

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

HOUSE OF ASSEMBLY

Tuesday, June 13, 1995.

Pursuant to the adjournment, the House of Assembly met at 11:15 a.m. on Tuesday, June 13, 1995.

PRESENT

His Honour I. A. ROETT, B.A., Dip. Ed. (Speaker)
His Honour R. D. MARSHALL, (Deputy Speaker)
Rt. Hon. L. E. SANDIFORD, B.A., M.A., (Econ.),

J.P.

Mr. B. M. TATTT, B.A. (Hons.), M.P.A., LL.B.
(Hons.)

Mr. L. A. WEEKES, G.C.M., J.P.

Hon. O. S. ARTHUR, M.Sc. (Econ.), (Prime Minister, Minister of Finance and Economic Affairs, Minister for the Civil Service)

Hon. D. A. C. SIMMONS, Q.C., LL.M. (Attorney General and Minister of Home Affairs)

Mr. D. J. H. THOMPSON, LL.B. (Hons.) (Leader of the Opposition)

Hon. Sir Harold B. St. JOHN, Q.C., LL.B.

Mr. L. R. TOLL, Q.C., M.A.

Dr. R. L. CHELTENHAM, Q.C., M.A.,
M.Sc. (Econ.)

Hon. Miss B. A. MILLER, (Deputy Prime Minister, Minister of Foreign Affairs, Minister of Tourism and International Transport) (Leader of the House)

Mr. J. O. TUDOR, J.P.

Hon. G. W. PAYNE, (Minister of Public Works, Transport and Housing)

Dr. R. C. HAYNES, M.B., Ch.B., F.R.C.P. (Edin.)

Mr. D. CARTER

Mr. G. A. CLARKE, B.Sc., Dip. Ed., (Parliamentary Secretary, Ministry of Public Works, Transport and Housing)

Mr. J. M. EDGHBLL

Mr. F. J. STUART, B.A., LL.M.

Mr. W. C. C. CALLENDER, J.P., B.A., Dip. Ed.,
B.Sc. (Chairman of Committees)

Mr. H. F. LASHLEY

Mr. R. St. C. TOPPIN, LL.B.

Mr. D. St. E. KELLMAN

Hon. Miss H. E. THOMPSON, LL.B. (Minister of Health and the Environment)

Hon. Miss M. A. MOTTLEY, LL.B. (Minister of Education, Youth Affairs and Culture).

Prayers were led by Father Ivan Harewood.

MINUTES Mr. SPEAKER:

This House is now in session.

Hon. Miss B. A. MILLER: Sir, I move that the Minutes of the proceedings of the Honourable House of Assembly for May 23, 1995 which have been circulated be taken as read.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

Mr. SPEAKER: If there are no corrections or observations, then let those Minutes stand confirmed.

MESSAGES FROM HER EXCELLENCY THE GOVERNOR-GENERAL

Mr. SPEAKER: From Her Excellency, the Governor-General dated May 30, 1995:

"Dear Mr. Speaker,

I shall be away from the island from May 31 to July 16, 1995 on a visit to Toronto, Canada.

In accordance with the provisions of Section 29 (1)(b) of the Constitution, the Honourable Sir Denys A. Williams, KCMG, GCM will perform the functions of the Office of Governor General during my absence.

As the Honourable House of Assembly will not be meeting prior to my departure, it will not be possible for the usual formal message to be sent down to your Chamber. Will you therefore please bring my absence formally to the attention of the Honourable House of Assembly when next it meets.

I have the honour to be,

Yours faithfully, Dame Nita

Barrow, GOVERNOR-

GENERAL."

PAPERS

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I am commanded to lay:

The Report on the Commission on Casino Gambling in Barbados.

I am also commanded to lay:

The Duties, Taxes and Other Payments (Exemption) (No. 10) Order, 1995.

FIRST READING OF BELLS

Hon. G. W. PAYNE: Mr. Speaker, I beg to move the first reading of the Tenancies Development (Amendment) Bill, 1995.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question that this Bill be read a first time was put and resolved in the affirmative without division.

STATEMENTS BY MINISTERS

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I would like to announce to the Honourable House of Assembly that the Cabinet has agreed to the appointment to the post of Chairman of the Barbados Tourism Authority Mr. Allan Batson. Mr. Batson is a well-known businessman and entrepreneur. He is well-established in the corporate life of Barbados and he will assume his chairmanship with effect from this day.

I also wish to announce that the Cabinet has agreed to the appointment to the Chair of the Caribbean Airways

Limited Mr. Colin Brewer, Mr. Brewer is a well-qualified and long experienced chartered accountant, a former partner of Price Waterhouse, and he is now a private consultant. Mr. Brewer is a man with extensive international contact. He, too, will assume his post as of this day.

I further wish to announce, Sir, that the Cabinet has agreed to the appointment of Miss Donna Symmonds to be our Special Envoy working within the Ministry of Tourism to deliver the sports/tourism niche. Miss Symmonds is a graduate of Queens College and the Barbados Community College. She attended Reading University and the University of London. She is a barrister of the Middle Temple and an attorney-at-law. She is an attorney in private practice of some years standing in Barbados. Her professional activities, I think, are well-known. Miss Symmonds is perhaps to be described as a person who is unique in the Commonwealth and perhaps unique in the world. Her prowess as a commentator on cricketing matters and on matters to do with tennis and other areas of sport is well-known not only at the national level in Barbados but regional and indeed internationally. She is a much travelled person. She is a person who now has a grasp of matters to do with tourism. It is important, Sir, that she remains within the country team approach which this administration established in the Ministries of Tourism, Foreign Affairs and to some extent of course the Ministry of Sports.

We have in this Honourable Chamber from time to time and through successive administrations given much lip service to the concept of sports tourism. But this is a special market niche in tourism. This is a highly specialized area which it is believed that Miss Symmonds has special creative capacity to bring to it and which we believe she will deliver. This is part of a Manifesto promise of long standing through successive Manifestos of the Barbados Labour Party. I am very pleased to announce these matters to the Honourable House of Assembly.

Thank you, Sir.

ORDERS OF THE DAY

STANDING ORDERS

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the rest of this day's sitting.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question that those Standing Orders be suspended for the remainder of this day's sitting was put and resolved in the affirmative without division.

GOVERNMENT BUSINESS

Mr. SPEAKER: Order No. 9.

ORDER NO. 9 - TO MOVE THAT THIS HOUSE
RESOLVE ITSELF INTO COMMITTEE OF
SUPPLY TO CONSIDER THE GRANT OF
SUMS OF MONEY FOR THE SERVICE
OF BARBADOS

On the motion of Hon. Miss B. A. MILLER, seconded by Hon. D. A. C. SIMMONS, Mr. SPEAKER left the Chair and the House went into Committee of Supply, Mr. W. C. C. CALLENDER in the Chair. 11.25 a.m.

Mr. CHAIRMAN: This Honourable Chamber is now in Committee of Supply.

COMMITTEE OF SUPPLY

SUPPLEMENTARY ESTIMATES 1995-96 NO. 2

HEAD 30 - ATTORNEY GENERAL - \$93 708

Hon. D. A. C. SIMMONS: Mr. Chairman, I trust this will be a short matter. The essence of it is to vote an additional \$93 000, but let me explain to Honourable Members how this arose.

Honourable Members will recall that in the last financial year supplementary provision was given in the sum of \$50 000 to be applied for the work of the Task Force on Crime Prevention. At that time we reasonably expected that the work of the Task Force would have started on 1st February but, as Honourable Members know, we were recruiting the Director of the Task Force, the operative, Miss Yolanda Forde, from the States where she was engaged in contractual work in criminology and it was not possible for her to be here before 1st April or for the Task Force to be ready to function from 1st April. The consequence of that was that the funds voted in the last financial year lapsed, and now in essence what we are doing is asking Parliament - because we could not have envisaged at the time of Estimates in the third week of March, in fact before that, when the Estimates were prepared, that so much money would have lapsed - so we are asking for a revote of that money which was not used in the last financial year into this one.

In addition to that, Honourable Members will see in the Estimates, under the relevant Head, a sum shown against Professional Services. That is where we wanted to pay the expenses connected with the Task Force, from that note referring to Professional Services. The Ministry of Finance has advised that in the interest of better fiscal orderliness we need to break out the proportion of that money that is allocated to professional services and show

it specifically in relation to the Task Force, and then further subdivide that into the various elements that are provided for in the Estimates. For example, Supplies and Materials; Maintenance of Property; Operating Expenses; Purchase of new vehicle; Plant, Equipment and Furniture, under the various Object Numbers, so that all this is a proposal to create better order and really to show, as it were, line by line, item by item, the precise allocations of sums to the various Object Numbers. That is all it is.

It is, in the first instance, a partial revote of funds which lapsed in the last financial year, so to that extent it is not a true supplementary, and in addition it is to create a more explicit detail of the funds attributable to the Task Force on Crime Prevention, which funds now appear under the broad rubric of Professional Services.

Honourable Members will see some of the equipment that will be purchased as an Appendix to the Addendum. It is self-explanatory and I wish to say that the two persons who will be responsible for the executive work of the Task Force are two Barbadian ladies very well-qualified. First, the Director is Miss Yolanda Forde, who is an outstanding Barbadian student, qualified at Cave Hill and then went to my old school, London School of Economics and Political Science, where she read criminology with Professor Robert Reiner, and she was one of the early recipients of the Errol Barrow Memorial Scholarship. She then went over to the States and had been working prior to this assignment in the area of criminological research and analysis in the States.

Her Assistant will be Miss Janice Farley, formerly Sergeant Janice Farley of the Royal Barbados Police Force, qualified at Cave Hill and the University of Surrey, Master of Science Degree in Criminal Psychology.

Both of them are computer fiends and experts. They will be setting up office in Trident House, because Government has no space available, from next week. We have been able, with some of the funds that did not lapse, to start the process of furnishing and equipping Trident House, so the Task Force will be located at Trident House. People get a little confused. The other thing we have set up, which is presently called the National Advisory Council on Drugs, but which will shortly be renamed the National Council on Substance Abuse, is operational already at Trents, virtually next door to the pavilion at Trents, and the executive arm of that Council is called the National Drug Resource Centre. They are operational to some extent, but I have to come with legislation to create them as a Statutory Board and hopefully we will be doing that within the next three or four weeks.

In the circumstances, Mr. Chairman, I beg to move that Head 30 stand part.

Hon. O. S. ARTHUR: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

On the motion of Hon. D. A. C. SIMMONS, seconded by Hon. Miss B. A. MILLER, Mr. CHAIRMAN reported the passing of one money Resolution in Committee to His Honour the SPEAKER, who resumed the Chair and reported accordingly. 11.35 a.m.

On separate motions of Hon. D. A. C. SIMMONS seconded by Hon. G. W. PAYNE, the Resolution was read a first and second time and agreed to.

ORDER NO. 3 - RESOLUTION TO MOVE THE SECOND READING OF THE SOCIETY WITH RESTRICTED LIABILITY BILL, 1995

Hon. D. A. C. SIMMONS: Mr. Speaker, I am pleased and honoured today to be introducing this piece of legislation called the Society With Restricted Liability Bill. All lawyers and most people in business are familiar with the 2 concepts and the 2 legal phenomena that proliferate business activity, that is to say, the company of limited liability and the partnership.

There are 2 methods of doing business and certainly the company has the additional advantage of being a vehicle for the aggregation of capital and with certain particular attributes which the law has given it as a result of historical experience. Those 2 attributes which perhaps more than any other impel persons to incorporate companies are of course the concept of corporate personality and the concept of limited liability.

Insofar as corporate personality is concerned, for non-lawyers what is implied is that the artificial entity called the company is separate and distinct from those shareholders or members as they are interchangeably called who comprise the company and who put up the capital. It is a means of permitting a person or a group of persons to do business in such a way that in the event of difficulties, the personal wealth, the capital of the members and the shareholders of the company, is protected whereas the company itself will have to answer in its own name for actions brought against it and to that extent the company's property could become liable to execution. So, it allows you to keep your own personal interest and wealth separate and distinct from that artificial entity called the company.

Not so with a partnership, because 2 or more persons may form an organisation properly called a firm as distinct from a company - the word company is better applied to a company with limited liability where it is registered

under the Companies Act. Whereas a partnership is more properly a firm and in the firm's situation the 2 partners or the several partners may be jointly and severally liable depending on whether the action against them is in contract or in tort for the debts of each other.

If you sue a firm in town, take a lawyer's firm in town. The partners in that firm, if the firm is held liable, may be asked to pull their own pockets and contribute to the satisfaction of the judges. Whereas if you were a company, the person would have to seek to execute against the company and whatever assets that company has in its own name. The various shareholders would be immune from personal liability. Now those are 2 great attributes of the limited liability company so that it is essential for me at the beginning to make those points of distinction as between the nature of the legal vehicles and their consequences because what the Government has brought today is a legal mechanism that has some of the features of a company and of a partnership both in terms of its nature and in terms of the consequences of its operation. I would be dealing with that in time.

So we have a hybrid bill. This bill is a hybrid vehicle or mechanism and I will come to it in detail.

To revert to 1 or 2 of the fundamental points of company law, one of the essential principles is that a limited liability company in fact means what it says that the liability of the members, the liability of the shareholders, to contribute to the assets of the company in the event of a winding up is limited to what is unpaid on their shares. If they are fully paid up - no liability. If you are not fully paid up then your liability is limited to what is left by way of unpaid capital on the shareholders' part. So that is one of the great advantages and is indeed a privilege of company law, the requirements for limited liability.

The purpose of the SRL which is what we are dealing with today, the Society With Restricted Liability is to provide for a new form of business association which is primarily a corporate entity to the extent that it has corporate personality, that is, the separateness between the artificial entity, the company and the component shareholders, that it has a limited liability and it will have a certain continuity of existence. Now a company is said to have perpetual succession to the extent that we can all form a company in here today and X & company Ltd. comprised of all of us as shareholders will continue, assuming that it is not wound up, as X & Company Ltd. even though some, and eventually all of us will die. Now, with the SRL, Society With Restricted Liability, there is a difference. This vehicle is only allowed to exist for a maximum of 50 years. It does not have perpetual succession and that is a point of difference between itself and the ordinary commercial companies. 11.45a.m.

I ought to have said that the SRL, even though it is a business association which is primarily a corporate entity, also has certain characteristics of a partnership.

Now, it has been so defined as a society with restricted liability so that it would be treated as having full corporate personality under the law of Barbados, and taxed locally -1 will give you the tax rates in due course - while it retains sufficient of the characteristics of a partnership to be treated as a partnership under U.S. tax law. So it is to be treated as a partnership under U.S. tax law but it has some of the features of a company under Barbados law and will be taxed locally in accordance with our own Income Tax Act.

This type of association, society or business vehicle I think originated in German Law in about the year 1892. Some countries in the world have adopted this kind of mechanism to provide a simpler and less restricted form of constitution than that which attends the ordinary corporation.

Now, some of the characteristics of the SRL, to name three, are these: (1) It has full juridical personality which I explained separate and distinct as an entity from the personality of the shareholders.

Secondly, it has a partnership characteristic in that the structure and control over the participants in the society is working at the pleasure of the parties who form the society and we have changed that in three ways. First of all members would have seen in the Bill by restricting the number of members, secondly by restricting the amount of members interest or quota - shares, if you like - and, thirdly, by prohibiting negotiable share certificates. Fourthly, of course, it is not dissolvable on the death of a member except the articles specifically so provided.

Now, we have called this the Society With Restricted Liability Bill so as not to confuse it with what all of us know as Limited Liability Company which is the normal nomenclature that is familiar to common law jurisdictions. It is a type of organisation that is known to Europe and countries where they have civil courts. It is known to Latin America and it can be used to attract investment from and into the United States.

Mr. Speaker, this type of organisation is designed so that the United States IRS can tax the entity under their internal revenue code, I think it is called, as a partnership rather than as a corporation.

I was advised in the Ministry that a number of States in the U.S.A. has been adopting this kind of organisation.

I think the first one I have been told was incorporated in Wyoming in 1977. The benefit to business persons, surely, is the possibility of investing with capital without anyone individual having to accept liability beyond the amount of the capital invested and still obtain the full benefit as an individual now of deductions for depreciation, write-offs, or tax losses that may accrue in the initial year of a new business. So it has immediate appeal for tax planners.

The Honourable Member for St. Michael South Central I know is paying close attention as a person who is interested in tax planning and financial matters.

Now, I would have thought that the benefit would be of particular interest in real estate transactions to persons who want to take advantage of available depreciation and deductions.

Now, we have had to structure this Bill in such a way as to, if you like, comply with the requirements of the United States Treasury Regulations, or if you look at it from another angle, in an attempt to avoid those Regulations. Let me explain.

According to the Treasury Regulations an association of persons would be deemed to be a partnership for tax purposes in the States, of course, if it fails to meet at least 2 of 4 tests. Those tests are (1) continuity of life, (2) centralised management, (3) liability for corporate debts limited to corporate property, and (4) free transferability of interest in the association.

Now, the Bill here limits the life of an SRL, as I have said, to 50 years so that it does not have the continuity of life which the Treasury Code requires for a limited period. It places limitations on the transferability of shares - what are called quotas - in the entity. Since it does not have those two attributes of continuity of life and transferability of interest, it then fails, so it is allowed to be taxed as a partnership in the United States.

Mr. Speaker, I think we have circulated Members with a brief prospectus of the main features of the Bill. But having dealt with the legal framework for this type of society, I think it is but important that I now place the need for this type of vehicle in a different context, indeed in its economic and financial context. In 1979, amid the greatest possible opposition, amid the most strident criticism and indeed cynicism, some of it emanating even from the Honourable Member for St. Michael South Central himself, the Barbados Labour Party determined, notwithstanding all the effusions to establish an offshore financial services sector in Barbados, with a view to the diversification of the economy and to prevent our reliance on sugar and tourism, but rather to provide new engines of growth for

the economy. And so the offshore regime was started. I would say that some of the benefits then claimed for that regime - I am coming to you. You know that I am fair - in 1979 have taken rather long to pass the gestation period. 11.55 a.m.

It was then anticipated that it would produce, in short order, 3 600 jobs. That is the figure that I remember - I was in here at the time - being as it were, banded about. Those jobs did not materialize as quickly as had been hoped. But steadily that sector has grown to the point where it is now the second largest contributor of foreign exchange to the national income. It contributes approximately US\$100 million a year.

I believe that, with hindsight and with the development of maturity, all Members including those who then opposed it in 1979 now accept that the vision of the Labour Party in 1979 was worthwhile and has been a very productive vision for this country. We were careful, however, to ensure that the type of offshore regime which was being created was a regime in which investors and, indeed, Barbadians could have confidence because one of the criticisms and one of the arguments of cynicism, at the time, was that it would bring in drugs, money laundering and all kinds of associated social ills.

Aside.

Hon. D. A. C. SIMMONS: Gangsters. All kinds of things. But the Central Bank of Barbados was given a lead role in constituting the offshore financial sector and ensured, through co-operation with the lawyers and accountants in the private sector that we created, in Barbados, a tight regime.

I think we can all be proud today that after 16 years, praise the Lord, this country has never been the recipient of adverse comment, as to the quality of the offshore financial sector. There may have been one or two businesses that failed, I think some merchant bank failed early on, but generally I think we have to concede and we have to be proud of it that we have been able to run a very clean jurisdiction. Unlike some of our colleagues in the region.

I have gone on record elsewhere as saying that, for example, even though some people believe and I suppose with some justification that offshore financial centres can be attractive to money launderers, a Department of the United Nations Criminal Justice Programme, HISPAC in its Report as of June 1994 examined every country in the region and said, of Barbados, that there is no evidence of

money laundering in this country. I have gone on record as saying that even though we are grateful for that accolade, it nevertheless behoves us to be ever vigilant and to have in place legal mechanisms that will ensure that, as far as possible, we keep those types of operators, money launderers and so on, as far as possible, from the shores of Barbados or using the systems that are available in Barbados.

Mr. Speaker, since the first tentative steps in 1979, we have had a steady, varied assortment of legal entities that have given additional diversity to the offshore financial services sector itself. I am making two different points, that the offshore financial services sector was a means of diversifying the economy adding another plank to the economy and I am also making the point that, in the offshore financial services sector, we have created a number of different mechanisms so that Barbados started with the international business company in 1965, I think it was and then nothing much happened until... Am I right?

Aside.

Hon. D. A. C. SIMMONS: No. But they started under the DLP. Nineteen sixty-five, under the DLP. One thing I will not do in this House of Assembly is attempt to distort a historical record. Then for 14 years nothing much more happened until the Labour Party came in 1979 with the Offshore Banking Act and gradually you had the Exempt Insurance better known as the Captive Insurance legislation, the Foreign Sales Corporation legislation and one or two others. I cannot call all to mind. But those were certainly three. And they have developed and grown in the 80s and in the 90s and are great contributors to the offshore financial services sector. This is a sector that internationally is very dynamic. In the market, and indeed certain companies by virtue of a need to make certain adjustments to their own fiscal legislation, from time to time, we have seen the necessity to make changes and to be creative to design and devise types of vehicle to meet the changing dynamics of foreign jurisdictions or even our own jurisdictions. So that one has now International Trusts and you have Exempt Insurance Funds as two types of legal mechanism that the international market is calling for and that are in use in some jurisdictions. Later on this year the Government will be bringing two other pieces of legislation to create additional diversity within the offshore financial services sector so that the two Bills were put, the one dealing with Exempt Insurance Fund and the one for International Trusts. 12.05 p.m.

But before they come, under the previous Government and indeed under this Government, a procedure has been set up which allow practitioners in the offshore field ...

Aside.

Hon. D. A. C. SIMMONS: Both Governments decided that there should be an advisory committee on international business. It has an acronym which I cannot remember, but the advisory committee is comprised of lawyers, accountants, and one or two other persons who have skills and expertise in the offshore sector. What we have been doing is to refer the draft Bills to the committee so that they could give detailed consideration, clause by clause, make their input and in that way really participate in democratic way in the promotion and enactment of legislation.

Now these Bills that I have spoken of have all gone to the Advisory Committee and some are in greater states of readiness than others. There is a lot of consultation that goes on. There is a lot of to-ing and fro-ing between the Committee and the Chief Parliamentary Counsel's Department before we come up with the final draft of the Bill. I ask Honourable Members to bear with us. It would be better to bring a Bill that has gone through the horn pipe of consultation and discussion and comes out as something reflective of the broad view of the sector rather than rough something that in two or three months you have to come and amend and amend. So, in due course, later on this year, and soon rather than later, the other bits of legislation will come before the House.

Now we feel that this diversity of legal instrument will enable us to be an even more attractive centre for offshore business than we presently are. As I said, Mr. Speaker, we aim to be able to respond with fair expedition to the demands and the needs of the market.

Mr. Speaker, even though the prognostications of 1979 in terms of the realisation of jobs were perhaps unfulfilled by 1986 for example, I do not think that it can be denied that the financial rewards for Barbados have far outstripped and exceeded what perhaps was then envisaged in 1979. I have said already we have taken about US\$100 million as revenue from that sector and these other types of legislation will, we are confident, further enhance the quantum of earnings which we have been taking over the last few years and make Barbados additionally attractive. So that the offshore financial sector has contributed handsomely in terms of revenue and it has provided by now a fair degree of jobs. It will continue to provide revenue and jobs and I think it is little appreciated that a lot of these companies set up their executives in Barbados and a large number of executives of these companies actually rent property. One or two have actually bought. I think the vast majority rent property in Barbados. If it continues at this pace one can see the continual Demand for

housing and the need to supply high quality houses for these officers in the sector who move and manage a tremendous amount of money.

Now, one of the weaknesses in the sector has been that Barbados has not been able to supply quite the number of high powered executives that are needed in this field. It is a growth area. It is an area in which Barbadians must get involved, acquire the skills and they can earn at high levels. When you talk about International Trusts or mutual funds, these are substantial funds. I am talking about millions of dollars and what Barbadians in the future will be required to do, is to have the skills and expertise of actually managing a trust fund of US\$10 million, could be US\$100 million. These are some of the challenges that will be available for Barbadians in the next few years and beyond.

It is not only being a Director of a Captive Insurance Company and going to Directors' Meetings and so on and getting good fees, that is one level of employment and one level of revenue generation but there is another level that is going to put pressure on our system to churn out executive types who are able by virtue of their training and expertise to manage and move large sums of money across continents and manage large sums of money in Barbados. I can see a bright future as I said Barbadians with those skills and I think that our people who are able to absorb the training necessary for those kinds of ventures will do well to get themselves trained and in place now. Because the field is opening and getting bigger and bigger everyday. 12.15 p.m.

Mr. Speaker, if I can just briefly take Members through the Bill perhaps in parts. When I come to Committee stage, I am not going to do it clause by clause. I will grave the indulgence of Honourable Members to do it by parts rather than by sections.

Now Part I, Sections 5 to 12 provide for the formation and operation of Societies. Sections 5 to 12 provide for the formation of the SRL and pertains provisions relating to set formalities as name, purpose for which the Society is formed, its duration which is not to exceed 50 years, Articles of Amendments and so on and it says that this is a provision that is in harmony with our Companies Act, for example. It provides that an SRL may be formed by one or more persons and the capacity of a person to organize a Society is set out in Section 5(2). Nobody who is less than 18 years of age can form one of these Societies. If you are of unsound mind, you are denied the privilege and, if you are bankrupt, I think everybody will agree that you really cannot have a bankrupt forming a Society.

Under Clause 6, Articles must follow the prescribed form and the key things there that satisfy the U.S. Treasury's obligations are: 6(l)(c) - The duration of the Society which may not exceed 50 years and 6(l)(f) - The right to transfer quotas of the Society is to be restricted and a statement that the right to transfer quotas is to be restricted and the nature of those restrictions.

Just like you have or used to have a requirement for using 'limited'¹¹ as the last name if you were a limited liability company, you can now use Limited or Inc. or whatever. With this Society, you must Have Society With Restricted Liability or SRL as toe last words of the name. All the usual prohibitions about name similar or the same as others are part of the features of this legislation.

The Society has the capacity, rights, powers and privileges of an individual and it has the power to carry on its business, conduct its affairs and exercise its powers in any jurisdiction outside of Barbados to the extent that the laws of Barbados and of that jurisdiction permit.

Now it says in Clause 14 that, as in the case of shares, quotas are personal property and you can acquire shares* in this Society by making contributions to the capital in money or in property that is the fair equivalent to the money that the Society would have received if the contribution had been made for money. That is Clause

There is a noteworthy distinction, however, between this type of organization and a company because the Act specifically provides that services to a Society cannot be accepted in lieu of money or property as a contribution to the capital of the Society. As far as I know in the ordinary Company Law, a person could have done services for a company. I did it in my time offer legal services to a company and say do not pay me. Give me shares to the equivalent of my services. But we are not allowing that in relation to this type of organisation. That is 14(4).

Clauses 15, 16 and 17 are similar to Company Law requirements providing for contributions and return of contributions to the company. The managers and members, Clauses 18 and 19 - You must have at least two members as I have said before and the members may appoint managers and give notice of the names of the managers and so on to the Registrar.

Borrowing powers are dealt with in Clause 20 and the distribution of property in Clause 21. They must have registered offices and the usual documentation is to be retained at the Registrar's Office. For example, Articles, By-laws, Minutes of Meetings, Resolution and Registered Members.

Now, Sir, an important feature of accountability be it in a company or a partnership is to have adequate financial disclosure made to the members of the organisation and to ensure that their annual audits which can provide true and fair view of the accounts of the business. Clause 25 of the Bill provides for an annual audit, but we require annual financial statements of a society only in cases where the gross revenue or assets exceed a million dollars. If they do not exceed a million dollars, there is no provision for audit.

Mr. Speaker, there are provisions also about the right to information by members and members of the public. Those are in the sections leading up to Section 30. In Section 30, we deal with the procedure for dissolution and that runs in Part VI, Clauses 30 to 38. Then there is provision in this Bill*for another vehicle, the Exempt Society. I think Members ought to note the difference between the ordinary Society With Restricted Liability and the Exempt Society. You will find it in Clauses 39 and 40 but more particularly in Clause 31. This is going to be key if you are giving advice to a client or if you want to form your own. 12.25 p.m.

Clause 41:

"(1) Subject to subsection (2), an exempt society may not

(a) acquire or hold land in Barbados other than land required for its business held by way of lease or a tenancy agreement for a term not exceeding the period fixed in the articles for the duration of the society... "

We have already said up front that you can only exist as a society for a maximum of 50 years, so you would have to have a lease whose term does not exceed 50 years. It could be shorter, of course.

It may not

"(b) transact business with any person resident in the Caricom region;

(c) take deposits from any person in contravention of the Financial Intermediaries Regulatory Act, 1992."

But an exempt society can acquire goods and services in Barbados and transact in Barbados such business as may be prescribed with another exempt society, so two exempt societies can do business and they can work or transact business with an IBC, an off-shore bank or an exempt insurance company. That is the effect of 41(2).

We made it clear in the Bill that contracts or arrangements with persons in Barbados for the supply

of goods and services to the society that are necessary for the purpose of enabling the society to carry on its business with persons outside CARICOM, those are good. CARICOM region is defined with reference to those Member States which signed the Treaty of Chaguaramus on 4th July, 1973.

Mr. Speaker, the tax provisions are of importance. Barbados in the off-shore sector has held itself out to be a low tax regime rather than a no tax regime, and consistent with that stance the provisions for taxation are spelt out in Clause 43 on page 23. A society will have to pay tax to the Commissioner of Inland Revenue on the profits and gains at the following rates:

2 V₂% on all profits and gains up-to \$10 million

2% on all profits and gains between \$10 million and \$20 million

1.5% between \$20 million and \$30 million 1%

over \$30 million

and there are provisions that will allow the Minister of Finance some flexibility in regard to income tax, making certain adjustments where the society is shown to be creating employment and the Minister of Finance is satisfied, similar to the kinds of features that we had in legislation in the late 70s, legislation that was designed to stimulate employment activity, and we gave certain tax benefits if companies took on a certain number of workers.

Obviously, Mr. Speaker, with a view to attracting this kind of business, certain machinery and equipment that will be used and useful in the business of the society is exempt from taxes and duties. That is all dealt with in Clause 46. *That* are provisions for confidentiality, and in Part Vm we provide for mobility and the registration of similar entities registered overseas, Articles of continuance and the administration of SRLs is dealt with in Part IX. The Registrar of Corporate Affairs is the one who has responsibility for this type of organisation.

Mr. Speaker, I must make the point that we have recognised that there are similarities between companies registered under Cap. 308 and societies that will come into being under this legislation, and so we have made provision for such parts of the Companies Act, Cap. 308 as are relevant and necessary to apply by adaptation and, as it were, by cross reference to the SRL. That is in Clause 64(2).

Those are the main features of the Bill dealt with in terms of Parts. We will have an opportunity to look at them

in detail in Committee. I commend this legislation to Honourable Members as being a new contribution to the commercial jurisprudence of Barbados and indeed the region. I commend the legislation as providing a proper legal basis for the expansion of off-shore financial services. Government's role in this area can only be, in my view, that of facilitator and provider of regulatory devices to ensure that there are vehicles which will allow the movement of capital within safe and secure parameters, but at the same time Government cannot get involved beyond providing the legal environment for these types of business to flourish.

Mr. Speaker, I am sure other Members will welcome the opportunity to speak on this legislation and I look forward to their contributions. I beg to move that the Society With Restricted Liability Bill be now read a second time.

Hon. Miss B. A. MILLER: I beg to second that, Sir.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, I should like to commend the Honourable Member for St. Thomas for his introduction only in so far as he would have said all the things that I would have said. In respect of introducing this Bill I thought he dealt with all the issues that are relevant to the matter and, except for his attempt to rewrite and then rewrite again political history at some point, I appreciated the points* that he raised.

Let me begin by saying that I am very happy that this piece of legislation has reached the House. I know it has been long in its gestation. It has been to all kinds of committees, individuals and organisations, under successive Governments, and even in the face of what those in the offshore sector feel is the urgency for us to have new legislation in place, there still seems to be a terrible bottle-neck with respect to the production of legislation regarding the offshore sector. I am inclined generally to agree with the precept which the Honourable Attorney General pointed out that one should probably have the best possible Bill put before a Parliament, and on previous occasions we have been bitter in our criticism of the Government for bringing piecemeal legislation and therefore I cannot now hide behind any excuse. 12.35 p.m.

What I will say from experience and from the frustration which we as a Government faced with these pieces of legislation that sometimes it is better to bring this kind of legislation and amend it as time goes on. We had to amend the IBC Act on several occasions. We have had to amend the Foreign Sales Corporation legislation. We had several amendments to the Offshore Banking Act

from 1979 right through the 80s and therefore perhaps this is what we need to do.

As long as you cannot promote your domicile as a domicile which has these vehicles as possible investment vehicles then you are restricting yourself. I am going to go on to make the point that Barbados is already operating in a unique position being one of the only countries in the CARICOM grouping which is involved to the extent that it is in promoting the offshore sector and offering these investment vehicles. This in itself has been and will continue to be an impediment and I notice that the legislation reverses what I thought was a useful trend in respect to our treatment of CARICOM-1 will get to that in due course.

Mr. Speaker, during the course of the Budget debate there was a tendentious intervention and discussion about the growth in the offshore sector. I am not raising this matter to be adversarial in any way, but I wish to point out that with respect to offshore companies as a whole that the number licensed in 1994 as distinct from 1993 has declined. The total number of IBCs has increased. If one looks at the Economic Report they will see that between 1993 and 1994 that the total number of licensed IBCs moved from 1171 to 1486 and that is at page 29 of the Economic Report, but in the previous year there were 372 licensed while in 1994 there were only 315.

In addition, the Economic Report attributed this to uncertainty about the Canadian tax reform legislation. In all other areas, with respect to Foreign Sales Corporations there was a phenomenal increase and that is explainable because of what was happening in the U.S. with respect to the Franchise Tax. With respect to the others, we have not grown phenomenally and I must say that the Central Bank has a very restrictive outlook on offshore banks and there is no hope in my view with the present outlook that they have in increasing the number of offshore banks in Barbados and I will get to that as well.

The point is that I think the occasion has come, based on the investment vehicles which we have in Barbados existing, for the Government to look at the offshore sector and I am not talking about a technical analysis because we have had enough of these, but to look at the sector as a whole and make a determination as to which direction we wish to go, because based on what is available by way of investment vehicles we are stagnating and there are no two ways about it.

If we have to depend on the collection of arrears and the imposition of a franchise tax in St. Thomas, USVI, for

our foreign sales corporation registrations to increase in Barbados rather than anything that we have actively done, then it means that, in effect, we are stagnating. Therefore it is very good to see a new investment vehicle will be made available to Barbados which, in terms of promoting the country, will increase our competitiveness; and both Governments have demonstrated their commitment to the offshore sector. It is not my duty to say now what the Democratic Labour Party did during its time, but we did set up the International Business and Financial Services Unit, staffed it with somebody at Permanent Secretary level and the first tentative steps were being made to develop the sector in a way that would give it focus and I don't wish to detract from what the new Government has done but I wish to say that that impetus was provided then.

The second point I want to make is that sometimes we have to rely ourselves, because we don't have that quality of expertise, on hearsay and old talk from accountants and other professionals who themselves have not carried out the analysis. The most famous scenario that I can think of is having talked to somebody in the offshore sector one day at one of the conferences in Palm Beach and I thought! he made a very interesting point about some development only to discover that everything that he said to me was carried in Time Magazine of that week. There is nothing wrong with that, but the point is that I don't think that any major analysis in the way that is desirable is being carried out across the professions. The worst profession in this regard is the legal profession and I will get to that in due course.

The sector is a very dynamic sector and therefore it is necessary for Government to respond to the needs of those who are the principal players in the sector. It has developed basically on private sector initiative both in terms of promotion and ideas coming forward and, as I understand it, the new Government's policy has been to make more resources available to augment those efforts which have been made by the private sector.

The first point therefore, of significance, relates to these new laws. If those laws are going to be holed up in that offshore advisory committee IFSAC, then God help us all in Barbados. The facts of the matter are that the local accounting profession is very competitive. The relations between them on the surface may be very good, but because it is so competitive, by and large, they cannot agree on anything and every single amendment or new piece of legislation which is circulated to the accountants in Barbados spends weeks and months being debated and discussed and refined and everybody has some suggestion about what is being done in some other territory and it really takes an interminable period to get any of this legislation settled.

Even after the legislation is settled, the Democratic Labour Party has had the experience where accounting firms have gone behind the recommendation of the Committee and have inveigled the Minister to make amendments to legislation under a previous Administration which was in their best interest but which was not in the best interests of the country.

If you look at the brief which was provided you will see a discussion in relation to section 43(5) about the powers of the Minister. 12.45 p.m.

This is one of the critical areas in which the accounting and other professionals in Barbados have not yet made up their mind about what the powers of a Minister of Government, should be, who is responsible for this sector. Many of them are concerned that if you give a Minister a wide discretion that he would exercise it based on corrupt practices or whim. Others feel that the best way is to have the Minister in that position because they have a direct route to the Minister.

There are some who believe all Ministers are corrupt, whichever Government you are involved in and, therefore, that one should have nothing to do with them at all and that some other functionary should be making those kinds of decisions; and this matter is not one that is settled. Even this legislation I am not sure what the purpose of the comment in the brief was. It says that, "the Committee has decided against incorporating in the Bill a provision similar to section 10(4) of the IBC Act." This is the Act and it is the precise provision in the amendment to the IBC Act where accounting firms went behind the backs of the Committee and sought to get their position enacted into law and that is why you presently have a section 10(4) of the IBC Act worded in the way it is worded which leaves the Minister adrift not knowing basically when a decision should be made to apply a lower rate of tax to IBC's operations in Barbados.

Some say it should be based on whether the company has a certain volume of business or has a certain number of employees, or the turn-over in operations is at a certain level. There are a whole set of arguments which apply. Therefore, it is a matter that among the accountants is unsettled, as with many other features of the sector.

This legislation, therefore, I am glad the Government has been able to wrest it from the Committee. I hope it will be able to wrest the Trust Bill and the Exempt Mutual Funds from that Committee as well. Now, I know the Honourable Member for the City of Bridgetown was very critical of the previous administration for the delays but, perhaps, she has now seen why.

There is a difference, as I always say, in a country that is a full democracy to countries like Tortola. People make this comparison and they say, "Well Tortola and Bermuda can pass legislation in a week". But they have people living there who are not even Tortolans or Bermudans, so that the question as to what legislation goes to Parliament, the average citizen really does not have any involvement or interest in it and if they are not dependencies they are in some other form of relationship with the United Kingdom.

In Barbados we have a full-blown democracy which requires committees to look at legislation, individuals and groups. Everybody wants to have some say and then the new Government has added another tier to it because the legislation comes to political parties and other specialised interest groups which could run a very wide gamut so that it is not that one was being lazy, or indifferent, or was unfocussed about the sector, it was that the people who were going to make a contribution to what the legislation should finally be, are, in fact, so wide and varied, and have so many different kinds of outlooks on Barbados as a domicile, that it is difficult to get the legislation completed.

Another fault that is often made is that Barbados is compared to other domiciles which may be similar in some respects but you cannot compare us on all fours because we are unique. We are one of the only countries in CARICOM in this sector so what Bermuda, Tortola and U.S.V.I. can do we cannot do. What Cayman Islands can do, we cannot do because we treat the CARICOM region as domestic and, to some extent, this legislation continues to treat CARICOM as being domestic. I think that is something we have to review particularly if we are one of the only domiciles other than, perhaps, the Bahamas, which is going to be offering these investment vehicles although Belize, I understand, is also moving into that area.

Then there is the matter of the negotiation of treaties. I should be most grateful if, as a companion to what the Attorney General has said about this legislation, he would point out what progress is made with respect to the treaties because this Act does refer to obligations which can be varied based on tax agreements or treaties which may be in effect with other countries apart from the right of the Minister to enter into direct agreements with them. If we can know what progress is being made in this regard it would be very useful.

Now, Mr. Speaker, with respect to professional developments in the offshore sector, I do not think there is any black professional in Barbados, or Barbadian professionals - I would not put it that way less people misinterpret the point I am making for their own purposes. There are no Barbadian nationals who function in

the sector who would not share some of the concerns which one has.

It may very well be true that in some areas we cannot provide the professional services and I think those would be very limited. I think the failing we have is that too many Barbadians who have the ability to provide those services are timid. They are not making the effort to be involved in the offshore sector. They are sitting down and allowing other people to come to Barbados and enjoy the benefits of a sector which Barbadian Governments have consistently made an effort to develop and then they grumble and complain in their professional associations when others come and take the cake from under their noses.

Now, I do not think that you could count on two hands the number of Barbadian lawyers who have really made an effort to get involved, even if it is in one aspect of the investment vehicles which are available in this country, and yet the legal profession seems to think that it is their duty at this stage, now that the sector has grown, to claw back on initiatives which others have supported over the years.

Even within the profession there are people who feel that those who have spent money and gone out there and worked hard should hand them work, just for so. I do not know what you would describe it as, maybe benevolence. It is a hard-nosed business. The people who come here are not coming with money to pelt around Barbados. Some of them do sponsor calypso tents and other things. They may be involved in opera and chamber music and these things, fine. That has always been our relationship with people from the northern continents. They are spreading their influence in many ways. We do not mind that. The point is other than that, the persons who have to serve these entities have to look the part and do what needs to be done.

There is no Minister of Government, whether he or she is travelling purely to promote Barbados, as is his or her job, or who is making policy decisions about the sector who would not have come across this reticence by Barbadian professionals to come forward. The Government therefore has a responsibility to find ways and means of providing these entries for young Barbadian professionals to get involved because, based on our own experience, socialization and training, we obviously have not developed the skills which will make us major actors in the sector and I think the trend must be reversed.

There was a group of university students which last year had done a study on the offshore sector. All of them

appeared to be bright students in the management sector. Some of them, I understand, the Government has retained to do various tasks. Get them in but also get them out as soon as possible into the private sector. I do not think they should be hide-bound behind desks in Government buildings forever. 12.55 p.m.

Let us have a rotating cycle where, when Government brings them in and they understand the apparatus of the sector, how it functions, it also gets them back out within 2 years and that more and more of our professionals are involved in providing the services which are necessary.

With regard to promotions, I think the private sector has reached that level. I find that as more people are interested, even though they may be unfocussed, there are many more professionals interested, they want to go on these promotions but it seems as though the promotions end up being joy rides or vacations. The private sector needs to sit down and work out what it wants to achieve from the promotions, as a sector, or the country as a whole and needs to have our professionals working around the clock while we are out there for 5 or 6 days seeking to generate business for Barbados. I said this before, I have been in charge of these promotions, gone to Canada, all over and when the night comes instead of you seeing Barbadian lawyers having dinner with a client, seeking to generate business, you go in the hotel restaurant and they are sitting down together old talking like it is vacation time. You cannot generate business that way.

They have to leave Barbados deciding to pick up at least 5 people and they have to know how to promote themselves in relation to those 5 people. I am only saying this because I have noticed these trends. By and large a lot of money may very well be wasted by having these large delegations of people who are wandering all over the floor at the conference facilities, going into seminars and coming out and then going to sleep at 10.00 o'clock or watching television in the hotel room and not really doing the maximum for our country or for ourselves. I do not know whose responsibility it will be to help them to focus. But I think that is something that needs to be done. I am talking now about professional developments in the sector.

The other point I want to make is that I am not proposing to join with the lawyers - the last point before lunch - in any effort to claw back the sector. I think there is enough room for them to get in there and do what needs to be done, in terms of generating business for the profession. I will support those efforts rather than efforts to seek to remove work from other people. I will deal with other aspects when we return, after lunch.

SUSPENSION OF SITTING

Hon. Miss B. A. MILLER: Mr. Speaker, Sir, I beg to move that this sitting be suspended until 2.00 o'clock.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question was put and resolved in the affirmative, without division, and Mr. SPEAKER suspended the sitting accordingly at 1.05 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is resumed. The Honourable Member for St John.

Mr. D. J. H. THOMPSON: Thank you, Mr. Speaker. When we took the break, I was dealing with the issue of Governments in the professions and I wanted to go on to make the point in relation to what the Honourable Member for St Thomas said about the management of Trusts and Barbadians being involved in that sector. While I think this is going to be true, there is still a lot more that is going to be required in Barbados in relation to the supporting infrastructure and financial arrangements. The fact that Chase Manhattan and City Bank and Bank of America left and our relationship with American banks has not been in ascendancy is one of the major concerns. American banks will need to have direct correspondent relationships with local banking institutions and they are going to have to do a lot more, in that regard. I know that City Bank does have such a relationship with one of our domestic banks but there will need to be a lot more of that going on from now, as a precursor to the legislation being brought on stream. I think the absence of the involvement of those US banks in itself makes Barbados a less attractive domicile.

The second point of concern, and I raise it again, is the question of exchange control. I do not think that we realize the extent to which the Central Bank is an impediment to investment in this country. It is becoming one of the most serious impediments, apart from the administrative delays, the attitude. It is also an attitudinal problem because they could certainly be a lot more flexible and helpful, within existing rules and laws. I find the attitude of the Central Bank of Barbados, very regrettably, not as a regulator but as a facilitator - it is a non-facilitator of investment, in Barbados. And even things that it is not required by law to regulate, it seeks to meddle into and give directions and directives to people. The impression is given that Barbados is an over regulated domicile, only because of the very simple actions of officials in the Central Bank of Barbados at the technical level.

I will also make the point that, in relation to other domiciles with which we are competing, in the offshore

sector, that the existence of exchange control regulations and the type we have in Barbados is still an impediment.

You have the CIBC scenario. I do not know if that has ever, to this day, been resolved but it is an example of the Government agreeing to certain flexible arrangements with respect to the repatriation of the proceeds of the sale of shares and a facilitative environment for the operation of CIBC West Indies Holdings in Barbados which the Central Bank has not been able to properly administer or honour. That is another example going out to the financial sector in the region and outside of the failure of the Central Bank to be as flexible as it should be in a modern world.

When you go seeking to promote investment in Barbados, exchange control is still one of the major disincentives to investment. In this day and age because there are so many other Caribbean territories which, by and large, have much more flexible arrangements, even if some people refer to them as cartels with the banks which operate. The point is that the absence of formal exchange control, in those territories, makes them a more attractive domicile. Trinidad is becoming a major financial centre. They have now in the last 2 or 3 years, about 13 merchant banks registered there. They are into much more joint venture arrangements facilitated by merchant banks, equity financing and their whole financial system has gone through the major kinds of reforms which should have been the natural progression from the stabilization and structural adjustment programme which Barbados went through. Until we can see these reforms in place, even in the face of the Central Bank's resistance, then we are not going to attract the kind of investment, either regional investment into Barbados or investment facilitated by regional arrangements in Barbados or offshore investment. This is something that needs to be looked at and is one of the critical factors which is going to either inhibit or support the development of the international trust legislation. 2.10 p.m.

Now, Sir, there is also the issue of training and the Corporate Affairs Department used to allege, I do not know if it still does so, that even in relation to matters for which we already have legislation - I am not talking about new matters. I am not talking about legislation like this which is new and which will call for new attention to be paid to new regulations and new procedures - even in relation to existing matters, as Members of the Government and we are too well aware, the Corporate Affairs Department has not been able to do many of the things that need to be done to facilitate normal transactions in Barbados. One of the complaints is that people were not trained in Trade Mark Registration and a whole list of other things and until the Ministry would permit the Registrar to get that training these things would not be done. The point is that hopefully that hurdle has been crossed and that together with

what will happen as a result of the new legislation, we will have more speedy arrangements facilitated by the Corporate Affairs Department.

In that regard one should congratulate the International Business and Financial Services Unit. They have been a model, in my view, of efficiency. Very small staff but they have been facilitators of business in Barbados in a way that probably was not even envisaged when this unit was established.

Just a couple of other points, Mr. Speaker. Barbados has been beneficiary of a number of studies in relation to the offshore sector, three of which took place in my very short watch as Minister of Finance and many preceded me but the most recent would be the White and Case Study. There was a study by the students in the Management Department of the University of the West Indies and then there was a study done by the private sector which analysed the contribution of the offshore sector to Barbados based on evidence collected from practitioners in the field.

Now, I would like to know the extent to which in fact, these new studies together with the old ones like the Langer Report are being utilised in relation to initiatives of this type, because the studies are not restricted to legislation and while it is necessary to have new investment vehicles and new legislation that is important, but many of those studies looked at the entire professional and financial scene in Barbados and made recommendations. They made recommendations about the practice of law, the fact that many international investors and persons who were involved in the offshore sector prefer to deal with law firms rather than sole practitioners and they went through a whole list of other reasonably good recommendations which are in need of implementation. I would like to know whether these reports have been the basis for initiatives outside of legislation which are needed in the offshore sector.

Except, Mr. Speaker, that we have had adverse comments about Barbados in relation to matters relating to exchange control it is true that by and large Barbados is viewed as a domicile in which active international business operations can take place. Therefore the Attorney General is quite right to single out the fact that the integrity of Barbados as a domicile is outstanding. The problem that one faces over and beyond that, Mr. Speaker, is the fact that the concessions which are being made available to non-domestic investors, in my view, do not create a level playing field for investors within the CARICOM region. There are large numbers of entities which make investments, owned by and operating the CARICOM region, which do not benefit from considerable concessions

whether it is insurance companies or other Caribbean multi-national corporations or whatever. They sometimes offer significant opportunities for investment but the framework in which they are required to make those investments treats them as non-residents. Even in some cases where they are operating in Barbados and what they are investing is the money of Barbadians. For example, insurance companies owned outside of Barbados which take policy holders' money - and I do not wish to make a case for anybody but I could make a case and I would make a valid one too and I know I would get some support on that side - and invest in sometimes high risk investments and yet have to pay property transfer tax when they purchase assets and are treated as non-residents for the purpose of the Exchange Control in Barbados. Very often they are not being given the kind of opportunities to invest in Barbados, or the same incentives which non-Barbadians are being given even though, I think, they are making a valid contribution. Therefore I do not think, while it is important for us to examine the offshore sector and the opportunities which exist there, I think we need to concern ourselves too with how we can facilitate more investment within CARICOM because if we are treating CARICOM as domestic for the purposes of this legislation then we have to have a domestic environment which is facilitative of investment.

Now the last point I wish to make, Mr. Speaker, relates to the powers of the Minister under this legislation and this is something that needs some consideration because, as I always understood the accountants and these professionals who travel outside of Barbados and examine other legislation, they seem to make the point all the time that the powers of a Minister should be considerably reduced in relation to the offshore sector and that most of these powers which are being exercised should be exercised by officials like the Supervisor of Insurance or the Registrar of Companies or the Director of the International Business Unit or whatever. However in this legislation and probably, quite rightly so, the powers of the Minister have been retained and I would like to know for my own edification but also because I think it has important policy implications, what the Government's view is in relation to the power of the Minister in respect of these matters.

Now under the IBC Act there has been this lobby which has been of the view that you should have objective criteria where the Minister exercises a discretion to reduce the rate of tax which is exigible from 2V₂% to anything less than that.

There have only been two occasions to my memory when that power has been exercised but there are people who believe that the Minister should not exercise that power at all, some who believe that it should be exercised only when certain criteria are met, and some would

believe that the system as it stands is adequate because it gives the Minister an opportunity to consider the widest possible options. I would like to know what Government's view is in relation to this matter. 2.20 p.m.

The second point is that with respect to this legislation I think and I humbly submit this to the Attorney General that we are making an error in Section 40 where appeals lie to the High Court. I think that in matters of this sort even if it is the revocation or the cancellation of a licence or whatever that there should be some other resolution of dispute methodology used rather than the High Court. For purposes of speed, one assumes that other methods would be a lot faster and also cost. I think that we should avoid scenarios where in the legislation the High Court is named as the entity to which somebody would apply who is aggrieved by a decision made by the Minister under Subsection 6.1 think that in future legislation that we should be moving towards a situation where less reliance is being placed on the High Court and where other methods can be used such as a Tribunal or some other methodologies could be used. If the Minister acts outside of his discretion, there are powers under the Administrative Justice Act for the Court already. So the point is that this does not really add anything. In fact, I think it would be easier to reconsider this matter and see if there is another entity to which appeals could be made.

The other matter relates to where, under these present sections, the Minister exercises the power to reduce the rate of tax exigible on profits and gains of a Society and the reasons for his decision. There is a perfectly acceptable method which is being used in other countries of the world that the reason for the Minister's decision can be laid together with the decision in Parliament so that the matter is entirely transparent. In fact, even nowadays with respect to directives that Ministers give to statutory corporations and so on under their general powers under the Act, I am a firm believer that those directives should be laid in Parliament within a specified period. We would have much more transparent operations if the Minister of Finance, Minister of Tourism or Minister of Home Affairs where he is giving directives to a statutory authority under his control was required to lay those directives in Parliament within 2 or 3 months of his giving them. It would then give Parliament another opportunity to scrutinize administrative action taken by Ministers.

Now I know, Sir, on that side there are many people who believe that Ministers should have powers to give all kinds of directives to statutory corporations, meddle in their operation, and we have had to change legislation coming to this House of Assembly because there are people who feel that Ministers should have these wide powers to give directions to statutory bodies. I am not saying that the

Minister should not have such power. But I am saying that where he exercises that power that Parliament should be able to scrutinize those decisions and that in future legislation, perhaps the Attorney General can give consideration to the fact, and also with respect to existing legislation, that where a Minister gives a directive to a Board to do "X"¹¹ or "Y" that that directive must be laid in Parliament within a specified time and subject to negative resolution.

Now, Sir, let us go on. This section on confidentiality, Mr. Speaker, is something I am not certain about. I read the section and I am not sure what the object of the section is. I do believe, yes, in relation to some kinds of operations that confidentiality is important, but there are no documents, to the best of my knowledge, which are to be filed in this matter which would not form part of the Registrar's record. So what information would constitute confidential information? This section essentially makes it an offence for a person to disclose any information relating to any application of a prospective Exempt Society or to the affairs other than information which is on the public record.

Aside.

Mr. D. J. H. THOMPSON: Oh! Well okay. I was not sure what it was referring to. If that is what it means, then I do not think there was much in that.

The last part relates to investigation. What powers does an aggrieved participant or investor in the Society have with respect to the acts of management?

Aside.

Mr. D. J. H. THOMPSON: Fine. Okay. So this Part 10 is not meant to oust the powers of the Registrar to investigate or the section relating to oppression and so on of minorities. Well, I do not think there are anymore matters. I am quite satisfied with the draft and will not take any credit nor will the Opposition take any credit for any aspects of it. But I will say there is bi-partisan support for this and based on the draft that I have seen with respect to the other pieces of legislation that you will have our support even, if it has to come here at a timely basis and you have to make subsequent amendments, we will support it. We are not going to adopt the same stance in relation to these matters that we would adopt with some others which may affect the rights of citizens of Barbados, because we appreciate that the sector is dynamic and that legislation which you may bring today may become irrelevant I do not know who has had a headstart on us with respect to any of these matters. But I understand there are many other territories which have passed International Trust legislation and other pieces of legislation. Even new players have come in with that as their first opportunity.

Apart from that, there are countries in the Caribbean which have similar legislative and other benefits available to them which have not bothered to do much about the Offshore Sector but which are about to do so and a word to the wise may be enough in that regard. I think that people in the region have noticed the success which Barbados has been making and many of them are about to exercise their rights, let us say, under the various treaties with respect to registration and with respect to the whole range of other investment vehicles, and many of them are on the verge of getting into this sector as well. So that we would still like to see Barbados as the premier domicile in the CARICOM region and we will give our support to this legislation.

Thank you.

Mr. SPEAKER: The Honourable Member for St. Michael South Central.

Dr. R. C. HAYNES: Mr. Speaker, up front I want to indicate that I have no problems whatsoever in giving my support to this piece of legislation as it expands the number of instruments available to Barbados for the further development of the offshore sector. But I believe, Sir, that it is appropriate that I set this matter in an accurate historic context. The accuracy of a context, Sir, for the sake of the record which was distorted by a gentleman before your time, Sir, called Henry Christopher that my research has indicated to me seemed to have put out that the Honourable Member for St. Michael South Central in 1979 was opposed to the creation of an offshore sector in Barbados. I want to make it absolutely clear that that is an untruth. To my certain knowledge, Sir, the first piece of legislation creating an offshore sector in Barbados was the 1965 International Business Companies Act. The first act by the Barbados Labour Party, the first intervention in the offshore sector was in fact an amendment to that Act. That was late in 1976 or early in 1977. 2.30 p.m.

Then came the Offshore Banking Act, the Act that brought in offshore banks in Barbados, and the discussion that took place in this Honourable House at that time dealt exclusively with offshore banking, not with the offshore sector, in 1979. It is fascinating, Sir, to look at Hansard and see the kind of encounter that took place in the House on that day. The late Honourable Tom Adams introduced the Bill and I responded at the time as principal spokesman on finance for the Opposition of the day. The issue really was not offshore banking itself, the issue was how do we create an offshore banking environment in Barbados where 16 years down the road the present Attorney General and the present Leader of the Opposition can say that by and large we have had an offshore sector that has been clean and recorded as clean, and recognised internationally.

That was the whole thrust of the debate. As a matter of fact, Sir, there was no division of this House. The matter was supported by both sides in each and every stage. There was no division. There was an argument as to whether offshore banks, not the offshore sector, could create 3 600 jobs. That was the position taken by the then Prime Minister and Minister of Finance, and I said no, it could not possibly do so, and 16 years later I think we have over 20 offshore banks and I do not think we have 200 people employed. I am talking of offshore banks as distinct from the offshore sector. In other words, what I was saying is that employment in relation to offshore banking was not the major reason for its introduction in Barbados, but as another facilitator of the development of the offshore sector there was no problem.

I had in my possession at that time the very brief which was available to the Minister of Finance of the day indicating to him what was necessary for him to avoid in terms of the development of the sector, and the things were listed quite clearly: the issue of money laundering, the issue of tax evasion as distinct from tax avoidance, the issue of concealment to avoid one's obligation in divorce settlements and a whole other range of issues. The issue, for example, of making sure that the banks have an adequate capital requirement in order to avoid what has happened in other Caribbean destinations and elsewhere, where you have these suitcase bank operations that have created great damage for the countries. All these things were debated, so what we had in here was a lively debate and at the end of the day it is my recollection, confirmed by Hansard, that everybody supported the Bill. As a matter of fact, Sir, I remember the present Attorney General participated in the debate and he was sitting right here during that debate, wearing a green shirt-jac suit, a greyish green.

Hon. D. A. C. SIMMONS: On a point of order, Sir. That is stretching credulity too far. In truth and in fact I used to sit at that end. I never wore a green shirt-jac suit in my life, nor a greyish green. I had two shirt-jac suits in my life, a dark brown gaberdene one that I came in here in 1976 in and then another one...

Dr. R. C. HAYNES: It was the brown gaberdene one, Sir. I am sorry. But I distinctly recall that particular debate. People tend to confuse offshore sector with offshore banking, and the truth of the matter is that I think as a result of that debate the instrument and the attitude and the controls that were put in place have made sure that our offshore banking sector did not run into the kind of problems that other countries have had. Therefore, far from criticising me and far from suggesting that at any time I was against the creation of an offshore sector in Barbados. ... You see these things occasionally in the Press.

The Honourable Member did not say so today, but from time to time you see these things in the Press which are absolutely untrue. As a matter of fact, Sir, I do not want to go into this, but the Honourable Member for Christ Church South participated in that debate and had some very interesting views on money laundering and the role of the launder and so on as part of the debate. It was an exceedingly fascinating debate, but I think by and large Barbados can congratulate itself on the steps it has taken over the years in trying to generate a clean offshore sector. It has not created the kind of jobs, speaking broadly now, that one would have hoped, but that is the nature of the investment, and so long as countries external to Barbados continue to permit tax arrangements where offshore activity is possible, then I think we should continue to try to benefit from it maximally.

The second point I want to make is this, that offshore activities only exist where there is an international climate that is conducive to it. For example, we had an International Business Companies Act in 1965 but there was very little international financial activity in the 1960s. Members will recall that it was the oil crisis in the 1970s that triggered the development of massive amounts of Euro dollars overseas, which United States citizens, corporate and otherwise, had no intention of repatriating to the United States, and hence the creation of the Euro dollar market and hence the creation of opportunities for massive expansion in this area. Therefore, we find that the post oil crisis period was the period that really gave tremendous opportunities for a wide range of companies and so on to participate in this kind of business. I think that that business has expanded progressively over the years with the broadening of world trade with the setting up of more and more international companies and, so on, and the globalisation of investment opportunities. I think that process is going to continue and I believe that the offshore sector is here to stay. I think we need to constantly diversify our catchment resources of countries participating in the offshore sector, because you never know when one particular country might so order its tax laws as to make it unfavourable for its citizens to continue to participate in this kind of activity here in Barbados. Every now and then, for example, I think only this year or last year there was a lot of concern over what might be the final decisions taken by the Ministry of Finance in Canada in relation to certain types of investment outside of Canada, in fact, investment in Barbados in the offshore sector. 2.40 p.m.

If you find decisions in one country moving against you, then you should have enough opportunities in a sufficient wide range of countries to make sure that there is continuity of development.

I would hope that through the proposed treaty structures which have been discussed, some of which I

think have been signed, we should have a wide enough range of treaties. Way back in the days when I was Minister of Finance I think one was talking about treaties with Japan and treaties with various other countries and I think that discussion has continued. I think it is important to get those treaties in place and to get the infrastructure working for the widest possible range of countries. You never know when some particular country because of its domestic problems, budgetary problems or what, might take some action which might hurt Barbados; but you have other opportunities out there.

Sir, sometimes as political parties we knock each other and we congratulate each other and we tend to suggest that without our intervention none of this might have happened. That is true to some extent, but there is a particular individual in Barbados whose contribution to the development of the offshore sector has gone largely unrecognised and I think it is most appropriate for me today to say that during that period, certainly between 1979 and when that individual ceased to be the Manager of the Central Bank of Barbados, that he played a major role in the development of this sector, not only locally, but also overseas. I am referring to Mr. Teddy Griffith and I think that from time to time when we talk about earning \$100 million a year that we should recognise that a lot of this has been the work that he did. It was really outside of his remit as Manager of the Central Bank. It was not really a Central Bank function that he was performing. It was something that the Central Bank undertook to expand the foreign exchange earnings of the country and he ran it.

There are other individuals. I think there was one lawyer. There was also a Mr. David King who was then attached to the Central Bank in a legal capacity who played a very important role in the public sector in the early days. I don't think that we should allow to go unnoticed the work and role that a Barbadian lawyer, Mr. Trevor Carmichael, also did in those days in trying to help develop this island and is still doing it.

I think that it is quite right and appropriate that attention should be drawn to the failure of so many other Barbadian lawyers who have failed to make any investment either in time, effort or money to go out there and get some of the business and then sit back moaning and groaning and complaining that all the business is going to all kinds of people. The truth is that the business has been there and the business has gone generally to those people who have gone out there and made the effort.

I don't know whether or not one would call this foresight - that was 16 years ago - I did raise this question of what is going to happen to this country in the long term where we have - this is something that we have to

think about - sitting side by side almost to Barbados now in relation to taxes. I raised this matter in 1979, What is going to be the problem in the long run? When you really think about it, you know what my views are on taxation in Barbados, My view is very simple, that the overall thrust in this country should be a drastic reduction in taxation over time for everybody. I feel that is the only long-term solution to the problem. You have no option but to charge minimal taxation if you are going to be competitive. Then, of course, the burden of taxation to maintain the infrastructure whether it be taxation in terms of income tax, corporation tax, indirect taxes or payment for the expansion of infrastructure, telephone, electricity and gas in terms of increases in the rates and so on that would be borne then by the other section of the society in order to help, support and create an appropriate environment.

So there is a very fundamental problem and it is something that would not arise in Bermuda. It would not arise in the Bahamas. It would not arise in the Cayman Islands. It would not arise in any of those destinations where there is no income tax. But it arises in Barbados. Perhaps it would not even arise in the United Kingdom where, although you have a significant level of taxation in the United Kingdom, because of the size of the economy and although the offshore sector is probably still the biggest in the world, that of the United Kingdom, although nobody ever says that... People go to London and never realise that in fact you are in probably the biggest offshore centre in the world. That is London. Because of the size of the country now with its involvement with Europe it does not impact in the same kind of way.

I want to make it quite clear that the case I am making is not for any increases in taxes in this area. The case I am making is for a drastic reduction in taxation in the other areas of life in Barbados so that we all participate in this grand design. If we don't, we are going to find ourselves having two societies side by side. You may have two chartered accountants, one working for a local firm and one for one of these firms from overseas paying different rates of taxes and probably living next door to each other, coming from the same school, the same university, the same country, doing roughly the same work, living next door to each other and yet different tax situation altogether.

This point, Sir, I raised in 1979. I raised it during that debate. I want to say that it was not any original contribution on my part in 1979. It was a point that in fact was made in the brief that was available to the Minister of Finance of the day, that one of the dangers you have to watch in a country like Barbados where you are developing this two-tier tax system with the social consequences of this kind of thing in a country. 2.50p.m.

I believe that we have no difficulty whatsoever in supporting the legislation. I would not seek to get into any of the legal arguments in relation to this, not because of any intrinsic incompetence to do so but largely because I have not looked at it until today. I think when you are dealing with legal matters, and the Honourable Member for Christ Church South would know, it takes a little more time than that to absorb these things.

By and large, Sir, I think this instrument and other instruments being proposed, that we need really to get this passed and get the other bits of legislation before the House. I think there is general agreement that we have to act on these things swiftly. I do not think there should be any divide in the House over this particular matter. I am happy to see that this new addition to the array of instruments available has now come to the House. I trust that it would be passed expeditiously.

There are one or two other points, Sir. The question of exchange control is a very simple matter. Just as you have to compete with the level of taxation that you can charge, sooner or later you are going to have to face the issue of exchange controls because it would be only for so long that people would tolerate the kind of problems they have with exchange controls in Barbados. As other destinations develop a similar infrastructure to Barbados, and if they have freedom in relation to the exchange controls, then people will go there.

Exchange control is a bit more than just being a nuisance in terms of investment and so on. It also impinges on feelings of comfort and feelings of confidence, of course, of people. Therefore, not only in relation to the ease of transaction, ease of investment, ease of movement of money, the certainty that if you have an investment that you could get access to your money tomorrow if you want it and so on, these do make a difference in the constellation of things that determine where one makes an investment. My view is that we have to move as rapidly as possible in this country to a dismantling of exchange controls.

Aside.

Dr. R. C. HAYNES: I said as rapidly as possible. I am not saying you do it tomorrow. What I am saying is quite clear. I believe everybody recognises that this is a worthwhile objective but the timing is important. The levels of your reserves, the state of the economy, the levels of confidence in the economy, all these things are important but with an objective down the road and whether one likes it or not, when you look back over the years, and you look at those countries that have had these exchange controls, you take a country like Jamaica going back to the 1970s, they were putting people in jail if they found them

with U.S. \$20 walking through the airport, confiscating people's property and all this kind of nonsense, terrorizing an entire community and then 10 years later what has happened is that they were forced to dismantle them. You know what has happened? It will probably take 50 or 100 years before Jamaicans will ever feel confident even to put the money that they have outside back in Jamaica. They would never have that confidence. Seven generations would have to pass.

Look at the problems you had in Guyana. Look at the major problems you had in Trinidad with exchange controls and at the end of the day what has happened. They have been dismantled. There has always been a strong school of thought who have always felt that the artificialities generated by exchange controls have always created other problems so that in the long run we might as well commit ourselves to a philosophical point of view that that is the objective that you have to aim at in Barbados and I think the sooner the better.

Now, some of the lawyers would not like that. Some of the lawyers who collect these fees by applications and this kind of thing...

Aside.

Dr. R. C. HAYNES: You only charge \$150? I must come to you.

Asides.

Mr. SPEAKER: Please. The Honourable Member continue, please.

Dr. R. C. HAYNES: Anyhow, Sir, the point I was making was that sooner or later you have to deal with the exchange control situation. I think when the time is right, when the economy is right, when your foreign reserves are right, when the levels of confidence in the economy are right, then I think that would be the time to go.

Thank you very much, Mr. Speaker.

Hon. Sir HAROLD St. JOHN: Mr. Speaker, now that the impact of the efforts of the Government to diversify the economy of Barbados as long ago as the late 1970s has been so successful, I am pleased to see that we have received a lot of converts in this respect. There is no doubt that there is a bi-partisan view now that that foreign exchange earning capacity of the offshore sector is one that we should exploit particularly as it is now evident that we seem to be able to produce a number of people in our society who are capable of carrying the functions which such a financial sector requires.

This piece of legislation therefore will be welcomed in the context of the creation of another instrument to provide a variety to the pre-existing ones that we have. As has been correctly said, there will be other pieces of legislation which will come to the House, I hope, in the very near future and which, no doubt, will command the support in the same manner. However, I am glad today that Honourable Members recognise that in addition to legislation there are other prerequisites that a society must have to ensure that its offshore centre is attractive to others.

We really have, at the administrative level, a problem which has been identified by the Leader of the Opposition, along with other people, what can probably be described as a people's problem, a problem in which some functionaries believe that their role is to obstruct. I have come across that. I believe we have debated that in here on a number of occasions with respect to particular functionaries. Today the focus has come on another group of functionaries and they have been specifically identified. 3.00 p.m.

This problem of an attitude which portrays to applicants the view that the person on the other side is there, not to help but to obstruct, is a very real one. I do hope that early on that those who are responsible for the administration of various aspects of our offshore laws will have a heart to heart examination of this criticism that has been made in here, by both sides, because one cannot operate or have contact with any people in the offshore sector without them raising this question. They do raise it and they ask you how it is that these people who, according to them, are bright, according to them, well qualified but why is it that they have this particular attitude? It is a difficult thing and I really sometimes cannot understand it myself.

Aside.

Hon. Sir Harold St JOHN: No, Sir. It is something that I think that one can best describe it as the wielder of power. I think that that sometimes has an impact upon the personality of the people.

There is no doubt also that we, in Barbados, have to face up to the fact that any offshore regime that you have, in order for it to be successful you must be constantly re-examining it. Only a couple of weeks ago I was reading an article in the *Financial Times* about how in the United Kingdom which is now known worldwide despite all of the concealment that took place in the past as being the Lading offshore centre, how they continuously review every aspect of the sector to see that it is competitive. They are worried about Frankfurt. They are worried about a number of

other areas. And they are anticipating, people are out there in that country anticipating their competitors in the future.

We ourselves must develop that attitude and maybe it may trickle down to some of the functionaries that, unless you review how you approach your own job, periodically, that you will not be super efficient. I am glad that that point has been made.

The second point that I have come across is the question of the need in Barbados for us to recognize that, with the globalization of financial services that, constantly, we have new types of activity taking place which is not offshore banking. It is international business, in a sense, but that the source countries from which the money comes to carry on these activities are also very jealous of the fact that their citizens go abroad and participate in these activities abroad and they seek to ensure that their own citizens for whom these services are provided are as well protected in the jurisdictions abroad as if they were carried on in their own country, subject to regulation.

I believe that that is one of the reasons why the Canadians have been very vigilant in this area and they have actually brought in some new criteria for the determination of whether subsidiary companies of Canadian parents who operate abroad are properly regulated abroad, so as to prevent their own citizens from being disadvantaged.

That means that here, in Barbados, as an area which is very attractive to the Canadians, we have to keep our laws under review in relation to regulation and seek to ensure that they conform with the criteria that would make the subsidiaries eligible here. It has come up already. There are a number of companies right here in Barbados who provide financial services from Barbados. They are not fully banking. They are not fully trust services. They are kinds of intermediary activities but the Canadians demand that they have to be regulated. That is an area that I think that the Financial Intermediaries Act must be looked at, as a matter of urgency. It is a very, very important area.

I was really shocked and surprised recently, Sir, when I had to investigate this area that the Financial Intermediaries Act contemplated Regulations and none had been made. This is after over a year. That is another point that we have to take into account, in dealing with this offshore culture. That is, people are accustomed to having what they regard as opinions and advice which, when they read it, it is backed by a series of quotations and sources that they can understand.

In the absence of Regulations, it means that you have to rely on the fact that some functionary says that it is so. Nobody wants that. Because they say as they say, as the

functionaries change, so too can their opinions change. So again, we need to do a lot more work, in that area. In this connection, as a point of principle, Sir, I am going to ask the Attorney General, when we get into Committee, to have a good look at the provisions of Sections 64 and 65 which seek to cross reference and incorporate the Companies Act in Barbados into this new Bill and we know our experience with some of the discretions in that area. We will hardly want to repeat some of those experiences in the administration of this.

People, generally, in the offshore regime are accustomed to jurisdictions in which they can apply, like in London and, apparently, in the United States for what they call pre-clearance opinions from the Inland Revenue Department. You would have to be a genius to get a pre-clearance from any functionary in Barbados. It is very difficult. I know that people have tried. It would have to be hedged about by the fact that this is not an opinion or that this is only a preliminary view and is subject to change. And the last thing of all is that you may have to wait a couple of years to get that back. That is a fact. That is another point that I want to talk on now, Sir.

I am very worried when I hear, constantly repeated, people saying this is a lovely place, it is a good place to live, you have good labour but why does it take so long to get a decision from the functionaries? People say that all the time. It is a recurring decimal. We have to be able to improve our decision-making machinery particularly in relation to timeliness of decision-making. A lot of the criticism of the Exchange Control Regime arises from the fact that people feel that, to get a decision in the Exchange Control Department that there must be special considerations applied. The Exchange Control is a serious problem because many countries in the world have decided that Exchange Control should no longer be applicable. Many people recognize that one of the consequences - and I notice that the Honourable Member for St. Michael South Central has talked about Jamaica, Trinidad and the abolition of Exchange Control and so forth. I think we must tell our public that if we are moving towards exchange control and the total abolition of exchange control there is a danger that there will be a change in the value of your currency. Unless you have an economy that can withstand the floating of your dollar you will find yourself in exactly the same position as what happened in Jamaica and what happened in Trinidad and Tobago, although they tell me that the situation in Trinidad and Tobago is so good today that that dollar has stabilized at a particular level that they can support it and it is highly unlikely that it will drop. That is what they are saying, and they have the reserves to back it. 3.10 p.m.

So that the question of exchange control is a question that we have to look at with its pros and its cons. There

is no doubt about it though that within the context of exchange control that there can be a relaxation of some of the problems that you have with your existing regime. This Government is on record, our Manifesto is very clear on it, that the Barbados Labour Party committed itself to permitting a relaxation of exchange control, the holding of foreign accounts by locals, particularly where the source of the money is genuine export of goods and services and we have implemented that.

This Government has implemented a relaxation of exchange control in relation to the opening of the accounts, But we are still having problems and this is one of the problems that people are complaining about, that where investors want to come and buy or invest in Barbados, if they do not come under the International Business Companies Act, or any of the other legislation that is exempt from exchange control that they have difficulty in getting permission to make the investment.

I do not understand the rationale of that at all because I thought that we should be out there trying to get as much inward investment as possible. I would have thought that would be automatic and that you would just have the registration of it so that we could repatriate it later on. But these matters are matters of mystery to me and I feel that as legislators we should constantly probe to find out why is it that our exchange control regime is taking so long to have decisions made. I do not know. I would like to know.

The last point I would like to make in this context is this question of the dichotomy that you have where you have a taxation regime for your international business and a different taxation regime for your domestic business.

We tried to bridge this gap, Sir, in 1986 because it was a problem then and it still is a problem although my own view is that the gap is nothing as wide today as it was previous to the reform of our Income Tax Act in 1985 and 1986 whereby we have a special regime for domestic business which derived most of its profits from export activity. We tried to ensure that that export activity which would have this favourable tax regime was not only the export of manufactured goods but also services.

Honourable Members will recall that tax credits were given for overseas services. Now this last budget, Sir, dealt with some of the problems that arose since that law was introduced. We must also not forget that we have now to have a replacement for law because that law was only to be in existence for 9 tax years after 1986 and I believe it has expired this year. So we have now to go out there and look at our taxation regime to ensure that we provide a new series of laws which will bridge the big difference that the Honourable Member for St Michael South Central spoke about

The question of CARICOM is a very important point, We always in our time when we were speaking of creating an offshore regime with our great commitment to a CARICOM regime, we felt that activity in relation to CARICOM should not be regarded as exempt but should be regarded as though it was domestic business.

Now, there has always been an argument in respect of that. I believe, Sir, that in the International Business Companies the law has been changed but with respect to the other activities the law remains as it was originally envisaged. Indeed in this law we go back to the provisions that CARICOM business is treated as domestic business. It cannot be part of international business. That is all bound up with the question also of the new accession by Barbados of the CARICOM Tax Treaty. It is also tied in with the fact that some countries in CARICOM have decided that their domestic business is to be free of tax. People forget that since the offshore regimes have been started that a number of countries in CARICOM have decided that they are going to have an economy which is to be financed by means other than income tax. So those are factors that we have also to take into account.

I, myself, am pretty clear in my mind that the best way to deal with it is to regard trade with CARICOM as part of the normal export trade in so far as the benefits under the Income Tax Act are concerned and to treat them as exports for the purpose of that Income Tax Act so that they get the tax credits as opposed to the low tax rates for tax exemption under the International Business Companies and other Acts. So that is a problem that we have to deal with.

Now, we also need an up date in our Trusts legislation. I hope that is coming. I am on the Bar Association Panel for looking at this legislation, We have not had it yet. But we are aware of the fact that countries such as Belize have taken advantage of their situation in Latin America and they have promoted themselves certainly as a country which will have an offshore regime tailored mostly to the Hispanic people because of their peculiar history and at the same time they are exploiting their common law connections and they have a very modern and updated International Trust Bill. The Offshore Banking Act in Barbados does cover international trust but it is not as detailed as it should be. While we need that legislation, I think that it should also be said that there is some provision here in Barbados under the Offshore Banking Act for the setting up of trusts. We do have a few trusts but obviously we need to update that legislation as quickly as possible. 3.20 p.m.

Now the last point that I would like to make, Sir, about this regime is this. It is the impact that the

offshore regime has on your human resources and its development. I know that the Honourable Member for St. Michael North East in her new thrust will no doubt regale the House with her plans in this direction. But I want to say, Sir, that one of the proudest moments you can have as a Barbadian particularly as a member of the Labour Party is when you speak with people from other areas who have businesses in Barbados and you hear them say that they are able to find people with the necessary secretarial, accounting, paralegal and increasingly you hear them say information technology services. That is what they say. Now we have to build on that just as Trinidad and Tobago are making a tremendous effort to expand their merchant banking and banking sector, and they do have an advantage that we do not have. They have advantages of sale in their domestic market where people could make a living out of raising money for the energy sector alone in Trinidad. The demand for capital is so great in that sector that when you have an issue on the Stock Market that is of such proportion it would attract not only your domestic banks but joint venture banks. But we do not have that. So most of our business has to be predicated on doing services from people abroad.

Now they have also a large proportion of people with the same type of qualifications that is necessary. So we have by necessity in order to be competitive to do again an examination of our educational institutions to ensure that they will be in tune with the requirements of an expanded offshore sector.

I see clearly that this is an area that we can look for 5000 or 6000 jobs eventually out of it. I believe that it is about 3000 now. I believe that it will double at least. I accept the fact that traditional banking services and things of that type are not large employers but today with the developments in information science and the blending of telecommunications you are in a different ball game from traditional banking. It is possible today to provide a whole range of services and transmit the results of those services to anywhere in the world. My understanding is that very soon in Barbados we will be providing labour for a company who hitherto operated in India. The advertisements are out. It is no secret. If you look at the newspaper, you will see a whole range of advertisements out. There is a state in India, Bangalo, which specializes in providing engineering and software services. They are all over the world and they are pretty well saturated now with companies. So therefore some are now looking for other areas to operate and therefore that is another chance for us.

But I want to say, Sir, in conclusion that this area of activity is a highly competitive area and there is no room for complacency. There is no room for us and our institutions to feel that Barbados is so good that you have

to take what we give you or go somewhere else, and you would not go somewhere else because you are too satisfied with what you get here. There is no room for that. This highly competitive area demands a continuous review of ourselves, our institutions and our support services. Thank you, Sir.

Mr. SPEAKER: The Honourable Member for St. Michael North East.

Hon. Mtes M. A. MOTTLEY: Mr. Speaker, Sir, I rise to lend my support to the Society With Restricted Liabilities Bill that is now before this Chamber. I would wish, Sir, to pick up from where the Honourable Member for Christ Church South ended on the issue of competitiveness, because the truth has been that this area of the international financial services or the international business sector more particularly as it has been for the last IS years supplemented in part of by the informatic sector has in fact been a major growth area for the Barbadian economy having risen now to being the second largest contributor to the economy. One of the significant factors relating to this sector of the economy. Sir, is that unlike sugar it has not has to rely on preferential quotas. Unlike the manufacturing sector, it has not had to rely on the level of protectionism which is sought both within and outside of CARICOM and to that extent therefore, Sir, has reflected a level of competitiveness that is of the height that we would wish to promote as a country if we are going to continue to be able to reap the benefits that the trends in the global market economy are in fact attending, Sir.

We have seen indeed that with the globalization of the market economy and with the increases in technology that size is irrelevant to business, that technology has meant that you can stay here and transfer instantaneously "X" amount of information, that travel is also irrelevant and that once you can have access to good infrastructure, access to capital and access to skilled talent that invariably you can compete as an even player in the ability to promote yourself and your services. It is to this extent, Sir, that this Bill before the House today is extremely important because, as has been indicated by other speakers before me, it extends the range of services now being offered by the Barbadian persons working in this sector and indeed, Sir, really leads the way for what is the natural progression towards our entry into the areas of mutual funds management and pension funds management. It is hoped that that legislation will be before this Chamber certainly before the end of the year.

Sir, one of the reasons why this area of activity in the offshore business sector is so critical for us rather than the area that relies on passive income and the creation of large numbers of companies is that there was a conscious decision on the part of the Barbados Labour Party that

we should participate in the international business sector in areas that would allow for activity on the part of people in this country in skilled areas whether it be accountants, secretaries, lawyers, persons who will be more and more involved in the management of large sums of money and who will be called upon to invest those sums of money across the world by reason of the technology available to them. 3.30 p.m.

To that extent, Sir, this is the type of instrument that must be attractive for us as a Government if we are going to increase our competitive nature in respect of the offshore and international financial services sector. There are, however, other things that need to be done still and this Government is acutely aware of that. Our intention to introduce an International Trust Bill, a Bill to provide for the regulation of International Mutual Funds and a Limited Partnership Bill among others as well as the Shipping Bill, which I believe more work is being done on, is testimony to the fact that we intend through the ambit of the legislation to extend these ranges of instruments to make this country more competitive as, for example, countries like Malta which is in fact not only implementing legislation to cover those instruments but has gone even further in other instruments which are not currently being contemplated by us.

However, legislation is not only to provide the instruments but legislation also has to be brought to ensure the proper regulation of those instruments. To that extent, I was glad to hear the Honourable Member for Christ Church South mention the point in here in relation to the amendments needed, the question of the Financial Administration and Audit Act and the need for its regulations as well as a review of it in light of the need to better regulate the environment, particularly where persons would be asked to manage international mutual funds and pension funds for persons so that we do not see what happened with the Behrens scandal repeat itself in this jurisdiction.

The regulatory framework is extremely critical and you will find generally that there is a whole deal of legislation that is associated with the establishment of a Financial Services Centre which indeed has to be reviewed if we are going to remain competitive in this area.

The question of administration and infrastructure is equally important and to that extent we have been fortunate enough to have access to much of the recent technology although I venture to say, Sir, that I am still not sure that the continued presence of monopoly situations in telecommunications, inures to the benefit of this sector or indeed any other sectors operating in the economic industries of this country.

The reality is that when our prices are compared with other countries we are still uncompetitive in terms of the rates being incurred by persons. Similarly, persons have spoken about the disincentives in terms of the attitudes of persons who are opposed to work in this sector. This really is a pity given the fact that Government has shown its commitment to improve the level of efficiency of this sector indeed, by as early as 3 months into its term of office ensuring that there was provision of funds for the computerisation of the Corporate Registry, because we realised that this was essential to our capacity to be effective and efficient in these areas, particularly when people would not be as discerning in their judgement and realise that even though we offered a different type and range of instruments from B VI and from Cayman Islands and they would make blanket value judgments as to the levels of efficiency between the two or three jurisdictions.

Similarly, Sir, the question has been raised and we accept that the question of exchange controls is critical to the growth of this area and I think that the Honourable Prime Minister has already fully articulated his approach to that matter.

I am wondering whether the Honourable Member for St. Michael South Central is all of a sudden becoming like Saul and making a sudden conversion. I hope that he remembers this speech during the course of the next political campaign.

In respect of perhaps one of the most critical areas, the Honourable Prime Minister in his Budget made sure that this sector of the economy received an additional \$1 million to assist in the promotion of the sector, because the reality is that it is no different from any other goods and services that are being sold and we can pass as much legislation as we want, we can seek to create as much of a favourable environment internally as we want, but unless we are capable of communicating and marketing that message it will be not for the growth of that sector in this economy.

One of our concerns, indeed, as an Opposition in this country was that the previous Government had not been placing the level of support behind the promotion and marketing of Barbados as an International Business Centre and to a large extent the private sector had carried an undue part of the weight in that promotion and marketing campaign. It is significant, Sir, that they only started back up in the concentration on this sector some time after 1991, having allowed 5 years to go which could have made a substantial difference to where we would have been in the sector had they concentrated on the extension of those services in those days.

We are continuing with the whole concept of the double taxation treaty because one of the characteristics

of a domicile that is low tax instead of no tax and the range of services which we are offering is that we really need to have an extensive range of double taxation treaties if we are going to benefit significantly from the range of instruments being offered.

I would wish, Sir, to deal briefly with the question of the fact that we see this as a major growth area for this economy and indeed ultimately both directly and indirectly for the creation of jobs. The reality is that with an active form of financial management being required in most of the ranges of instruments that we are in fact offering within this jurisdiction we need persons who have the capacity to assist in the management of those companies and funds and persons who will assist in the management of the offices where those persons are working and therefore you are looking not only at your accountants and lawyers and bankers and secretaries and messengers and drivers, you are also looking at the range of accommodation that is necessary to house these people, you are also looking at the entertainment and leisure services which are being purchased by these persons while they are resident in Barbados, you are also looking at the hotel accommodation which is used when these persons come in for their board meetings and that was one of the significant aspects of the tax exchange information agreement which was negotiated and signed by a previous Barbados Labour Party Government.

Therefore, all of this is in the context of being able to create more jobs. One of the most significant things about this piece of legislation is that under section 43(5) there is in fact the capacity by the Minister of International Business to proscribe by order a lower regime of taxation where he is satisfied that the number of jobs that he has specified has in fact been created by this Society with restricted liability so that there is an incentive for these societies to create above a certain minimum number of jobs if they are going to benefit from the provision of section 43(5) of the Bill. That, in fact, rests very neatly with our own perception as to how this piece of legislation and how the other pieces that in fact have shown significant growth through the IBCs, the FSCs, the offshore banks, the Exempt Insurance Companies which unfortunately suffered a decline after the Tax Reform Act with the U.S.A. in 1984, and the other instruments that we hope to introduce can, in fact, lead to the expansion of services in this economy. 3.40 p.m.

I believe, Sir, that if there is one weakness that we do have is our capacity to measure accurately the contribution of this sector into the local economy. I would venture to suggest that this is an area we will have to perfect because it is clearly a major area of the economy and it is not good

enough that we should be relying on guesstimates as to the likely contribution of this sector towards our economy.

The reality also is, Sir, that you cannot do the level of expansion that is required in this sector without ensuring that we have the skilled personnel to be able to man the posts that will be required in this area.

Now, when people hear the international business sector, they think purely in terms of financial services without realising that other services involving informatics, software development, computer aided design *et cetera*, may well be included in the range of services that benefit from those financial instruments. To that extent Barbados has to be ready and able to service the needs of all those types of requests that may be made of us if we are going to be resident or domicile to a number of these companies in this sector.

We are extremely concerned, Sir, that the numbers coming out of the school system and, indeed, presently being trained in public tertiary institutions do not, in fact, give us a sufficient number of persons to have as a pool to be able to participate in this sector. Similarly, we recognise, however, that there is only so much training that can be done by us and that in almost all instances companies will also still have to implement a level of specialized training to meet the particular needs of the company whether it is in software development, for example. But if we can ensure that they reach a certain minimum level of competence, as you are well aware, Sir, that additional training then becomes much easier.

One of the difficulties we have had in this country particularly, for example, in the area of information technology is that there has not been available at the post secondary institutions like the Community College and the Polytechnic access to numbers of courses to be able to be trained as we would like. We are, in fact, looking at this situation and hoping that we can facilitate an expansion in the training of areas of information technology, in the area of commercial graphic design because much of the software development and computer aided design requires the capacity of persons to be able to draw, and to draw using computer programmes because, as you are aware, virtually every computer programme today in its effort to be user friendly has a great deal of graphics to help one along on how to use the particular programme. Similarly, persons involved in music because almost all of these programmes once again too require a level of background music if it is going to be once again attractive to the consumer.

We need to look at the areas of information technology, graphic design, music, secretarial services and, in particular, a greater level of exposure of our students

to the workings of the financial markets, and I mean at secondary school as well as in the post secondary institutions, clearly not an indepth course as to how you operate on them but certainly the sensitising of persons so that there is a basic knowledge as to how financial markets work and not simply that they are horrified by the concept or the thought when they hear it when they leave school. We hope that through our policies in education and training generally that we can help meet the needs.

One of the difficulties, however, Sir, and I must be frank with this Honourable Chamber, is that the through-put from the secondary sector to the post secondary sector is not as high as we would like it. Those of you in here already know of the difficulties of the 60% on average who leave the secondary schools without proper certification and to that extent we are convinced that we must, as a matter of priority, ensure three basic things to happen: (1) that there has to be a consolidation at the level of the primary school in terms of basic reading skills, basic literate and numeric skills; (2) that persons in the secondary school system must be able to acquire competencies within the course of their schooling at the secondary level if not we are going to have to look at options to be able to supplement what they have not managed to gain at the secondary school.

What I can say for certain is that the previous policy countenanced by the last Government where persons were made to leave school at 16 regardless of whether they were in the middle of a programme, about to sit exams or just sat one and finished, that that cannot be the criteria from which you determine whether a child leaves school or not. There is nothing in the legislation of this country that would suggest that a child must leave school at 16 and in the same way we would expect Principals to exercise their discretion in a responsible manner in other aspects of the management of the school, we would expect they would ensure that children be given the opportunity because as you know, Sir, in many instances, that child may already have one or two CXC and may be just trying to get the other one or two to be able to enter an institution where it can, for example, go and do the same information technology and be able to access a job in this area.

Sir, it is critical we also understand that if we do those three things, if we consolidate at the primary level, if we ensure that access is given to those children who want to remain to be able to finish - and it will not be all of the children because some will not be interested. Some are skills biased, and some will want to be able to make a little effort but it takes them a little time to be able to get their certificates while ensuring that we can effectively put in place a proper system of national certification within the next two years.

Thirdly, expanding access at the post secondary level for those persons who have been applying to institutions like the Community College but because of a lack of finances given to the Community College been unable to access this programme because they can, in fact, only service about 30% of those persons who on average apply over the last two years. We believe that we have a responsibility as a Government to be able to ensure that they are given the facilities whereby they can meet the demand in terms of those numbers who want to be trained and this is even moreso since most of the growth that is taking place in this economy now is taking place within that informatics and international business sector.

We also feel very strongly, Sir, that the whole question of informatics and software development must be seen not only in terms of the low value added component of it where students have the capacity to input data which is really the CDS model and NDL model, *et cetera*, where it is really data processing, but we must also see and develop our ability by ensuring that our students have the capacity to participate in the high value added aspect of the informatics industry, in the area of computer aided design, software development, *et cetera*, where their designs will, in fact, lead to intellectual property rights accruing to them or to the entities for whom they are doing the design. If we are going to make a significant dent into our capacity to compete at the global level, I would humbly suggest that this area of the high value added component which, in fact, reflects the need for a large level of creativity which our people do, in fact have, that this is an area which our educational system as well as our marketing system at the level of the IBC must, in fact, work together to target in the development of.

Sir, before I sit I would only advert lastly to the point that one of the benefits that our educational system will get from the influx of persons in the international financial services sector is that there will, in fact, be a transfer of knowledge since many of them tend to bring in persons who are capable of doing further on-the-job training to which I just referred. When that happens there is, in fact, a transfer of knowledge from those persons who come in from the outside to our persons who may not always remain in that job but who may go into other jobs across the economy. 3.50 p.m.

We hope therefore to be able to continue to benefit from those training programmes which have, in fact, been taking place at almost every major informatics firm that

has established itself here in the last 10 years. So that that is indeed critical to our capacity to continue, Sir,

I would only wish then to register my support for this piece of legislation again and to state, briefly, that it is but part of a series of other instruments that are necessary for the promotion of the international financial services sector of Barbados and that that commitment to the development of that sector must be buttressed by the continued legislative framework both in the form of new instruments as well as helping to provide the regulatory framework in the form of policy decisions that may, in fact, affect exchange control as well as the presence of one foreign commercial interest in this country, at the banking level. Similarly, policy decisions that relate to the costings of our telecommunications as well as the range of instruments available under the telecommunications sector and continued public education of those persons interfacing with people in this sector that do, in fact, need to understand that their attitude can be the major disincentive to investment and that they need to understand that this is, in fact, a major engine of this economy that we see as being able not only to create the level of foreign exchange but to assist directly and indirectly in the creation of jobs for this country. Because unlike Trinidad, Sir, we do not have the domestic base where we can have a vibrant domestic financial services sector. The size of our domestic market is so small that we have no other alternative but to seek to be able to compete on the external level and to do so in a manner which is highly competitive and which, in fact, reflects the best characteristics of our people both educationally and indeed in relation to our ability to interface with people. Because at the end of the day a lot of this relates to how well you can get on with people and how well you can sell your services which you are offering.

With those words, Sir, I would wish to support the efforts of the Government in this area and to indicate, to this Honourable Chamber that we will ensure, within the Ministry of Education, that we seek to do all that is humanely possible to ensure that the person will not be denied access to investment in this country, by reason of an inability to provide a skilled manpower, skilled work force. It therefore reinforces us in our commitment to consolidate at the primary sector to ensure that we have persons who can read and who can count because if you cannot read, you still cannot read on the computer and who have access to training opportunities, both at the secondary and at the post secondary level without being made to feel that they are machines who should be channelled out of schools simply because they reached the age of 16 without us understanding that those are the same people we are relying on to fill the jobs in the international services sector.

Thank you, Mr. Speaker, Sir.

Mr. SPEAKER: The Honourable Member for St. Michael West Central.

His Honour R. D. MARSHALL: Mr. Speaker, I too rise to lend support to this Society With Restricted Liability Bill now before this House. If you were to take a look at our Manifesto on page 12, you will see where the Barbados Labour Party made mention of their plans for the offshore services and information industry.

Mr. Speaker, with the decline of agriculture and manufacturing and the attempt to resuscitate them, this new industry that we are working on today has been putting a large amount of foreign exchange in Barbados. This new Bill, I am quite sure will be heralding into Barbados many new areas for this industry. One area is that of mutual funds and pension benefits. This calls for expertise. It would also reverse the brain drain that left Barbados and a lot of these people were trained in North America in these areas that we are now embarking on.

My main plank today is to look at what this industry is doing for the unemployment situation in this country. If we go back to our Manifesto, we always tell people that our number one job is creating jobs for the people of this country and that, we intend to do so.

Mr. Speaker, I would first like to take a look at the impact this industry has on the employment, in this country. If you look at the economy, this industry although many areas of the industry are not people intensive, it is going to be in the area of IDCs, that part of the industry that really creates the amount of jobs. The other areas, the Exempt Insurance Company and so on just have one or two expatriots in management and one or two secretaries and so on. It is the IDCs that we look forward to created these jobs like Manulife, Client Services, CDS and so on.

When we look at what these companies are doing where employment is concerned, first when they come into Barbados may have to rent office space. When they rent this office space, it is putting money in the economy. They have to employ people to clean the offices. They have to employ people to redecorate the office for them. They have to bring in people that will see after maintenance of the office by way of plants. They have to bring in people that will see after raising those plants. Mr. Speaker, these people also put a lot into their personal accommodation. These people employ gardeners, they employ domestics at their homes to work for them. They employ chauffeurs to work for them. Then we can look and see what they are doing in areas or telecommunications. These people do a lot of overseas business by way of sending faxes on

fax machines. They have to buy fax machines. They have to buy computers. These people use a lot of our foreign services transacting business with their overseas companies and their offices in Barbados. Also, Mr. Speaker, this industry brings in many of their overseas Directors to Barbados for business meetings and in that case when these people come to Barbados they have to seek accommodation at our hotels. They also put a lot into their eating out and entertaining and I would also say that many of the expatriates that live in Barbados spend a lot of money on entertaining. 4,00 p.m.

Mr. Speaker, as I said earlier, in the Barbados Labour Party, we know that we have to create these jobs. A lot of talk comes up day by day by all of our detractors asking where are the jobs, but these jobs cannot be created over night. I am quite sure, Sir, that as time goes by and we bring more and more legislation in this area, that we will accomplish what we set about in creating the jobs in this country. I thank you.

Hon. D. A. C. SIMMONS: Mr. Speaker, I am assuming that those are the contributions which Honourable Members wish to make to this Bill and I am now going to wind up the second reading. There are a couple of matters I need to respond to, raised by the Member for St. Michael South Central and the Leader of the Opposition himself.

First of all, Sir, I note the Honourable Member for Christ Church South and the Honourable Member for St. Michael South Central alluded to the continuing problems in the Corporate Affairs Registry where there are still complaints about the exercise of Registrar's discretion in that Department.

Only last Wednesday I addressed a large luncheon, hosted by Ernst and Young, of business people and it was significant that perhaps the loudest cheer that I received was when I said that we would soon be bringing amendments to the Companies Act which would reduce the discretion presently vested in the Registrar. I want to assure Honourable Members that the Company Law Bill that is presently before the House will shortly be withdrawn and be replaced by another more substantial amendment. What has happened is that we received a request from the Honourable Member for Christ Church West and the firm of Cottle Catford and Company to amend the Companies Act so as to make provision for the operation, under the Companies Act, of companies which had been previously registered, for example, their own private Act of Parliament, for example, The Cricket Association, Barbados Light and Power, Mutual and so on. So we have had to create a special regime and a new division in the

Companies Act to deal with that problem. The drafting has been done and our draft has been sent to the Honourable Member for Christ Church West for his comments which I was assured by him yesterday will be back with the Chief Parliamentary Counsel by Thursday.

There is only one little problem, he does not agree with a view that I have discussed with other people who share that view that these entities should be made to compulsorily continue under the new Act and it is felt that perhaps a discretion and option would be preferable. That is the only point and we hope to have it resolved by Thursday. So I would wish to withdraw the present Bill and lay the new amending Bill to the Companies Act at the following sitting of the House with a view to debate.

When I spoke last Wednesday to the business community, I mentioned, and I think it was carried in the "Nation", that part of the speech was extracted that all of these instruments which we are creating to render Barbados more attractive to offshore business also call for a change in attitudes on the part of the several public functionaries who administer key areas, for example the Customs Department, the Immigration Department, the Corporate Affairs Registry, the Insurance Supervisor, those kinds of persons need in our view to become dynamic and to manage departments that are dynamic and business friendly. To that extent a number of the attitudes and practices which presently bind the operations of those departments will have to disappear in the interest of the creation of a more business friendly environment.

At the same time, I, for a long time have been toying with the idea of making a particular speech before I expire. I have been around long enough to know and to watch what has been happening in the public sector and to be more and more convinced that the nuances inherent in the concepts of power and discretion are not appreciated by many persons who have power vested in them and that many people in this community do not appreciate the fact that they have power to do something, granted perhaps by legislation, also carries with it a requirement that that power must be exercised reasonably and in some cases with appropriate discretion.

I have to write a speech about the problems of power and discretion. I may get a chance before the end of this year but that is one of the problems in the public sector. That is one of the problems that has bedeviled the Corporate Affairs Registry. 4.10 p.m.

The Honourable Member for St. John asked that we should consider in future legislation of providing a system for the resolution of disputes other than through the court system. I can assure him that we will look at that There

is a movement which we are slow to recognize in Barbados but thankfully there have been a couple of conferences here which have been sensitizing particularly members of The Bar to the advantages of alternative dispute resolution and the value of mediation and conciliation procedures which are now part of everyday life in North America and in England. In fact, in England there is a centre down by Suttle Lane dealing exclusively with ADR and I opened a workshop here earlier this year I think in April where I was happy to see a number of members of The Bar present to get an understanding of the operation of ADR and the implications. Now it may be that in future legislation we can look at writing in a provision for alternative dispute resolution. However, in this particular legislation, I think we have to always remember that much of what we do by way of licensing and revocation of licensing has to be done against the background of the existence of the Administrative Justice Act. So I do not think that we should deny rights to judicial review because such procedures can quite readily be done. All that is required is that you have to serve the Attorney General with copies of the proceedings and I think that the matter cannot be heard for a minimal of 28 days. But other than that you should be able to get a fairly speedy hearing.

So at the moment I wish to tell the Honourable Member for St. John that I accept his concern that in future legislation we should not look only to the High Court to resolve disputes but that we should make use of alternative dispute resolution. But I am sure he would not want me to hold up this Bill to do that. We take his point into account for future legislation where such can be done without flying in the face of the Administrative Justice Act.

I think that from my seat I did point out that his concern about confidentiality as expressed in Clause 49 had to be read together with Clause 29(4) which said:

- (a) no person shall have access to any information that the Society reasonably believes to be a trade secret;
- (b) any information the Society believes the disclosure of which is likely to be injurious to the society, its business or its members; and
- (c) any information the society is required by law or by an agreement with a third party not to disclose.

The two clauses have to be read together.

Finally, Mr. Speaker, the Honourable Member for St. John asked about treaties and bilateral investment agreements. I am in a position to tell him that there was a

first round of negotiations with Venezuela last year when he was Minister in May. Some progress was made in May. The second round is coming up shortly. We have been at the table with the Germans. In addition, invitations have been extended to Mexico, Brazil and Argentina to come to Barbados within the next few months for an initial round of negotiations and this is because Government's policy is to give priority to treaties with Latin American countries. This Bill will be of particular relevance to Latin American countries. Thirdly, we have also as it were signalled to Cuba, India, South Africa, Italy, Costa Rica, Uruguay and Chile that we are interested in concluding treaties with them and the responses from those countries have been favourable.

Now at the level of bilateral investment treaty in 1994 BITs, as they are called, were signed with Venezuela, and Germany as recently as December. The text of a treaty with Switzerland was initialled in October and a treaty with Italy has also been accepted and will soon be signed. I mean the BIT, Bilateral Investment Treaty, with Cuba is likely to be signed next month by the Minister of Foreign Affairs. Similarly, we are trying to develop and finalize an agreement with China and generally, Sir, I think that is all that I can find. That is the state of play between treaties and BIT. So that much progress is being made in that area and the Government is pursuing the negotiations with the various countries.

With those few remarks and on the prompting of the Honourable Member for St. Michael West, Sir, I am pleased to move that this Bill be now read a second time.

Hon. G. W. PAYNE: I beg to second that, Sir.

The question that the Bill be now read a second time was put and resolved in the affirmative without division.

On the motion of Hon. D. A. C. SIMMONS, seconded Hon. G. W. PAYNE, Mr. SPEAKER left the Chair and the House went into Committee of Supply, Mr. W. C. C. CALLENDER in the Chair.

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: The House is in Committee of Supply.

Clauses 1, 2, 3 and 4 were called and passed.

Part 7, Clauses 5 to 12 were called.

Hon. D. A. C. SIMMONS: Mr. Chairman, I indicated that I would take the Bill by parts and I now move that Part I stand part of the Bill.

Hon. G. W. PAYNE: I beg to second that, Sir.

The question that Part I stand part of the Bill was put and resolved in the affirmative without division.

Part II, Clauses 13 to 17 were called.

Hon. D. A. C. SIMMONS: I beg to move that Part H stand part of the Bill, Sir.

Hon. G. W. PAYNE: I beg to second that, Sir.

The question that Part II stand part of the Bill was put and resolved in the affirmative without division. 4.20 p.m.

Parts I - X, Clauses 1-67 were called and passed.

Hon. D. A. C. SIMMONS: I beg to move that the Schedule be the Schedule to the Bill.

Hon. G. W. PAYNE: I beg to second that.

The question was put and resolved in the affirmative without division.

On the motion of Hon. D. A. C. SIMMONS, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon D. A. C. SIMMONS, seconded by Hon. G. W. PAYNE the Bill was read a third time and passed.

ORDER NO. 5 - RESOLUTION TO APPROVE THE
LEASE TO THE LIONS CLUB SOUTH OF
PREMISES AT OISTINS, CHRIST
CHURCH FOR USE AS A
MEETING PLACE

Hon. G. W. PAYNE: Mr. Speaker, I beg to move the passing of this Resolution in connection with the lease of approximately 940 square feet of floor space on the top floor of a Government building at Oistins Christ Church to the Lions Club of Barbados South.

The Lions Club of Barbados South is a non-profit community organisation which since August 1985 has been occupying the first floor of the premises above the Licensing Authority situate within the Oistins Complex in Christ Church.

Among the community projects of the Lions Club over the past 10 years has been the sponsorship of the

Heart Foundation and the contribution of over \$50 000 over the past 5 years through the proceeds of their annual raffle; contribution of over \$50000 to the Diabetic Association over the past 5 years through proceeds of their annual raffle; erection of a bus shelter at the Grantley Adams Airport; providing lunch and servicing same to contestants at the Special Olympics; delivering in excess of 50 food hampers per year to senior citizens; a donation of \$4 000 to the Meals on Wheels programme run by the Barbados Red Cross Society; provision of numerous spectacles and eye-testing equipment for persons in the Christ Church area; the sponsorship of the debating competition among schools in the Christ Church area; provision and loan of over 30 wheelchairs to amputees individually and through the Welfare Department and also contributions to the provision of prostheses for amputees some of whom have been sent overseas at the expense of the Lions Club; repair and painting of senior citizens' homes; several projects in Christ Church area at the Christ Church District Hospital and also at the Sayers Court Children's Home; a donation of cash and household appliances to numerous fire victims; donations of refreshments to the Grace Bible Church and the organisation of an annual summer day camp; sponsorship of health seminars at the den for persons in the community; assistance to patients in having eye operations for cataracts and the provision of eye glasses.

Their programme for the current year reflects most of these programmes which they have been doing during the past 10 years. Since 1985, they were granted permission to occupy the said premises on a month to month arrangement and free of rental charge on the basis that they pay the utility charge, repair and maintain the area allocated and allow other service organisations and government agencies to use the premises whenever necessary.

The Club has now sought the regularisation of its tenancy by way of the grant of a lease for 15 years at a nominal rent. In 1991, the Club spent in excess of \$62 000 in renovating the premises.

Taking this into account together with the Club's undertaking to make the premises available to other service agencies as necessary and to maintain the environs of the building which are used by the general public, consideration has been given to the grant of a 15-year lease at a nominal rent of \$100 to be reviewed every 5 years. The rental value of the first floor premises as assured by the Commissioner of Land Tax is \$5 400 per annum. The Chief Licensing Officer has no objections to the granting of the lease. The Chief Licensing Officer occupies the premises at the bottom. This is just for your information. 4.30 p.m.

The conditions of the lease, as I outlined earlier, will be for a period of 15 years with an option to renew for

a further period of 15 years. The rental shall be at the rate of \$100 per annum and shall be subject to review every five years. The lessee shall be responsible for maintaining the premises in a good state of repair. The lessee shall be responsible for the payment of all utilities and taxes. The Lions Club shall make the premises available to other service organisations and Government agencies whenever necessary.

Parliamentary approval is hereby sought to lease the said floor space area of approximately 940 square feet on the first floor above the Licensing Authority Offices at the Oistins Complex to the Lions Club subject to the said conditions as outlined.

I beg to move that this Resolution do now pass.

Hon. Miss M. A. MOTTLEY: I beg to second that, Sir.

Mr. L. A. WEEKES: Mr. Speaker, the Resolution before this House would very easily be supported by us on this side. We do so because we recognise over the years a number of service clubs in Barbados have been making worthwhile contributions not only in small communities, but to the island at large. Clearly that kind of contribution by service club organisations is something which we should endeavour and encourage those organisations to play their part in the development of this country.

Obviously, Sir, this deals with one section of the Lions Club in Barbados but needless to say they are part of a larger organisation which has been making a very great contribution to this country. It is on that ground, Sir, that I want to accept the Minister's work programme of that Club and tie it into the larger work of the international organisation.

The Honourable Member spoke about diabetics and I was very concerned because there were a number of people in Barbados, having heard about the Lions Eye Care Centre at the Queen Elizabeth Hospital, who were very concerned about its inactivity.

Mr. SPEAKER: The Honourable Member, we are on the Resolution before the House relating to the property at Oistins. I do not think I will entertain any debate now at this time on the Lions Eye Care Centre.

Mr. L. A. WEEKES: Mr. Speaker, I think you would clearly recognise it was the Minister who introduced the works of the organisation and one of the items he named was diabetics.

Mr. SPEAKER: The Honourable Member for St. Michael North West, I am sure you recognise that the Minister in introducing the Resolution for a particular reason was trying to show the involvement of certain charities. I take it that the Honourable Member for St. Michael North West in mentioning the Eye Care Centre wants to also mention a few charities, or does he want to debate or discuss the Eye Care Centre?

Mr. L. A. WEEKES: I am trying to use that as a supportive argument for the Club being able to function in order to carry out its programmes. The mention of it is not to develop a debate because if I want to do that I could clearly develop that into a debate of proportion. But in fairness to the Minister of Health who is not here I will not carry that kind of debate.

What I am trying to say, Sir, is that within the activities of the Club, which has its relationship with the bigger organisation, that that will share in whatever comes out of the whole exercise to the local branch. It is because of the mention of diabetics which seem to have a problem with blindness that I agree with the Honourable Member that that was a worthy project of that particular organisation. That was mentioned to support and most likely that they would probably carry on in other areas.

The thrust of the whole argument is this that if we find it so important and so necessary to support the organisation in its activities, then clearly an activity as the one I just mentioned which was the Eye Care Centre, ought to be pursued vigorously by the same Lions Club South organisation in order to facilitate the whole process of the help that they were doing in the communities. It is not to debate the Eye Care Centre. It is just clearly a reaction from persons in Barbados who probably would have benefitted from some of the actions of the Lions Club that they would try to encourage us in Government to support them with that particular move.

All I am saying, Sir, on this particular point is that since we are satisfied that we are able to grant them such a generous lease in order to carry out all the activities, that the Government should also bear in mind that the parent organisation would need that kind of recognition that is given to the local Club to their request as they had done in the past. All I am saying is that I hope that part of the process will be that that particular project, like all the other projects, will be given priority when it comes before the Government. That is as much as I want to say on that because I could give chapter and verse as to the effects of the workings of this kind of organisation. That is why I am very pleased, Sir, that the Government would show now a positive stand on assisting the organisation in pursuing the setting up of that Centre.

Thank you very much, Sir,

Hon, Sir HAROLD St. JOHN: Mr, Speaker, I am going to support this Resolution and I am going to say that the Lions Club South are remarkably lucky people, I well remember their first occupation of the area they now occupy and that took place many years ago. One always understood that that occupation would have been temporary, but as things have turned out, that occupation has been for a much longer period than originally envisaged and now it is likely to be a much longer period. Whereas before their occupancy would have been of an uncertain nature it will now be of a certain nature having regard to the fact that this House today is about to give approval to a lease of this area, not only for 15 years but with a right of renewal at a price of \$100 a year. 4.40 p.m.

The Lions Club South have made a contribution to the landscaping of the area which the building occupies. They have made a contribution to repairs to the building. They have made a contribution to the general welfare of the inhabitants of the District Hospital and, as I understand it, Sir, this Club is particularly active in the area of carrying on activities for the betterment of the Heart Centre and things of that kind.

My constituents, in that area, do not have any objections to the Lions Club occupying the top floor of that building. But they themselves had their eyes set on this top floor for another purpose, a community centre. But they are very fortunate because next door to where the Lions are occupying, there is also a Government building which is slightly larger and I think I have been very successful in persuading them that it will not be too long before the Government will be pursuing that, as a community centre for them. So that although they may lose access to this centre, their eyes are fixed upon that other building.

The second point is that apart from my constituents, there are other people who live in the area and other groups who would like, periodically, to use the top floor for their activities. I am very glad to see that the terms of the lease clearly indicate that the Lions Club are under an obligation to facilitate the use of the building by these other groups, no doubt, and I would be the first to uphold any rule that will be instituted that it has to be a term of condition of occupancy that there is good behaviour while they occupy the property. There is not that. We have to be very careful sometimes with saying that people have a right to occupy without saying that that right has relative responsibilities during your occupancy.

I have no doubt that the Lions will continue to extend a helping hand to the District Hospital. I am reliably

informed that right next to this building that there is a problem in that part of the therapy given to the senior citizens, at that hospital consists of encouraging them to indulge in certain agricultural pursuits in a number of garden beds. Unfortunately, those beds are exposed and there is a constant complaint that these senior citizens get great pleasure in planting, seeing them grow and just as they are about to be reaped, somebody else reaps. They are not my constituents because the senior citizens come from all over the south of Barbados. The Honourable Members on the other side did not see it fit to expand other areas so that that poor senior citizens' hostel is over crowded. It wants fencing. I hope that this will be a project that the Lions Club South will immediately institute having regard to the generosity that this Honourable House is about to bestow upon them.

I have been called upon to provide for fencing. We will contribute to the fencing. But we will like them also to contribute. They are well recognized in the area. They have made their presence felt in that area. They have their raffle which is well known and an annual event. They participate in the Fish Festival and things of that kind. I wish them well in their very, very desirable habitat. I know that they themselves recognize that the Government has been very generous to them.

My only problem is, that reading the Resolution, I should like to know how they are going to get to the top floor because they are going to have a top floor and I do not see any rights of way being granted over the staircase leading there. I take it that, in the final details of the lease, that they will remember that the bottom floor is occupied by the Government. It is the Licensing Authority's depot and that they will have access to the steps going up to the top floor.

Hon. G. W. PAYNE: Mr. Speaker, I can assure the Honourable Member for Christ Church South that the Attorneys will ensure that the relevant rights of way are included in the lease. But as a member of a rival charitable organization, if I may say so, namely the Kiwanis Club, I should like to assure him that I would be in a position to communicate his generous offer of donating the fencing equipment to the Lions Club so that very shortly they would be in a position to fence around the entire compound.

With those remarks, I beg to move that this Resolution do now pass.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question was put and resolved, in the affirmative, without division.

Order No. 6 was called - To move the passing of a Resolution to approve the compulsory acquisition of land at Lowlands, Christ Church, for road improvement.

Hon. G. W. PAYNE: Mr, Speaker, this Resolution of parcels of land at Lowlands, Christ Church for road improvement, Government is at present in the process of regularizing a matter pertaining to the utilization of the said 2 parcels for road improvement. In recent years, the Division of Public Works has carried out a number of road improvements throughout Barbados to cater to the growing number of vehicles as well as the provision of sidewalks to meet the needs of pedestrians.

The junction of Highway 7 and Lowlands is one of the areas where improvement was undertaken in light of the many accidents which have occurred there. The work at Lowlands mainly involved the lowering of the rock bluff to improve visibility and the provision of a 2-metre wide pavement, as a pedestrians* access.

In executing the said project, the Division of Public Works utilized 2 parcels of land belong to Mr. Claston Burnett for pavement construction. It is therefore proposed to formally acquire the said 2 parcels of land so that he maybe duly compensated. Initial efforts were made to acquire the lands by private treaty but these proved unsuccessful. Cost for the acquisition proceedings under the provisions of the Land Acquisition Act, Cap. 228 were commenced. Parliamentary approval is hereby sought, in accordance with Section 5 of the Land Acquisition Act to acquire the said 2 parcels of land.

I beg to move that this Resolution do now pass.

Hon. D. A. C. SIMMONS: I beg second that, Sir.

Mr. SPEAKER: The Honourable Member for Christ Church East.

Mr. W. C. C. CALLENDER: Mr. Speaker, I rise to support this Resolution. I am glad to see that these persons will soon, I believe, be getting their compensation.

This road that is being addressed is the road, as far as I know it, just east of Mike's Mini Mart and a little oblique from the Shell Gas Station on Pilgrim Road. That was a fairly narrow road which existed on to the highway which leads to the Airport. At that time it was very dangerous and it was decided to have a little extension 'there and a sidewalk for pedestrians.

However, Sir, the truth of the matter is that that road is still quite dangerous. One has to take off fairly speedily when one is exiting from that road, otherwise a car heading up to the Airport, at great speed would knock you out of

the way, I believe we may have, in the future, to look at acquiring more land perhaps just a little below there, in the area just in front of Mike's and opposite the gas station so that the vehicles exiting could exit a bit more comfortably. It seems a paradox to me that you have the ABC Highway which is just to the North East Section of where land was acquired. It is wide road but the road is pretty long and one can actually see up the road when one is exiting from the section near to the Lowlands Development. What I am saying, Sir, it is more dangerous to exit from the Lowlands Road that is on to the Highway 7 than it is to cross the highway and I am saying that if you cannot cross (he highway it therefore means that in the interest of safety that you need to urgently address acquiring more land in that area because one might find that you could have gone all the way up to the Airport. When you come out from Lowlands Development you have to turn to go east up to the Airport about a mile up to come back down Charnocks, another mile down. 4.50 p.m.

Another option you have, Sir, you can go down through Rising Sun, down to Newton, head East then you turn right on to this Lowland section and then you come on to the section which is Highway 7 and going to the Airport. Having gone all of that route to avoid an accident and you exit from this Lowland junction you are in more danger of losing your life than crossing the ABC Highway.

Now these are the kinds of paradoxes that we have to face in Barbados and I believe that has to be seriously addressed because when you come out there you are scared for your life so I would like that the Ministry look at that in due course.

In addition, Sir, my understanding was that the section which I spoke about earlier that is on the ABC Highway and Lowland Junction, there was provision previously to have a roundabout at that junction. For some reason that has not been put in place. I believe, Sir, it would be a good thing to have that roundabout built there so that those thousands of residents who live to the North East of that highway would not have to come out and go all the way up to St. Philip almost then to come back down to get to Mike's Minimart simply to get a drink.

Sir, I am looking for that roundabout to be put in place, if not for this financial year - I see a lot of supplementaries coming to Parliament and I believe, Sir, if we have to look at a supplementary to deal with that roundabout, I do not think it should cost too much money. I see roundabouts that do not look too fancy but once you can have a way of slowing down the traffic so that people can cross from one section to get a drink at Mike's. There are no shops over in those areas. You might not be

feeling too well and you might want a drink, I am not saying if it is a soft drink or a hard drink, but you want something and you want to get out by Mike's and you have to go all up to the Airport to come back down. I am addressing two things, Sir, first the need to make that exit much more safe for people coming out there and secondly for us to have a roundabout at the Lowlands Junction which is just outside of the Lowlands Development.

I think this suffices what I have to say on the Resolution and I support the Resolution but I believe we can go a stage further by making wrong things right and ensuring the safety of our pedestrians, especially by dear beloved people of Christ Church East. Thank you very much.

Mr. SPEAKER: The Honourable Member for St. Michael West.

Mr. B. M. TATTT: Mr. Speaker, Sir, the interventions by Honourable Members give me this opportunity to make a very short intervention on a matter that has been disturbing me for some considerable time in relation to the highways. Since the ABC Highway passes in close proximity, as the Honourable Member who knows the area very well has just said, to this acquisition I think it might be appropriate to speak now.

Mr. Speaker, I do not know if in your travels you have had to go to the Airport from say, the junction by the University Drive via the ABC Highway. But anyone who has had to go to the Airport from that far down may be familiar with the issue which I now raise. I do not know who was the genius that worked out the methodology for entrance into and exit from the roundabouts on the ABC Highway but I wish the Minister would do me and my constituents who drive in cars to the Airport the favour of re-examining that methodology.

If you come from the West Coast and you get to the roundabout by the University Drive and you want to go to the Airport you go into the left lane to turn left. If you are going straight you have to go into the right lane and enter the circle and go back out to go straight down Black Rock. No problem. So you figure that you know how to drive so you proceed onto the highway. You come to the next roundabout at Simpson Motors and you go into the same methodology, no problem. But you have a problem because if you are going to go straight at Simpson, you go into the roundabout or you make a left turn but when you are going straight at Black Rock you have to go into the circle so you now move along the Highway and as you come to the various places at some times if you are going straight you go into the roundabout and come out. Suddenly you

come to the roundabout at Graeme Hall! Different ball game!

It is not a problem for those of us who drive here often because we get accustomed to the idiosyncracies of officials on the people who do these things; but when you have a tourist, Sir, who is accustomed to driving in a country where everything is the same way everywhere, you come here now and you go into the "proper lane" and the tourist who believes that since he or she is driving in the same country goes into what he or she believes to be the "proper lane." Mr. Speaker, it is only a matter of time before a most unfortunate accident occurs.

It is madness to require anyone who is going straight to go into the roundabout because the roundabout is not for going straight. By definition a roundabout is for going around. I would invite the Minister to ask the experts, I am not an expert, to just review the whole matter of how you go into a roundabout.

There is only one that needs to be changed. The one at University Drive is wrong. Mr. Speaker, if you stand up and see the large quantity of traffic coming from St. George going into Bridgetown that has to wait to see who is going straight and who is going into the roundabout before it could make a move. The traffic that is turning into Black Rock has to wait to find out if somebody who is in the roundabout is continuing straight on or going around and it delays traffic by a substantial amount of time. Whereas if the roundabout at Black Rock was the same as the roundabout at Graeme Hall then if someone was in the left lane, the one in the left lane would either be going straight or turning left. The people inside of the roundabout would be going around the roundabout. When you get to Graeme Hall, when you get in that left lane you are going straight. I do not understand how you can have traffic facilities in the same country on the same highway and the traffic arrangements for the roundabouts are different. It is logically impossible. But we have it. It makes no sense from a driving point of view and I have never seen it anywhere else in the world but in Barbados.

Sir, when I was a Minister, I confess that when this matter was raised I could not get anybody to listen. So now I am in the Opposition I ask the Honourable Member to see if he can get the experts to listen! Because they seem to think that you are crazy. They think that the only people in the world who could have any knowledge about traffic are the experts. That is what they believe; but the whole thing makes no sense. Anybody who has ever driven to the airport knows this. So you find yourself when you get to Black Rock you are coming to the roundabout in to go straight. The tourist believes that he is to go straight on that left lane too and the two of you meet at the point where you are going to have a crash. 5.00 p.m.

Now, Sir, whenever I see a tourist going into the roundabout - and I recommend this to all of my friends - I let them go first! Especially since I drive a left hand drive car, I let them go first. But it is not a difficult issue. All it needs is for someone to examine it and change one arrow on the whole road. I have surveyed it. They need to change only one of them and it will be right. You will go into the left lane to go straight or turn left and when you go into the roundabout you are turning right. It is not difficult and I hope that the Minister would inveigh or somehow induce the experts, because you have to be very careful when you are attacking the experts on these matters. You have to get permission from them to raise the issue and then ask them if they would revisit it before some other people are killed on the highway. We have enough methodology for killing people on the highway already. We do not need this particular one.

The other thing is, since we are on this, that we are going to have to get minimum speeds. I know that this is not understood by people who have not lived outside of Barbados. But a highway should have a maximum and a minimum speed. Those people who cannot drive faster than 25 miles per hour should learn the intricate parts of Bridgetown, Barbados and travel on those roads! They have no right on the highway. They are a danger to themselves and a danger to other people. We have a lot of young people who drive on the highway. They have energy and they usually have cars with "nuff revs." When you have a person driving at 28 miles per hour on the ABC Highway and has the traffic strung out way behind, somebody gets impatient and tries to pass on the wrong side or several cars at one time and it is bound to cause some additional killing. That is the difficulty because it puts stress on the hospital facilities apart from the families who have to make up for whomever is dead. It puts difficulty in the way of the cost and really we need to look at these things in a holistic way.

I hope that the Minister will take this in the spirit in which it is offered. Regarding that business of not having a minimum speed, there must be a minimum speed on the highway below which the police can also pull you over. I came from the airport about 5 weeks ago and there was somebody who strung out the entire airport traffic all the way to Warrens. You have to imagine what it was like to see the ABC Highway like when President Castro was here. The whole place was strung out and everybody was impatient and angry. I do not think that that is desirable. A minimum speed does not mean that we are making people drive fast. It means that if you are going to be driving below a certain speed...

Aside.

Mr. B. M. TATTT: ...Tractors? Well, I do not want to prolong this debate because there a*e some other aspects of

that. But tractors have no right on the ABC Highway. They have no right. And they come with trailers! I noticed now that you will see a tractor with sometimes half a trailer that is not even a proper trailer at the back.

Aside.

Mr. B. M. TATTT: Do you drive on the highway? I have never seen you on the highway. S-lll comes up Black Rock and turns into the roundabout...

Aside.

Mr. B. M. TATTT: You drive S15? Get somebody to drive you. Seriously though, you do not need to have the tractors. You should not be on the highway. I will drive you if necessary.

Mr. SPEAKER: The Honourable Member for St. Michael East.

Mr. J. O. TUDOR: Mr. Speaker, I share the view of the last two Honourable Members who spoke on this debate and I share the view that it is necessary for us to acquire the area of land for the purposes of correcting that difficulty in the area of Lowlands. But I think it would be remiss of me if I did not use this opportunity as well to link some of the other problems that will relate to this whole question of dangerous situations that are developing maybe before you get to that actual point. You may in fact be on your way to the Lowlands area and you may not reach there because...

Mr. SPEAKER: Are you still on the highway?

Mr. J. O. TUDOR: I am still on the highway but I am just suggesting that before you get there...

Aside.

Mr. J. O. TUDOR: I have never driven in one yet, Sir. If in fact you are going into the area from the Gibbons Boggs or from Sayers Court side of it and you are going to travel entering the area there is a roundabout that has been placed at Kings Corner which was started under the last administration and which to some extent the engineers are going to have to take a look at it, because there are some dangerous signs that are emerging with regards to that particular roundabout. For argument sake, Sir, if you are coming from the Gibbons Boggs side, there is a large wall that was placed on land that the Government acquired or is still to acquire it and there is a very large wall that has been placed to the northeastern side of that roundabout. If you are coming from Gibbons Boggs, you cannot see around that wall. What has been happening is that cars

who have the right of way, because to their right is clear, they are making a clean drive straight across only to encounter cars that are coming straight down the Enterprise Main Road at terrific speeds. It is going to be very important for the Ministry without delay to place big signs, noticeable signs requesting that speeds be significantly reduced because it is a very dangerous roundabout as it stands.

A similar situation exists, Sir, when I was in the Ministry I tried to have the area along the ABC Highway which is contiguous to my own constituency in St. Michael East where the Belle area does not have a roundabout but it is between the Norman Niles Roundabout and between the Waterford Roundabout. In that area, it is a long stretch where people develop a lot of speed and at the Belle Junction I think the record suggests now that we have had at least 6 or 7 deaths in that particular part of the highway. It is the area where we have had the biggest loss of life and again I understand the difficulty that you are going to have to place a roundabout there at the end of a long stretch where vehicles which would have developed speed would then have to come around the roundabout to go either to the north or south in the Belle Junction.

These are areas that I would like to place on the record and we may also have to ask the Ministry to place some bold signs asking drivers to reduce their speeds significantly because of a dangerous section. I will support the Resolution for the acquisition, but I thought that it would be necessary for me to place this on the record at this time because it is not often that we get this opportunity. Thank you. 5.10 p.m.

Hon. G. W. PAYNE: Mr. Speaker, in listening to Honourable Members on the other side I was wondering to myself what would happen if we really did not have the highway, the same highway they objected to when it was first conceptualised by this administration.

Mr. B. M. TAITT: On a point of order, Sir. Your Honour was in the Chair when I said in here that having opposed the ABC Highway vigorously, that I have lived to say that it is an important highway and I no longer oppose it, so I do not think the Honourable Member should start off like that, Sir. I cannot let him.

Mr. J. O. TUDOR: On a point of order, Mr. Speaker. I am on record as having said that I was always in support of the ABC Highway. I have never once not supported the ABC Highway. It may have been part of a wider policy, but I was never part of that arrangements.

Mr. SPEAKER: All right. Let us move on.

Hon. G. W. PAYNE: Just one or two points with respect to matters which were raised. On the question of signs, raised by the Honourable Member for St. Michael East, only last week I was in discussions with officials from the Ministry and I do not think I am early in saying that very shortly I hope to have some sort of programme for new signs for the highway.

With respect to the points mentioned by the Honourable Member for St. Michael West, these are more technical in nature, as he would very well appreciate, but I will bring them to the attention of the relevant officers in the Ministry.

With respect to the query relevant to the minimum speed, I would think that would work a lot better if we were in a four-lane situation, but I think it is very difficult to implement that in the present situation, seeing that in most areas of the highway we are in a two-lane situation. Here again this is something I would have to be advised on.

On the question of the roundabout, it is something I query myself, but it seems to me as though the experts in traffic management have very well decided in their own minds that it is very easy to follow as long as you are actually on the highway.

Talking about Black Rock, when you are coming to Black Rock you are actually getting on the highway. When you are at Graeme Hall you are already on the highway, and maybe this is why it is a little more difficult, but that is a matter again which I will have to take up with them.

Mr. B. M. TAITT: If the Honourable Member will give way, the point is that they have taken the same attitude for the Black Rock area as for all the others. I just did not want to mention each one, so that they have a pattern for all the others except this one, and that one is probably the only one that is right. In other words, you should not be going into the roundabout to go straight, you should be going straight on the left lane or turning left. You go into the roundabout only when you are turning. That is the point I am making.

Hon. G. W. PAYNE: I believe they have an explanation. It might not be one that we would be able to understand, but I believe they have some explanation to it, but I will certainly investigate it.

With respect to the roundabout on the ABC Highway at Lowlands, this is one area which had come to the Ministry. I speak subject to correction, but I think designs have been done, but obviously due to unavailability

of funds they could not have been implemented, but I will give the Honourable Member for St. Michael East the assurance that subject to the availability of funds we will very shortly be able to look at that roundabout.

On the question of the existing junction, where he stated that visibility is very poor, my understanding is that previous to the renovations it was real bad and there has been significant improvement since the works have been carried out, but I admit that there is need to revisit the area. This will, however, be undertaken in keeping with the development of a more extensive area in that particular location.

With those few remarks, Mr. Speaker, I move that this Resolution do now pass.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question was put and resolved in the affirmative without division.

ORDER NO. 7 - RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT TENT BAY, ST. JOSEPH

Hon. G. W. PAYNE: Mr. Speaker, I beg to move the passing of a Resolution pertaining to the vesting of 1 000 square metres of land at Bathsheba, St. Joseph, the estate of Dunlop Payne.

In July 1985 Government approved the acquisition of a number of properties at Tent Bay, St. Joseph to enable it to proceed with the improvement of the fishing landing site in the area. Included among these properties approved for acquisition was a parcel measuring 734 square metres, the property of Dunlop Payne. By virtue of Statutory Instrument 1988 No. 38, five parcels of land, including the 734 square metre lot from Mr. Payne, acquired to facilitate the Tent Bay project were vested in the Crown.

It was proposed then that to allow implementation of the project Mr. Payne would be relocated to nearby lands owned by Government. This proposal gained acceptance with Mr. Payne. Accordingly, his home which was uneconomical to resite was demolished and a new one provided for him on nearby Crown lands which had been acquired earlier for the provision of a community centre. He, however, died in 1988, no compensation was paid to him and it is now proposed to transfer the land on which the relocated house stands to his estate.

The Chief Town Planner has approved the use of the said land for residential purposes and parliamentary

approval is hereby sought to vest the said land in the estate of Dunlop Payne in full and final settlement of compensation due from the Crown.

Mr. Speaker, I just want to make a clarification before I proceed. There are two acquisitions relevant to land at Bathsheba. I just realised that both relate to land at Tent Bay. The parcel of land with respect to the acquisition relates to Lilian Goodridge. In the circumstances, I am asking to recommit this Resolution pertaining to the acquisition of 25.79 square metres at Tent Bay, St. Joseph.

Mr. SPEAKER: So you are saying the previous one is not before us.

Hon. G. W. PAYNE: The one on which I spoke is not before us. The Ministry of Public Works constructed a road at Tent Bay, St. Joseph in 1981. Through execution of the project a portion of land owned by Lilian Goodridge was utilised for which the land owner requested compensation. The Land Surveying Section of the Ministry subsequently confirmed that a total of 25.799 square metres of the Goodridge property had been used. Cabinet agreed that the 25.79 square metres should be formally acquired and that the Ministry of Housing and Lands pay compensation to Miss Goodridge upon proof of ownership.

Pursuant to the above mentioned Cabinet decision, notices under Section 3 of the Land Acquisition Act were published in July 1984. Parliamentary approval is now being sought, in accordance with the provisions of Section 5 of the Land Acquisition Act. The plans relevant to the particular portion of land are available for inspection by Honourable Members on that side.

I beg to move that this Resolution do now pass.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

The question was put and resolved in the affirmative without division. 5.20 p.m.

ORDER NO. 8 - RESOLUTION TO APPROVE THE VESTING IN NATIONAL HOUSING CORPORA- TION OF LAND AT SPEIGHTSTOWN, ST. PETER FOR HOUSING DEVELOPMENT

Hon. G. W. PAYNE: This Resolution relates to the vesting of 7 505.6 square metres of land at Speightstown in the National Housing Corporation. This land is actually being occupied by 7 houses which were located there after 1984 at the time of the flood in St. Peter. The land

was originally acquired for purposes of a bus terminal and a playing field. The bus terminal has already been constructed and the parcel of land in question represents land which was left over after the main purpose of the acquisition had been completed.

The occupants of the land in question are now desirous of purchasing the said lots to facilitate the process and it is proposed to vest the said land in the National Housing Corporation. Parliamentary approval is now being sought to vest the 7 505.6 square metres of land at Speightstown, St. Peter, in the National Housing Corporation to enable it to have a clear and indefeasible title to the land and to be in a position to issue conveyances in respect of the sale of the said lots.

As I said, the parties concerned have been residing on the said land for the past 11 years. I beg to move that this Resolution do now pass.

Hon. D. A. C. SIMMONS: I beg to second that.

Mr. D. St E. KELLMAN: Mr. Speaker, on reflecting on something that I said previously and I believe I also would have mentioned it to an Honourable Member of this House re the development of Speightstown, we must ask ourselves some serious questions. You can place houses anywhere, but when you are looking to expand or develop an area you have to ask yourself some serious questions. We must find out if this will have any effect on the development of Speightstown and if the houses could not be resited somewhere else.

We are aware that the highway that was constructed in Speightstown already has some effect on the commercial side of Speightstown and we must look at this seriously to find out whether these houses could be resited further to the East or even...

Aside.

Mr. SPEAKER: Let's do it orderly, please. Continue to address the Chair.

Mr. D. St. E. KELLMAN: Mr. Speaker, if the people are happy with where they are and if we do not have to come back 10 years from now because of the commercial activity in Speightstown to resite these people I have no problem with it. If we are going to have a situation where Speightstown is fully developed and these people will put a case then that they should be resited then I have a problem with that.

The question was put and resolved in the affirmative without division.

ADJOURNMENT

Hon. Miss B. A. MILLER: Mr. Speaker, I beg to move that this Honourable House do adjourn to next Tuesday, June 20, 1995 at 11 o'clock in the morning.

Speaking on the Adjournment, Sir, on the Order Paper under Private Members' Business No. 3 is a Resolution in the name of the Honourable Leader of the Opposition of No-Confidence in the Honourable Minister of Education and Culture, the Honourable Member for St. Michael North East.

Mr. Speaker, Sir, notice of this Resolution was given on December 20, 1994. I would refer Your Honour to Standing Order 26(3) on page 32 of the Standing Orders. Twenty-six has to do with the withdrawal of motions and amendments to bills:

"(3) If an interval of three calendar months has elapsed after notice of a motion has been given without further action having been taken on the motion, the motion shall be deemed to have been withdrawn unless the House otherwise orders."

The proviso, Sir

"Provided that the time during which the House is in recess, shall not be counted in computing the interval of three calendar months hereinbefore mentioned."

Mr. Speaker, Sir,

- (1) no further action has been taken on this Resolution as the Order Paper reveals,
- (2) I have had the matter researched and since the 20th December, 1994, on the 17th January, 1995 the House was adjourned at 7.40 p.m. until the 24th January, 1995. On the 24th January, it was adjourned at 5.02 p.m. in the afternoon until the 7th February. On the 7th February, adjourned at 9.17 p.m. On the 21st February adjourned at 1.12 p.m. And so it goes on. On the 4th of April adjourned at 3.13 p.m.

What I am seeking to point out here, Sir, is that there has been ample time and I have offered on 2 separate occasions dates for this Resolution to be debated.

I would also like to jog Your Honour's memory to the effect that this is a debate that the Honourable Leader of the Opposition has asked to be televised as well. It

is my submission, Sir, having looked at all of these times and bearing in mind that there has been no recess of this Honourable House that technically speaking on the 18th April, 1995, 3 calendar months would have passed with no further action having been taken on the Motion.

I am mindful, Sir, that the Motion is still on the Order Paper, even though the Standing Order says that "it shall be deemed to have been withdrawn unless the House otherwise orders"¹¹.

Out of an abundance of generosity, for the third and the last time I am offering to the Honourable Leader of the Opposition that on the next occasion when the House meets on June 20, even though this is deemed to have been withdrawn that we are quite ready to debate the Resolution of No-Confidence. If the Honourable Leader of the Opposition wishes the whole day to be set aside for that purpose I am more than willing to accommodate him in that respect.

Mr. Speaker, Sir, either the Honourable Leader of the Opposition is going to take up this offer or he is not, and if he does not wish to take up this offer, I would want to formally move that this Resolution be withdrawn from the Order Paper under Standing Order 26(3). 5.30 p.m.

Mr. D. J. H. THOMPSON: Mr. Speaker, speaking on the adjournment, I want to make my position in this House very clear. The Leader of the House has her job to do. She is paid on a monthly basis to do it. She can feel free to move any resolution which the Rules of the House permit her to move on any matter. It is of no consequence or interest to me what the Leader of the House does when it comes to moving resolutions.

I want to make two points very clear on this matter, Sir. The first is that the Honourable Member for the City misled this Honourable House minutes ago. It was not I who requested the No-Confidence Motion to be broadcast. The Honourable Member for the City on behalf of the Government requested that the No-Confidence Motion be broadcast.

Aside.

Mr. SPEAKER: Okay. Let us continue, please. Just continue.

Mr. D. J. H. THOMPSON: If the Honourable Member can produce that document I will take my seat

Aside.

Mr. SPEAKER: Continue, please. I do not think the point about the broadcast is relevant at this point.

Mr. D. J. H. THOMPSON: The question of the broadcast of the Gambling Commission Resolution and the No-Confidence Motion, it was the Government, Mr. Speaker, that requested that those two matters be broadcast. The whole reason why this matter has been delayed is because I made it very clear in here and at a private meeting which was held in relation to the matter that I would start the No-Confidence Motion as soon as debate on the Casino Gambling Resolution was concluded.

Now, Mr. Speaker, as I understood it, both from in here and from meetings which took place with the Management Commission of Parliament, the broadcast of parliamentary debates has been proving problematic. We tried to get the Vagrancy Act through and the Honourable Member for St. Thomas as Attorney General indicated on one occasion that we could not do it because we were competing with other matters.

Now, Mr. Speaker, I have no control over the broadcast of debates and I want to make this position clear. *, The Honourable Member for the City can remove everything from the Order Paper and I can bring it right back on because I have rights in here no different to her rights. There is no Standing Order which can stop me as a Member of the House, elected by citizens in this country and not coming through any back door, from bringing any resolution, rebringing it or bringing it 10 000 times, and nothing stops the Honourable Member for the City from doing what she wishes.

Private Members' Business is not under the direction and behest of the Leader of the House in relation to the matters which are discussed. Once Private Members' Business is called, and I am not in a position to call it, Mr. Speaker, it is the Leader of the House who, based on custom and, I believe, the procedures which operate in here, is responsible, so it is no point telling me when the House ended. The House ended because the Government had nothing to debate and has no business to bring to this House.

Hon. Miss B. A. MILLER: On a point of order, Sir. In an earlier airing of this matter in this House the Honourable Leader of the Opposition insisted that he should have some say in when this debate would be called and the ball has been in his court. I have been as generous in this matter as I could be. These matters are governed by the Standing Orders. This is not the time of the DLP when you could do as you like.

Mr. SPEAKER: Let us do it orderly, please.

Mr. D. J. H. THOMPSON: Now, Mr. Speaker, Sir, I am not finished. Once Private Members' Business is called, then it is in my court to determine what is discussed but if Private Members' Business has not been called in this Chamber for the past number of weeks, since we completed the Casino Gambling Commission debate, Private Members' Business has never been called in this House on one single occasion since then, and even that debate was deferred.

Mr. Speaker, I am ready to conclude that and as soon as Private Members' Business is called and the television cameras are rolling, I will conclude my debate in relation to Casino Gambling if no other Members wish to speak and then we will go on to deal with the No-Confidence Motion.

I want to make it clear, Sir, that I was not the person who requested the broadcast of any of those matters and therefore it stands to the discredit of the Honourable Member for the City for bringing false information to this House and leading people to believe that I asked for some debate to be broadcast that I never asked to be broadcast. I will debate that motion whenever Private Members' Business is called, when I have concluded the Commission...

Hon. Miss B. A. MILLER: Mr. Speaker, on a point of order. The Honourable Leader of the Opposition must not mislead this Honourable House. On not one, but on two occasions the point has been made in here that No-Confidence Motions are taken at the earliest opportunity and a day is set aside for them. Twice as the Leader of Government Business I have offered that to the Honourable Leader of the Opposition and he has declined it. I am offering it again today for the third and last time. The 20th, next Tuesday, the Honourable Leader of the Opposition can have the entire day from 11 o'clock in the morning to debate this motion.

Asides.

Mr. SPEAKER: Please, please.

Mr. D. J. H. THOMPSON: Mr. Speaker, all that I will accept as a Member of this House from the Leader of the House is this that she in her duties as Leader of the House, can call Private Members' Business. I am ready to do Private Members' Business. I have Resolutions down for Private Members' Business. If it is called now I will do those Resolutions right this minute. If it is called tomorrow I will do it tomorrow but it will be done in the order in which I determine it will be done.

They are my Resolutions and I have not asked anybody to offer me anything. I want the Rules of this

House adhered to. I am calling on the Honourable Leader of the House to call Private Members' Business at any time, including now, and I will conclude my debate.

Hon. Miss B. A. MILLER: On a point of order, Sir.

Asides.

Mr. SPEAKER: Order, please.

Hon. Miss B. A. MILLER: The Honourable Member well knows that we are speaking on a motion for an adjournment. It is this kind of grand-standing, and now sitting down there laughing. It is this kind of grand-standing that has featured in the whole history of this non-debate because the fact of the matter is, Sir, that the Honourable Leader of the Opposition does not really want to debate this Resolution.

Mr. SPEAKER: What is your point of order, please?

Hon. Miss B. A. MILLER: My point of order is Sir, that the offer which the Honourable Leader of the Opposition is making is an empty jibe that he will debate it now and all of this.

Mr. SPEAKER: Please. The Honourable Member for St. John, I would just like to make an observation relating to the Rules of the House. You seem to be giving the impression that Rules are being contravened. First of all I would like to state that the Rules clearly state, and I am referring to Rule 26(3):

^{ff}If an interval of three calendar months has elapsed after notice of a motion has been given without further action having been taken on the motion, the motion shall be deemed to have been withdrawn unless the House otherwise orders.¹¹

The Rule is clearly stated in our Standing Orders. We follow our Standing Orders.

I also would like to state that the Standing Orders of this House do not operate on any conditionality. 5.40 p.m.

The fact that you seem to be stating that you will debate the No-Confidence Motion only after you have finished the debate on casino gambling, that is a condition.

What I am suggesting, at this point, to the Leader of the House...

Aside.

Mr. SPEAKER: Please. I do not think we are going to get anywhere if we go at each other like this. The Leader of the House and the Leader of the Opposition, we have had some very fruitful meetings. We have based a lot of what has happened in here on consultation that has taken place, in my office. I am suggesting that...

Mr. B. M. TAITT: On a point of order, Sir.

Mr. SPEAKER: You cannot be on a point of order. What is your point of order?

Mr. B. M. TAITT: You said the Leader of the House and the Leader of the Opposition and then you went on to talk about meetings which you have had, Sir. I just wondered whether you were then addressing the whole House and informing us or whether you were addressing the two of them, Sir?

Mr. SPEAKER: No. I am referring to the Leader of the House and the Leader of the Opposition.

Mr. B. M. TAITT: But you are addressing us, Sir.

Mr. SPEAKER: Well, you are hearing.

Mr. B. M. TAITT: No. But my hearing does not mean that you are addressing me, Sir. I just wish to know if you are addressing the whole House because you cannot address the Leader of the Opposition, all due respect, Sir, and the Leader of the House and speak to them in our hearing.

Mr. SPEAKER: Thank you for your advice. What I am suggesting is that I believe that the Chair is quite mindful to enforce the Rules of the House. The Leader of the House has afforded yet another opportunity for the motion to be debated. Obviously there seems to be some sort of misunderstanding relating to what the Leader of the Opposition believes was the condition on which the debate would start. What I am suggesting is maybe some sort of consultation, if the 2 would agree and we get the matter resolved.

Mr. D. J. H. THOMPSON: Sir, I now have to reiterate my understanding of what has happened, without repeating myself. I moved a Resolution relating to casino gambling, under Private Members' Business.

Aside.

Mr. D. J. H. THOMPSON: That debate commenced under Private Members' Business...

Mr. SPEAKER: May I remind the Honourable Member for St. John. That debate has started and that debate will continue. A Motion of No-Confidence brought against a Member is, in no way, conditioned by the Resolution that you have brought before and that has been started. No condition.

Mr. D. J. H. THOMPSON: Sir, I am only making my point and I should like to know whether I can make my point. You are free to rule. Do not ever believe that I am questioning any ruling you make. You have been given the ultimate responsibility to protect all of us in here and you have to know how to discharge it.

Mr. SPEAKER: The Honourable Member for St. John, I am trying my best to protect you.

Mr. D. J. H. THOMPSON: Let me say, you are doing it well.

Mr. SPEAKER: I am trying my best to protect you because...

Mr. D. J. H. THOMPSON: Precisely.

Mr. SPEAKER: ...the Rule is clearly here in the Standing Orders. I have not resorted to the Rule. What we are trying to do is have the matter settled. But the Rule is clearly stated here.

Mr. D. J. H. THOMPSON: May I conclude my presentation to the House, Sir? In respect of those 2 motions, the Leader of the House, in accordance with the principles which you have established relating to the broadcast of Parliamentary debates wrote to you and requested that a number of matters be broadcast, 3 in number, one of which was the Throne Speech, another one was the casino gambling...

Mr. SPEAKER: The Honourable Member for St. John, I am sorry I have to interrupt you again. But we are trying to get a matter resolved here. As far as I see it, the broadcasting aspect of it does not have anything whatsoever to do with what we are talking about.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, I am trying to make the point, if you would let me, Sir.

Hon. Miss B. A. MILLER: Mr. Speaker, Sir,...

Mr. SPEAKER: On what do you rise?

Hon. Miss B. A. MILLER: On a point of order, Sir. If I could help the House. There is a distinction. The Resolution standing in the name of the Leader of

the Opposition in respect of casino gambling is a Resolution on which further action has been taken, you will see, Sir, as recent as the 24th January, 1995. The second Resolution standing in the name of the Honourable Leader of the Opposition in respect of the No-Confidence Motion is a Motion on which no further action has been taken. 26(3) is specific on a Motion on which no further action has been taken.

The Honourable Leader of the Opposition is not in a position to attach conditionality to the No-Confidence Motion resolution in circumstances where he knows that further action has been taken on the gambling one and that it is not therefore caught by 26(3). The gambling resolution, Sir, has not been caught by 26(3) but the one on No-Confidence has. I am trying to be generous. I am giving him the whole day.

Mr. D. J. H. THOMPSON: Mr. Speaker, Sir, I am coming to that point and I wish to address that point. Some important correspondence is coming to hand.

Mr. Speaker, Sir, in respect of these matters, the Leader of the House wrote to me on January 20th, 1995 as follows:

¹Mr. David J. H. Thompson, M.P.,
Leader of the Opposition, Parliament
Buildings, BRIDGETOWN.

Dear Sir,

Please be advised that it is the intention of the Government to request the permission of His Honour, the Speaker of the House of Assembly to broadcast live, both on radio and television, the debates on the protection of public sector salaries and wages amendment of Section 112A of the Constitution of Barbados, casino gambling and the No-Confidence Motion against the Minister of Youth Affairs and Culture whenever these debates occur."

Mr. Speaker, Sir, I did not request that the debate be broadcast.

Hon. Miss B. A. MILLER: On a point of order, Sir. Mr. Speaker, Sir, these matters are to do - except for the public service salaries - with resolutions standing in the name of the Leader of the Opposition.

In your Chamber in a consultation between he and I, in your presence the Honourable Leader of the Opposition pointed out and he has done it by letter, and you must read

that letter too, that the Opposition too must have the right to ask for debates to be televised. It was at his request.

Asides.

Mr. SPEAKER: Order, please.

Hon. Miss B. A. MILLER: There is no way that I would have gratuitously asked to have matters standing in the name of the Leader of the Opposition televised, without his having requested it. That is what that letter was doing formalizing something that took place, in your presence. I am shocked that the Honourable Leader of the Opposition would get up here now to try to say this, in front of you, as though your memory started this afternoon.

Asides.

Mr. SPEAKER: Order, please. The matter before the House relates to the offer made by the Leader of the House to debate the Motion of No-Confidence. According to the Standing Orders of this House, the Chair will make a ruling. I will respect the offer made by the Leader of the House where she has intimated that on the 20th Private Members' Business will be discussed. I see no further need for any discussion on the matter.

Aside.

Mr. SPEAKER: What I am saying is that it is the intention of this Chair...

Aside.

Mr. SPEAKER: I cannot? Are you saying that the Chair cannot? What I think all Honourable Members do not seem to be understanding is that the Chair is really trying to facilitate, as the House otherwise will decide. The time, clearly, according to the Rule here, has expired.

Aside.

Mr. SPEAKER: Do you want to speak to the Rules? There is no problem in speaking to the Rules but I should like you to be aware of what are the Rules and what we are attempting here to do. 5.50 p.m.

Mr. D. J. H. THOMPSON: Now, Mr. Speaker, Sir, I wish to reiterate that that letter was written on 20th January and as you referred meetings were held since then and the Leader of the House is also aware that I wrote to her on January 23rd in which I said:

Mr. SPEAKER: The Honourable Member for St. John, I am not going to allow this to go down this line anymore. All the letters, whoever they are from,

and wherever they are, they relate to broadcasting. That is not what is the issue here this afternoon.

Mr. D. J. H. THOMPSON: Mr. Speaker, I am trying to make the point...

Mr. SPEAKER: The Honourable Member for St. John, will you take your seat, please? That is not the issue here this afternoon about broadcasting. The issue here this afternoon is that a motion has been before this House since 20th December and no action has been taken on this motion and all this Chair is saying is, are we going to have a debate on this motion or are we going to follow the rules of the House? I am saying that this debate cannot be conditioned by any Resolution which was before this House. It is not in these Standing Orders. An offer has been made where Private Members' Business, and I am sure the records of this Honourable Chamber will show, as I remember, and I know I remember correctly, that offers were made previously and an offer is being made now. All I am saying is, let us come here next Tuesday, Private Members' Business will be on our Order Paper and then, if the Opposition is ready, whoever is ready, we will do accordingly. I do not think that this motion has anything to do with any condition set by any other Resolution. I think we have 30 minutes for this debate. We started at 25 after and it looks as if we have expired our time.

The Honourable Member for St. Michael West, you wanted to say something on this matter?

Mr. D. J. H. THOMPSON: I am not finished. Mr.

SPEAKER: You still have something to say?

Mr. D. J. H. THOMPSON: Yes, I still have a lot to say,

Mr. SPEAKER: I hope what you have to say does not relate to anything relating to broadcasting. Let us move on.

Mr. D. J. H. THOMPSON: I will be guided by Your Honour. You have indicated, Sir ...

Mr. SPEAKER: Well right now we are over time.

Asides.

Mr. SPEAKER: Let us hear you, Sir.

Mr. D. J. H. THOMPSON: I want to make the point very clear that the Honourable Member for the City is free to offer whatever she wishes and I am free to indicate whether I accept it or not. The most I will say is, the Honourable Member for the City can feel free to call Private

Members' Business next Tuesday. That is her job and if I am ready I will begin. If I am otherwise disposed I will indicate that to the House and that is, as I understand it, the basis on which we will be proceeding from here. I do not wish anymore meetings. Anybody having anything to say to me about the arrangements in here, write it, put it on file, fax it. Let us get it in black and white. I am not doing anything on the basis of any consultations in any dark corners, the corridors or in any rooms from here on in. It is as simple as that.

Mr. B. M. TAJTT: Mr. Speaker, Sir, I have been hearing some things which I must confess are disturbing to me. First of all, Sir, I wish to draw to Your Honour's attention that I have not yet spoken in the Casino Gambling debate which is a Private Members* motion and I wish to speak.

Mr. SPEAKER: The Honourable Member, what has that got to do with the point?

Mr. B. M. TAJTT: I am speaking on the adjournment, Sir.

Mr. SPEAKER: So what has that got to do with it, the fact that you have not spoken?

Mr. B. M. TAITT: I am going on to make a point. But, Mr. Speaker, I can speak about anything on the adjournment. I can speak about the stars, the moon. Mr. Speaker, I have been here a long time.

Mr. SPEAKER: You proceed.

Mr. B. M. TAITT: I am making the point, Sir, that I have not yet spoken on the casino debate and the casino debate is being broadcast so when they call the casino debate I would consider that my rights have been interfered with if I do not get to speak in a broadcast because other Honourable Members have so done. That is so far as that is concerned.

Secondly ...

Mr. SPEAKER: The Honourable Member, for the clarification of the House, I am really not so clear about that.

Mr. B. M. TAITT: I will get back to that, Sir. I do not want to confuse the issue. I want to deal with section 3. Section 26(3) seems to have created a little difficulty, thrown in by the Leader of the House who quoted it. But, Sir, as the Honourable Member is very well aware,

you cannot interpret these things literally as they read, otherwise you can get into a lot of difficulty. It says, Sir, "If an interval.... of three calendar months has elapsed the motion shall be deemed to have been withdrawn unless the House otherwise orders".

Now, Sir, if the House has not deemed the matter to have elapsed then the opposite would have to be the case and the House so orders. If the House puts it on the Order Paper, the House has so ordered and the matter has appeared on the Order Paper for today. Therefore, Sir, any "deeming" that is to be done would have to be deemed subsequently. We cannot assume.

I am making the point, Sir, because the Honourable Member has made heavy weather of this. I am saying that the House has "otherwise ordered"¹¹ because Your Honour...

Mr. SPEAKER: Order, please.

Mr. B. M. TAITT: Your Honour has not adverted to this issue. The first time this issue has been raised is this evening. If the matter was going to be "deemed" in the way in which the matter is deemed ...

Asides.

Mr. SPEAKER: Order, please.

Mr. B. M. TAITT: We can operate within that noise level, Sir. We have done that before. Your Honour would announce... It cannot be that the Leader of the House, what the Leader of the House has done this evening by drawing to Your Honour's attention, Your Honour will now deal with the matter. Do not allow them, Sir, to force Your Honour to make any portmanteau decision. I am not saying they could. The most the Leader of the House can do now is draw it to Your Honour's attention tjat this rule is in danger of being breached. That is the most the Honourable Member can do. The Honourable Member can make no ruling.

Mr. SPEAKER: The Honourable Member, please. I have not made a ruling. I have brought the rule 26(3) for the attention of the House. All I am saying...

Mr. B. M. TAITT: Mr. Speaker, I make the assumption that Your Honour will listen to all I am just putting it on the Table, Sir. I am merely making the point that this is not the first time in the history of this House that an item has remained on the Order Paper in excess of the three months. When the Honourable Members were in the Opposition, Your Honour was not here, Sir, there was

a motion against the then Prime Minister in the name of the Leader of the Opposition, not the Honourable Member. There was a motion by the then Member for Christ Church West which remained on the Order Paper for months upon months and it is only when Mr. Speaker ...

Aside.

Mr. B. M. TAITT: Why don't you behave like a leader?

Mr. SPEAKER: Order, please. Let us hear the Honourable Member, please. Order, please.

Mr. B. M. TAITT: I am making the point, Sir, that Your Honour will need to deliberate on this matter and subsequently rule.

MR. SPEAKER: The Honourable Member for St. Michael West, I thank you for your advice. I have not made a ruling. I brought the rule to the House.

Mr. B. M. TAITT: It is only when Your Honour used the phrase "it is my intention" that I became excited. You will recall Your Honour used the phrase "it is my intention to rule". 6.00 p.m.

Mr. SPEAKER: Order please. The Honourable Member for St. John...

Aside.

Mr. SPEAKER: The Honourable Member for St. John please.

Aside.

Mr. SPEAKER: The Honourable Member for St. John do not forget that there are still Standing Orders that allows the Speaker...

Aside.

Mr. SPEAKER: Okay. Let us say this.

Aside.

Mr. SPEAKER: The Honourable Member for St. John please. What I am suggesting is this.

Aside.

Mr. SPEAKER: There is no need for an apology. Let me say something on it. I believe that there has been some sort of misunderstanding about the communication. As far as my memory serves me, there has been some misunderstanding in communication. I believe it is something that we could check.

Before I put the question though, that is not the point of issue about the communication in letting who wrote what. I am about to put the question about the adjournment. The Honourable Prime Minister....

Aside.

Mr. SPEAKER: The Honourable Prime Minister please. Are you on a point of order? What are you on now, Sir?

Mr. B. M. TAITT: I was speaking, Sir.

Mr. SPEAKER: Is this another rule?

Mr. B. M. TAITT: Your Honour got up. I sat down as I must and the next thing I hear you are saying the Honourable Prime Minister.

Mr. SPEAKER: All right. Proceed.

Aside.

Mr. SPEAKER: The Honourable Member for St John would you want me to ask you to leave the Chamber? Proceed please.

Mr. B. M. TAITT: I was making the point that you must not accept these Portmanteau^ decisions or recommendations by the Leader of the House. Especially when it comes to law, you should be very careful what you accept from the Honourable Leader of the House. As Leader of the House yes, but not when it comes to interpretation and I am surprised the Attorney General would allow this potential interpretation. Am I behaving bad, Sir?

Mr. SPEAKER: Proceed please. You are behaving very well. Proceed.

Mr. B. M. TAITT: I think that I have made the point and I wish Your Honour not to be taken in by the mere literal reading of that r61e because this House has had many instances and the Clerks at the Table will advise Your Honour on this matter that as long as the matter is on the Order Paper - (This is the gravamen of my point.) - the House is deemed to have accepted the proviso.

Mr. SPEAKER: The Honourable Prime Minister.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, this House is not without its Conventions anji its Standing Orders and this is not the first time that there has been a Motion of No-Confidence on the Order Paper at the same time that there has been other Private Members' Resolutions. In fact if I may refresh the House's memory, at the time when I brought a No-Confidence Motion against the then Prime Minister there were a number of motions standing in my name which action had been taken and even some, Sir, which no action had been taken. But it is accepted, Sir, that a No-Confidence Motion is a matter of such gravity that in every instance, Mr. Speaker, when a No-Confidence Motion is brought to this House the seriousness of it is accepted by the House and it is therefore treated as a matter that should be dealt with dispatch. We are on this saying that the same precept and practice which has obtained in other instances should obtain in this case. I also want to say, Sir, that every other person in my experience who has brought a No-Confidence Motion to this House has been anxious to have the No-Confidence Motion debated.

I remember in 1990 when the then Leader of the Opposition brought a No-Confidence Motion in the then Minister of Finance that he expected anxiety to have the motion...

Aside.

Hon. O. S. ARTHUR: I will not, Sir, be distracted by the voice of Paula. I keep hearing the voice of Paula ringing in this Chamber, Sir, and I will not be distracted by it. The point I am making, Sir, is that this is the first time in my parliamentary experience that I have ever heard a Member bring a No-Confidence Motion to this Parliament and then cowardly refuse to want to debate it. I withdraw the word "cowardly", Sir, but would refuse to want to debate it.

Aside.

Hon. O. S. ARTHUR: Long enough, Sir, to know that there is a Convention in this Parliament.

Mr. SPEAKER: The Honourable Member for St. John please.

Hon. O. S. ARTHUR: It says something about either the quality of the No-Confidence Motion or the quality of the Member that we can have a No-Confidence Motion brought to this House, the person against whom it is brought wants to debate it and all of us on this side want the matter debated, but the person who brought it does not want to debate it.

Mr. B. M. TATTT: Sir, on a point of order. The Honourable Member may inadvertently be misleading the House. The Honourable Member must recall that there was a No-Confidence Motion against the Honourable Member for St. Michael West and the Honourable Member for St. Michael West was pleading with the Opposition to let us have it over with and they stretched out this Honourable Member for months on a No-Confidence Motion. The Prime Minister is forgetting, Sir, but he cannot now say what he is saying and be valid.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I was in here...

Aside.

Mr. SPEAKER: Order please. Just one minute please. Order please.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I was in here when that matter arose and the truth of the matter is, Sir, that it was the Member for St. Michael West who wanted it brought but his side did not I remember that very well, Sir. The point here, Mr. Speaker, is that this is a very serious matter. A No-Confidence Motion in a Member of this Parliament and a Minister of the Crown is a very serious matter and it should not be trifled with, and the Government is giving the Opposition the commitment that we are seeing it as a serious matter and we are therefore resolved. 6.10 p.m.

Aside.

Mr. SPEAKER: Proceed, please.

Hon. O.S. ARTHUR: I keep hearing Paula all the time, Mr. Speaker, Sir, the real high-pitched voice of Paula.

Mr. SPEAKER: Proceed, please.

Hon. O.S. ARTHUR: Mr. Speaker, Sir, we are embarrassed to have to witness the spectacle of a Leader of the Opposition bringing a No-Confidence Motion in a Minister of the Crown and then seeking to run and dodge from the debate. It has to be said for the record that on 3 occasions he has been given the opportunity to give vent to the objections and to the substance of the...

Mr. SPEAKER: Just a minute, please. Could you take your seat one minute? Honourable Member for St. John, I

have put up with your interruptions all afternoon and I am warning you to desist from shouting across this Chamber and interrupting this House. Okay. I will warn them also but I am warning you now.

Let us proceed, please.

Hon. O. S. ARTHUR: Mr. Speaker Sir, the Member for St. John enjoys a reputation in Barbados as a falling star. He is seen for what he is and his behaviour in this House...

Mr. SPEAKER: Honourable Member for St. Peter, I am asking that those words be withdrawn and please let us keep this orderly.

Hon. O. S. ARTHUR: You see, Sir, the Member for St. John can give but he cannot take. He has been known to flee - I will withdraw the remarks, Sir - from this House whenever he comes under any attack. He is petulant. He is childish, and what we are saying in this debate on the wind-up is characteristic of his general attitude, not only to Parliament, to life, Sir. He cannot stand criticism.

Mr. D. J. H. THOMPSON: Mr. Speaker, on a point of order. I do not know what is parliamentary language and I leave you to rule as usual. I don't wish to put words in your mouth or rulings in your mouth but I would think that...

Mr. SPEAKER: Honourable Member for St. John, I can assure you that I am not going to let you put anything in my mouth. Which words did you object to, Sir?

Mr. D. J. H. THOMPSON: The words "petulant" and "childish". You can feel free to permit whatever you want in the record. Let them do as they like inside here. It is your right to do all of that.

Hon. O. S. ARTHUR: Mr. Speaker, Sir, I thought I was praising him because there are adjectives that would not really be petulant and childish.

But the fact of the matter is this. If you bring a No-Confidence Motion before a Minister or a Member in this House, be prepared to debate it. We are saying that Government is prepared to set aside a whole day to have this matter...

Asides.

Hon. O. S. ARTHUR: There he goes again. Petulant and childish. That is the Leader of the Opposition.

All across Barbados, Sir, there is a feeling that he is a disgrace to his Party.

The Government is prepared to set aside a whole day and put this matter of a No-Confidence Motion above Government Business and we would hope that the Opposition is anxious as well to have this matter dealt with and would grasp the opportunity to have this matter debated on June 20, beginning at 11 o'clock.

Hon. D. A. C. SIMMONS: Sir, I must say that the Prime Minister has made the point. He had to cut through a lot of padding and get to the heart of the matter. The heart of the matter is that the convention in this House has always been that where there is a No-Confidence Motion against a Minister the Government sets aside time soon after the Motion is on the Order Paper to accommodate the mover of the Motion.

We have set aside time on 3 occasions and the mover of the motion has not responded. It is not a question of calling Private Members' Business. That is a red herring. A Motion of No-Confidence is not in its nature an ordinary Private Members' Resolution. It is a special type of Resolution for which Government by practice sets aside a day.

It was practised with Franklin and was practised by the former Prime Minister. When the Honourable Member was a member of the Democratic Labour Party Government they set aside a time that was convenient for them. The same thing for Franklin, for the former Prime Minister, the Member for St. Michael South and Vic Johnson. Those are the ones that I can remember in my time in here, Sir. None

has ever taken as long as 6 months going into 7 to come for debate. We want to get the matter over and done with.

Asides.

Mr. SPEAKER: I would just like to make an observation before I move the question. Order, please!

I believe we have all had our say on this. I have been trying to bring to the Members' attention that the rule is clearly stated in our Standing Orders and I hope that during the course of the next few days the Honourable Member for St. John and the Honourable Member for the City through consultation whether in writing or whatever form of consultation, that this matter will be resolved.

I think that at all times, as I always say, we have to try to maintain the dignity of this House. I don't think it was so dignified this afternoon. I think we need at all times to maintain the dignity of this House.

I hope that this matter will be resolved. The rules of the House are clearly stated in the Standing Orders. It is clear that this Rule No. 26, neither the Chair... I carry out the wishes of the House as you have rightly advised. The Leader of the House has made an offer for Private Members' Business to be debated next week or she intends to make this offer and I believe that this is something that could be discussed during the course of the next few days.

The question was put and resolved in the affirmative without division and Mr. Speaker adjourned the House accordingly. 6.19 p.m.

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ARTHUR, Hon. O. S. (St Peter) CALLENDER,
Mr. W. C. C. (Christ Church East) HAYNES, Dr.
R. C. (St. Michael South Central) KELLMAN,
Mr. D. St. E. (St. Lucy)

MARSHALL, His Honour R. D. (St Michael West
Central)
MILLER, Hon. Miss B. A. (City of Bridgetown)
MOTTLEY, Hon. Miss M. A. (St. Michael North East)
PAYNE, Hon. G. W. (St. Andrew) ST. JOHN, Hon.
Sir Harold (Christ Church South) SIMMONS, Hon.
D. A. C. (St. Thomas) TAITT, Mr. B. M. (St Michael
West) THOMPSON, Mr. D. J. H. (St John) TUDOR,
Mr. J. O. (St Michael East) WEEKES, Mr. L. A. (St
Michael North West)