

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE FOURTH SESSION OF THE EIGHTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON OCTOBER 17, 2002

SESSION 2005—2006

VOLUME 14

SENATE

Tuesday, July 04, 2006

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 from today's sitting of the Senate to Sen. The Hon. Knowlson Gift, Sen. The Hon. Hazel Ann Marie Manning and Sen. Dana S. Seetahal, S.C. who are out of the country, and to Sen. The Hon. Satish Ramroop who is ill.

REVOCAION OF APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency DR. LINDA SAVITRI BABOOLAL,
Acting President and Commander-in-Chief of
the Republic of Trinidad and Tobago.

/s/ Linda Baboolal
Acting President.

TO: SENATOR SADIQ BAKSH

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President acting in accordance with the advice of the Leader of the Opposition, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Leader of the

Revocation of Appointment
[MADAM PRESIDENT]

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Opposition, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution, do hereby declare the seat of you, SADIQ BAKSH, to be vacant.

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 29th day of June, 2006."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency DR. LINDA SAVITRI BABOOLAL,
Acting President and Commander-in-Chief of
the Republic of Trinidad and Tobago.

/s/ Linda Baboolal
Acting President.

TO: SENATOR CAROLYN SEEPERSAD-BACHAN

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, acting in accordance with the advice of the Leader of the Opposition, is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by the said paragraph (e) of subsection (2) of section 43 of the Constitution, do hereby declare the seat of you, CAROLYN SEEPERSAD-BACHAN, to be vacant.

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 29th day of June, 2006."

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from Her Excellency Dr. Linda Savitri Baboolal, Acting President of the Republic of Trinidad and Tobago and His Excellency Prof. George Maxwell Richards T.C., C.M.T., PhD, President of the Republic of Trinidad and Tobago:

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“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency DR. LINDA SAVITRI BABOOLAL,
Acting President and Commander-in-Chief of
the Republic of Trinidad and Tobago.

/s/ Linda Baboolal
Acting President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator Knowlson Gift is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting 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 effect from 4th July, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Knowlson Gift.

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 30th day
of June, 2006.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MS. BONNIE-LOU DE SILVA

WHEREAS Senator Hazel Manning 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

Senators' Appointment
[MADAM PRESIDENT]

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Republic of Trinidad and Tobago, do hereby appoint you, BONNIE-LOU DE SILVA, to be temporarily a member of the Senate, with effect from 4th July, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Hazel Manning.

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 3rd day of July, 2006."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. NILEUNG ROLAND HYPOLITE

WHEREAS Senator Satish Ramroop is incapable of performing his duties as a Senator by reason of illness:

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, NILEUNG ROLAND HYPOLITE, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Satish Ramroop.

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 4th day of July, 2006."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

Senators' Appointment

Tuesday, July 04, 2006

/s/ G. Richards
President.

TO: MRS. RAZIAH AHMED

In exercise of the power vested in me by paragraph (b) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, RAZIAH AHMED, a Senator.

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 4th day of July, 2006."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: DR. SHASTRI MOONAN

In exercise of the power vested in me by paragraph (b) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, SHASTRI MOONAN, a Senator.

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 4th day of July, 2006."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency DR. LINDA SAVITRI BABOOLAL, Acting President and Commander-in-Chief of the Republic of Trinidad and Tobago.

Senators' Appointment
[MADAM PRESIDENT]

Tuesday, July 04, 2006

/s/ Linda Baboolal
Acting President.

TO: MS. ALTHEA ROCKE

WHEREAS Senator Dana Seetahal is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, LINDA SAVITRI BABOOLAL, Acting President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ALTHEA ROCKE, to be temporarily a member of the Senate, with effect from 4th July, 2006 and continuing during the absence from Trinidad and Tobago of the said Senator Dana Seetahal.

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 30th day
of June, 2006."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Joan Hackshaw-Marslin, Bonnie-Lou De Silva, Nileung Roland Hypolite,
Raziah Ahmed, Dr. Shastri Moonan, Althea Rocke.

**JOINT SELECT COMMITTEE
(APPOINTMENT OF)**

Madam President: Hon. Senators, I have received the following correspondence from the Hon. Barendra Sinanan, Speaker of the House of Representatives:

“Sen. the Hon. Dr. Linda Baboolal
President of the Senate
Office of the President of the Senate
Parliament
The Red House
Abercromby Street
PORT OF SPAIN
Honourable Madam President,

Joint Select Committee

Tuesday, July 04, 2006

Appointment of a Joint Select Committee

At a Sitting of the House of Representatives held on Friday May 30, 2006, the following Resolution was approved:

‘BE IT RESOLVED that the following Members be appointed to serve with an equal number from the Senate on a Joint Standing Committee on Broadcasting to oversee the establishment of guidelines and other matters relating to live broadcast of proceedings:

- Mr. Barendra Sinanan
- Dr. Keith Rowley
- Mrs. Camille Robinson-Regis
- Dr. Roodal Moonilal’

I shall be grateful if the decision of the House of Representatives is brought to the attention of the Senate.

Yours respectfully,

Hon. Barendra Sinanan, MP
Speaker of the House”

Hon. Senators, the Motion to give effect to this matter would be dealt with later in the proceedings under Item No. 14 on the Order Paper.

CONDOLENCES
(MR. GANACE RAMDIAL)

Madam President: Hon. Senators, at this point, I would like to take the opportunity to pay tribute to Mr. Ganace Ramdial, former President of the Senate.

Hon. Senators, Mr. Ganace Ramdial, a former President of the Senate passed away on Saturday, July 01, 2006. I, therefore, wish to pay tribute to him at this time and to extend sincere condolences to his loved ones.

Mr. Ramdial had a distinguished and rewarding career in both the political and financial areas. It can be said that he served his country with honour and dignity in his chosen fields of endeavour.

Born on January 21, 1935, Mr. Ramdial was admitted to the Bar in 1963 at Inner Temple, London after receiving his MBA from Somerset University.

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Additionally, he was a fellow of the Chartered Institute of Bankers in the United Kingdom. After returning to Trinidad and Tobago, he accepted appointments as a board member and chairman in several public and private sector companies. For example, Mr. Ramdial served as President of the Trinidad and Tobago Institute of Banking. In 1970, he joined the National Commercial Bank, which is now First Citizens, as an assistant manager and moved up the ranks to Deputy Managing Director. Prior to this, he was the Chief Executive Officer of the Trinidad Cooperative Bank Limited and the Trinidad Cooperative Bank Trust Company Limited.

Turning to his political career, history would also recall that Mr. Ramdial was a founding member of the United National Congress. Further, he was appointed in November 1995 as the fifth President of the Senate under the United National Congress administration, and then again in January 2001. During his tenure as President of the Senate, he acted as President of the Republic of Trinidad and Tobago on numerous occasions.

This former President of the Senate has been described as being stern but fair, maintaining the highest standards while performing his parliamentary duties, and was not afraid to correct Senators should they contravene the Standing Orders of the Senate.

Mr. Ramdial was also well known to me and was a friend of my family. I knew him to be a man of integrity and honour, and a warm and caring person. He served his country fearlessly and sincerely and can be considered a true son of Trinidad and Tobago.

Mr. Ramdial leaves to mourn his wife Gloria, his sons Garvin and Gary, his granddaughter Kareena and many friends and relatives.

On behalf of the staff of the Parliament, my family and myself, I extend our sincere condolences to the bereaved family.

May he rest in peace.

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, on behalf of the Government Senators, I thank you for the opportunity to join in tribute to the late Ganace Ramdial, former President of the Senate.

Mr. Ramdial came from humble beginnings and through discipline and industry, rose to the highest levels in his career in the banking sector. He earned the respect as a citizen committed to the best interest of the nation. It was

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therefore not surprising that he was elevated to the position of President of the Senate.

As President, the hon. Ganace Ramdial brought calm and objectivity to the Chair, and managed the affairs of this Chamber to the general satisfaction of all Senators and the entire national community. It is difficult to recall any moment of extreme turbulence or deep dissatisfaction during his tenure as President of the Senate. This is not to say that he was not faced with challenges and difficult situations, and the cut and thrust of debates during that period, but the Chamber never seemed unmanageable whilst he sat in the Chair. His rulings finally found acceptance by all. We on this side should know that, our party did occupy the Opposition Bench.

His success stemmed from his humility, skill and acumen, but it was also his ability to get along with others. His willingness to listen and understand, and his genuine desire to help made him succeed the challenging position of President of the Senate. He knew that notwithstanding previous political affiliation, his role was to ensure that the nation move forward on the matters that came before the Senate. He did this with great success as evidenced by the significant legislation approved under his supervision.

It was no surprise that he also performed very well during the many times that he acted as President of the Republic. He carried the high office with dignity and earned the respect of the entire national community as an exemplar with the best interest of the country at heart.

The nation has lost a most worthy son. He was a man of honesty and integrity, not flamboyant but solid; never aggressive but firm; and he exercised his authority with impartiality and always with a most pleasant disposition. The Government extends deepest condolences to his family and friends at this time of grief.

Finally, as you are aware, my wife and I shared a friendship with Ganace and his family. I would like to record our personal condolences to his family.

Madam President, thank you.

Sen. Wade Mark: Madam President, the sky having opened and the clouds having parted, mother earth weeps for the parting of one of the most giving and extraordinary children. The respect and honour I feel for having known this man, and the wonderful opportunity to have worked with the gifted and inspired Ganace Ramdial, words cannot describe.

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In him was a simple man with many skills. A complex man of deep wisdom; a man whose nature was a beautiful balance of compassion and authority; a private man who gave openly; and a man so much in his body and heart and mind altogether. The people simply loved him because he was so generous, so untainted, and so without judgment. The cheerful spirit that carried him forward was more than a disposition. It was the optimism of a faithful son who trusted in God's purposes and used those purposes to be right and true.

Having served as President of the Senate, acted as President of the Republic of Trinidad and Tobago, served as Assistant Manager, then moved up to Deputy Managing Director of the National Commercial Bank and as attorney at law, he assumed his duties with vision, courage, depth, energy, humour, imagination, dignity, modesty and freedom.

He was excellent in professions that have left many others jaded and self-satisfied and, yet, somehow remained untouched by the worst influences of fame and power.

In his contribution to national life, there was certainly nothing remote or distant about his sense of dignity. His smile, his ways, the characteristic tilt of his head, all made the point immediately and beyond words.

It was a dignity that vested not on the splendid trappings of power, but on a sense of the nobility of service. The qualities of strength, dignity and laughter clothed his life so richly. The qualities that with his passing we, too, by the grace of God, may seek to put on a flesh in our own lives and the life of our nation and the world.

Madam President, I had the unique and fortunate experience of serving under his presidency of the Senate in the 1995 to 2005 Senate, as a minister of government and Leader of Government Business. I felt privileged to be in his presence working with him as he guided the proceedings of the Senate with dignity; qualities of a truly great statesman.

I recall one occasion during his tenure when the Senate was divided with an equality of votes, for and against the question. The former president, in accordance with the finest traditions of parliamentary practice and procedures voted against the question, and in favour of those who did not support the government on that occasion. Consequently, the vote was lost by the government. This was the mettle of the man, an exemplar and role model, both by his words and by his actions. He stood for and was guided by high ethical and moral standards.

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Madam President, Ganace Ramdial was committed to the ideals of the UNC and unconditionally gave up his time, energy and experience and, more recently, served the party in the capacity of chairman of the elections committee which supervises internal elections of our party.

Our Bench and the UNC owe a debt of gratitude to Mr. Ramdial for his guidance, advice and support. It is a debt that we would now never be able to repay. It is with these thoughts that we on this side of the House and the family of the UNC extend to his family our deepest sympathy and condolences to his loving wife, his two sons and his darling granddaughter on this untimely loss.

Madam President, we indeed extend condolences to all surviving members of his family and friends.

May God bless them all.

Sen. Dr. Eastlyn Mc Kenzie: Madam President, let me at the start ask that you do not confine the contributions from this Bench to me only. As you know, unlike the UNC and the PNM where one person could talk for a party, we do not have that system here. So, I would like to ask you to allow other Senators on the Bench, if they so wish, to also pay their tributes.

Madam President, like Sen. Mark, I came in 1995, and former President of the Senate, Ganace Ramdial, sat in the Chair. As what happens now, he served as President of the Republic—I think I counted 20 times when he was not here with us—at the President's House.

He also represented this Parliament on Commonwealth Parliamentary Association (CPA) conferences far and near: Cyprus, China, Cuba, Grenada, Australia, Paris, London and India. But sitting in the Chair, I found him to be a very unassuming bright person. You could have mistaken his humility for a sort of carelessness, if you want to call it that. He was such a firm person, full of integrity, very fair and he earned the respect of every Member of the Senate.

He was very knowledgeable and he had a ready smile, and often when he smiled he made you smile because those fat chubby cheeks went up, and you knew the smile was a genuine one. He would share in the humour and we also found him to be very humorous at times by the comments he would make.

Personally, I remember, trying to be dramatic one day in my contribution, I asked him kindly if he would allow me to dramatize what I had to read in the voice of an old lady, and he was too pleased to agree to it, and what a laugh he had. He was very charming, kind and good.

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[SEN. DR. MCKENZIE]

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As Sen. Mark said, he stuck to the rules, even if it meant going against his own party and going against the government for what was right, he did it. I remember vividly to the astonishment of many persons in the House, the government lost a vote—an amendment because of his vote.

I have very fond memories of our meetings, not only in the Senate, but he was such an open book, you could have knocked on his door and gone in and discussed anything with him. You could have asked him for advice; you could have bounced matters off him and listened to him. I would certainly feel less a person if I had not met him and dealt with him.

I want to say on behalf of myself, my family and those who would probably not speak—those who would have been here before like Prof. John Spence. I spoke with him and he has asked me to say something, Prof. Julian Kenny and others who were here in our time before and who are no longer here—that we all admired him and loved him.

On behalf of all of us, my deepest condolences to his family, friends and all those with whom he associated.

May his soul rest in peace.

Madam President, thank you.

Sen. Prof. Kenneth Ramchand: Madam President, just a few words about Mr. Ramdial as President of the Senate. The last time I saw the former President of the Senate was around a doubles stall on the Southern Main Road. I was trying to make my purchase unobtrusively when I was hailed out by a voice from a beach-bound SUV. My cover was blown; my reluctance to eat my doubles in public disappeared; and my reluctance to rush it down with a red sweet drink overcome. A convivial 40 minutes was spent discussing national affairs in the midst of a “parliament” of doubles buyers.

Madam President, this warm, serene man took the Senate through every storm, and kept us on a tight leash without ever letting us feel the pressure of the bit. He was a benign Buddha, solid, patient and enduring. He was an honest man with a sense of humour, and a smile that could just as easily encourage you to let you know that you have just made a fool of yourself. You could not intimidate him. If you flattered him, he would smile, appear to take the basket, and go on to do what he was going to do in keeping with his good judgment anyway.

He took all outrageous appeals for injury time with a glint in his eye that told you, he would not issue a yellow card, but you were not getting any injury time. He would enjoy your dramatics and not seek to punish you. Madam President, he

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let you stray from the point, but somehow or the other—that is a training he has given to me so when I stray from the point with you, I know when to stop. You just knew that he would allow you to go so far, and you would not even have to wait for him to tell you okay, cut it.

Madam President, in the years that he led the Senate, he bore his faculties so meek and had been so clear in his great office that all Members of the Senate felt that we were a team here discussing national politics without partisan interests. This came to a climax in the incident mentioned previously, where he voted against his own party in keeping with the principle that you do not make a casting vote against the status quo.

We have missed him already, and the nation would continue to miss him. I offer my sincerest condolences to his family.

Sen. Prof. Ramesh Deosaran: Madam President, I crave the indulgence of yourself and my hon. colleagues to say a few words on behalf of a gentleman whom I have known long before he was President of the Senate. As I recall, it was about a year ago, we had an occasion like this, on the passing of another former President of the Senate, all of which should remind us about the journey through which all of us would pass one day at a time. Therefore, the question would arise in the minds of all of us as to how should people remember us on our passing into the beyond.

If I recall the different ways in which I had known him and the various conversations that we have had, I think Ganace Ramdial would like to be remembered for his simplicity which was quite celebrated amongst all of those who knew him, his humility and his sense of humour. To me, in the context in which we mourn his passing in the Parliament, I think he had a political wisdom that established in my mind that a politician does not have to appear bright and disrespectful in order to be effective.

The last occasion I met him was at his sister-in-law's home in Champ Fleurs where we shared dinner. It was yet again a very congenial experience with him. I remember the last words I heard from him as he asked me: "Well, you are in Parliament, what would you like to do?" I told him a few things that came to mind and he said: "Listen, Ramesh, you must do these things very quickly because life passes us very fast." That was just quite recently.

Madam President, apart from what we would say and, rightly so, about his political and parliamentary contribution, most of which Sen. Mark has so

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eloquently remarked upon, I think he has been an exemplar to his family. I think that is one of the features that would make him such a memorable person.

As far as I know, members of his family would rush to him for advice, guidance and consolation, and he gave it freely with the humility that became so peculiar to him.

Madam President, again, a few years ago, I met him at a cricket match. Some of us were there on different sides, and many of us broke duck, perhaps, deliberately. I could not understand why five Members of Parliament would break duck so consecutively. He held me in a corner and gave me some jokes one after the other. Most of these jokes had to do with politicians, their vanities and their egos. I, therefore, prefer not to remark upon those jokes here. It was the satirical attitude he had about politicians which made his own humility and simplicity so much worthy of celebration.

Madam President, I think Sen. The Hon. Dr. L. Saith touched upon a trite, but not a trivial point, and that is he came from very humble beginnings. I, myself, like many of us here in this Parliament, do not know what else to do to convince people that because you were born in very simple, humble, and sometimes impoverished circumstances, why we cannot get the spiritual fortitude and the proper attitude to become civil, well-behaved and law-abiding. If there is one lesson that this distinguished former President of the Senate should leave behind, not only for the whole country but, more precisely, for the young people of this country, it is that poverty should never be an excuse for crime or delinquency. If there is one lesson we should learn from his passing and his life, I would wish on this auspicious occasion that that lesson be conveyed.

Madam President, we are here not only to mourn and grieve but to be happy to have known such a distinguished gentleman; a man whose wisdom really has impressed all of us.

I, therefore, extend on behalf of my colleagues and all his friends who felt so happy to have known him our condolences.

Thank you.

Madam President: Hon Senators, the Clerk of the Senate has been instructed to send a letter of condolence, and copies of the condolence messages here today to the family.

I would now ask all Members present to please stand for one minute of silence.

The Senate stood.

PAPER LAID

Report of the First Commonwealth Parliamentary Association Workshop on the Parliamentary Committee System—Tobago, March 19—24, 2006. [*President (Sen. The Hon. Dr. Linda Baboolal)*]

ORAL ANSWERS TO QUESTIONS

Madam President: Hon. Senators, we have now passed question time. Senator Mark, would it be all right with you if we get the answers to these questions and make copies and circulate them or would you prefer to get the answers to these questions next week? Most of the questions are yours.

Sen. Mark: The latter.

Madam President: So, you would stand them down to next week?

Sen. Mark: Yes.

Sen. Dr. Saith: Madam President, it is likely that I would not be here next week and I have to answer one of the questions. I could answer the question if he wants or I could circulate it.

Sen. Mark: Madam President, I am sure he would not be out for more than two weeks, so when he comes back.

Madam President: Okay, that is fine. Let us proceed.

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

**Quarry Licences
(Granting of)**

- 61.** Could the hon. Minister of Energy and Energy Industries inform this Senate of the precise procedures which will be followed by the Government to grant five new Quarry Licences to private sector companies involved in quarrying operations, with a view to reducing the existing shortage of aggregate in the construction industry?

**Security Cameras
(Details of)**

- 62.** 1. Could the hon. Minister of National Security state whether it is the intention of the Government to purchase, install and maintain security cameras in all business districts in Trinidad and Tobago?

2. If the answer is in the affirmative, will the Minister further state:
- (a) the estimated cost to Government for the purchase, operation and maintenance of these cameras; and
 - (b) the procedures to be used to procure and assure maintenance of the equipment?

**Beetham Dump
(Removal of)**

63. Could the hon. Minister of Public Utilities and the Environment inform this Senate of:—

- (a) the Government's timetable for the removal of the Beetham Dump from the Beetham Estate;
- (b) the exact location earmarked for the new dump; and
- (c) any plans for the establishment and operation of a modern solid waste disposal facility including a recycling plant?

Question time having expired, questions 61, 62 and 63 were not dealt with.

WRITTEN ANSWER TO QUESTION

58. *The following question was asked by Sen. Wade Mark:*

**Qualification Period for Foreigners
(Criteria Used)**

- (a) Could the Minister of National Security provide the Senate with the criteria used in determining the qualification period that each foreigner would have to satisfy in order to receive residential and citizenship status?
- (b) Could the Minister of National Security further state how many of those applications that were approved enjoyed any form of preferential treatment by the Minister of National Security?
- (c) Could the Minister further provide a detailed breakdown of the various nationals involved?

Vide end of sitting for written reply.

**JOINT SELECT COMMITTEE
(APPOINTMENT OF)**

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President,

Joint Select Committee

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Be it resolved that the following Members be appointed to serve with an equal number from the House on a Joint Select Committee on Broadcasting to oversee the establishment of guidelines and other matters relating to live broadcast proceedings:

Dr. Linda Savitri Baboolal
 Mr. Mustapha Abdul-Hamid
 Mr. Wade Mark
 Mrs. Mary King

Question put and agreed to.

FAIR TRADING BILL
House of Representatives Amendments

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam President, I beg to move,

That the House of Representatives amendments to the Fair Trading Bill, 2006 listed in Appendix II, be now considered.

Question proposed.

Question put and agreed to.

Clause 49.

House of Representatives amendments read as follows:

- (i) Insert the words “under this Part” after the word “it” in the second line of subclause (2); and
- (ii) Delete the words “under this Part” from line three of subclause (2).

Mrs. Robinson-Regis: Madam President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

This amendment was made to the Fair Trading Bill in an effort to ensure that the clause read in a manner that made better sense. As a consequence, the phrase “under this Part” appeared to be in the wrong place when the Bill was considered by the House of Representatives. We, therefore, moved an amendment that the phrase “under this Part” be placed after the words “referred to it”. So clause 49 would now read:

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“The Community Competition Commission shall in relation to any matter referred to it under this Part or any request made to it...”

Consequently, the amendment sought to make the reading of the clause better English.

Madam President, thank you very much.

Question proposed.

Question put and agreed to.

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.

Madam President, as you may be aware, increased attention is now being paid by the Government to the development of the tourism industry. This is in recognition of the significant potential of the sector to make a real difference in respect of the diversification of the economy, and the contribution to sustainable jobs and to the gross domestic product (GDP).

The Government’s increasing attention to the sector is reflected in the dedicated focus being placed on developing the tourism product and aggressive marketing of the destination abroad being done by the Tourism Development Company which was formed in the latter part of last year.

Integral to the development of the tourism industry is the availability of accommodation for tourists at acceptable standards. Trinidad and Tobago is deemed an emerging tourist destination, and the Trinidad and Tobago Hotel and Tourism Industry is still in its growing stages.

Our hotel room stock is just about 6,000 and to this can be added accommodations in respect of guest houses, bed and breakfast establishments, host homes and self-catering properties.

We have been seeking to encourage the establishment of more accommodation to cater for the needs of an expanded market. Relatedly, we have also been encouraging the establishment of the tourism projects that could service the needs of the industry. This we have been pursuing through amendments to our tourism legislation. So, today, the amendment to the Tourism Development Bill, 2006 is now before us. This Bill is a very simple Bill and the amendment seeks to remove a restriction on the provision of tourism services within Caricom by amending section 3(5) of the Tourism Development Act, 2000.

Madam President, section 3(5) provides for the exemption from tax of dividends paid to a non-resident shareholder in respect of that dividend in the country in which he or she is a resident. The section states that the owner or operator of an approved tourism project who receives a tax exemption under subsection (3) shall place in a separate account all gains or profits of the tax exempt, and if the owner or operator is a company and pays a dividend to a non-resident shareholder out of the aforementioned gains or profits, the dividend so paid shall be exempt from tax if the recipient is not liable to tax in respect of that dividend in the country in which he is a resident.

The objective of this amendment is two-fold; firstly to make the Tourism Development Act of 2000 conform to Trinidad and Tobago's obligations under the Revised Treaty of Chaguaramas establishing the Caribbean Community including the Caricom Single Market and Economy (CSME) and, secondly, to enable all the shareholders who are citizens of Caricom Member States to whom a dividend is paid by the owner or operator, out of the gains or profits of an approved tourism project, to benefit from the tax exemption granted under section 3 of the Tourism Development Act of 2000.

Madam President, the Tourism Development (Amdt.) Bill of 2006 that is before us simply seeks to remove a restriction on the provision of the tourism services within the Caribbean Community by amending section 3 of the Tourism Development Act of 2000.

Madam President: Minister, would you give way?

Sen. Mark: Madam President, as my colleague is on his legs, I would like to find out if he could bring us up-to-date with this whole thrust toward a common Caricom passport, seeing that we are going to be cross-trading and engaging in activities between countries of Caricom. What has happened or what is taking place in the context of this thrust toward a common passport in the region?

Sen. The Hon. H. Chin Lee: Madam President, that is a matter that Heads of Caricom are deliberating on. If the Senator poses a question we shall respond.

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As you know, Trinidad and Tobago is a signatory to the Revised Treaty of Chaguaramas which was signed and ratified by 12 of the 15 Member States of the Caribbean Community to create the Caricom Single Market and Economy, which came into effect on January 01, 2006. As we all know, the CSME involves the creation of a single economic space and it is intended to facilitate the free movement of goods, services, people and capital throughout the region.

At the Council for Trade and Economic Development Thirteenth Intercessional Meeting, conference of Heads of Government approved schedules of commitment for the removal of restrictions by Member States. That programme provided for the removal of restrictions in the short term up to December 31, 2003; in the medium term up to December 31, 2004; and in the long term up to December 31, 2005; the Foreign Investment Act of 1990, the Immigration Act, Chap. 18:01 and the Tourism Development Act of 2000. This was done by way of the Caribbean Community (Removal of Restrictions) Act, No. 2 of 2005

2.30 p.m.

Part II of the above legislation amended the Tourism Development Act (TDA) to inter alia define “national” in accordance with Article 32(5)(a) of the Revised Treaty and to further enlarge the definition of a national to include the following:

“a person who—

(b) has a connection with—

- (ii) another member state of a kind which entitles the person to be regarded as belonging to it for the purposes of the laws of that state relating to immigration or if it be so expressed in those laws, as being a native or resident of that member state;”.

This also allows members of other Member States to benefit from the tax exemption so long as they fall within the definition of owner or operator as set out in section 3(1) of the Tourism Development (Amdt.) Act of 2005. However, it has been recognized that the amendment would not result in the extension of the exemptions to shareholders who do not reside in Trinidad and Tobago, as provided for in section 3(5) of the Tourism Development Act.

Section 3(3) of the Tourism Development Act provides for a seven-year tax exemption for any gains or profits derived from approved tourism projects, and dividends paid to shareholders who are resident in Trinidad and Tobago are exempt from tax; whereas under section 3(5), dividends paid to non-resident shareholders are exempt from tax only if the recipient is not liable to tax in

respect of that dividend in the country in which he is a resident. This means that shareholders who are nationals of other Caricom States by virtue of their non-resident status may be required to pay taxes on dividends in circumstances in which Trinidad and Tobago residents would ordinarily be exempt.

The existing section 3(5) of the Tourism Development Act, 2000 reads as follows, and this is the part that we are amending. It says:

"The owner or operator of an approved tourism project who receives a tax exemption under subsection (3) shall place in a separate account all gains or profits that are tax exempt and if the owner or operator is a company and pays a dividend to a non-resident shareholder out of the aforementioned gains or profits, the dividend so paid shall be exempt from tax if the recipient is not liable to tax in respect of that dividend in the country in which he is a resident."

According to the Caricom Double Taxation Agreement which taxes dividends paid to residents of signatory Member States at zero per cent, this would enable persons to benefit under the Tourism Development Act, only if they remain signatories to this agreement.

However, there is an existing potential for residents of Member States to be subject to discrimination once their country of residence is no longer a part of this double taxation agreement. To void this potential discrimination and to remove the existing restriction constraint in section 3(5) of the TDA the following proposed amendment is put forward for Parliament's approval. Section 3 would read as follows:

- "(5) The owner or operator of an approved tourism project who receives a tax exemption under subsection (3) shall keep in a separate account all gains or profits that are tax exempt.
- (6) Where the owner or operator referred to in subsection (5) is a company and pays a dividend out of the gains or profits, the dividend so paid shall be exempt from tax where the recipient is—
 - (a) a non-resident shareholder who is a national; or
 - (b) a non-resident shareholder who is not a national and who is not liable to tax in respect of that dividend in the country in which he is a resident."

So, Madam President, it is a very simple amendment amending section 3(5) to allow non-resident, but new definition of nationals to be exempted from tax.

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With that, I beg to move.

Question proposed.

Sen. Wade Mark: Thank you, very much. Madam President, the Tourism Development (Amdt.) Bill, 2006 has as its objective:

“to enable all the shareholders who are citizens of Caricom Member States to whom a dividend is paid by the owner or operator, out of the gains or profits of an approved tourism project, to benefit from the tax exemption granted under section 3 of the Tourism Development Act, 2000.”

Madam President, as the hon. Minister stated in his presentation, this particular measure has to be seen in the context of the Revised Treaty of Chaguaramas, and also in the context of the Caribbean Single Market and Economy (CSME). If you would like to know what is an approved tourism project you can look at Part II, section 9 of the Tourism Development Act, 2000, which states that tourism projects, the incentives for which, will of course, be now shared, would include among other things accommodation facilities under 21 rooms, transportation services, as well as ground tour operations or destination management companies. I think I saw somewhere diving being part of the projects that would come under this particular purview.

Now, we would like to ask the hon. Minister, how would this measure improve the quality of life of the ordinary people of this society? We already know from the latest information out of the Central Statistical Office—that was a labour force report dated some 2002. I am trying to get an updated version of the latest Labour Force Report.

Sen. Chin Lee: I have it here.

Sen. W. Mark: What year is that?

Sen. Chin Lee: Up until 2005.

Sen. W. Mark: Madam President, the statistics would reveal that in Trinidad and Tobago, at that time, out of a workforce of some 592,000 citizens, some 526,000 citizens were employed; and out of that 526,000 workers who were gainfully employed, 64 per cent, according to the Central Statistical Office Labour Force Report of 2002, were working for less than \$3,000 a month; and 194,000 citizens were working for less than \$2,000 a month in this country.

We have brought a measure to this Parliament that is going to give the employer class, those persons who will be described as “owners” or “operators”

in the various areas that I have identified under Part II of this Act, they are going to be tax exempt when they gain their dividends. What the hon. Minister did not tell you, Madam President, and this honourable Parliament is what is the projected loss of Government revenues. How will this particular exercise benefit the workers, the farmers and the ordinary citizens of this country? The Minister needs to tell us how are we, as a republic, and how would the citizens of this country benefit from this amendment that we are engaging today? The rich are becoming richer, under the economic regime of this administration, and the poor are becoming poorer.

So let the Minister tell us, through you Madam President, how much revenues Trinidad and Tobago will lose as a result of this measure and at the same time, we need to know how many countries have signed on to this particular arrangement. Does Belize have legislation similar to what we are piloting here today? Does Barbados have the similar provision? Let us know how many of those Caricom countries have signed on. We know six of them have signed on and there was a big confusion a couple of hours ago among the OECS countries, whether they would sign on or they would not sign on; conditionalities and they want the Aliens (Landholding) Act to remain in place. I do not know what the end result is, but that is the confusion taking place in St. Kitts at this time.

The hon. Minister needs to tell us whether other countries have in fact put into legislation this particular aspect of the Revised Treaty of Chagaramas Agreement, which is now manifesting itself in the form of this legislation. Tell us which countries have similar provisions. When we are talking about tourism; and we are talking about investment; and we are talking about exempting people from taxes; what is taking place in Trinidad and Tobago to encourage Jamaicans to come here and set up shop? How many persons; how many companies; how many organizations have expressed an interest—and not only have expressed an interest—have given the hon. Minister the green light that they would come to Trinidad and Tobago and invest in tourism?

What is the projected investment for projects approved by the Minister, as outlined in this legislation, has he received or have intentions been expressed? We need to know those things, because we have to be careful that we do not set up an arrangement for money laundering. This project where for instance, a man can leave Jamaica or St. Vincent, come here, open a project and he gets all the incentives that you get if you set it up in Trinidad and Tobago, we have to be careful because we know the OECS countries constitute a haven for drug trafficking. Trinidad is also a haven for drug trafficking. The hon. Minister has to

tell us what mechanisms are in place to ensure that this particular provision is not exploited by certain organizations in order to turn dirty money into clean money. That is an area I would like the hon. Minister to address and let us know.

What is going to encourage genuine business people from investing in this country when you have a crime epidemic in this island? We are about to score a double century in terms of murders in this country. So crime is a very debilitating factor in encouraging investors from the Caricom region to invest in this country. So this might be a waste of time that we are engaged in here, unless the Minister has specific information that he would like to share with us that we do not know about.

Madam President, Tobago is the island that is most attractive to tourism and to tourists. But when you look at the advisories coming from Britain, Australia and other countries of the world telling their citizens not to travel to Tobago; it is dangerous to travel to Tobago, where is this incentive? Who is going to be attracted to this particular incentive that we are seeking to effect today?

We are talking about attracting tourists to our country, because this is what this approved project is all about—tourism approved projects. I want to advise the hon. Minister that he must put the necessary infrastructure in place to facilitate tourism. One of the simplest things that he can look at is putting toilet facilities where the major beaches are located; have lifeguards stationed at all the major beaches in our country; pay them properly and have them properly equipped, if we are talking about attracting. This particular measure is aimed at encouraging people from Caricom territories to come to this country because when they come they would be entitled to an exemption in terms of dividends, and I am asking the question: Is the infrastructure in place?

Madam President, you know that in terms of this industry a lot is still left to be done and countries that are riddled with crime have paid an awful price. If I may inform you, St. Thomas took some ten years to recover from a 1996 crime spree against tourists. Barbuda suffered cancellation of hotel bookings for two straight years after a Canadian woman was murdered on a beach while resisting a robbery attempt in 1995, and you know what has happened in Tobago. I do not have to reinvent the wheel. I do not have to tell you what is taking place on the beautiful isle of Tobago, where people are under siege, not only tourists but also citizens of Tobago.

I would like to share with you an article which appeared in one of the newspapers some time ago outlining the kind of situation that ordinary people are faced with and when these people come to Trinidad and Tobago they are faced

with serious problems. So much so that in Tobago a family of six, when they came out of Europe, and they were confronted by criminals and bandits they cancelled their vacation and they swore on the book of the Bible that they would never return to Tobago.

So when you are talking about giving people incentives to invest here, how are people going to come to invest here when crime is out of control? You have to put these things in order. You have to be able to encourage more than just giving people incentives. You have to go beyond that.

I also would like to bring to your attention—the hon. Minister would know—you cannot go to Fort George after 4 o'clock in the afternoon. That is almost like a zone that has no entry. It is a no-entry zone. So tourists who would come here on the cruise ship and want to journey to Fort George to get the beautiful look out of the Gulf, see Port of Spain from a distance— I have been to Fort George like many of us and we see the beauty from that distance, but the place is riddled and infiltrated by bandits; and you want tourists in this country. These are areas that the hon. Minister has to deal with. He has to deal with safety on our beaches. He has to deal with a lack of facilities at our beaches, as I said.

Another area, if we want to attract tourists from the Caribbean—yes, this one is the Caribbean—transportation is critical; airlift is critical. They brought a gentleman, I should say, from England recently, I think he is from Scotland and he has now taken over the job of the new CEO of British West Indies Airways (BWIA). I understand that he earns almost £100,000 a year, if I am not mistaken; hon. Lenny Saith can correct me. He has a lot of perks; I guess he is a success story, so we are paying him accordingly to turn around BWEE, but BWEE is in crisis. BWEE needs, for instance, not a gentleman who would want to impose a new form of slavery on the workers of BWEE, but a gentleman who can understand that to have development and transformation, you need inputs of the workers and their representatives.

I am hearing about certain business plans that they have refused to even show the workers. I have called on the hon. Minister of Public Administration and Information and Minister of Energy and Energy Industries, our Acting Prime Minister of the Republic at this time, the hon. Dr. Lenny Saith, to make available to this Parliament the business plan for BWEE. Make it available to the workers, because some of the conditions that they are seeking to impose on the workers of BWEE will make your hair stand. You cannot do these things. And the gentleman who is behind that is a "fella" called Arthur Lok Jack.

Madam President: Senator, come back to your Bill.

Sen. W. Mark: Madam President, I am dealing with a matter in which we are being asked to approve legislation that would give taxpayers' dollars to people from Caricom. If we are going to do so, I am trying to inform the honourable Senate that there are a number of factors that we must take on board if we are to make this particular provision work. One of the things that we have to deal with is BWIA. Maybe the hon. Minister can bring us up to date with that; that is a very important area that we need to deal with.

Madam President: Senator, having made your point, can you move on now?

Sen. W. Mark: So, Madam President, the concept of service as part of our culture needs to be also looked at. Another area that I would want to develop is that whilst you and I would have no objection to giving an incentive here and there, we want to see value for that incentive. I would like to ask the hon. Minister of Tourism what kind of linkage is he seeking to establish between the tourism industry and the agriculture sector. Do you believe or do you know that, I think out of every dollar that is invested in the Caribbean tourism industry, almost 80 cents go out of the Caribbean? I think in Trinidad and Tobago it might be a little different but you would have to let us know.

Imagine, out of every dollar you invest and you earn, 80 cents of that go out in profit, and we are now going to give more incentives. Now, we are hoping that this money would stay and circulate within the Caribbean. You know what I am worried about? I am worried—and one of my colleagues would deal with that—about the drug trade. The hon. Minister of Tourism needs to pay attention to this matter.

I would like the hon. Minister to let us know what has happened to the cruise ship terminal. This is part of attracting tourists to our country. It is part of the incentive framework. We know that there was a terminal on the Port. There is no longer a terminal building there for the cruise ship. Maybe the hon. Minister can bring us up to date on that matter. It is an area, as I said, we have some concern about. We would like the hon. Minister to point out how the citizens of this country would benefit from this piece of legislation. We would like the hon. Minister to indicate to us how many countries in the region have done what we are doing here today. We would like him to tell us the link between crime and tourism, and what the Government is doing to stem the rising tide of crime. The link between agriculture and tourism, we would like him to also address this matter.

These are some of our concerns, and maybe he can also tell us what is the latest at the Caricom session in St. Kitts, because we might be passing legislation here today and only a small group of Caricom countries would be able to benefit, and if we are talking about a Caricom Single Market we would expect that the 15 members of Caricom would sign on to the Treaty of Chagaramas. Therefore this particular measure that we are dealing with would not only be confined to four or to six countries within the region. We would hope that the Minister of Tourism would in fact bring us up to date on these matters so that we would be conscious and aware of it.

We want to get some clarification on these matters and I look forward to the hon. Minister providing answers to us when he seeks to wind up on this particular matter.

Thank you very much, Madam President.

3.00 p.m.

Sen. Prof. Kenneth Ramchand: Thank you, Madam President. I have a very brief contribution. The first part of it has to do with, maybe, my failure to understand what the Minister was saying. From the Minister's presentation, I gather that the present amendment is intended to be CSME compliant. If that is so, I think, Sen. Mark's question is very relevant. Is there reciprocity? Have other CSME countries passed similar legislation? Are we going to go ahead with ours without other countries passing theirs? I would give way if the Minister wants to clarify this point.

Sen. Chin Lee: I would answer afterwards.

Sen. Prof. K. Ramchand: You would answer afterwards. Okay.

Sen. Mark: He said he would answer. [*Inaudible*]

Sen. Prof. K. Ramchand: It is very sure; he is just trying to find a nice way. [*Interruption*] Madam President, the second question is a harder one, but it is not irrelevant. How does this amendment help to establish a single economy? The money that we are losing by way of concessions and exemptions, would it not be better spent on trying to develop the infrastructure and to encourage production in the other territories so that they can become worthy members of the CSME; viable economic members of CSME? Why are we throwing away money—and let me say it—for a bunch of capitalists rather than throwing the money at those

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economies that need to be developed, so that we can truly have a single economy? So, I question the wisdom of the whole system of exemptions from which individuals and corporations would benefit. The Member States of Caricom or CSME do not benefit except by indirection and trickle down.

Madam President, I think the Minister offered some kind of explanation about nationals, but the plain English of the amendment in clause 6(b) is very worrisome to me. It says:

“Where the owner or operator referred to...is a company and pays a dividend out of the gains or profits, the dividend so paid shall be exempt from tax where the recipient is—

(a) a non-resident shareholder who is a national; or”

I understand that, but I have a problem with 6(b).

“a non-resident shareholder who is not a national...”

Does this mean, who is not a national of Trinidad and Tobago? If it means not a national of Trinidad and Tobago, does it then mean all other nationals?

There is nothing here that says national of Caricom or CSME States. I do not want to go to a definition or an explanation somewhere else which tells me, no, this really means only nationals of CSME or Caricom States.

I am going to propose an amendment that clause 6(b) states very clearly “not a national of a Caricom or CSME state.” I want that safeguard, because if that safeguard is not put in we are opening the door to investors from all other places that are coming in and setting up these tourism projects, et cetera.

As you know, Madam President, I have already said it in this place that we do not realize that an island—well, we do, because we are thieving like mad. We do not, in our public pronouncements, recognize that an island is very valuable real estate and, for what reason, I do not know why we withdrew the Aliens (Landholding) Act. Every year I come here and I say, please, we want back the Aliens (Landholding) Act, and I see this Bill contributing to the kind of alienation of place that the withdrawal of the Aliens (Landholding) Act has helped to bring about. That is another reason, Madam President, that I am not happy at all with this amendment, at all.

Madam President, my second point is my last point. When the Tourism Development Bill was introduced, the Minister presenting announced the repeal of the Hotel Development Act. So first of all, we have a Bill—Hotel Development

Act—and we studied it, et cetera, and then I do not know; some sort of smartness came into it, they said, no, this is too blatant; it is too obvious that our sole intention is to encourage the hotel industry and tourism projects; let us make it the Tourism Development Act.

But, Madam President, if you look at the Tourism Development Act, you would see that the main burden and the main purpose of that Act is to encourage certain tourism projects, physical tourism projects, including hotels, I think it is a failure of successive governments that that is the very ordinary understanding that they have of tourism, that tourism is to build hotels and set up yachting and set up golfing. I have argued in this Senate, and sensible people have argued—they could say that I am foolish—that a country becomes attractive to visitors when that country is attractive to its own citizens.

Instead of going out there and trying to set up things to pull the visitors; go out there; build better roads; provide better housing; make sure everybody gets water and make sure everybody gets electricity; set up cultural centres, have a national theatre; have a national music hall; have good sporting organizations; make a place, a place where your citizens want to stay and then visitors would want to come. The tourism thrust should be native development, just develop your country for the citizens and the good taste of the citizens would help to create a country where people would want to come. Also, we would not be so bad, you would not get the kind of crime and robbery; we are very happy people but some people are catching their tail.

I think that the whole tourism thrust is going the wrong way; it is trying to set up these extraneous facilities, as if you are creating another society within the society; a society that buys up all the lobsters, all the red fish, all the carite and I could only afford cro cro. You have to develop—I know you know that is true; cro cro I am eating now.

Sen. Mark's point about agriculture; what link do we see between tourism and agriculture? You want to come to Trinidad and stay in the Trinidad Hilton, we are not giving you “no” Omaha steak; you are getting Roxborough goat, you are getting Cedros carite. If you are coming to our place you would eat our foods and we would develop our agricultural industries to service the catering in the hotel.

I have a more serious point about agriculture, Madam President. Over the years I have looked at it and I have asked the question again and again; when would somebody provide for us the statistics to show how much we have spent on

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tourism in 1995 and how much we got back? How much we spent in 1996—if you had those figures for 10 years, did you see how they shut down Caroni, and they would shut down tourism, because tourism is a drain on the economy.

Madam President, again and again in this Senate, I have asked—okay, you have your Tourism Development Act, the purpose of your Act or what your Act does is it sets out in a very systematic way that these tourism projects we are encouraging: You want to set up a marina, you want to do a golf course—telling people what they should do as tourism projects and then telling them very clearly, these are the tax concessions you would get; these are the exemptions you would get for so many years, et cetera. When you decide to throw out the cutlery and buy new ones, we would support that too.

All of this is pig in a poke. Nobody has to guarantee; you are getting the exemptions; you are getting the concessions, but it is not a matter of payment by results. Now they want to go and tell teachers we are paying you by results; they want to tell me we are paying by results; so we who are working hard every day and not getting all of these exemptions and concessions, you want to apply payment by results to us, but they are lashing out money to the tourism industry and to the hoteliers and you are not telling them payment by results. They are giving you all of these concessions and I would say to them “But pal, I want to see results. Do not come back to me after year 1 if you cannot show me results.”

So, what I would like to see, Madam President, and this is the climax of my point, I would like to see a Bill coming to this Senate called the Agriculture Development Bill and in the Agriculture Development Bill, I would like to see stated and set out in order, a whole series of agricultural projects that we have decided are necessary for the development of the economy; both in terms of feeding ourselves and in terms of exporting agricultural projects. These are the agricultural projects that we would look with favour upon. These are the concessions we would give you, these are the exemptions we would give you and just as you would go into detail in the Tourism Development Act to specify everything, put it all in one place in the Agriculture Development Act.

So, Madam President, that is all I have to say. I am not at all happy with this amendment. I am not at all happy with the way in which tourism is going, and I am not at all happy with the calculation which seems to think that tourism is more important than agriculture.

Thank you.

Sen. Wayne Munro: “An Act to amend the Tourism Development Act, 2000.” The objective of this Bill is to enable all stakeholders who are citizens of the Caricom Member States to whom a dividend is paid by the owner or the operator out of the gains or profits of an approved tourism project to benefit from tax exemption granted under section 3 of the Tourism Development Act, 2000.

Since the purpose of the Tourism Act is to make a contribution toward the development of Trinidad and Tobago, my contribution to this Senate would be to link the tourism package within the overall economic growth and thus development of the Trinidad and Tobago economy. When an understanding of the link between tourism and economic growth is made then adequate policy measures can be advanced for the tourism package to grow over time. If the tourism package is properly managed, then there would be meaningful rewards accruing to, not only stakeholders in the tourism sector, but there can be significant spillover effects to the wider community, particularly the downstream industries.

Firstly, there must be an understanding, Madam President, that the tourism package includes all the tangible goods that the potential visitor would consume. Additionally, there must be an understanding that the tourism package also includes intangible services that are delivered to the potential visitors. At the end of the day the goods that the visitor consumes as well as the services that are delivered to the visitor must have increased the satisfaction to the tourist. The tourism package should have a positive effect on the visitor, such that the tourists would want not only to return for more of the tourism package but they would now be an ambassador for the promotion of Trinidad and Tobago.

Secondly, the responsibility for the tourism sector must lie particularly with an institution, in this case the Tourism Development Company Limited. We can now hold TDC responsible for the problems that currently exist in the tourism sector. The assignment of responsibility would provide the various interest groups in Trinidad and Tobago with an avenue to initiate change to the tourism package, such that the delivery of the tourism package is improved over time. The task before us is not simply establishing the Tourism Development Company Limited, but to ensure that its mandate to develop and market Trinidad and Tobago’s tourism product and improve the local tourism sector is achieved.

In this light, improvement in the tourism sector means improvement to the tourism package. The question must therefore be asked, and I ask the question: Is the tourism package before the establishment of the TDC in May 2000 different

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from the package of May 2000? If the answer is no, the package is not different, then why did we establish the TDC in the first place? If the intention is for Trinidad and Tobago's tourism industry to contribute significantly to economic growth, directly or indirectly, through job creation, as well as increasing revenue in the Treasury, then TDC has the responsibility to improve the tourism product, otherwise the tourism sector would be making significant imaginary contributions towards improving the tourism package.

With reference to the *Trinidad Express*, Sunday, April 09, 2006, and I quote:

“The sector will be anchored by properly marketed flagship products with brand names that are globally well known.”

What are these flagship products? How can existing brand names that are globally and well known be used to promote the tourism package? I also ask. The only brand name that is internationally known under this administration is crime. Would the Tourism Development Company Limited use crime as an international brand name to promote Trinidad and Tobago?

What are the recommendations? There are a number of ways that the tourism package can be improved, and I give you some recommendations. The improvement of the tourism package can be realized from two avenues: Firstly, the tourism sector must establish standards. Secondly, the tourism sector must implement these standards. One wonders; I am sure one wonders, is the physical infrastructure—and I pose the question directly, via Madam President—

Sen. Montano: Madam President, on a point of order. I know that the Senator is very new, but under Standing Order 36, you are not allowed to read your contributions beyond the first one. This is not your first contribution; you really ought to try to debate and not make speeches here.

Hon. Senators: Ooh Lord, aah, aah.

Madam President: Yes, Senator. In fact, I had made note of it and I was going to speak to the Senator privately. *[Interruption]* We are allowing you; go ahead.

Hon. Senator: Wicked.

[Senators jeer.] [Interruption]

Sen. Dr. Kernahan: You have no sympathy when you meet your enemy boy. *Sans humanite!*

Sen. W. Munro: I would be more debatable then, all right. *[Interruption]* Is the physical infrastructure such as the changing room, toilet facilities at a number of these beach front areas up to international standards, in terms of lighting, in

terms of changing areas, in terms of parking capacity, in terms of full-time 24-hour lifeguards and in terms of full-time 24-hour securities? Are the facilities amenable for sustaining any form of night bathing?

Would you believe that with an energetic chairman and a board and a chief executive officer who has the breadth of knowledge and experience in tourism cannot provide answers to these important questions? The Tourism Development Company has a most exciting and challenging job before it. The TDC will have to engage the population in a paradigm shift in a manner that would allow a change in the culture, or the understanding of what the tourism package is all about, before they can go out there and try to promote Trinidad and Tobago in any big way.

The Tourism Development Company Limited is a state enterprise of the Government of the Republic of Trinidad and Tobago mandated to develop and to market Trinidad and Tobago's tourism product and improve local tourism. However, the tourism package is not different before or after the establishment of the TDC. The tourism package has worsened under the current administration. The existing reports of incidents of crime have placed the image of the tourism package at risk in the international market for the tourism product; to date a number of products and consumers that they received under such arrangements are not within international standards. The investment climate in the tourism sector is not competitive; additionally, there is insufficient infrastructure to support the tourism sector as it stands. There is a lack of public awareness about the tourism package generally. It should be noted, therefore, that promotion through overseas representations in key markets namely North America, South America, the United Kingdom and Germany would not prevent the reports of incidents of crime in Trinidad and Tobago.

Madam President, development and maintenance of official websites for Trinidad and Tobago on tourism would not improve the maintenance of beaches and bathrooms in areas where tourists come to enjoy the tourism package. The implementation of international relations advertising, both direct and indirect, would not prevent tourists from feeling a sense of unsafeness.

Development of material for overseas distribution in foreign markets cannot replace the absence of toilet paper, soap and disposable towels when the tourist arrives to consume the tourism package in Trinidad and Tobago. Let us look at the role of the TDC again. The TDC's role in product development is primarily one of working with the related agencies on the coordinating, prioritizing, monitoring, planning and execution of their initiatives. To date, has the Maracas Beach ever been redesigned and its facilities updated to international standards? What was done in beaches such as Las Cuevas, Manzanilla, Vessigny, Quinam and Sea Wall? Just to name a few.

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Was there any development taking place at the La Brea Pitch Lake? If the answer is no, the key constraint to the growth of the tourism sector in Trinidad and Tobago is one: the image of crime that impacts negatively upon the sector; the lack of investments within the sector, just to name a few. Can this Bill actually achieve all that it sets out to do?

One factor that this Bill is neglecting, from an economic standpoint, is that the Bill states that tax exemptions would be put forward. Once you talk about tax exemptions you have to consider the loss of future revenue for a country. If you consider the loss of future revenue and you discount that over a period of time you would realize there is something called an opportunity cost. An opportunity cost means what you could have done with that money instead. With the stream that is coming in, what could I have done with that money, Madam President?

That money could be used to update the existing facilities at the beaches; it could be used to update the existing sites in Trinidad and Tobago in order to improve the tourism package as it stands, otherwise such developments in terms of not taxing individuals on the tourism sector could have a negative effect on the total growth and development of the tourism sector.

Thank you very much.

The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill): Madam President, I join the debate just to make two quick points, really. One is that the Bill before us is basically to deal with legislation that does not comply with Treaty obligations rather than the initial Bill which discussed the tourism industry and its development.

What has in fact happened is that Trinidad and Tobago, as a signatory to the Revised Treaty of Chaguaramas, together with 11 other territories—12 out of the 15 Member States—must, in fact, comply with provisions that seek to provide a benefit for our nationals and not do so for the rest of the community. What this amendment is seeking to do, really, is to correct the instances that the Minister spoke about and that is simply what we are seeking to do here. It is a Treaty obligation; it is something that we must do; it is part of our commitment under the ratification of this particular agreement. And all the other issues that we are talking about like issues for the development of the industry, I just wanted to point out that it did not really fit in with what we are attempting to do.

Insofar as the loss of revenue that is being talked about, remember that whatever is being dealt with here will also take place with our citizens within the rest of the community, and therefore the benefits that we would get as citizens

going into Jamaica, Barbados and so on would be the same as somebody coming across here, which is really what we are attempting to do in the larger space within the Caricom Single Market and Economy.

Sen. Prof. Ramchand: Madam President, through you, did the Minister say that the other states were effecting the same legislation and making the same amendments? He said that we had an obligation, but I do not know if they had it too, and whether they were complying.

Sen. The Hon. C. Enill: Yes, Madam President, they are; they have. This is only one aspect of the requirements for making the Treaty work. One of the other obligations was the question of the Development Fund as is required under the Treaty; that was dealt with two or three weeks ago, in which two formulas were worked out, one for the LDCs and one for the MDCs which would deal with the question of territories and issues with their economies, rather than industries and the issues with their industries.

So that there are two or three different kinds of mechanisms that are in place; this one simply seeks to deal with a particular Bill. And there is more than one of these things that we would have to do, because I think that the Customs Brokers Act would have to be amended and the Immigration Act; these are the ones that we have not yet amended consistent with the Treaty obligations and we would have to come back here and deal with them. But for our purpose today, Madam President, it is simply to comply with the obligation that we have, in fact, signed on to and the Minister basically—I just wanted to put that on the Table.

Sen. Dr. Tim Gopeesingh: Madam President and Members of this august Senate there are just a few questions that we want to have clarified as far as this particular Bill is concerned. The first is, in the context of what is happening now at the Summit in the Caribbean, where one of the Prime Ministers has indicated that he is not in favour of doing away with the Aliens (Landholding) Act in his particular country—and this seems to be the sentiment being echoed through the LDC. It seems as though the whole aspect of foreign investment for tourism in some of these LDCs is not going to take place.

3.30 p.m.

Prime Minister Dr. Ralph Gonsalves indicated recently that he is not in favour of doing away with the Aliens (Landholding) Act for his particular country and for some of the lesser developed countries in the Caribbean. That means, that foreign tourists or foreign investors would not be able to go and purchase land for tourism within those countries. So if these countries signed a reciprocity

arrangement based on the common agreement in Caricom, what would happen if a Trinidad investor wants to go into those countries and decide to invest, and where would the reciprocity take place? Would the Trinidad investor be given the same tax incentive which we are trying to give to the other countries? Would we be given the same tax incentives if we try to go to these countries?

We have to look at this in the context of what happened in Tobago about 10 years ago and continued for about a five-year period. There are a number of foreigners and I believe I might be wrong, but there are a number of Germans who came into Trinidad and into Tobago and started buying up land and Tobago land was very scarce. It is a small country and a small part of Trinidad and Tobago and land is very scarce. Now, I believe that is one of the issues that Prime Minister Dr. Ralph Gonsalves sees for his country and for the lesser developed countries.

What happened in Tobago is that the price of land skyrocketed and the ordinary person then could not have bought land and still will not be able to buy nice pieces of land in Tobago at a reasonable cost. So, as a result of foreign intervention and foreign investment in Tobago, when land could have been purchased by foreign investors, the whole economy for the poor person was dealt a severe blow. So, therefore, the ordinary person in Tobago cannot purchase land very easily, they have to just benefit from what their grandparents or what their family would have given them because to purchase a piece of land in Tobago is exorbitant.

So I ask this question of the hon. Minister in the context of the Caricom Summit which is going on at the moment: What would be Trinidad's position as far as the Aliens (Landholding) Act with particular reference to investors in the tourism sector wanting to purchase land? It is beautiful to give incentives for tourism because lots of jobs are created in the tourism sector. But we want to ask beside the tax incentives that are given in tourism projects, in terms of profits, could the Minister indicate to us, beside customs duties and all of that—I believe there are other incentives as far as loans are concerned where these investors would go for loans and they would have loans at a reduced percentage with the banks. So we need to understand the entire package that is given not necessarily since you are coming with one of the things which is a tax incentive for foreign investors; we should understand the contextual framework of what other taxation benefits are given in relation to the tourism sector.

Madam President, there are tax incentives on a tourism project when there is importation of material, importation for construction, importation of a number of things related to that tourism project. I hope the Minister is listening. How do we monitor, or is the Tourism Development Corporation competent enough to

monitor what is coming in for that particular project and if for any reason, some of these things might be syphoned to other projects? You could be importing material for construction or for tourism projects, you would import ten times the amount and you build a number of condominiums and apartments, do we have that ability for monitoring and evaluating that type of situation?

Now, in the context of tourism, my colleague Sen. Munro, we want to ask the hon. Minister, what incentives the Tourism Development Corporation is using, beside the tax incentives that have been here, to encourage tourism in Trinidad and Tobago? We know Trinidad cannot really attract tourists, not very many, and Tobago is really the point for tourists to come. Now, as Minister of Tourism, what has he been able to bring forward in terms of something that may be competitive; something like Sandals, in the Caribbean, where Sandals has a chain about four or five areas in the Caribbean? Why is it outside our scope and ability to bring something similar to that? Because we have nice beaches in Tobago.

Hon. Senator: What Bill are you speaking about?

Sen. Dr. T. Gopeesingh: The Bill?

Hon. Senator: Yes.

Sen. Dr. T. Gopeesingh: The tax incentives, the incentives.

Madam President: You have gone beyond the Bill.

Sen. Dr. T. Gopeesingh: No, we are speaking about the incentives, Madam President.

Madam Chairman: Please stick to the tax incentives, I am allowing some latitude—

Sen. Dr. T. Gopeesingh: All right.

Madam President: But you all need to tighten up a little.

Sen. Dr. T. Gopeesingh: This is in the context of foreign investment as far as tax incentives are concerned. Now, what is happening in Trinidad and Tobago in terms of Jamaica and Barbados as tourism sectors? Jamaica in the north coast is untouchable as far as crime is concerned. You cannot go and commit a crime in the north coast. Barbados holds very secret the issue of crime because they know that they develop their income and economy based on tourism.

The hon. Minister was part of a committee that dealt with a crime plan for Tobago because this impacts on investors and that took place about 11 to 12 months ago. You would see that that crime plan is not being effective and

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working in Tobago. So the hon. Minister needs to address himself to that because it is useless giving foreign investors tax incentives of no taxation when they are not being charged tax in their own country and not providing the right atmosphere to facilitate that.

The last area I want to ask about is the question of casinos in the context of tourism. We in Trinidad and Tobago seem not to understand what is the Government's policy as far as the casinos are concerned and that is an important part of tax and tourism in a number of developing countries and a number of countries which are well established as far as tourism is concerned. There are private casinos with members' clubs and so on and then there is gambling in Trinidad and Tobago by the Betting Levy Board. So I am hearing that the Tourism Development Corporation and the Minister of Tourism must clear up the whole question of casinos and what tax incentives are given to the owners of casinos in relation to the tourism sector.

We would really like him to give an overall view of what is happening in the tourism sector at the moment. When you come to debate a Bill, you would debate a Bill in the context of an overall framework and if you do not understand what the overall position is—you would not be taking a little piecemeal part of it and trying to fit it into a larger framework. So it would have been good for the hon. Minister to give an idea of the amount of money spent on tourism from the national budget; how much is spent on advertising; what returns they are getting; what are the returns on the investment. I hope that the hon. Senator would be able to answer some of these concerns that we have on this side.

Thank you very much, Madam President. [*Desk thumping*]

The Minister of Tourism (Sen. The Hon. Howard Chin Lee): Thank you, Madam President, and I would like to thank all the Senators who contributed to—

Madam President: Hon. Minister, I do not know whether you are going to give way, the Senator did not raise her hand. All right, go ahead.

Sen. Dr. Jennifer Kernahan: Thank you, Madam President, I am sorry for the mix-up, but I did put on my light. I just want to make a short contribution on this Bill before us this afternoon, an Act to amend the Tourism Development Act, 2000.

When the hon. Minister of Finance rose and spoke to this honourable Senate, he said that we are here today to comply with our obligations under the CSME. With all due respect, I suspect that the Government is here to comply only, but we are also here to analyze this Bill in the context of the development of Trinidad and Tobago, the sub-sector and the tourism sub-sector and to account to the people whom we represent, how would this Bill impact on their lives; how this Bill would impact with the development of this country. So, in addition to compliance, that is not the major issue; in the context when you are talking about compliance we also have to understand and analyze how this compliance affects us. It is not just a question of compliance; we have to talk a little about what are the implications of this compliance.

Madam President, we recognized that tourism is an important tool of development in the Caribbean and the Caribbean is generally recognized as an important tourism market. Cuba, the Bahamas, Grenada, Barbados and Tobago are all important tourist destinations and that tourism is indeed in a particular context, a positive engine for growth and development. But we would like to stress here, that in the context of having to comply with the CSME, we must insist that every step we take in this process, we must understand that if we are to harness tourism in a positive manner for the development of our country, we must understand that there would be implications if we do not anticipate properly and if we do not have a proper vision.

There are implications for the protection of our environment. Increased tourist arrivals and increased tourist presence has implications for the protection of our environment. It has implications for our human resource development; it has implications for our infrastructural development; our cultural development and all of these linkages that the other Senators spoke of are important parts of the whole thrust towards the development of tourism.

Sen. Prof. Ramchand spoke about the linkages to agriculture and other important stakeholders in the industry have indicated the importance of the link of transport, agribusiness management; small business and so on to the tourism product. But other Senators have expressed concern about Government's view of tourism, expressed in terms of the development of tourism being more rules, more accommodation and so on and ultimately, encouraging the development of this tourist product by giving tax incentives as this Bill has sought to do to foreign investors—

Hon. Senator: Caricom.

Sen. Dr. J. Kernahan: Well, Caricom and non-nationals, the Bill also spoke to non-nationals which was pointed out here that did not indicate whether it was Caricom non-nationals or other foreign non-nationals. So we do not know. This is something that yet has to be clarified. But in any case, each island within the CSME has a responsibility to look at the question of compliance, the question of the development of the CSME in the context of its own development, so we have to look at it. So when we look at these tax incentives, we must also be aware that there is the possibility of increased leakage of foreign exchange; an increased leakage of monetary resources out of the country and this has been discussed at a Caribbean Media Exchange Conference on tourism held in St. Lucia recently.

It was a major point argued: How do we block the legitimate leakages of foreign exchange earned by the tourism industry? Madam President, this is vitally linked to the Bill before us. The question of foreign investment in our industry here by non-nationals and there is the fear that if we do not look at these issues in a holistic manner, we would eventually lose more than we gain. At this conference in St. Lucia recently, this was said to be one of the major challenges of Caribbean tourism. One, the illegitimate leakages of foreign exchange earned by the industry, which, by the way, other Senators had mentioned. What were the figures? At this conference the figure was said to be high as 85 per cent; 85 per cent in terms of the loss to the local industry of the gross amount earned. So this is an important indicator that we have to look at.

You are pushing tourism; you are inviting foreigners; you are inviting non-nationals and so on to come in and invest, but then as a Caribbean, you lose over 85 per cent of this to non-nationals, to foreign companies, because in this conference a lot of purchases for the tourism industry are made abroad. We do not have enough linkages in the internal economies and in the Caribbean economies to supply the industry and if we do not look at making very strong linkages in the Caribbean and internally in the individual islands, then although on the surface—a lot of nice figures are being touted and so on in terms of the growth of tourism.

I think recently one of the Caribbean Prime Ministers boasted that the tourism industry would grow by at least 4 per cent for this year. If we do not look at the haemorrhage of foreign exchange which is as a result of this expansion of the industry, then we are really not accounting properly to our people for the drawbacks of the tourism industry. Madam President, you know as well as I do that there are pros and cons with respect to tourism and these are some of the

things that we have not even begun to address in this country in a real way and address the minds of our people to the pros and cons of tourism. We are talking about increased tax incentives and development of the industry, but where are the programmes, where are the initiatives, where are the steps taken to sensitize young people and the people of this country generally, as to their role in this whole thrust towards tourism development?

How do we sensitize our people as to the importance of the tourism industry and the tourists who come to our shores, in the context of increasing poverty; in the context of increasing social unrest; social imbalances? You have this tourism thrust and on one hand we are giving tax incentives and on the other hand, we are showing disincentives to tourism because a lot of tourists—I would not go over the figures that have been so well brought out by my colleagues, but there are serious disincentives to tourism in Trinidad and Tobago when you have tourists being attacked, raped and robbed in this country.

So how do we sensitize young people as to the importance of this industry; the importance for jobs and human resource development? Where are the institutions that we are setting up in this country that would make them feel okay, the cons and so on are less than the pros? Okay, you can achieve higher paying jobs in the tourism industry, not just as bellhops and bartenders, but you can develop to be managers in small businesses and in even medium and larger businesses that your human resource development is being taken care of in the context of this whole trust for increased tax incentives and development of the tourism industry.

Madam President, how do we maintain our national pride and dignity in the context of increased incentives for tourism? Because you know that is a problem.

You know that nationals in any country sometimes get a little confused. The question of respecting tourists; the sort of deference that you have to make to ensure that they are comfortable and happy and maybe inherent feelings of inferiority or not being as good, or people having access to resources, but you do not have in your own country; these are real problems that would lead to conflict between the tourists and the nationals. So we have to address those problems even as we address the whole question of tax incentives to improve and increase tourism in our country. I am sure you see that unless you do that you are heading for serious problems especially in Trinidad and Tobago at this point in time.

I do not think that compliance alone is the topic here. I think that we have to look at compliance in the context of our society; the context of the social situation that we face right now; compliance in terms of poverty; compliance in terms of the disaffection that a lot of young people face and compliance in terms of

unemployment. Unless we address those problems and put institutions and programmes in place, that people would feel comfortable in seeing a thrust in tourism; a development of tourism, that they feel they have a place; that they feel they would gain from it; that the small man would gain from it; that students would gain; that small business people would gain, then we are going to have problems.

I think this is the problem with the PNM, they always look at things so myopically, with blinders on and they do not see anything outside of the immediate issue. This is what is happening and that is why they would cough and laugh now and ten years down the road we would have serious problems in this country with respect to tourism and we would lose everything that we have gained over the years if we do not deal with these problems upfront, if we do not discuss these problems in a mature manner and if we do not address the problems in a concrete manner.

Madam President, increasing incentives to non-nationals: the basic question is for us and our people, how would that increase employment? Because employment is the bottom line. How would allowing people to invest here and take out all this foreign exchange affect us? How would it benefit us? Is it going to raise our ability to participate; will it increase for the number of young people leaving school every year, their opportunities for meaningful, sustainable employment with dignity and pride? These are the questions that we have to ask.

I also want to ask, would non-nationals be able to invest here and enjoy the fruits of tax incentives and so on? We have seen recently that a lot of labour is coming into this country. Does it mean that they would feel free to bring in their own labour, their own workers, and their own labour resources? Does it mean that? Does it mean giving them these tax incentives is really not going to do a lot for us in terms of reducing unemployment here, especially among young people? These are questions that we have to ask. You give tax incentives *carte blanche*; what are the constrictions; what are the restraints; what do we want? What vision do we have as the people in the context of this heavy and huge thrust towards increased tourism?

The World Travel and Tourism Council found that tourism contributes \$28 billion to the GDP of this region and \$2.5 million in direct and indirect jobs and it is expected that we would have a 4 per cent rate of growth in the next year. But how does that relate to Trinidad and Tobago? Have we broken down the figures; have you extrapolated? Can you say for example, in that same context of those

figures that tourism would contribute so much and so much to GDP and so much and so much to employment and to development to our human resources? What levels of development of human resources do we expect this increased tourism thrust and these incentives to provide for our people, top management, middle management, low management? Are we going to be consigned to the area of the bellhops, the porters and the selling of trinkets and so on?

These are serious questions that we have to answer. We are not going to give away our money. I am saying, we are not going to sit here and agree to give away our money, and make tax incentives available to foreigners when these fundamental questions are not answered. This is what I am saying. I am saying that when you talk about incentives, when you talk about compliance, you also have to answer to the people of Trinidad and Tobago; how these incentives and how this compliance would affect their lives; how it would affect development infrastructure, their employment, their national pride, their dignity and what steps are we taking to protect our environment.

Madam President, you know as well as I do that in Tobago especially, and in Trinidad there is the whole question of promiscuity, of the sex trade and very young people being involved in the sex trade—

Hon. Senator: HIV.

Sen. Dr. J. Kernahan: HIV/AIDS. We are talking about spending over \$5 million a year on HIV/AIDS; you are talking about increased tourism thrust. How do you assess that this would impact on these issues, these increased incentives and non-nationals coming in here and investing? How do you assess an impact on all these problems and what steps are you taking to ensure that they do not impact negatively on these very important questions? I do not understand why they are scoffing and they are so impatient with this contribution, because it shows that they have no vision for this country. They are very short term and very short-sighted and they have no interest in the real problems that affect real people in Trinidad and Tobago. All they are concerned with is filling the pockets of the big businessmen, the big investors and so on; they are not concerned with the problems of ordinary people in Trinidad and Tobago.

So I think it is important to understand the role of linkages. Sen. Prof. Ramchand talked about cultural development; he talked about how are artistes going to benefit; how are craftsmen going to benefit from these incentives and about the agribusiness, agriculture. These are questions that we must come here to ask and do not tell us about compliance and we must do this and we must do

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that. The only thing that we must do is die. The only thing as human beings we must do is die. And when we are talking about compliance, every other Caribbean country is looking after its own interest in the context of the Caribbean Single Market and Economy.

Dr. Ralph Gonsalves is saying that he is not agreeing to the listing of the Aliens (Landholding) Act in his country because it would not affect him negatively. So do we have any concerns? Do we have any problems? We just comply willy-nilly, anyhow and come here and push things down the throats of the people of Trinidad and Tobago. I reject that approach totally. [*Desk thumping*] I reject that approach; I believe that the Government must be more accountable. They must take the initiative to analyze and to give us answers and to project, so that we can hold them to the projections. The reason they never come and tell us about anything is because you cannot hold them to anything afterwards, because they never tell us what would happen, they never projected; they never gave us a vision. So anything could happen and they say well, we did not say it could not happen; we do not know, la, la, la. These people are la, la, la, but we are not, we are very conscious of what is happening in this country. We represent the people of this country and we are not just about to comply with anything that they come here with.

I thank you. [*Desk thumping*]

The Minister of Tourism (Sen. The Hon. Howard Chin Lee): Thank you, Madam President. I would not talk too la, la, la today. I just want to address some of the issues that were raised by some of my colleagues on the other side and as they continued speaking, I began to realize that there was great misunderstanding in what we were bringing today. Questions such as what are the taxpayers' losses; the opportunity cost, Sen. Munro raised, all of that indicated a lack of understanding for what we are bringing here today.

4.00 p.m.

Madam President, the amendment we are making today is really to clause 3(5). I would just read the part that we are amending and show that there is really no loss to the Government with respect to earnings. It is already indicated in section 3(5) of the present Tourism Development Act:

"gains or profits, the dividend so paid shall be exempt from tax if the recipient is not liable to tax in respect of that dividend in the country in which he is a resident."

If you recall, all the member States had signed and ratified in the Revised Treaty of Chaguaramas and they are all members of the double taxation agreement which, basically, allows zero per cent on taxes, with respect to the Tourism Development Act. In fact, this amendment is only necessary because the double taxation agreement exists and that allows exemptions in any case. The legal counsel of the Caricom Secretariat wanted to ensure that if one were not a member of the Double Taxation Treaty by next month or next year, they would continue to benefit from these particular arrangements.

With respect to the question: What is the expected loss to taxpayers? The answer is zero. There is a misconception on the other side when one talks about the hierarchy making and the poor man suffering; it is basically the same. All we are doing is cleaning the Act and ratifying to the legal counsel of the Caricom Secretariat.

Another question was raised by Sen. Mark with respect to the number of countries that signed to the arrangement. I would just read them out: Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts, Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

An issue was also raised with respect to how we encourage investment in Trinidad and Tobago. That all comes back to the fact that we have a Tourism Development Act which allows certain provisions and incentives to persons interested in investing. With respect to making people aware of what investment opportunities there are, within the Tourism Development Company there is a section that deals with investment, which promotes, for example, areas and lands that we have for sale or lands that the Government owns that we are interested in developing for the tourism industry. There are facilities in place to deal with encouraging investments in this country.

Crime and advisories is an issue we are dealing with. It is not only an issue in Trinidad and Tobago. Other countries and islands in the Caribbean are dealing with it. It is not an excuse, but we are not being reactive; we have always been proactive. We have set up a task force, as Sen. Dr. Gopeesingh said, that has a joint patrol in Tobago. We have mobile patrols. The Minister of National Security has re-assigned new management to the police service in Tobago. The only positive aspect since these measures were put in place has been a reduction in crime against tourists.

Sen. Mark mentioned the whole idea of airlift. I want to go back to about five years ago when the UNC was in power. There was absolutely no airlift to Tobago and that was because they neglected the fact that airlift was almost the umbilical cord of survival in the industry. When the PNM took power in 2002, the Prime

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Minister chaired the airlift committee which, basically, met and dealt with carriers that could come to the region. He signed guarantees with airlines such as Condor, British Airways and Virgin Atlantic, ensuring that even if a flight was to arrive 20 per cent full, the Government would guarantee those planes to arrive. Fortunately, when that airlift committee was set up, the flights began to come in full. We began to have higher occupancy on the flights, so much so that no subsidy was required. Because of the vision of this administration, we have recovered tourism in Tobago.

I would like to also address the very good issues raised by Sen. Prof. Ramchand. He spoke about the repeal of the Hotel Development Act, forming the Tourism Development Act. Madam President, if you would recall, the Hotel Development Act written in 1962 was designed to provide incentives for persons dealing in the hotel industry alone. That Act was subsequently repealed forming the Tourism Development Act. This Act was brought to Parliament recognizing that the tourism industry was not only about hotels, but also about other industries: tour operators, integrated resort developments, dive operators and amusement parks; all these other facilities which are ancillary services to the tourism product.

Under Schedule VII of the Tourism Development Act not only hotels benefit from the incentives provided, but projects that are considered to be related. So the Hotel Development Act was repealed and the Tourism Development Act was rewritten to ensure that other persons, apart from hoteliers, would benefit and get incentives from the Government to grow and invest in the industry.

The Senator also mentioned attracting our citizens. There is a whole array of projects that the Government is working on with respect to promoting culture: the revamping of the Savannah and the National Academy. All those are done to ensure that we could promote our art and culture.

Sen. Munro said that we should link tourism with economic growth. We have always been conscious of that fact. I know that Sen. Dr. Kernahan quoted from the World Travel and Tourism Council (WTTC) report. It speaks not only about the increase in arrivals in Trinidad and Tobago since 2002 to 2005, but it also speaks about the increase in contribution to our gross domestic product by the tourism industry. Many of you are aware that the WTTC is an international and independent body. Let me just quote some figures that speak of the contribution to the tourism industry, the direct and indirect impact of visitor activities, capital investment, exports and Government services from the year 2000 to 2005. For

the year 2000, it was \$1 billion. In 2003, it was \$1.4 billion; in 2004, it was \$1.5 billion and in 2005 it was over \$1.6 billion. So we have seen over the last three years, not only an increase in arrivals to Trinidad and Tobago, but, surely, based on the WTTC report, we have seen an increase in our contribution to the economy, direct and indirect, in terms of revenue generation.

Sen. Munro asked about the difference between the Tourism and Industrial Development Corporation (TIDCO) and the Tourism Development Company (TDC). Madam President, TDC was formed to ensure that our marketing efforts were focused—like what we did in Germany, and I would come to that shortly—and that all our energies were placed on marketing our products; whereas with TIDCO, I think along the way they lost vision. Not only were they responsible for promoting trade and investments, I know at one time they were paving roads and doing all sorts of things unbecoming of such an organization; hence the reason to form and focus one entity that would market Trinidad and Tobago specifically for tourism investment and tourism development.

Another question that was raised was how brand names help. Many people know brand names in Trinidad and Tobago. We have the Marriott Courtyard Hotel. We are now building the Hyatt, a 450-room hotel together with one of the largest conference centres in the region. After that conference centre is built, we would be promoting and marketing conferences in Trinidad and Tobago year round. Already in Trinidad, we are experiencing tremendous growth. We are in excess of 80 per cent occupancy and it appears that because of the level of occupancy, there is a great level of interest for people wanting to invest in business hotels in Trinidad and Tobago.

The physical structure—We spoke about the lifeguards. We have just bought new equipment for them and we brought in four Australians to train them. We have jet skis, ATVs and new equipment which would help the lifeguards in terms of guarding our nation's beaches.

Development of official websites was also raised. We just launched the Soca Warriors' website: socawarriorstt.com. It was launched by our Ministry and I am pleased to say that it was probably the most visited site in the whole Caribbean. [*Desk thumping*] Until today, before coming to Parliament, I got a report. Do you know how many hits we got, Madam President? We got 30 million hits on that site. [*Desk thumping*] That was unbelievable for us and all of them were not only interested in the Soca Warriors. On that site you would also see tourism products: our beaches, our culture; you could find out more about the Soca Warriors; we

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had real time video on demand, streaming videos. We even had soca music and Machel Montano explaining what soca music was. It is quite surprising to us that so many people from over 130 countries visited that site. So we do recognize that the website and the Internet is a way to communicate with the world and, therefore, we are developing and improving our web infrastructure.

Sen. Dr. Gopeesingh asked how we monitor duty-free concessions. I think that is a genuine concern. There is a unit in the TDC that was developed and designed just to monitor whether a hotel has 50 rooms and it brings in 90 air condition units or they bring in four cars and two cars are for private use; we know something is wrong. So there is a unit to monitor that and there is also a back-up unit within the Ministry of Tourism. All the files go from there to the Ministry to ensure that due diligence is done and that all procedures are done correctly.

I thank all those who contributed. I also take this opportunity to congratulate the Soca Warriors. I am speaking as the Minister of Tourism. [*Desk thumping*] [*Interruption*]

Sen. Prof. Ramchand: Before the Senator goes on to the celebratory part. I did ask a very specific question about whether the other Caribbean Single Market and Economy (CSME) or Caricom countries have effected legislation. We were told that they signed, but I want to know if they have effected the legislation. [*Crosstalk*] I also raised the question about 6(b), whether it would not be preferable to say "a non-resident shareholder who is a national of a CSME or Caricom State". I would like the Minister's response to those two questions.

Sen. The Hon. H. Chin Lee: With respect to the signing of the agreement, as far as I understand those particular member States signed to it. I would have to find out more with respect to how many of them.

Hon. Senators: Legislation.

Sen. The Hon. H. Chin Lee: Based on the COTED Agreement, we are following along the deadlines we met. We are being good citizens of Caricom and, therefore, we are complying. [*Crosstalk*]

Madam President: Please, please, Senators! I cannot even hear what the Minister is saying.

Sen. The Hon. H. Chin Lee: In Trinidad and Tobago, we are not looking at the others to determine whether we should continue. We are fulfilling our end of the legislation further to our COTED Agreement. [*Desk thumping*] When we agree on something, we deliver.

With respect to Sen. Prof. Ramchand's question, we spoke of "nationals" and "non-nationals". If you look at the definition of "nationals" they have changed it a little. I would just read what a national is:

"A national includes a person who has a connection with another Member State of a kind which entitles the person to be regarded as belonging to it for the purposes of the laws of that State related to immigration or if it is to be so expressed in those laws as being a native or resident of that Member State."

When you speak about non-nationals benefiting, you have to go on to read the part which says that if that non-national is a recipient and not liable to tax in respect of that dividend in his country in which he is a resident, then he is entitled to it. So it is listed clearly inside the amendment to the legislation. [*Interruption*]

Sen. Prof. Ramchand: I am not satisfied with that. What is that problem about saying "who is a national of a CSME or Caricom State"? This means that if we have a double taxation agreement with Australia or the United Kingdom, they would be allowed, through this clause, to do a tourism investment and be exempt. We have double taxation agreements with many countries other than the Caricom States.

Sen. The Hon. H. Chin Lee: Madam President, I thought I responded sufficiently to that question. [*Laughter*]

In closing, I congratulate the Soca Warriors for the greatest goal in terms of branding Trinidad and Tobago internationally.

Sen. Mark: You used them.

Sen. The Hon. H. Chin Lee: There is no money that the Tourism Development Company could have spent to have us placed on some of the major networks: ABC, CBS, and NBC. We were on all the major networks. On top of all that, the support services by the Soca Caravan, the cultural contingent that was sent up by the Ministry of Community Development, Culture and Gender Affairs and the TDC was fully monopolized. For that reason I congratulate and thank them for ensuring that Trinidad and Tobago continues to be one of the best brands in the Caribbean. [*Desk thumping*]

Thank you.

Question proposed.

Bill accordingly read a second time.

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Bill committed to a committee of the whole Senate.

Senate in committee.

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

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

Senate resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move that the Senate do now adjourn to Thursday, July 06, 2006 at 1.30 p.m. At that time we would debate the Municipal Corporations (Amdt.) Bill. I think it has been circulated.

Madam President: Hon. Senators, before I take the adjournment, let me remind Senators that there was an answer to a question circulated, so you should have all gotten it. If you did not, please ensure that you do. [*Interruption*]

Sen. Mark: Madam President, we have grave difficulty in having a bill foist on us. Yesterday I got this Bill. Under the Standing Orders it is clear; we need 15 clear days notice to debate something like this. We see no need to rush this matter. We want to come back here on Tuesday and if the Minister insists, well, then we can do it. We want to record our objection to this rush. Under the Standing Orders, and I will quote the relevant section to you on Thursday, we need 15 clear days to study this piece of legislation. We object to this; we serve notice.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned 4.23 p.m.

WRITTEN ANSWER TO QUESTION

58. *The following question was asked by Sen. Wade Mark:*

**Qualification Period for Foreigners
(Criteria Used)**

- (a) Could the Minister of National Security provide the Senate with the criteria used in determining the qualification period that each foreigner would have to satisfy in order to receive residential and citizenship status?
- (b) Could the Minister of National Security further state how many of those applications that were approved enjoyed any form of preferential treatment by the Minister of National Security?
- (c) Could the Minister further provide a detailed breakdown of the various nationals involved?

The following reply was circulated:

The Minister of National Security (Sen. The Hon. Martin Joesph): The grant of Resident Status and Citizenship to non-nationals of Trinidad and Tobago falls to be considered and approved by the Minister of National Security subject to the application of certain statutory provisions.

In this regard, the Immigration Act, Chapter 18:01 of the Laws of Trinidad and Tobago, confers upon the Minister of National Security, the authority to grant Resident Status to non-nationals as follows:

Under Section 6:

- 6 (1): Subject to this Act and the regulations, persons who come within the following classes may on application in the prescribed form, be granted permission by the Minister if he thinks fit, to become residents, that is to say:
- (a) a permitted entrant who –
 - (i) by reason of his education, occupational qualification, personal history, employment record, training, skills or other special qualifications has established or is likely to be able to establish himself successfully in Trinidad and Tobago in a profession, trade self-operating business or agricultural enterprise and who has sufficient means of support to maintain himself and his immediate family in Trinidad and Tobago; and

- (ii) has been continuously resident in Trinidad and Tobago for five (5) years or such shorter period (not being less than twelve (12) months as the Minister may in the special circumstances of any particular case accept;
 - (b) a person who is the parent or grandparent of either a citizen or resident of Trinidad and Tobago, residing in Trinidad and Tobago, if such citizen or resident is willing and able to provide care and maintenance for that person;
 - (c) the spouse of a citizen or resident of Trinidad and Tobago; and
 - (d) a person who has ceased to be a citizen of Trinidad and Tobago by reason of his voluntary acquisition of citizenship of another country.
- 6 (2): In determining the suitability of an applicant for the grant of resident status under this section, the Minister shall be satisfied, inter alia, that the applicant –
- (a) had entered the country legally;
 - (b) is not in a prohibited class; and
 - (c) is of good character as evidenced by a police certificate of good character.

Under Section 5 (3):

- 5 (3): The Minister may, in his discretion, confer the status of a resident on any person he considers fit.

Similarly, Chapter 1:50 of the Laws of Trinidad and Tobago, the Citizenship of the Republic of Trinidad and Tobago Act, grants the Minister of National Security the authority to confer citizenship upon legally resident non-nationals. The Act states that resident non-nationals applying for citizenship of Trinidad and Tobago must meet the following criteria:

- (i) being of good character;
- (ii) having an adequate knowledge of the English Language and of the duties of a citizen of Trinidad and Tobago;
- (iii) having either resided in Trinidad and Tobago or having been in the service of the Government of Trinidad and Tobago for a period of seven (7) years or shorter, but not less than twelve (12) months, or an aggregate of service and time in residence.

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Section 7 of the Citizenship of the Republic of Trinidad and Tobago Act confers upon the Minister the authority to have nationals of Commonwealth countries registered as citizens of this country. Section 12 of the Act bestows similar authority in having nationals of non-Commonwealth countries issued certificates of naturalization.

From the foregoing, it is seen that while a qualification criteria exists with respect to the grant of resident status under the provisions of section 6 of the Immigration Act, no such criteria applies under section 5(3) of the Act. This section confers wide powers to the Minister, since it affords him the authority to grant resident status to any non-national he considers fit.

With respect to the grant of citizenship, the Citizenship Act clearly defines a qualification period to be resident before the Minister could grant citizenship to any non-national resident of Trinidad and Tobago.

The Ministry's records reflect that for the period January 01, 2002 to March 31, 2006, the Minister of National Security approved a total of one thousand eight hundred and forty nine (1,849) applications from nationals of seventy (70) different countries, which were submitted in full compliance of the statutory criteria set out in section 6(1) of the Immigration Act. Additionally, over that period the Minister also granted resident status to a total of sixty-three (63) nationals of fifteen (15) different countries under the authority of section 5(3) of the Immigration Act. These persons were not obligated under the law to satisfy qualifying period criteria, and as such no form of preferential treatment was meted out to them.

For the period January 01, 2002 to March 31, 2006 all applications approved by the Minister of National Security for the grant of citizenship were done so in strict adherence to sections 7 and 12 of the Citizenship of Trinidad and Tobago Act, as outlined above and as such the issue of preferential treatment did not arise

Not applicable since there is no indication that preferential treatment was afforded to any of the sixty-three (63) applications approved from non-nationals for the grant of resident status, by the Minister of National Security, over the period January 01, 2002 to March 31, 2006.