they visit. What is the Minister of Tourism doing? He comes to this Parliament to get our approval to allow these hoteliers and developers millions and millions of dollars as incentives. In addition to the millions of dollars, he comes with some additional provisions. He wants to grant them additional incentives, so he is not only talking

Tourism Development (Amd't) Bill
[SEN. MARK]

Tuesday, March 01, 2005

about exemption from income and corporation tax on interest; he is talking about other incentives that he would like to give to these developers.

All right, you want to give them support, come clean with us. Tell us what the value is; tell us what the sums are. We cannot get that from the Minister as yet. So, Mr. Vice-President, I ask the question, what is the Minister doing to improve the facilities and infrastructure at the Caroni Bird Sanctuary?

We are talking about ecotourism and sustainable development. How can we be talking about sustainable development when our flora and fauna and various species of unique birds are being destroyed by a regime that seems to be very myopic in its vision for national development and reconstruction in this country?

Mr. Vice-President, over 1,000 hectares of lands were destroyed in a place called Union Estate. Unique birds, flora and fauna were destroyed, a whole way of life was just destroyed and we are talking about ecotourism? And the regime is not satisfied with that. They have now taken a decision to go to the southwestern peninsula, a place called Chatham to continue their reign of destruction, all under the supervision of a company called the National Energy Corporation headed by my good friend's son, brother or cousin, some "fella" called Prakash Saith. He is the man in charge of the National Energy Corporation.

Mr. Vice-President, so I ask you, is there not a link between tourism and the environment? Is there not a link between tourism and sustainable development in our nation? Why are we supervising and presiding over the wanton destruction of our environment?

I want to bring another matter to your attention and before I do so, I want to ask the hon. Minister to look at clause 24(b) of the Bill. Why are you deleting Charter Boats? You have a lot of tourism projects under Schedule 9 of the original Act. You have "Accommodation Facility, Marina, Boatyard, Eco-Lodges, Watersports, Destination Management Companies, Recreational Space, Transportation Service, Tourism Infrastructure, Convention Centres, Historical Landmarks, Golf Courses" et cetera, and the only one the Minister has chosen to delete is Charter Boats. Why?

Mr. Vice-President, the Minister of Tourism and I are friends. I like him. I think he is a decent chap. He means well. He might be in the wrong crowd like the Attorney General. The faster you go back to Cave Hill to teach, the better for you. You get into politics and they kill you, kill your reputation too. Anyway, we will talk about that on the platform on Monday.

Mr. Vice-President, there are just a few charter boats operating in our waters. I do not know why the Minister would want to delete “Charter Boats”. Hon. Chin Lee, Minister of Tourism, through you, Mr. Vice-President, I would like him to tell us why is he in that particular clause of the Bill seeking to delete Charter Boats? Why?

Sen. Chin Lee: On a point of order, Mr. Vice-President. The reason it was deleted was that it falls under transportation services so there is duplication there.

Sen. W. Mark: So it is now placed under transportation service? I do not understand that, really. You had a specific, but now you have a—transportation services.

Mr. Vice-President, you were not here in 1999, I was and—

Mr. Vice-President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator’s speaking time be extended by 15 minutes. [*Mr. S. Baksh*]

Question put and agreed to.

Sen. W. Mark: Thank you very much, I would not be long. I will use up my 15 minutes quickly.

Mr. Vice-President, I was here on Wednesday, December 15, 1999 and I want to agree with my dear friend, the hon. Minister of Local Government. When you talk about hypocrisy in a country you can see manifestations of it in this Chamber. I want to remind you that in 1999, the PNM, including the hon. Danny Montano, were on this side, they voted with two of our colleagues from Tobago along with some Independent Senators, if not all of them, to give the Tobago House of Assembly the power to approve and veto tourism projects.

They said that Central Government should not have the power to determine tourism projects for Tobago, Tobago must determine tourism projects for itself. Under section 75(1) of the Constitution, we said the Cabinet has overall direction for the policy development process of this country and they voted against us on that.

Mr. Vice-President, I see today, and I heard the hon. Minister Danny Montano tell everyone of us here that the only person who can approve projects for tourism in this country is the Minister of Tourism, and the only exception is section 38 which deals with tax on interest, and the only person who can deal with that is the Minister in the Ministry of Finance.

Tourism Development (Amd't) Bill
[SEN. MARK]

Tuesday, March 01, 2005

When we were saying that to them in 1999, they voted with the Independent Senators and two of our colleagues from Tobago to bring down the government. *[Interruption]* What hypocrisy! Why, for instance, in his amendments to this Parliament today he did not put a clause to give the Tobago House of Assembly the power to approve tourism projects? Why? It did not suit their interest at that time. *[Interruption]* Unprincipled people! Hungry for power and prepared to do anything, immoral and otherwise.

Mr. Vice-President, I brought this to your attention to let you know the kind of hypocrisy that exists in this society and even in this Chamber. I want to continue and draw to your attention and the honourable Senate's attention the problem faced by taxi cooperatives in this land and I want Minister Chin Lee to listen very carefully and also the Minister of Works and Transport—he is not here.

Mr. Vice-President, I do not know if it happened to you, but I overheard Sen. Dr. McKenzie making reference to it today. Up to 2002, the St. Christopher's Taxi Cooperative Society and the Piarco Airport Taxi Cooperative Society received from the UNC and previous administrations Priority Bus Route (PBR) passes and they also received downtown passes. Since this regime came into office in 2001, they have withdrawn all the PBR passes and the downtown passes from the Piarco taxi drivers and those people who operate from the Hilton Hotel, St. Christopher's Taxi Service.

Mr. Vice-President, the Minister is trying to convince us that this Bill is designed to promote tourism. There is internal tourism and external tourism. When you come from Tobago and take that taxi at Piarco, do you know what this regime is telling you? As Vice-President of this Senate, you must drop off—not in front of the Parliament on Abercromby Street, so you can just walk in. They have banned all taxis from the cooperative societies from coming up Abercromby Street, going down Frederick Street, going up Henry Street, going down Charlotte Street and going across Park Street. So you, or any businessman would have to drop off on Independence Square otherwise the police can give you a ticket.

Mr. Vice-President, I do not understand how this Government and especially my friend, Sen. Chin Lee can do that.

These people have written the Airport Taxi Cooperative Society Limited; they wrote to the Minister of Works and Transport on December 09 to deal with this question and there was no response from “smiley Khan”, the Minister of Works and Transport. Sorry. They wrote to him again on May 13, 2003, they also wrote to the hon. Minister of State in the Ministry of Community Development and

Culture, who I thought was more serious, but I have to rethink my position. As the Minister of Tourism, he should have taken action immediately. They wrote to him on December 03, 2003, and nothing has happened as we speak.

Mr. Vice-President, they wrote to Hon. Kenneth Valley, Minister of Trade, no action. And the last person they wrote to on January 26, was the hon. Patrick Manning, the Prime Minister of the country and got no answer. What explanation do we have to offer to businessmen who are coming from Piarco and have to go to some business appointment, or they want to pass through the city to see landmark buildings like the Red House? They want to see where the Red House is located and what it is like. The Government of Trinidad and Tobago is telling those taxi drivers who are legitimately incorporated and who drive “H cars” unlike a new company called TCM—I am going to investigate it, because I understand it has links.

Mr. Attorney General, there is a company called Total Convenience Management, they drive “T” vehicles and “P” vehicles and not “H” vehicles. They have been given Priority Bus Route passes and downtown passes by this Government, and the legitimately incorporated cooperatives in this country have no downtown passes and no bus route passes. Why the discrimination? Who is TCM? *[Interruption]* I do not know, but I am going to investigate it. I have to ask the AG to investigate it for me.

Sen. Jeremie: *[Inaudible]*

Sen. W. Mark: “I think yuh getting tired yuh know, I think yuh getting tired.”

Mr. Vice-President, the last point I would like to raise—*[Interruption]* “No, I still have about five minutes, what yuh worried about? Yuh worrying ‘bout my time?”

Mr. Vice-President, if I can ask you to suspend the Standing Orders so that I may proceed because I have so many matters to raise, but I cannot do them tonight. As I said, I cast no aspersions. I have the greatest respect for all my colleagues, but you see drugs and tourism do not mix. I was shocked when I read in the *Daily Express* of January 21, 2005 of a \$3.5 million worth of heroin bust at Chaguaramas.

7.45 p.m.

Now this has to be an embarrassment to my colleague, and I could understand it, but you see how we have to be careful with tourists. Because on the one hand, they are supposed to generate income and promote employment, but at the same

Tourism Development (Amd't) Bill
[SEN. MARK]

Tuesday, March 01, 2005

time they can use our hospitality to promote drugs. So we have to be careful with these tourists when they are coming here. Minister of National Security, your Organized Crime and Narcotics Unit was fearless. I want to read the article so you could understand what they did. *[Interruption]* What I am saying, this is drugs and this is trade; this is tourism. Why are you afraid as the Minister of National Security? I am complimenting you.

Mr. Vice-President, they are stealing my time. Let me address you:

“A multi million dollar heroin bust has reportedly been made aboard a Pier 1 pleasure craft. A Dutchman, 61 years of age, was allegedly caught aboard Pier 1’s *Sea Prowler* with the drugs on Wednesday night.”

It goes on to say that:

“The boat is owned by the family of Tourism Minister, Howard Chin Lee.”

As I said, I cast no aspersions. I am saying that we have to be more vigilant because whilst we open our doors to tourists, they can, in fact, try to wreck our economy and create mayhem in this society. So I am saying if it was not for the Crime and Narcotics Unit who were keeping their eyes on this *Sea Prowler*, they would not have caught this Dutchman with 5.4 kilos of refined heroin valued at \$3.5 million. So I want to compliment the Organized Crime and Narcotics Unit, because it was a big catch.

How many more have been coming into Pier 1 on the *Sea Prowler* with heroin and cocaine, or any other? I hope that we do not have a trade in flesh. That is another area that we have to look at.

Sen. R. Montano: What you say, Martin set it up?

Sen. W. Mark: I do not know. All I say is that we have to be very careful about tourists, because tourists can be drug peddlers and they can come to corrupt our young people. That is why today you have walking death squads all over the country. They are killing people in broad daylight. They are seeing you as a monster because “dey head high”. This is the drug trade and this is coming through tourists. This is an example of drugs coming through the tourism sector. So I cast no aspersions. I like my friend very much, but I bring it to your attention and the attention of this honourable Parliament to let you know that there is a link between the drug trade and tourism, and I hope that you take it in that spirit and in that light.

I would like to refer my colleague, if he has not read it, to the Tourism Master Plan, because the PNM and the hon. Minister of Planning and Development, talk a lot about 2020 but we have not seen anything in this Bill, and he has made no reference to 2020 in the context of this Tourism Development (Amdt.) Bill. So I would like the hon. Minister, if he did not have a copy before, we are prepared to make this available to him so that he could understand the plans of the UNC when we were there. It started under the PNM—they started it—and we have continued. That is no problem. That is what politics is about, continuity all the time.

Mr. Vice-President, I want to thank you very much for allowing me to make these few remarks.

Sen. Dana Seetahal: Mr. Vice-President, I have read both the Tourism Development Act, No. 9 of 2000 and the Bill and it is clear that the original Act was designed, as it says, to provide investors with incentives and concessions so as to develop the tourism industry. Now, that Act was assented to on June 01, 2000. It was proclaimed on October 16, 2000, and that is an important date when we are talking about the question of retrospectivity, and some of my colleagues raised the question of six years, and so on. So we need to know the date of proclamation in that regard.

Now, this Act really consists of some five parts, and it is really, though, that four parts are significant: Part I deals with Development Incentives, what are the actual incentives, because the proposal in this Bill is to amend that part to include further incentives. Part 2 deals with Approved Tourism Projects, and there is one amendment I am concerned about. Part 3 really deals with clarification of the Customs and Excise Duty Exemptions; Part 4 deals with the Tax Benefits and, again, we see that there are proposals in terms of the amendments insofar as the tax benefits are concerned, and in particular, the bridging finance interest issue, which has not been answered. The question was raised by my colleagues in terms of who benefits.

There are two matters that I wish to raise at the outset. In the original Act, in section 41 it was specifically stated that on the commencement of this Act if a person was engaged in a tourism project in August 03, 1995 that he would be entitled to benefits from August 03, 1995. So the original Act was retrospective. However, that Act said that it will not apply to section 38. In other words, section 38, which is now sought to be amended, was excluded from the retrospective provisions. So that persons who were granted, under the original Act, that benefit of having—that would be banks, financial institutions—the interest that they got from loans, non taxable, they would not be able to go back to 1995.

The proposal in this amendment is—and that is the proposed new 38(5):

“An Order made under this section may be made retrospective to a date not being earlier than six years from the date on which the Order is signed by the Minister.”

In other words, in the new amendment, section 38 will now go back to six years which, let us say that this is passed in March 2005, it could go back to March 1999.

It seems to me that since in the original Act there was never any intention for that provision—section 38—the benefit accruing to financial institutions to go back beyond the date of proclamation, which is October 2000, that the proposed amendment here to make this section now retrospective to six years, is giving more of a benefit than was ever originally intended. And it would seem to me that if we are to—the Minister has said that his proposal is to make section 38 workable. That is why we have come here, he said, with this amendment. Okay. If you want to make it workable, that is one thing, but why are you now proposing to give a greater benefit than ever could be had? So it should not be six years, but in my respectful view, it should be no earlier than the date of proclamation of this original Act.

The second point I wish to make is that in the original Act, the purpose of this Act seems to me to encourage the tourism industry by saying—and this is what was said—all gains, profits, capital expenditure, all of those things—gains, profits and benefits—would be tax exempt for a period of some seven years. It was also stated in the Act that when you are purchasing motor vehicles, you would get customs duty of 10 per cent and you would still have to pay VAT. Now it is made clear under this Act that you would also get the motor vehicle tax off. That seems okay. It may be that you want to encourage the industry so you do all of these things. But now what we are being told is that there is a proposal to add “accelerated depreciation” and “capital allowance” as additional benefits.

It seems to me that if everything, essentially any benefit that you can get from the tourism industry is being tax exempted and any possible tax advantage is being given to the people who are operating whatever tourism project, then the country, really, could not be benefiting from tourism, at least for the next seven years from 2000 or from now. That is one big point.

The second point is that in this original Act it says that the length of the exemption would be fixed on the approved tourism project Order. This is at sections 16 and 17. What this means is that the Minister who approves this Order

can decide however long he wants to give that exemption. So one person, a Minister—I am not, of course, making any imputations, but one should not give too much power, in my opinion, to any one individual. But for a Minister to have that power to say who would benefit from exemptions, and the Act gives him that power—unlimited—really is not a good thing because it is subject to abuse, not by any one particular Minister, but it is just subject to abuse, because it is a whole lot of money you are talking about. You are talking about all gains, all profits; you are talking about capital allowances, all of these things. If someone gets the approval, then they can have this written off, all of these for years, for decades. That is a serious concern that we should all have.

There is another issue and that is the proposed amendment 35A(3), which says:

“Where no tax exemption period has been granted in an approved tourism project Order made in respect of an approved tourism project that is not new, the capital allowance or accelerated depreciation may be set off against gains or profits...”

In other words, even if you do not get a tax exemption for a period approved, you have the right now to offset as against profit, any depreciation. So there is another way that we will, as a country, be deprived of all of these taxes, profits, everything. The rest of us pay taxes. The people who operate these tourism ventures will be exempt from anything. They would have profits on everything; they would have all possible tax exemptions; all possible tax breaks for years.

Now in relation to—this is another problem—section 6 of the original Act, I understood from the Minister that the Bill we have before us is to clarify and make corrections because he said that there were errors. It is my respectful view that some of the proposals here are not merely correcting errors, as I pointed out with section 38 and those others, but are bringing additional benefits, for whatever reason, to persons in the industry. But there is a very real error in section 6 which is not addressed. Section 6(1) of the original Act says:

“Where a tourism project or any part thereof, which enjoyed tax benefits under the Act is sold or used...”

There is no clarification. We are talking here about the tourism transfer tax and we do not know what “the Act” means. Because in the rest of the original Act, whenever we are talking about the Tourism Act of 2000, it is referred to as “this Act”, and in section 6(1) we are talking about a past benefit enjoyed under the Act. If we mean the Hotel Development Act, it must be said, and it would seem to me that that is a fitting case for correction, but it is not included in the list of proposed amendments.

Tourism Development (Amd't) Bill
[SEN. SEETAHAL]

Tuesday, March 01, 2005

My colleague, Sen. King, raised an issue but I think that I actually do see the purpose of it. This is in relation to the amendment to the Schedule. The amendment to Schedule 9, it is suggested that we delete the entire column of local investors, and as I was indicating to her, this must be read consonant with the amendment to section 8, in that, it means if you read those two amendments together, that a local investor will now need not have any minimum capital expenditure. So therefore that is the reason we are deleting the whole of local investors, when you read those together. This is the reason that the two things work together. Whether or not that is a desirable thing, is another thing. Is it that local investors can come with their hands swinging and have no money and get extended periods of tax breaks just so? That sounds strange to me.

Finally, there is a proposal to amend section 18 of the Act. Section 18 of the original Act now reads:

“After an approved tourism project Order is made, the owner or operator as the case may be, who has incurred an approved capital expenditure...is entitled to receive...a certificate...”

The proposal is that we change the “after” to “before”. Before an approved tourism project Order is made, he is entitled to receive a certificate of approval? I think that needs to be clarified. I do not know, it is something very strange to me—I have read it about four times and I am still not sure what it means and why the “after” and “before”, how can it work then, that you get this thing before it is approved?

So I think that before we vote on this Bill, the Minister needs to answer that question, at least to my satisfaction. I think those are the matters that I wanted to clarify and needed to get some responses to.

Thank you very much, Mr. Vice-President.

ADJOURNMENT

The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith): Mr. Vice-President, the hour is late and we have two Motions on the Adjournment, so at this time I would like to move that the Senate be now adjourned to Tuesday, March 08, 2005 at 1.30 p.m., at which time we will conclude the debate on this Bill; we will start the debate on the Caribbean Court of Justice Bill, and let me indicate that we would also meet on Wednesday to complete the debate on the Caribbean Court of Justice Bill.

Adjournment

Tuesday, March 01, 2005

Mr. Vice-President: Hon. Senators, leave has been granted for two matters to be raised on the Motion for the Adjournment.

**United Nations Development Programme
(Procurement of Public Goods and Services)**

Sen. Wade Mark: Mr. Vice-President, the Motion deals with the Government's position with respect to the involvement of the United Nations Development Programme in the economic activity in Trinidad and Tobago with specific reference to its role in the procurement of public goods and services.

In its haste to dismantle the procurement system currently controlled and directed by the Central Tenders Board, the PNM regime has embarked on a dangerous path by utilizing the services of the United Nations Development Programme to undermine and frustrate the lawful functions of the Central Tenders Board of Trinidad and Tobago. While the Government has issued a Green Paper on the reform of the procurement regime, the Central Tenders Board remains the legal authority for Government's proposal in respect of public tenders. However, we have witnessed UNDP advertisements in the daily newspapers inviting applications from suitable organizations to design, develop and implement an automated system in accordance with international standards, to support the operations of the Transport Division.

I want to refer you to an advertisement on Monday, September 27, 2004 in the *Trinidad Guardian*. That particular notice comes from the United Nations Development Programme and it says:

“Tender notice: The establishment of an operations system for the Transport Division, the Ministry of Works and Transport, in collaboration with the United Nations Development Programme.”

And they invited applications from suitable organizations to design, develop and implement an automated system in accordance with international standards to support the operations of the Transport Division.

It was not only in the *Guardian* of September 27, 2004; it was also repeated in the *Guardian* of Wednesday, September 29, and it was also in the *Sunday Express* of September 26, 2004, and the advertisement is there for all to see.

This is a tender notice issued in a number of daily newspapers by the United Nations Development Programme on behalf of the Government of Trinidad and Tobago. This tender notice deals with the development and installation of both

software and hardware materials to secure an automated system at the Licensing Authority, Transport Division, Ministry of Works and Transport. We understand that the cost of this system is in the region of some TT \$30 million. What is amazing is the bold and daring imposition on our economy by the UNDP whose initial mandate was to assist the Government on matters like democratic governance, poverty eradication, HIV/AIDS, among others.

What we are witnessing today is a very unusual and abnormal situation. The United Nations Development Programme is now in competition not only with the private sector, but is now competing with the Central Tenders Board of Trinidad and Tobago.

A tender notice which ought to have been issued by the Central Tenders Board has now been hijacked by the UNDP at an exorbitant fee of some \$7 million. So whilst taxpayers of this nation are financing the operations of the Central Tenders Board, through salaries to professionals, we have the same employer, which is the Government, bypassing the Central Tenders Board in favour of this UNDP.

Why has the PNM regime gone to bed with the UNDP in such an open way? First, the PNM went to bed with the UNDP for the provision of medical professionals, dubbed UN volunteers. This programme has cost the taxpayers of this country close to \$100 million with the UNDP alone receiving—from our information—some \$15 million to \$20 million in fees. Later, the UNDP was able to persuade the former Minister of Health to provide some 40 ambulances at an undisclosed sum to date. We understand that the UNDP received some \$3 million in fees and the UNDP is expected, we understand, to receive many more opportunities from the Government.

We would like to know what is really going on in this matter. Who is getting a cutback and where? Why is the Government usurping the private sector in favour of the UNDP? Is there more into the mortar than the pestle? The UNDP is currently competing with the private sector to provide boats for the coast guard; they are competing to provide equipment for the Port Authority; to provide equipment to the Ministry of Health. Is the United Nations Secretary General, Mr. Kofi Annan, aware of the activities of this runaway UNDP representative here in Port of Spain?

The Minister of Foreign Affairs, the Minister of Public Administration and Information, the Minister of Finance—and today we have the hon. Minister of Planning and Development—must explain to this Senate what is the sweetheart arrangement that the PNM regime has entered into with this UNDP representative.

We understand that this UNDP representative, for whatever reason, she seems to have a very good relationship with the present regime and, as I said, seems to be getting a lot of contracts at the expense of the private sector in this country.

We have been told by the hon. Penelope Beckles in a debate here some time last year—I have the *Hansard* record here. She indicated, and I quote:

“The United Nations Development Programme has approached the Ministry with a view to assisting the Ministry in operationalizing the Green Fund and once we have completed our meetings with the Ministry of Finance in relation to putting the regulations in place for the Green Fund, we would then be ready to have the Fund operationalized in early 2005.”

So we would like to know this afternoon from the hon. Minister of Planning and Development, what is the relationship between the UNDP and this Government? Why is the UNDP involved in so many activities that ought to be properly given through public tender to private sector operators, entrepreneurs and business organizations? Why are they getting all these contracts via the Government? We believe that this is abnormal and unusual. We are serving a warning on the Government that if we cannot get proper explanations for this involvement by this UNDP in Port of Spain, and this lady who is running the UNDP as a slave zone in Chancery Lane—I want to indicate that if that explanation that is given to us this evening is not satisfactory, we will take appropriate measures to contact the United Nations Secretary General detailing to him what is taking place in Port of Spain, which is inconsistent with the mandate given by the UNDP. I know the UNDP is supposed to be involved in technical cooperation, in the assistance in HIV/AIDS; they are supposed to be providing assistance in terms of democratic governance, but not to compete with the private sector for lucrative contracts in our economy and society.

That is why I raise this matter. It has been pending since October 2004. The hon. Minister was at the United Nations for two months and that is why she could not really respond to my Motion. I recognized that she was out and I facilitated her absence. But as I said, this is a very serious issue and we need to get answers to this matter. Too many people have approached me on this particular issue. In fact, I learnt—and maybe the Minister of Planning and Development could tell me—that there appears to be private, organized sessions along the East-West Corridor involving particular groups of citizens who are being coached and trained by the United Nations Development Programme. We want to get some answers to this development. It is extremely serious and we would like the Government to treat it very seriously.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Mr. Vice-President, first of all, let me say that I am very surprised at the hon. Senator, but maybe I should not be surprised because it seems as though he has a penchant for bringing information to this House that is either irrelevant or not totally factual. I am really very surprised that he is saying these things about the United Nations Development Programme in circumstances, first of all, where the UNDP has been in operation in Trinidad and Tobago since 1976.

What the UNDP is doing is nothing that is strange to Trinidad and Tobago, neither is it strange globally, because part of their mandate is, in fact, to afford a strategic response to Government's priority, goals and objectives and also to assist countries with their procurement programmes. The UNDP has had, over the past 50 years, experience that is wide-ranging in the development of communities, globally, and through this they have developed a capacity to access world-class procurement systems to increase efficiency, quality and transparency whilst reducing cost and delivery times.

The UN system itself is recognized globally for its neutrality and, I repeat, its transparency. So it is strange that Sen. Mark should try to cast aspersions on a system that has been in existence for several years, and certainly a system that the government to which he once belonged, participated actively in using the same procurement systems in order to procure services for the government to which he once belonged. So I am finding it very strange.

Sen. Mark: Give us a detailed account.

Hon. C. Robinson-Regis: Mr. Vice-President, before I even go into that detailed account, I am sure that Sen. Mark is well aware of what was procured under the last administration, especially in circumstances where his brother, Ashton Mark, works with the UNDP. I am trusting that it is nothing personal, why he is now trying to attack the resident representative of the UNDP—

Sen. Mark: Mr. Vice-President, on a point of order—

Hon. C. Robinson-Regis: No. What is the point of order?

Sen. Mark: The Member is casting aspersions under Standing Order 35(1). She is accusing me of promoting an idea here because of some relationship. I said no such thing. So I would like her to withdraw that statement. [*Crosstalk*]

Hon. Members: No, no. Withdraw yours.

Mr. Vice-President: I do not think she has cast an aspersion. What she said was that she did not know whether it was because of this—

Sen. Mark: So if I say that her husband got a job at WASA because of her—

Mr. Vice-President: Sen. Mark, please—[*Crosstalk*]

Sen. Mark: I mean to say, where are we going with that kind of foolishness?

Hon. C. Robinson-Regis: Mr. Vice-President, it is clear that—

Sen. Mark: She got a job for her husband—

Hon. C. Robinson-Regis: I do not know if you got the job at UNDP for Ashton Mark, but the issue is that I am hoping in circumstances where the resident representative of the UNDP, which UNDP reports to the Ministry of Planning and Development—I am trusting that Sen. Mark is not, in circumstances where the resident representative cannot defend herself in the Parliament, and the UNDP reports to the Ministry of Planning and Development, I have no alternative but to wonder if, in those circumstances where his brother works—and I am sure he is well aware of all the information—I hope it is not in those circumstances that he has cast aspersions on someone who is well respected in this community. It is unfortunate.

I will continue to say that the UNDP has a history of working, not only in Trinidad and Tobago, but globally. Additionally, in terms of the assertion that the CTB is being disturbed by the procurement being done by the UNDP, nothing could be further from the truth, because the UNDP system has been set up in a way that they can procure services for any aspect of the Government and they are doing so legally.

Additionally, the Government of Trinidad and Tobago has produced a Green Paper on procurement that is out for public comment and, consequently, I am not understanding why Sen. Mark is trying to imply to this honourable House that there is some secret arrangement with the UNDP and the Government. They have not interfered with the CTB's procurement capacity. In addition to that, where procurement is concerned, there is a Green Paper out and it is available for public comment. I am sure Sen. Mark is well aware of that.

I would also like to indicate that the Government of Trinidad and Tobago recognizes procurement as a critical area and as a consequence of that, apart from the Green Paper, we have also been examining other aspects of procurement within the Government service. [*Interruption*] What are you procuring from the Green Fund?

Sen. Mark: I do not know. I am asking you.

Hon. C. Robinson-Regis: Sen. Mark, I could understand why in 2000 you were removed from your portfolio. [*Laughter*]

Anyway, let me continue by saying that—

Sen. Mark: “AG, that woman abandon she job, you know, for two months.”

Hon. C. Robinson-Regis:—the UNDP facilitates through the UNDP Regional Business Services Centre facilities—

Sen. Mark: That is misbehaviour in office—

Hon. C. Robinson-Regis:—its primary focus as being the management of development projects. The UNDP Regional Business Services Centre, which is located in Trinidad and Tobago has, as its primary focus, the management of development projects, and the areas of expertise offered by the Regional Business Services Centre includes: project management and execution, capacity building and institutional strengthening and procurement of goods and services for Government.

Mr. Vice-President, to get specifically to the projects that have been procured by the UNDP for this Government: Within the period 2003 to 2005, the UNDP is expected to provide assistance to the Government with procurement on the following matters:

- (1) The Ministry of Health: Upgrading and institutional strengthening of the emergency health system. That is the acquisition of 40 outfitted ambulances.
- (2) The institutional strengthening for HIV/AIDS, prevention and control. That is to the Office of the Prime Minister.
- (3) The acquisition of a permits and vehicles registration system for the Ministry of Works and Transport.

With regard to project number (1), assistance to the Ministry of Health in the upgrading and institutional strengthening of the emergency health system, the start date is 2003; the expected ending date was 2004; the total budget is TT \$18,500,000. The UNDP’s office administrative fee was 8.5 per cent of that \$18 million, which was \$1,449,309 for the provision of 40 ambulances.

With regard to number (2), the institutional strengthening for HIV/AIDS, prevention and control, this is a World Bank funded project. The start date was June 01, 2003; the end date, September 30, 2004. The budget was \$1,601,638. The administrative fee to the UNDP’s office was \$320,328.

With regard to item number (3) this is the permits and vehicles registration information system: start date, 2004; end date 2005. The budget is estimated at \$35,532,000. The administrative fee was \$2,842,560.

Just to put things in perspective, the previous regime under those who are now in Opposition, the start date was 1996 and the end date was 2000, and this was the strengthening of NADAP. The total cost was \$12 million. The fee to the UNDP was \$960,000.

As I said before, I am very surprised that Sen. Mark raised this. *[Interruption]* Yes, it was only one, because let me point out that the UNDP's procurement system emphasizes transparency and accountability and as a consequence of that, that regime failed to utilize that system because of the necessity for transparency and accountability which they do not know anything about. *[Desk thumping]* *[Crosstalk]* So there was only one project that they could have used during that six-year period. It emphasized transparency and accountability which is alien to that particular regime.

On that note, thank you for the opportunity to speak. *[Desk thumping]*

Sen. Mark: Mr. Vice-President. I want to thank the Hon. Camille Robinson-Regis for being here with us. We always like her presence.

Malfunctioning of Coast Guard Aircraft

Sen. Wade Mark: Mr. Vice-President, the matter that I would like to address to the hon. Minister of National Security deals with the circumstances leading up to malfunctioning of the coast guard plane belonging to the Government of the Republic of Trinidad and Tobago, on its flight from Barbados to Trinidad with the hon. Prime Minister and his senior Government Minister on board, which took place on Saturday, January 08, 2005.

I would like the hon. Minister of National Security to let this honourable Senate know whether, for instance, this development actually occurred and whether he could provide this honourable Senate with some degree of clarification as to whether there is a probe on the way as it relates to this matter. When a matter involves the Prime Minister of our country, it is very serious. We are not concerned so much about the personality, as we are concerned with the office holder. The office is important.

Hon. Senator: You said officer holder. *[Laughter]*

Sen. W. Mark: The office, the office. Mr. Vice-President, you know we want the Prime Minister to be safe because we want to face him in 2007. “We doh want no plane to rock his life.” I want to quote from the *Trinidad and Tobago Express* dated Thursday, January 13, 2005. The headline is: “Air scare as PM’s plane nosedives”. I want to read this for you. I am only reading from the facts I have before me. I quote:

“Prime Minister Patrick Manning got the scare of his life last Saturday afternoon when the Coastguard plane in which he was returning home from Barbados suddenly descended thousands of feet as if it were about to crash.

‘It was extremely frightening,’ the Express was told by a Government official yesterday.

Manning later said he prayed for his own safety and that of all others aboard the aircraft.

Officials are calling for a full-scale investigation into the incident which took place shortly after lunchtime during a return flight to Trinidad and Tobago.

Manning had gone earlier that day to Barbados along with Trade and Industry Minister Kenneth Valley to attend a three-hour meeting to discuss assistance to the Leeward Islands Air Transport (Liat) meeting.

Manning was said to be ‘dozing’ when he was awakened by the plane’s sudden loss of altitude.

‘It was a terrible experience...all of a sudden the plane dropped about 3,200 feet. The plane was in a nosedive, going down and all the (plane’s) instruments had gone from right to left as if they were disengaging because of the drop that was taking place.’”

It goes on:

“The Express was told that moments later the plane was still out of control as it continued descending.

‘And the plane dropped again,’ we were informed. The pilot was desperately attempting to regain control of the aircraft.

Manning had previously spoken of the need for a private jet to transport Caribbean leaders to conduct their official duties. He had even told reporters of his dislike for flying.”

Mr. Vice-President, this is not a laughing matter; this is a matter involving the hon. Prime Minister of our country. He was travelling from Barbados to Trinidad and Tobago and this incident occurred.

I call on the hon. Minister of National Security to provide this Senate with an up-to-date account on the investigation surrounding the circumstances that led to that near disaster and possible death of, not only the Prime Minister, but the Minister of Trade and Industry, the hon. Kenneth Valley.

But I want to share this one with you. I laughed when I read it. This is the *Newsday* of Friday, January 14, 2005, at page 5. The headline is: "Valley: Crash, what crash?" Valley was on the flight, you know. I quote.

"Minister of Trade, Kenneth Valley, yesterday denied knowing anything"...

This man said he denied knowing anything.

"about a near-crash of the small plane in which he and Prime Minister Patrick Manning were returning from Barbados, as reported in a newspaper. Valley seemed taken aback by the query, saying he slept through the whole flight."

Mr. Vice-President, I could understand if a plane begins to nosedive from 24,000 feet in altitude and this man is on board, obviously I would sleep because "I feel I going and dead, so I gone to sleep". He goes on:

"I knew nothing until I got off the flight. I have the ability to sleep very easily."

That was Ken Valley.

Mr. Vice-President I raise this and I read it for you because this is not a laughing matter. This matter appeared in the *Express* newspaper and the *Newsday* on the dates that I have given to you. We have received no account, officially, from the Government of Trinidad and Tobago concerning this near crash or near accident involving the hon. Prime Minister and the Minister of Trade and Industry. I take these matters very seriously, because when it comes to a crash of an aircraft when your Prime Minister is on board, that is a serious matter.

Further, I would have thought by now the hon. Minister of National Security, in particular, and possibly the Attorney General, should have informed this country, officially.

Sen. Jeremie: Me again?

Sen. W. Mark: Yes, you again. They should have informed this country officially. I should not have to come here under a Motion to get from this Government an extract of a situation that could have had the entire country in mourning. We could have been mourning the passing of the hon. Prime Minister and the Minister of Trade and Industry. That would have been a sad loss for the country.

So we are asking that on a matter as important as this one, we need to get the Minister of National Security to level with us. Let us know what happened; what investigation has taken place and what is going to be done in the future to avoid a recurrence.

I thank you very much, Mr. Vice-President.

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Vice-President, I was tempted to indicate why Sen. Mark feels so much about the Prime Minister.

Sen. Mark: Very passionate.

Sen. The Hon. M. Joseph: Yes, because I remember there was a time when he had certain circumstances and the only person who called him was the Prime Minister. I am sure he remembers that.

Sen. Mark: When was that?

Sen. The Hon. M. Joseph: I do not know. I remember he said, “Patos” called you, when nobody on your side—*[Interruption]* I guess that explains why. You did tell him already.

Mr. Vice-President and Members of this honourable House, on January 08, 2005, a C26 aircraft belonging to the Trinidad and Tobago Coast Guard, CG 215, was detailed to transport the hon. Prime Minister of Trinidad and Tobago and an entourage to Barbados to attend a meeting of heads of shareholder governments of LIAT (1974) Limited. The following passengers were on board the return flight on said January 08, 2005: the hon. Patrick Manning, Prime Minister of Trinidad and Tobago; the hon. Kenneth Valley, Minister of Trade and Industry; Mr. Compton Bourne, guest of the hon. Prime Minister; Mr. Mark Regis, Protocol Officer to the hon. Prime Minister; Mr. Sheldon Caldera, the Prime Minister’s security officer.

During that return flight the aircraft experienced difficulties, resulting in a loss of height and change in direction. Within a short period, the pilot in command was able to resume control of the aircraft, which was subsequently landed safely at Piarco, Trinidad.

On January 11, 2005, the Chief of Defence Staff convened a Board of Enquiry to investigate the circumstances surrounding the incident. The findings of that enquiry are as follows:

Malfunctioning of Coast Guard

Tuesday, March 01, 2005

An altitude of 18,000 feet was requested and flown for the return flight. Following standard operating procedures, the flying pilot engaged the auto-pilot, using the flight management system to automatically navigate the aircraft. From reports, at approximately 20 minutes into the flight and at about 80 miles from Piarco, the aircraft entered into an uncommand change in pitch and roll and by accounts also approached stalled conditions.

This sequence of uncommand flight manoeuvres resulted in the loss of height and change in direction. The pilot in command took back control during the incident and the aircraft was recovered. He subsequently returned control of the aircraft to the copilot and the aircraft was safely landed at Piarco, Trinidad.

The investigations of the board revealed that the incident occurred not as a result of the malfunctioning of the aircraft, but due to the following:

- (1) Inadequate pre-flight preparation.
- (2) The fact that sufficient cognizance was not paid to weather conditions, leading to ice formation on the control surfaces of the aircraft and the blockage of the pilot's static system and failure to activate the de-icing and anti-icing equipment.
- (3) Insufficient monitoring of flight performance data.
- (4) Poor crew resource management, resulting in an uneven distribution of workload within the cockpit.

The findings of the Board of Enquiry are currently under review by the Chief of Defence Staff who is expected to submit his recommendations on the matter to the hon. Minister so that any further action necessary can be taken. In the interim, all steps are being taken to ensure, as far as possible, that such a situation does not occur again.

Thank you, Mr. Vice-President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 8.42 p.m.

WRITTEN ANSWERS TO QUESTIONS

The following question was asked by Sen. Wade Mark:

**Freedom of Information Act
(Detailed Particulars of)**

7. A. Could the Minister of Public Administration and Information provide the Senate with a detailed list of all public authorities that have published the required statement of particulars in accordance with the provisions of section 7 of the Freedom of Information Act?
- B. Could the Minister further provide the Senate with a detailed list of the public authorities that have not complied with section 7 of the Freedom of Information Act?
- C. Could the Minister further provide the Senate with a list of Ministries under whose jurisdiction the various public authorities have (i) complied and (ii) not complied with the provision of section 7 of the Freedom of Information Act?

The following reply was circulated to Members of the Senate:

The Minister of Public Administration and Information (Sen. The Hon. Dr. L. Saith):

Introduction

While the Freedom of Information Act (FOIA) does not expressly require public authorities to provide the Minister with responsibility for information with publication details, sections 40(1) and (2) place an obligation on the Minister to collect relevant information for the purposes of reporting to Parliament on the operation of the Act. Further, section 40(3)(i) provides for reporting on “any other facts which indicate an effort by public authorities to administer and implement the spirit and intention of this Act”. In order to facilitate reporting on the publication of statements in accordance with the Act, the Ministry of Public Administration and Information collects data on statements published under the FOIA through regular scanning of daily newspapers and the Gazette.

Public Authorities have been notified of their obligations under this Act, starting in 2001, the year that the Act came into force. The following activities have been undertaken to facilitate compliance with these obligations:

Written Answers to Questions

Tuesday, March 01, 2005

- Public authorities in Trinidad and Tobago were sensitised in April and June 2001 respectively through seminars held when the FOIA first came into force.
- In October 2001, public authorities in Trinidad were sensitised in three (3), one day seminars about their responsibilities under the FOIA, including the requirement to publish the Section 7 Statements. A seminar was also held in Tobago on November 16, 2001.
- By memorandum dated February 19, 2002, all Permanent Secretaries and Heads of Departments were reminded of their responsibilities under the FOIA, including the requirement to publish statements under section 7. They were also requested to bring the memorandum to the attention of the statutory authorities and/or state enterprises under their purview.
- By memorandum dated July 16, 2002, all Permanent Secretaries and Heads of Departments were reminded specifically about the requirement to publish statements and requested to inform all departments, State Enterprises and Statutory Authorities under their purview.
- In February 2003 a one-day seminar was held for designated officers of public authorities. At this seminar an operational manual produced on compact disc entitled *Freedom of Information: A Guide to Implementation and Practical Application* was distributed. This was intended to be a ready reference for public authorities in their implementation of the FOIA, and to be a resource for their own internal staff sensitisation.
- In April 2004 all Permanent Secretaries were issued a copy of the aforementioned compact disc.
- In addition to the foregoing, officers of the former Freedom of Information Unit, as well as the Public Transformation Division/Legal Services Division have conducted, upon request, a total of one hundred and one (101) sensitization sessions for public authorities, between May 2001 and the present. This figure includes repeat sessions requested by some public authorities. A list of these sessions is attached at Appendix 1.
- It should also be noted that the officers of the Public Service Transformation Division/Legal Services Division advise newly formed public authorities of their obligations under the Freedom of Information Act, provide information packages to these authorities and offer delivery of sensitization sessions.

- While the former FOI Unit had been specifically created for a term of two (2) years, which ended in 2003, the monitoring and administrative aspects relating to the Freedom of Information Act have been incorporated into the Ministry's core functions, with a team of officers from the Public Service Transformation and Legal Services Divisions having responsibility for these functions.

The specific responses follow:

- A. The list of all Public Authorities that have, to the best of the knowledge of the Ministry of Public Administration and Information, published the required statement of particulars is attached at Appendix 2.
- B. A list of the public authorities that have not, to the best of the knowledge of the Ministry of Public Administration and Information, complied with section 7 of the Freedom of Information Act, by:
 - a) publishing in both the *Gazette* and a daily newspaper circulating in Trinidad and Tobago, the required particulars as per subsection (1)(a)(i) – (viii)
 - b) publishing in the *Gazette* and a daily newspaper statements bringing up to date the information contained in the previous statements during the year following the first publication, and during each succeeding year in accordance with subsection (1)(b)is provided at Appendix 3. It should be noted that the Act does not provide a schedule or list of public authorities. Rather, the Act leaves open to interpretation, what entity may be considered a public authority, based on the definition section (Section 4). The list at Appendix 3 is based on research undertaken by the Ministry of Public Administration and Information for administrative/monitoring purposes.
- C. (i) The following is a list of the Ministries under whose jurisdiction public authorities have complied with section 7 of the Freedom of Information Act:
 1. Ministry of Planning and Development
 2. Ministry of Public Administration and Information
 3. Ministry of Social Development
 4. Ministry of Sport and Youth Affairs

(ii) The following is a list of Ministries under whose jurisdiction public authorities have not complied, to the best of the knowledge of the Ministry of Public Administration and Information, with section 7 of the Freedom of Information Act:

1. Office of the Prime Minister
2. Ministry of Agriculture, Land & Marine Resources
3. Ministry of the Attorney General
4. Ministry of Community Development, Culture & Gender Affairs
5. Ministry of Education
6. Ministry of Energy and Energy Industries
7. Ministry of Finance
8. Ministry of Foreign Affairs
9. Ministry of Health
10. Ministry of Housing
11. Ministry of Labour and Small and Micro Enterprise Development
12. Ministry of Legal Affairs
13. Ministry of Local Government
14. Ministry of National Security
15. Ministry of Public Administration and Information
16. Ministry of Public Utilities and the Environment
17. Ministry of Science, Technology and Tertiary Education
18. Ministry of Social Development
19. Ministry of Tourism
20. Ministry of Trade and Industry
21. Ministry of Works and Transport

Appendix 1**FOIA Sensitization Sessions held at Public Authorities
and other Agencies**

The undermentioned meetings/sessions were held with representatives of public authorities and other agencies to sensitize them about the Freedom of Information Act, 1999.

	Public Authority	Date of Meeting
1	Ministry of Finance, Treasury Division	May 16, 2001
2	Ministry of Finance	May 21, 2001
3	Environmental Management Authority	May 23, 2001
4	Ministry of National Security, Immigration Division	May 24, 2001
5	Ministry of Health	May 28, 2001
6	Ministry of National Security, Trinidad and Tobago Police Service	May 31, 2001
7	Office of the Ombudsman of Trinidad and Tobago	June 7, 2001
8	Auditor General's Department	June 7, 2001
9	National Petroleum Company of Trinidad and Tobago	June 8, 2001
10	Tobago House of Assembly	June 11, 2001
11	Tobago Public Authorities	June 12, 2001

	Public Authority	Date of Meeting
12	South West Regional Health Authority	June 26, 2001
13	Ministry of National Security – Organised Crime and Narcotics Unit	July 6, 2001
14	Agricultural Development Bank	July 10, 2001
15	Ministry of Integrated Planning	July 12, 2001
16	ECIAF	July 13, 2001
17	Ministry of Communications and Information Technology	July 18, 2001
18	Ministry of Infrastructure and Local Government	July 18, 2001
19	Solid Waste Management Company Limited	July 20, 2001
20	Ministry of Enterprise Development and Foreign Affairs	July 26, 2001
21	North West Regional Health, Eastern Regional Health Authority, Medical Board of Trinidad and Tobago	July 27, 2001
22	Ministry of Infrastructure and Local Government	August 7, 2001
23	Ministry of the Attorney General and Legal Affairs	
24	Ministry of National Security – Trinidad and Tobago Defence Force	August 10, 2001
25	Civil Aviation Authority	August 17, 2001
26	Ministry of Community Development	August 21, 2001

	Public Authority	Date of Meeting
27	Public Service Commission, Teaching Service Commission	August 28, 2001
28	Ministry of Housing and Settlements	August 29, 2001
29	National Emergency Management Authority	August 30, 2001
30	T& TEC	September 3, 2001
31	Diego Martin Regional Corporation	September 4, 2001
32	Minister with responsibility for Government Affairs - Briefing	September 5, 2001
33	National Flour Mills	September 6, 2001
34	PETROTRIN	September 13, 2001
35	All Ministries	September 18, 2001
36	Ministry of National Security – Prisons	September 20, 2001
37	Ministry of Infrastructure and Local Government	September 20, 2001
38	Cabinet Secretariat	September 21, 2001
39	Ministry of Infrastructure and Local Government	September 25, 2001
40	Ministry of National Security – Forensic Science Centre	October 9, 2001
41	All Ministries	October 11, 2001
42	Betting Levy Board	October 16, 2001

	Public Authority	Date of Meeting
43	National Quarries Limited	October 18, 2001
44	Designated Officers Training Session – Cabildo Chambers	October 23 – 25, 2001
45	Central Tenders Board	November 1, 2001
46	Chaguaramas Development Authority	November 9, 2001
47	Ministry of Education	November 13, 2001
48	Tobago House of Assembly	November 16, 2001
49	Ministry of Community Empowerment	November 20, 2001
50	Ministry of Education	December 6, 2001
51	Eastern Regional Health Authority	December 14, 2001
52	PLIPDECO	December 21, 2001
53	PETROTRIN	January 4, 2002
54	Ministry for Tobago Affairs, CAST	January 16, 2002
55	Tobago House of Assembly	January 16, 2002
56	Tobago Regional Health Authority	January 16, 2002
57	St. Michael's School for Boys	January 21, 2002
58	Judiciary of Trinidad and Tobago	January 28, 2002
59	Law Review Commission	January 30, 2002

	Public Authority	Date of Meeting
60	Trinidad and Tobago Bureau of Standards	February 6, 2002
61	Tobago Regional Health Authority	February 7, 2002
62	Forestry Division	February 27, 2002
63	NAMDEVCO	March 15, 2002
64	Ministry of Transport – Department of Motor Vehicles Registration	March 22, 2002
65	Ministry of Labour	March 26, 2002
66	NAMDEVCO	April 2, 2002
67	Ministry of National Security – Coast Guard	April 4, 2002
68	Ministry of Foreign Affairs	April 12, 2002
69	Trinidad and Tobago Police Service	April 18, 2002
70	Trinidad and Tobago Prison Service	April 23 2002
71	Ministry of Science Technology & Tertiary Education	April 24 2002
72	Ministry of Agriculture	April 25 2002
73	Ministry of National Security	May 2, 2002
74	Board of Inland Revenue	May 6, 2002
75	Cocoa and Coffee Board	May 8, 2002
76	Board of Inland Revenue	May 9, 2002

	Public Authority	Date of Meeting
77	NALIS	June 17, 2002
78	National Lotteries Control Board	June 18, 2002
79	Ministry of Education	June 20, 2002
80	NIHERST	July 11, 2002
81	ACHEA Conference	July 12, 2002
82	Ministry of Labour and Small and Micro Enterprise Development	August 7, 2002
83	PETROTRIN	September 5, 2002
84	Ministry of Planning	September 11, 2002
85	Nursing Council	September 17, 2002
86	T&T Prison Service	September 17, 2002
87	Personnel Department	September 18, 2002
88	PricewaterhouseCoopers	October 1, 2002
89	NEDCO	October 9, 2002
90	Ministry of Labour and Small and Micro Enterprise Development	October 10, 2002
91	South West Regional Health Authority	October 15, 2002
92	Ministry of Community Development and Gender Affairs	October 2002

	Public Authority	Date of Meeting
93	PLIPDECO	14 February 2003
94	Ministry of Labour and Small and Micro Enterprise Development	October 2002
95	Ministry of Sport and Youth Affairs	14 July 2003
96	The National Gas Company of Trinidad and Tobago Limited	29 January 2004
97	Ministry of Education	10 March 2004
98	South West Regional Health Authority	7 May, 2004
99	Ministry of Public Utilities and the Environment	16 July 2004
100	Library Association of Trinidad and Tobago	20 July, 2004
101	Ministry of Social Development	1 st and 2 nd September 2004

APPENDIX 2

**STATEMENTS PUBLISHED BY PUBLIC AUTHORITIES IN ACCORDANCE WITH
SECTION 7 OF THE
FREEDOM OF INFORMATION ACT, 1999**

	Public Authority	Publication Details	
		Newspaper	Gazette
1	Agricultural Development Bank (ADB)*	Newsday Wednesday August 7, 2002 pg.36	
2	Chaguaramas Development Authority (CDA)	Newsday Thursday August 28, 2003 pg. 32,33 (Section A) Newsday Wednesday September 10, 2003 pg.16,17 (Section B)	
3	Eastern Regional Health Authority	Express Monday March 25, 2002 pg. 48	Vol. 41, No. 52 Wednesday 27 March 2002
4	Firearms Appeal Board	Newsday Thursday March 13 th 2003 pg. 57	
5	Immigration Division	Newsday Monday August 18, 2003 pg. 30,31	

	Public Authority	Publication Details	
		Newspaper	Gazette
6	Industrial Court of Trinidad & Tobago	Newsday Friday April 16 th 2004 Section A	
7	Land Settlement Agency	Newsday Wednesday February 20, 2002 pg. 50	Vol. 41, No. 27
8	Meteorological Services Division	Newsday Wednesday January 12, 2005 p. 14	
9	former Ministry of Communications and Information Technology**	Newsday Friday June 29, 2001 pg. 12-13	
10	Ministry of Energy and Energy Industries	Express Wednesday August 21, 2002 pg. 75,76	
11	Ministry of Finance	Guardian Sunday July 14, 2002 pg. 9-11	Vol. 41, No.94 Tuesday 14 th May, 2002
12	Ministry of Housing	Newsday Wednesday January 12, 2005 p. 28	
13	Ministry of Labour & Small & Micro Enterprise Development	Newsday Friday May 16, 2003 pg. 16, 17	

	Public Authority	Publication Details	
		Newspaper	Gazette
14	Ministry of National Security	Newsday Wednesday November 27 th 2002 pg.60	
15	Ministry of Planning and Development	Express Thursday January 9 th 2003 pg.27	Vol. 42, No.4 Wed Jan 8 th 2003
16	Ministry of Public Administration and Information	Newsday Thursday April 1 st , 2004 pg. 24-27	Gazette No. 50 Monday 29 th March, 2004
17	Ministry of Science, Technology & Tertiary Education	Newsday Tuesday August 12, 2003 pg. 28 (Section A)	
18	Ministry of Social Development	Trinidad Guardian Tuesday December 14, 2004 p. 60 and 61	
19	Ministry of Sport and Youth Affairs	Newsday Monday January 10, 2005 p. 22	Vol. 43 No. 193 Friday 29 th October , 2004
20	Former Ministry of the Environment**		Vol. 40, No.132 Thursday 12 July, 2001
21	Ministry of Works and Transport	Guardian Monday September 16 2002 pg.37	

	Public Authority	Publication Details	
		Newspaper	Gazette
22	National Housing Authority	Newsday Thursday January 13, 2005 p. 30	
23	National Library and Information Systems Authority (NALIS)	Express Wednesday July 23, 2003 pg. 40,41	
24	National Broadcasting Network Limited (NBN)	Newsday Saturday April 3, 2004 pg. 20, 21 (Section A)	Vol. 43 No. 61 Thursday 15 th April, 2004
25	National Enterprises Ltd (NEL)*	Express Thursday May 9 2002 pg. 2	Vol. 41 No. 90 Thursday May 9, 2002
26	National Gas Company (NGC)	Express Wednesday August 21, 2002 pg. 73,74	
27	National Insurance Board (NIB)	Express Wednesday July 9, 2003 pg. 37,38,43,44	Vol. 42 No.134 Fri Sept 12 2003
28	National Institute of Higher Education, Research, Science & Technology (NIHERST)	Newsday Monday September 30 2002 pg.33	

	Public Authority	Publication Details	
		Newspaper	Gazette
29	National Quarries	Guardian Wednesday October 30 2002 pg. 24	
30	National Lotteries Control Board		Vol. 41 No. 203 Friday October 25, 2002
31	Personnel Department		Vol. 41 No. 151 Friday August 9, 2002
32	Petroleum Company of Trinidad & Tobago (PETROTRIN)	Guardian Tuesday April 22, 2003 pg. 22,23	Vol. 41 No.238 Thursday 19 th Dec 2002
33	Police Complaints Authority	Newsday Thursday March 13 th 2003 pg. 56	
34	Small Business Development Co. (Now the Business Development Company Limited)*	Newsday February 21, 2001 Pg 39	
35	Statutory Authorities Service Commissions	Express Wednesday August 29, 2001 Pg. 71	

	Public Authority	Publication Details	
		Newspaper	Gazette
36	Telecommunications Services of Trinidad & Tobago Limited (TSTT)	Express Thursday April 8, 2004 pg. 34,35	Vol. 43 No. 61 Thursday 15 th April, 2004
37	Tobago Regional Health Authority	Express Wednesday May 7, 2003 pg. 79	
38	Trinidad & Tobago Bureau of Standards	Express Friday December 28, 2001 pg. 68	
39	Trinidad & Tobago Defence Force	Newsday Thursday Dec 19 th 2002 pg. 63	
40	Trinidad & Tobago Fire Service	Newsday Wednesday November 27 2002 pg.10	
41	Trinidad & Tobago Forensic Science Centre	Express Friday September 13, 2002 pg. 26,27	
42	Trinidad & Tobago Police Service	Newsday Thursday April 24, 2003 pg. 64, 65	
43	Youth Training and Employment Partnership Programme (YTEPP)	Newsday Friday May 9, 2003 pg. 12, 13	

Notes

*** Public Authority has, since publication of its statement, obtained an exemption from the operations of the FOIA**

**** Public Authority no longer exists due to change of Government administration**

APPENDIX 3**Public Authorities that have not Complied* with Section 7 of the FOIA**

* Compliance with the act means:

- a) publishing in both the *Gazette* and a daily newspaper circulating in Trinidad and Tobago, the required particulars as per subsection (1)(a) (i) – (viii)

- b) publishing in the *Gazette* and a daily newspaper statements bringing up to date the information contained in the previous statements during the year following the first publication, and during each succeeding year in accordance with subsection (1) (b)

1. Agricultural Society of Trinidad & Tobago
2. Airports Authority of Trinidad & Tobago
3. Arima Corporation
4. Betting Levy Board
5. BWIA West Indies Airways
6. Caribbean Health Research Council
7. Caribbean Industrial Research Institute
8. Caroni (1975) Limited
9. Central Administrative Services Tobago
10. Central Bank of Trinidad & Tobago
11. Central Tenders Board
12. Chaguanas Borough Corporation
13. Chaguaramas Development Authority

14. Cipriani College of Labour and Co-operative Studies
15. Civil Aviation Authority
16. College of Science Technology and Applied Arts of Trinidad and Tobago
17. Consumer Affairs Division
18. Couva/Tabaquite/Talparo Regional Corporation
19. Customs & Excise Division
20. Dental Council of Trinidad & Tobago
21. Department of Motor Vehicle Registration and Control
22. Diego Martin Regional Corporation
23. Eastern Caribbean Institute of Agriculture and Forestry
24. Environmental Commission
25. Environmental Management Authority
26. Export Centres Company Limited
27. Firearms Appeal Board
28. Girl Guides Association of Trinidad & Tobago
29. Immigration Division
30. Industrial Court of Trinidad & Tobago
31. Inland Revenue Division
32. Institute of Marine Affairs
33. John S. Donaldson Technical Institute
34. Joint Services Staff College
35. Judiciary of Trinidad & Tobago
36. Lake Asphalt of Trinidad & Tobago (1978) Limited
37. Legal Aid and Advisory Authority
38. Maritime Services Division
39. Mayaro/Rio Claro Regional Corporation

40. Medical Board of Trinidad & Tobago
41. Metal Industries Company Ltd.
42. Ministry of Agriculture, Land & Marine Resources
43. Ministry of Community Development, Culture & Gender Affairs
44. Ministry of Education
45. Ministry of Energy & Energy Industries
46. Ministry of Foreign Affairs
47. Ministry of Health
48. Ministry of Housing
49. Ministry of Labour and Small and Micro Enterprise Development
50. Ministry of Legal Affairs
51. Ministry of Local Government
52. Ministry of National Security
53. Ministry of Public Utilities & the Environment
54. Ministry of Science, Technology & Tertiary Education
55. Ministry of the Attorney General
56. Ministry of Tourism
57. Ministry of Trade & Industry
58. Ministry of Works & Transport
59. Naparima Bowl Board of Management
60. National Agricultural Marketing and Development Corporation
61. National Carnival Commission of Trinidad & Tobago
62. National Emergency Management Agency
63. National Energy Skills Center
64. National Flour Mills
65. National Gas Company
66. National Helicopter Services Limited

67. National Housing Authority
68. National Institute of Higher Education, Research, Science & Technology
69. National Insurance Appeals Tribunal
70. National Insurance Property Development Company Limited.
71. National Library and Information Systems Authority
72. National Lotteries Control Board
73. National Maintenance Training and Security Co. Limited
74. National Quarries Company Limited
75. National Training Agency
76. North West Regional Health Authority
77. Office of the Prime Minister
78. Organised Crime & Narcotics Unit
79. Palo Seco Agricultural Enterprises Limited
80. Parliament Republic of Trinidad & Tobago
81. Penal/Debe Regional Corporation
82. Personnel Department
83. Pharmacy Board of Trinidad & Tobago
84. Pilotage Authority
85. Point Fortin Borough Corporation
86. Point Lisas Industrial Port Development Corporation Ltd.
87. Police Complaints Authority
88. Port Authority of Trinidad & Tobago
89. Port of Spain Corporation
90. Princes Town Regional Corporation
91. Public Service Academy
92. Public Transport Service Corporation
93. Queen's Hall Board

94. Registration, Recognition & Certification Board
95. Regulated Industries Commission
96. Rent Assessment Board
97. San Fernando City Corporation
98. San Fernando Technical Institute
99. San Juan/Laventille Regional Corporation
100. Sangre Grande Regional Corporation
101. Scholarships and Advanced Training Division
102. Scout Association of Trinidad & Tobago
103. Service Commissions Department
104. Siparia Regional Corporation
105. South West Regional Health Authority
106. St. Dominic's Children's Home
107. St. Jude's Girls' Industrial School
108. St. Mary's Children's Home
109. St. Michael's School for Boys
110. Statutory Authorities Service Commissions
111. Sugar Industry Labour Welfare Committee
112. Supreme Court
113. Tax Appeal Board
114. The Cocoa & Coffee Industry Board of Trinidad & Tobago
115. The Nursing Council of Trinidad & Tobago
116. The Princess Elizabeth Centre for Physically Handicapped Children
117. The Trinidad & Tobago Solid Waste Management Co. Ltd
118. The University of the West Indies
119. The Vehicle Maintenance Corporation of Trinidad & Tobago Ltd
120. Tobago Council for Handicapped Children

121. Tobago House of Assembly
122. Tobago Regional Health Authority
123. Tourism and Industrial Development Company Limited
124. Treasury Division
125. Trinidad & Tobago Association for Retarded Children
126. Trinidad & Tobago Blind Welfare Association
127. Trinidad & Tobago Bureau of Standards
128. Trinidad & Tobago Defence Force
129. Trinidad & Tobago Electricity Commission
130. Trinidad & Tobago Export Trading Company Limited
131. Trinidad & Tobago Fire Service
132. Trinidad & Tobago Forensic Science Centre
133. Trinidad & Tobago Free Zones Company Limited
134. Trinidad & Tobago Hospitality and Tourism Institute
135. Trinidad & Tobago National Petroleum Marketing Company
136. Trinidad & Tobago Police Service
137. Trinidad & Tobago Postal Corporation
138. Trinidad & Tobago Prison Service
139. Trinidad & Tobago Racing Authority
140. Trinidad & Tobago Securities & Exchange Commission
141. Tunapuna/Piarco Regional Corporation
142. Valuation Division - Ministry of Finance
143. Venture Capital Incentive Programme
144. Water and Sewerage Authority
145. Youth Training and Employment Partnership Programme Ltd.
146. Zoological Society of Trinidad & Tobago

Pursuant to his reply to question 56, earlier in the proceedings, the Minister of National Security (Sen. The Hon. Martin Joseph) caused to be circulated to Members of the Senate the following statistics:

**Forensic Science Centre
(Matters before the Courts)**

- 56. Sen. Wade Mark** on behalf of Sen. Robin Montano asked the hon. Minister of National Security:
- A. With respect to matters currently before the courts of Trinidad and Tobago that have been postponed because they are awaiting a forensic report from the Forensic Science Centre, could the hon. Minister inform the Senate of the number of such matters as at January 18, 2005, which are more than one month old from the date of arrest and charge and in which the accused persons are in custody because they have been unable to get bail?
 - B. Could the Minister provide a breakdown of the number of matters referred to in (A), with particular reference, but not limited to:
 - (i) date of the offence;
 - (ii) nature of the offence;
 - (iii) length of time the matter has been pending; and
 - (iv) amount of bail that has been fixed?

APPENDIX

INFORMATION RE: MATTERS BEFORE THE COURTS OF TRINIDAD AND TOBAGO WHICH HAVE BEEN POSTPONED PENDING SUBMISSION OF FORENSIC REPORTS

NO.	NATURE OF THE OFFENCE	DATE OF THE OFFENCE	TIME PENDING	BAIL STATUS
1	Possession of Ammunition; Possession of Marijuana	23.01.04	11¾ mths.	*BWS \$150,000.00 – unable to access bail
2	-Do-	06.03.04	10 mths.	BWS \$75,000.00 – unable to access bail
3	Possession of Firearm, etc.	23.08.04	4 ½ mths.	BWS \$75,000.00 – unable to access bail
4	Possession of Cocaine	02.12.04	1 ½ mths.	BWS \$75,000.00 – unable to access bail
5	Robbery, etc.	18.01.04	12 mths.	In Custody – remanded without bail
6	Murder	14-18.08.04	5 mths.	In Custody – remanded without bail
7	Possession of Marijuana, etc.	18.01.04	12 mths.	In Custody – remanded without bail
8	-Do-	28.08.04	4 ½ mths.	In Custody – remanded without bail
9	Possession of Ammunition	10.04.04	8¼ mths.	In Custody – remanded without bail
10	-Do-	25.07.04	5½ mths.	BWS \$80,000.00 – unable to access bail
11	-Do-	29.10.04	2½ mths.	BWS \$60,000.00 – unable to access bail
12	Possession of Marijuana	26.02.04	10½ mths.	In Custody – remanded without bail
13	-Do-	07.02.04	11½ mths.	In Custody – remanded without bail
14	Possession of Cocaine	07.02.04	11½ mths.	In Custody – remanded without bail
15	Possession of Firearm/Ammunition	06.08.04	5 ½ mths.	BWS \$100,000.00 – unable to access bail
16	Possession of Ammunition	13.11.04	2¼ mths.	BWS \$50,000.00 – unable to access bail
17	Possession of Firearm/Ammunition	13.11.04	2¼ mths.	BWS \$200,000.00 - unable to access bail
18	-Do-	12.10.04	3¼ mths.	BWS \$160,000.00 – unable to access bail
19	Possession of Cocaine	11.08.04	5¼ mths.	In Custody – remanded without bail
20	Possession of Firearm	02.10.04	3 ½ mths.	BWS \$100,000.00 – unable to access bail

Written Answers to Questions

Tuesday, March 01, 2005

NO.	NATURE OF THE OFFENCE	DATE OF THE OFFENCE	TIME PENDING	BAIL STATUS
21	-Do-	31.10.04	2½ mths.	BWS \$120,000.00 – unable to access bail
22	Possession of Ammunition	04.09.04	4 ½ mths.	In Custody – remanded without bail
23	-Do-	05.12.04	1 ½ mths.	BWS \$40,000.00 – unable to access bail
24	Rape	07.03.04	10 ½ mths.	BWS \$90,000.00 – unable to access bail
25	Possession of Firearm, etc.	23.08.04	5 ½ mths.	BWS \$70,000.00 – unable to access bail
26	Possession of Cocaine	12.12.04	1¼ mth.	In Custody – remanded without bail
27	Rape	10.08.04	5¼ mths.	In Custody -do-
28	Possession of Marijuana	14.05.04	8 mths.	In Custody -do-
29	Possession of Firearm	30.12.03	12½ mths.	In Custody -do-
30	Murder	19.08.04	5 mths.	In Custody -do-
31	Robbery	14.02.03	22½ mths	In Custody -do-
32	Possession of Firearm, etc.	18.08.04	5 mths.	In Custody -do-
33	-Do-	14.05.03	20 mths.	In Custody -do-
34	Possession of Ammunition	03.04.04	8 ½ mths.	In Custody -do-
35	Possession of Cocaine	03.01.05	1 ½ mths.	In Custody -do-
36	Possession of Marijuana	21.08.04	4¼ mths.	In Custody -do-
37	Possession of Cocaine	03.11.04	2 ½ mths.	In Custody -do-
38	Possession of Firearm	27.07.04	5¾ mths.	In Custody -do-
39	-Do-	14.12.04	1 mth.	In Custody -do-
40	-Do-	27.11.04	1¾ mths.	In Custody -do-
41	Possession of Marijuana	21.10.04	3 mths.	BWS \$150,000.00 - unable to access bail
42	Possession of Cocaine	29.10.04	2 ½ mths.	BWS \$25,000.00 - unable to access bail
43	-Do-	28.10.04	2 ½ mths.	In Custody - remanded without bail
44	Possession of Marijuana	11.11.04	2¼ mths.	BWS \$60,000.00 - unable to access bail
45	-Do-	06.05.04	7½ mths	BWS \$60,000.00 - unable to access bail

Written Answers to Questions

Tuesday, March 01, 2005

NO.	NATURE OF THE OFFENCE	DATE OF THE OFFENCE	TIME PENDING	BAIL STATUS
46	-Do-	19.11.04	2 mths.	BWS \$20,000.00 - unable to access bail
47	-Do-	21.08.04	5 mths.	BWS \$100,000.00 -do-
48	-Do-	16.01.04	12 mths.	BWS \$100,00.00 -do-
49	-Do-	01.09.04	3 ½ mths.	BWS \$140,000.00 -do-
50	Possession of Cocaine	16.11.03	2 mths.	BWS \$10,000.00 -do-
51	-Do-	20.05.04	8 mths.	BWS \$40,000.00 -do-
52	Possession of Marijuana	07.06.04	6 ½ mths.	BWS \$150,000.00 -do-
53	Possession of Cocaine	03.08.04	5 ½ mths.	BWS \$60,000.00 -do-
54	Possession of Marijuana	14.10.04	3 mths.	BWS \$120,000.00 -do-
55	Possession of Cocaine	20.12.04	1 mth.	In Custody - remanded without bail
56	Possession of Marijuana	21.10.04	3 mths.	In Custody - remanded without bail
57	-Do-	18.10.04	3 mth.	BWS \$100,000.00 – unable to access bail
58	Possession of Cocaine	30.10.04	2 ½ mths.	BWS \$60,000.00 -do-
59	Possession of Marijuana	12.11.04	2¼ mths.	BWS \$125,000.00 -do-
60	Possession of Cocaine	23.08.04	4 ½ mths.	BWS \$60,000.00 -do-
61	-Do-	17.09.04	4 mths.	BWS \$30,000.00 -do-
62	-Do-	14.01.04	12 mths.	BWS \$90,000.00 -do-
63	-Do-	05.11.04	2½ mths,	BWS \$15,000.00 -do-
64	-Do-	29.11.04	1 ½ mths.	BWS\$80,000.00 -do-
65	Possession of Marijuana	16.12.04	1 mth.	BWS\$40,000.00 -do-
66	-Do-	16.12.04	1mth.	BWS\$70,000.00 -do-
67	Possession of Cocaine	29.10.04	2 ½ mths.	BWS\$25,000.00 -do-
68	Possession of Marijuana	21.08.04	4 ½ mths.	BWS\$35,000.00 -do-
69	-Do-Possession of Ammunition	02.07.04	6 ½ mths.	BWS \$50,000.00 -do-
70	Possession of Firearm, etc.	27.11.04	1½ mths.	In Custody – remanded without bail
71	-Do-	16.03.04	10 mths.	In Custody - remanded without bail

NO.	NATURE OF THE OFFENCE	DATE OF THE OFFENCE	TIME PENDING	BAIL STATUS
72	-Do-	29.11.04	1½ mths.	BWS \$200,000.00 – unable to access bail
73	-Do-	30.12.04	1 mth.	BWS \$100,000.00 – unable to access bail
74	-Do-	23.11.04	1¾ mths.	In Custody – remanded without bail
75	-Do-	08.03.04	10½ mths.	BWS \$60,000.00 – unable to access bail
76	Trafficking Cocaine	14.12.04	1 mth.	BWS \$300,000.00 – unable to access bail
77	-Do-	10.12.04	1¼ mth.	In Custody – remanded without bail
78	Possession of Marijuana	17.12.04	1 mth.	BWS \$100,000.00 – unable to access bail
79	Possession of Cocaine	14.12.04	1 mth.	BWS \$300,000.00 -do-
80	Possession of Marijuana	27.12.04	1 mth.	BWS \$30,000.00 -do-
81	Possession of Cocaine	16.12.04	1 mth.	BWS \$20,000.00 -do-
82	-Do-	12.11.04	2¼ mths.	BWS \$50,000.00 -do-
83	-Do-	10.11.04	2¼ mths.	BWS \$150,000.00 -do-
84	-Do-	10.11.04	2¼ mths.	BWS \$25,000.00 -do-
85	Possession of Marijuana	09.12.04	1¼ mth.	BWS \$50,000.00 -do-
86	-Do-	19.11.04	2 mths.	BWS \$20,000.00 -do-
87	Possession of Cocaine	07.10.04	3¼ mths.	BWS \$100,000.00 -do-
88	Possession of Cocaine	10.11.04	2¼ mths.	BWS \$25,000.00 -do-
89	Possession of Marijuana	11.11.04	2¼ mths.	BWS \$120,000.00 -do-
90	-Do-	12.07.04	5¼ mths.	BWS \$60,000.00 -do-
91	Possession of Marijuana	23.08.04	4 ¾ mths.	BWS \$75,000.00 -do-
92	Possession of Cocaine	20.07.04	6 mths.	BWS \$80,000.00 -do-
93	-Do-	29.08.04	4 ½ mths.	BWS \$100,000.00 -do-
94	-Do-	25.11.04	1½ mths.	BWS \$45,000.00 -do-
95	Possession of Marijuana	06.12.04	1 ½ mths.	In Custody - remanded without bail
96	-Do-	16.12.04	1 mth.	BWS \$60,000.00 - unable to access bail
97	-Do-	17.11.04	2 mths.	BWS \$120,000.00 -do-

NO.	NATURE OF THE OFFENCE	DATE OF THE OFFENCE	TIME PENDING	BAIL STATUS
98	Possession of Cocaine	01.10.04	3 ½ mths.	BWS \$120,000.00 -do-
99	-Do-	03.12.04	1 ½ mths.	BWS \$140,000.00 -do-
100	Possession of Marijuana	18.08.04	5 mths	BWS \$75,000.00 -do-
101	Trafficking Cocaine	27.08.04	4 ½ mths.	BWS \$175,000.00 – unable to access bail
102	-Do-	16.07.04	6 mths.	BWS \$75,000.00 -do-
103	-Do-	18.08.04	5¼ mths.	BWS \$60,000.00 -do-
104	Possession of Cocaine	12.08.04	5¼ mths.	In Custody - remanded without bail
105	-Do-	12.07.04	6¼ mths.	BWS \$60,000.00 – unable to access bail
106	_Do-	06.11.04	2½ mths.	BWS \$50,000.00 -do-
107	_Do-	29.11.04	1 ½ mths.	BWS \$70,000.00 -do-
108	_Do-	19.11.04	2 mths.	BWS \$45,000.00 -do-
109	_Do-	17.12.04	1 mth.	BWS \$15,000.00 -do-
110	Possession of Heroine	15.12.04	1 mth.	In Custody - remanded without bail
111	Possession of Cocaine	14.09.04	4 mths.	BWS \$75,000.00 – unable to access bail

**Forensic Science Centre
(Court matters postponed because of)**

57. Sen. Wade Mark on behalf of Sen. Robin Montano asked the hon. Minister of National Security:

With respect to matters awaiting trial before the courts of Trinidad and Tobago in which the accused persons have been granted bail, but which matters are being postponed because they are awaiting a forensic report from the Forensic Science Centre, could the hon. Minister provide this Senate with details of:

- (i) the number of such matters;

- (ii) the date and nature of the offence; and
- (iii) the length of time the matter has been pending.

List of matters awaiting trial in which information Re: Matters before the Courts of Trinidad and Tobago where the Accused Persons have been granted bail which have been postponed pending submission of Forensic Reports

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
1	Possession of Marijuana for Trafficking	14.05.04	8mths.
2	-Do-	03.06.04	8 ½mths.
3	-Do-	12.02.04	11 mths.
4	(1) Possession of Firearm (2) Possession of Ammunition	28.11.03	13 ½ mths.
5	Possession of Marijuana	28.12.03	12 ½ mths.
6	Possession of Marijuana	28.12.03	12 ½ mths.
7	-Do-	13.12.04	1 mth.
8	-Do-	26.07.04	5¾ mths.
9	Possession of Marijuana	28.06.04	6¾ mths.
10	Possession of Marijuana, etc.	29.10.04	2 ½ mths.
11	Possession of Firearm, etc.	14.09.04	4 mths.
12	-Do-	19.07.03	18 mths.
13	-Do-	11.05.04	8 mths.
14	-Do-	28.11.03	13 ¾ mths.
15	-Do-	12.05.04	8 mths.
16	Possession of Firearm	27.06.04	6 ½ mths.

Written Answers to Questions

Tuesday, March 01, 2005

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
17	-Do-	16.01.04	12 mths.
18	Possession of Marijuana	19.01.04	12 mths.
19	Possession of Firearm	18.09.02	28 mths.
20	Possession of Ammunition	18.09.02	28 mths.
21	Possession of Ammunition, etc.	31.12.03	12 ½ mths.
22	Possession of Marijuana	13.08.04	6 mths.
23	-Do-	23.04.04	8¾ mths.
24	-Do-	11.05.04	8 mths.
25	Possession of Firearm, etc.	20.01.04	12 mths.
26	Possession of Marijuana	27.01.04	11 ½ mths.
27	-Do-	07.11.03	14½ mths.
28	-Do-	22.10.04	2¾ mths.
29	-Do-	10.12.04	1¼ mths.
30	Possession of Marijuana	17.07.04	6 mths.
31	-Do-	12.02.04	11 mths.
32	-Do-	24.11.03	13¾ mths.
33	-Do-	27.02.04	10½ mths.
34	-Do-	26.06.04	6¾ mths.
35	Possession of Ammunition	24.11.03	13¾ mths.
36	Possession of Marijuana	24.11.03	13¾ mths.

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
37	Possession of Ammunition	24.11.03	13¾ mths.
38	-Do-	21.11.03	13¾ mths.
39	Possession of Marijuana	20.03.04	9¾ mths.
40	-Do-	24.03.04	9¾ mths.
41	-Do-	01.10.04	3½ mths.
42	-Do-	06.05.04	8½ mths.
43	-Do-	08.04.04	9¾ mths.
44	-Do-	12.03.04	10¼ mths.
45	Possession of Cocaine	20.09.04	4 mths.
46	Possession of Marijuana	20.09.04	4 mths.
47	Possession of Apparatus	25.03.04	9½ mths.
48	Possession of Marijuana	18.02.04	11 mths.
49	-Do-	09.04.04	9¼ mths.
50	Attempt Murder	01.05.03	20½ mths.
51	Possession of Firearm & Ammunition	08.10.03	15 mths.
52	Cultivate Marijuana	08.10.03	15 mths.
53	Possession of Firearm	30.12.03	12½ mths.
54	Indecent Assault	08.06.04	7½ mths.
55	Possession of Marijuana	01.06.04	7½ mths.
56	-Do-	01.12.04	1½ mths.

Written Answers to Questions

Tuesday, March 01, 2005

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
57	-Do-	18.02.04	11 mths.
58	Robbery	12.02.03	11 mths.
59	Possession of Marijuana	14.09.04	4 mths.
60	Possession of Firearm	18.12.03	14 mths.
61	Possession of Firearm , etc.	22.10.04	3 mths.
62	Possession of Firearm	02.05.03	20½ mths.
63	Possession of Firearm & Ammunition	01.01.04	12½ mths.
64	Possession of Marijuana	16.09.03	16 mths.
65	-Do-	09.05.04	8¼ mths.
66	Possession of Firearm, etc.	18.11.04	2 mths.
67	Possession of Marijuana	15.05.02	32 mths.
68	Possession of Cocaine	12.03.04	10¼ mths.
69	Possession of Firearm, etc.	14.03.03	22 mths.
70	Possession of Marijuana	18.08.04	5 mths.
71	Selling Intoxicating w/o Permit	02.06.04	7½ mths.
72	Possession of Apparatus	20.10.03	15 mths.
73	Possession of Firearm	12.09.04	4¼ mths.
74	Possession of Marijuana	04.03.04	10½ mths.
75	Possession of Firearm, etc.	02.11.03	14 ½ mths.
76	Transporting Firearm, etc.	26.11.03	13¾ mths.

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
77	Possession of Firearm	17.10.03	15 mths.
78	Possession of Marijuana	16.06.04	7 mths.
79	-Do-	19.06.04	7 mths.
80	-Do-	01.11.04	2 ½ mths.
81	-Do-	09.09.04	4¼ mths.
82	Trafficking Cocaine	17.07.04	6 mths.
83	-Do-	06.04.04	9½ mths.
84	Possession of Cocaine.	27.11.04	1¾ mths.
85	-Do-	16.09.03	16 mths.
86	Possession of Firearm, etc.	09.10.04	3½ mths.
87	Possession of Cocaine	17.03.04	10 mths.
88	Possession of Firearm, etc.	12.10.04	3¼ mths.
89	Possession of Explosive	22.10.04	3 mths.
90	Possession of Cocaine	23.02.03	22¾ mths.
91	Possession of Firearm	14.07.04	6 mths.
92	Possession of Marijuana	25.10.04	2¾ mths.
93	-Do-	06.12.03	13½ mths.
94	-Do-	20.02.04	11 mths.
95	-Do-	23.09.04	3¾ mths.
96	-Do-	23.09.04	3¾ mths.

Written Answers to Questions

Tuesday, March 01, 2005

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
97	Possession of Cocaine	20.02.04	10¾ 12 mths.
98	Possession of Ammunition	03.08.04	5½ mths.
99	Possession of Marijuana	05.05.04	8½ mths.
100	-Do-	02.02.04	11½ mths.
101	-Do-	05.02.04	11 ½ mths.
102	-Do-	02.03.04	11 ½ mths.
103	Possession of Apparatus	02.03.04	11 ½ mths.
104	Possession of Marijuana	04.09.04	4½ mths.
105	Possession of Cocaine	06.11.04	2½ mths.
106	Possession of Marijuana	19.03.04	10 mths.
107	-Do-	04.05.04	8½ mths.
108	Possession of Firearm	17.03.04	10 mths.
109	-Do-	08.03.04	10¼ mths.
110	Possession of Cocaine	07.02.04	11½ mths.
111	-Do-	11.06.04	7¼ mths.
112	-Do-	15.07.04	6 mths.
113	-Do-	10.12.04	1¼ mths.
114	Possession of Marijuana	04.05.04	8½ mths.
115	Possession of Firearm, etc.	23.05.04	7¾ mths.
116	Possession of Apparatus	11.06.04	7 mths.
117	Possession of Marijuana	19.09.04	4 mths.

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
118	Possession of Cocaine	28.11.04	1¾ mths.
119	Possession of Firearm, etc.	23.05.04	7¾ mths.
120	Possession of Cocaine	14.08.04	5¼ mths.
121	-Do-	22.10.04	2¾ mths.
122	Trafficking Marijuana	01.12.04	1½ mths.
123	Trafficking Cocaine	30.04.04	8½ mths.
124	Possession of Firearm, etc.	15.05.04	8 mths.
125	Possession of Marijuana	24.11.04	1¾ mths.
126	Possession of Firearm	30.06.04	6 ½ mths.
127	Possession of Marijuana	09.07.04	6 ½ mths.
128	Possession of Marijuana, etc.	08.08.04	5 ½ mths.
129	Possession of Firearm	26.04.04	8¾ mths.
130	Possession of Marijuana, etc.	27.10.04	2¾ mths.
131	Possession of Cocaine	11.02.04	11¼ mths.
132	-Do-	01.12.04	1½ mths.
133	-Do-	03.04.04	9 ½ mths.
134	Possession of Marijuana, etc.	08.08.04	5½ mths.
135	-Do-	04.07.04	6½ mths.
136	Possession of Marijuana	04.07.04	6½ mths.
137	Trafficking Marijuana	28.08.04	4¾mths.

No. of Matters pending	Nature of Offence	Date of Offence	Length of Time Pending
139	Possession of Marijuana	27.07.04	5¾ mths.
140	-Do-	05.10.04	3½ mths.
141	-Do-	17.08.04	5 mths.
142	Possession of Cocaine	10.12.03	13 mths.
143	-Do-	02.10.03	15½ mths.
144	Murder	14-16.08.04	5 mths.
145	Trafficking Marijuana	30.11.03	13½ mths.
146	Possession of Firearm	21.04.04	8¾ mths.
147	Possessin of Cocaine, etc.	21.04.04	8¾ mths.
148	Possession of Marijuana	23.02.04	10¾ mths.
149	-Do-	23.02.04	10¾ mths.
150	Possession of Firearm, etc.	30.11.03	13½ mths.
151	-Do-	17.03.04	10 mths.
152	-Do-	23.07.03	17¾ mths.
153	Possession of Firearm, etc.	10.02.04	11¼ mths.
154	Possession of Cocaine	29.05.04	7¾ mths.
155	Possession of device	26.07.02	29¾ mths.
156	Possession of Firearm, etc.	04.03.04	10½ mths.
157	Possession of Cocaine	05.05.04	8½ mths.
158	Trafficking Marijuana	05.05.04	8 ½ mths.

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
159	Possession of Marijuana`	18.10.04	3 mths.
160	Possession of Cocaine	15.10.04	3 mths.
161	-Do-	22.10.04	3 mths.
162	-Do-	03.04.04	9¾ mths.
163	-Do-	26.06.04	6¾ mths.
164	Possession of Marijuana	20.08.04	5 mths.
165	-Do-	06.08.04	5½ mths.
166	-Do-	06.08.04	5½ mths.
167	Possession of Cocaine	09.08.04	5¼ mths.
168	Possession of Firearm, etc.	03.10.04	3½ mths
169	-Do-	09.10.04	3½ mths.
170	Possession of Marijuana	03.07.04	6½ mths.
171	-Do-	10.03.04	10¼ mths.
172	-Do-	19.03.04	10 mths.
173	-Do-	19.03.04	10 mths.
174	Possession of Marijuana	25.09.04	3¾ mths.
175	-Do-	22.09.04	3¾ mths.
176	Possession of Cocaine	04.08.04	5 ½ mths.
177	Possession of Marijuana	13.02.04	11 mths.
178	-Do-	11.09.03	17¼ mths.

Written Answers to Questions

Tuesday, March 01, 2005

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
179	-Do-	17.09.03	18 mths.
180	-Do-	16.05.03	20 mths.
181	-Do-	25.03.04	9¾ mths.
182	Possession of Cocaine, etc.	20.12.04	1 mth
183	Cultivating Marijuana	25.05.04	7¾ mths.
184	Possession of Marijuana	25.06.04	6¾ mths.
185	-Do-	09.03.04	10 ½ mths.
186	-Do-	09.03.04	10 ½ mths.
187	-Do-	05.06.04	7½ mths.
188	-Do-	17.06.04	8 mths.
189	-Do-	05.03.04	10½ mths.
190	-Do-	21.10.04	2¾ mths.
191	-Do-	21.10.04	2¾ mths.
192	-Do-	21.10.04	2¾ mths.
193	Possession of Cocaine	27.11.04	1¾ mths.
194	Possession of Marijuana	25.11.04	1¾ mths.
195	-Do-	14.08.04	5 mths.
196	-Do-	09.08.04	5 ½ mths.
197	-Do-	30.07.04	5 ½ mths.
198	-Do-	12.11.04	2¼ mths.

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
199	Possession of Cocaine	20.11.04	2 mths.
200	Possession of Cocaine	10.11.04	2¼ mths.
201	Possession of Firearm	08.08.03	17½ mths.
202	Possession of Marijuana	04.11.04	2½ mths.
203	Possession of Marijuana	08.07.04	6¼ mths.
204	Possession of Cocaine	22.05.04	7¾ mths.
205	Possession of Marijuana	13.05.04	8¼ mths.
206	-Do-	11.06.04	7¼ mths.
207	-Do-	04.09.04	4½ mths.
208	Possession of Cocaine	28.02.04	10¾ mths.
209	Possession of Marijuana	27.09.04	3¾ mths.
210	Possession of Marijuana	23.02.04	10¾ mths.
211	Possession of Cocaine	30.11.04	1¾ mths.
212	Possession of Marijuana	17.03.04	10 mths.
213	-Do-	02.10.04	3½ mths.
214	Trafficking Cocaine	22.11.04	1¾ mths.
215	Possession of Marijuana	19.11.04	2 mths
216	Possession of Cocaine	15.11.04	2 mths
217	Possession of Marijuana	17.12.04	1 mths
218	-Do-	19.12.04	1 mths

Written Answers to Questions

Tuesday, March 01, 2005

No. of Matters Pending	Nature of Offence	Date of Offence	Length of Time Pending
219	-Do-	18.12.04	1 mths
220	Possession of Ammunition	27.08.04	4 ³ / ₄ mths
221	-Do-	02.10.04	3 ½ mths
222	Possession of Firearm/Ammunition	03.08.04	5 ½ mths
223	-Do-	01.08.04	5 ½ mths
224	Possession of Ammunition	14.10.04	3 mths
225	-Do-	03.11.04	2 ½ mths
226	-Do-	04.12.04	1 ½ mths
227	-Do-	12.11.04	2 ½ mths
228	Possession of Marijuana	08.07.04	6½ mths
229	Possession of Cocaine	22.05.04	7¾ mths
230	Possession of Marijuana	13.05.04	8 mths
231	Possession of Cocaine	22.03.04	9¾ mths
232	Possession of Marijuana	25.02.04	10¾ mths