
THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION OF 2003-2008

HOUSE OF ASSEMBLY

Pursuant to the adjournment, the House of Assembly met at 10:15 a.m. on Tuesday, May 02, 2006.

PRESENT

His Honour I. A. ROETT, G.C.M., B.A., Dip. Ed. (Speaker)

His Honour J. M. EDGHILL, J. P. (Deputy Speaker)

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

Hon. Dame Billie MILLER, D.A., (Senior Minister and Minister of Foreign Affairs and Foreign Trade)

Hon. R. C. EASTMOND, B.A. (Hons.), Dip. Ed., LL.B. (Hons.), L.E.C., J.P. (Minister of Labour and the Civil Service)

Hon. G. A. CLARKE, B.Sc., Dip. Ed., J.P. (Minister of Public Works and Transport)

Hon. R. D. MARSHALL, (Chairman of Committees)

Mr. D. St.E. KELLMAN

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

Hon. Miss M. A. MOTTLEY, Q.C., LL.B. (Deputy Prime Minister and Minister of Economic Affairs and Development), (Leader of the House)

Hon. T. A. PRESCOD, B.A. (Minister of Social Transformation)

Rev. J. J. S. ATHERLEY, B.A., B.Sc., J.P. (Minister of State, Prime Minister's Office)

Hon. N. A. LYNCH, B.Sc., M.B.A. (Minister of Tourism and

International Transport)

Hon. A. P. WOOD, B.Sc., M. Sc., M.Phil, J.P. (Minister of Education, Youth Affairs and Sports)

Hon. R. R. FARLEY, B. Sc., J.P. (Minister of Housing and Lands)

Hon. Miss C. Y. FORDE, J.P. (Minister of State, Ministry of Education, Youth Affairs and Sports)

Hon. C. A. MASCOLL, B.Sc. (Econ.) (Hons.), M.A. (Public Finance), (Minister of State, Ministry of Finance)

Hon. D. D. MARSHALL, LL.B. (Hons.), L.E.C., (Attorney General and Minister of Home Affairs)

Hon. K. D. SYMMONDS, B.A., LL.B. (Minister of State, Ministry of Foreign Affairs and Foreign Trade)

Dr. W. F. DUGUID, B.D.S. (Comm.), F.D.S., FDRCS., J.P.

Mr. R. L. SEALY, B.Sc., M.B.A.

Prayers were taken by Canon Father Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, April 25, 2006.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that the Minutes for the Honourable the House of Assembly for its meeting of Tuesday, April 25, 2006, be confirmed subject to any omissions, corrections and/or observations.

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

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

ORDERS OF THE DAY

Hon. Miss M. A. MOTTLEY: Mr. Speaker, before I move the suspension of certain Standing Orders, I would wish to inform this Honourable Chamber that there have been some difficulties being experienced in the Chambers of the Office of the Attorney-General as a result of industrial cleaning issues.

Mr. Speaker, I think that it is now common knowledge that on or about the weekend of the 18th and 19th of February, there was a pesticide treatment, which compromised the health of a number of persons in the department.

Mr. Speaker, I make that statement simply because after persons were tested, they were placed on sick leave. The majority of those persons were in the Office of the Chief Parliamentary Counsel(s) Department. The work environment continued to be compromised in spite of certain challenges, and as a result, the department, as well as the Chambers of Office of the Attorney-General, has been split between there and the Forensic Science Department, opposite, which had tried to do its best to provide some level of accommodation.

House 98 Sequence 2

10:20 a.m.

Tuesday, May 02, 2006

Continuation of Hon. Miss M. A. MOTTLEY:

Sir, the combination of the lack of an effectively clean environment within the Frank Walcott Building and the Chambers of the Attorney-General, as well as the fact that a number of persons had gone on sick leave, have placed us in the invidious position of not having the normal flow of legislation that we would have wished to have, in order to facilitate the work of the Government.

It is intended, therefore, that we complete what is here on the Order Paper, but that after today, when I move the adjournment, we will break for two weeks. Sir, the Attorney-General has been able to assure me that we will be in a position to circulate a number of Bills this week and early next week, but that it might mean that we might do one or two Bills in all of their stages, since they have been given sufficient notice when they come down.

Mr. Speaker, I, therefore, ask this Honourable Chamber to bear with us, particularly given the fact that these are public officers, who normally work beyond the call of duty, to ensure that Parliament has an adequate workflow, in relation to draft legislation. Sir, due to the fact that this matter was not, as a result of their fault, I, therefore, trust and hope that we, as a Chamber, would also seek to work with the Chamber of the Attorney-General, in accommodating legislation and Draft Bills, in a way that we would not normally do, as part of our ordinary business.

Mr. Speaker, I am obliged to you.

SUSPENSION OF STANDING ORDERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44, be suspended for the rest of this day(s) Sitting.

Hon. R. R. FARLEY: I beg to second that, Sir.

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

GOVERNMENT BUSINESS

ORDER NO. 5

THE SECOND READING OF THE OCCUPATIONAL PENSION BENEFITS (MISCELLANEOUS PROVISIONS) BILL, 2005.

Hon. R. C. EASTMOND: Mr. Speaker, this Bill has been on the Order Paper since last year and is titled as the Occupational Pension Benefits (Miscellaneous Provisions) Bill, 2005. However, by the time this matter is taken through all its stages, I will be asking this Parliament to retitle it as the Occupational Pension Benefits (Miscellaneous Provisions) Bill, 2006.

Mr. Speaker, the background to this matter is that within the Laws of Barbados, there are three statutes that treat to the question of the insurance business. One of these statutes is Chapter 308(A), the Exempt Insurance Act; Chapter 310, the Insurance Act; and the third one, which is relevant for the purposes of this debate, the Occupational Pensions Benefits Act, 2003.

Mr. Speaker, in looking at this matter, we have carefully looked at these three pieces of legislation and have realised that, in terms of the Exempt Insurance Act, Cap. 308 (A), the term (actuary) is therein defined as:

(a) A person who is qualified as an actuary and is a member in good standing of an association of actuaries or other similar body approved by the Minister; or

(b) a person who is, for the time being, authorised by the Minister under Section 35 (c), to be appointed as an actuary.(

Mr. Speaker, in many respect, that very definition is also found in Cap. 310, the Insurance Act. In looking at the question of actuary, in the context of the insurance business and insurance law, it would be realised that an actuary is perhaps the pivotal person in any insurance business. He or she is qualified to examine the range of risks covered by his insurance business, to look at the probability of these risks occurring; and in the process, to be a general advisor to his insurer on questions of risks, while recommending to the insurers exactly what level premiums should be set, in respect of particular risks.

Mr. Speaker, it has been realised that in the dynamics of the training of actuaries, our definitions in Caps. 308 and 310, are now defective. Sir, permit me two small points: Parliament must be careful never to leave any issue in doubt. Parliament must also be careful, in the context of the facilitation of institutions, to ensure that persons occupying central roles are neither underqualified or unqualified. At the same time, Parliament also has a responsibility to ensure that anyone who is qualified, is not left out when it comes to that person(s) role and position, in a given institution. It can be said that even though, for the most part, Government is not interested in private insurance business, at the same time, as legislator and facilitator, Government has to ensure that all goes well.

Mr. Speaker, for purposes of what we are doing, we are going to attempt a broader and more modern definition of the term actuary, which is going to replace that definition in Cap. 308 (A) and Cap. 310, along with any definition that would have been defective in the Occupational Pension Benefits (Miscellaneous Provisions) Act, 2003. We are going to undertake a broader and more realistic definition of (actuary), bearing in mind the actuary's critical role in individual insurance businesses.

Mr. Speaker, (actuary), will, from today, mean:

(A person, who has qualified as an actuary, by examination of a prescribed actuarial society, institute or professional association, and who is

(a) in the case of a person, who is a national or permanent resident of any Member State of the Caribbean Community;

(i) a fellow of an internationally-recognised society or institute of actuaries; and

(ii) a current member in good standing of the Caribbean Association of Actuaries; or

(b) in the case of a person, who is not a national or permanent resident of any Member State of the Caribbean Community is

(i) a fellow of an internationally recognised society or institute of actuaries, who is a holder of a valid work permit; and

(ii) a current member in good standing with the Caribbean Association of Actuaries; or

in the case of a person who works for a qualifying insurance company, a fellow of an internationally-recognised society or institution of actuaries.

Mr. Speaker, what immediately meets the eye is that beyond the definitions of Cap. 308(A) and Cap. 310, you would notice this new piece of legislation, being floated here, is taking into account an entity called the Caribbean Association of Actuaries. It, therefore, means that unlike the earlier definition, which made no reference to Caribbean qualified actuaries, we are taking cognisance of the fact that in our sister States in CARICOM, there are persons who are qualified to work there, who might, very well, end up working in Barbados, and whose legitimate rights to practise in that professional capacity would be recognised by our law, and that such persons would be permitted to practise in Barbados.

Mr. Speaker, we are basically eliminating the standing definitions in existing law and replacing them with a definition that is both good enough to describe who is a qualified actuary, while, at the same time, ensuring that, in the spirit of regional integration, those qualified to function in the Caribbean could come here and could work.

Mr. Speaker, this is but the sole purpose of this legislation. It would now mean that in the three pieces of legislation, which have any bearing on the term (actuary), that a standard uniform

definition is being introduced. This is important because if this amendment is not done, it would mean that the three pieces of legislation that are relevant to actuaries, would not be uniform definitions in their terms.

H:No98 (3)1030 a.m.

Tuesday, May 2, 2006

Continuation of Hon. R.C. EASTMOND:

We are harmonising the definition to make it standard; we are standardising the definition and such a standard definition, in all our insurance law, will eliminate any doubts or questions of controversy about who is an actuary.

Sir, with these introductory remarks, I beg to move that this Bill be read a second time.

Hon. Dame BILLIE MILLER: I beg to second that, Sir.

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

Mr. SPEAKER: The Honourable Member for St. Lucy.

Mr. D. St.E. KELLMAN: Mr. Speaker, I am happy to see that the Honourable Member has given a new definition of the actuary but it is clear that when you are dealing with any insurance business in this age, that the definition of actuary is not the most important thing but that it is how it affects the consumers of Barbados. It is also clear that when we are looking at insurance that we have to look at it in a wide perspective and ask ourselves if what we were dealing with previously, is in the interest of all parties.

Mr. Speaker, it is clear to me that the Insurance Act as it stands is slanted towards the insurance company and that the consumer is not fully protected. It is true that the actuary is the person who represents the insurance company and that there should be someone to represent the interest of the insurer. Sir, today I am saying that any changes in the Insurance Act must look at valuation and the end-value which the insured will receive.

Mr. Speaker, we on this side have seen situations in Barbados which show that we need to make the necessary changes to make sure that the insured person would also benefit. For example, if your house valued \$500 000 and you insured it for \$200 000 even though you have entered into a contract with the insurance company for \$200 000, if it so happened that the house was destroyed, the value you would receive is not \$200 000, which is the contract you have entered into with the insurance company but it would be \$200 000 divided by \$500 000 multiplied by \$200 000 and, Sir, that cannot be right. What is actually happening is that a person who does not have the capacity to fully insure his property, enters into a contract with an insurance company to cover his property at X amount, which happens to be \$200 000 but instead of getting that figure in his settlement, the amount is prorated and the insured person is in a worse position. Sir, the person has insured his house and has a contract with the

insurance company for \$200 000 but the settlement would not be \$200 000. Mr. Speaker, these are things which this House must deal with.

Mr. Speaker, I want to give another example. You have a car, the insurance company takes your premiums based on a value but three months are taking your premium based on that particular value, if you get into an accident, even though the company has agreed on the value, on which it is taking the premiums, the company then sends you to one of its agents for a valuation. Sir, it is clear now that in Barbados there is a relationship between the insurance companies and the sellers of new cars and that the valuation given by those persons will be the valuation in the interest of the insurance company and not in the interest of the insured person. Mr. Speaker, we need to look at these things and make the necessary changes.

Mr. Speaker, one would have thought that after legislation was introduced in this Parliament about the Fair Trading Commission that the fine prints on contracts would have been removed and that the interest of consumers would have been protected.

Sir, we have even seen a situation in Barbados where as it relates to valuations that your competitor is now being asked to value your property. Sir, the person who does not have an interest in you is being forced to value your property and the person is competing against you as a consumer because you have made a choice to purchase something which the person does not sell.

Mr. Speaker, thirty men and women in this Parliament must decide today whose interest they are protecting. It cannot be the interest of the (two-few(but the interest of the masses of people in Barbados. Sir, if you do a survey in Parliament today, you would recognise that the majority of persons in here all drive reconditioned vehicles and they must get insurance but the insurance company will tell them to go to the company from which the person refused to buy the vehicle to get the valuation. Sir, the valuation used to be lower but based on arguments which I am now hearing, the insurance company cannot any longer ask persons to give low valuations but high valuations. The argument is that the value of the vehicle coming into the country is much greater than previously quoted. If that is true, it tells me that the companies which used to do the valuations were undervaluing the vehicles in Barbados. Sir, as 30 persons in this Parliament, we need to make these changes.

Mr. Speaker, as it relates to insurance, a lot of people believe that under-invoicing is bad but, Sir, over-invoicing is worse because it hits the consumer and it hits the foreign exchange of Barbados. Sir, when you get over-invoicing, you get over-insuring and we have to be careful in what we do.

Mr. Speaker, if we are seriously looking at amending the Insurance Act, these are things we have to consider and recognise that they are affecting the masses of people in Barbados as a whole Barbados. Sir, because of the approaches, this country is losing a lot of foreign exchange, which cannot be matched by goods. If you look at it correctly, this country might be accumulating foreign exchange overseas that it

cannot account for and we have to be careful. We have to be careful when we accumulate foreign exchange that we are not insuring the foreign exchange and putting profits in somebody(s pockets.

Mr. Speaker, the actuaries will not look at things like this because it is not their job to do this. If we see the actuary as someone important because he is acting in the interest of his employers, then the consumer must have someone to protect him. Sir, one would have thought that the Fair Trading Commission would have been put in place to protect the interest of the persons insuring the vehicle. Sir, if you buy a Mercedes or BMW, then you must believe that when you go to your insurance company and enter into a contract, that contract will stand but Sir, you (fork(your money out of your pocket, give it to the insurance company in good faith only to hear one day after that the contract entered into with the insurance company is null and void and that it has no basis in law according to them and that the valuation given by somebody whose interest is protected by the insurance company stands. Sir, I am saying that this cannot be fair and we, as 30 men and women in Parliament must understand who sent us here and whose interest we must protect.

H98/10:40

Sequence 4

Tuesday, May 2, 2006

Continuation of Mr. D. St.E. KELLMAN: Sir, the amendment cannot only be about the actuaries. It must be expanded because these are serious matters. Sir, the definition of an actuary is not too important in today(s world as it stands right now. What is important, is the fairness of the deal. I am saying that the fairness of the deal is slanted in one direction. Mr. Speaker, the consumer is not protected, yet, we are empowering the actuary to look after the interest of those persons who issue insurance policies, et cetera.

Sir, I am saying that this amendment must be more expansive. It cannot be empowering the actuary to make sure that he is in a better position to give advice to his employer, and to deprive the consumer of his rights. The consumer must have his rights and those rights must be protected. We need to change the law to say, that when a person goes to an insurance company, and enter into a contract, and the insurance company accepts that contract, that is the contract of the day and nothing can vary that contract, no fine print. In the same way that in the normal consumer laws you cannot have warranties that are not valid, or you cannot enter into conditions that are not favourable to the consumer, the same thing must occur with the insurance company. Sir, when consumers enter that contract, they understand fully what they have entered into and no third-party can change it. It is an agreement between two parties.

Mr. Speaker, I am also hoping that as it stands, somebody might tell me that we need to find another piece of legislation that needs amending. I do not believe that anybody who is selling a new car, should be able to value a reconditioned car, when it is in the competitive field. That is not fairness. If they

cannot value it, then they cannot give you a value for the insurance company either. Sir, an independent body that would have no bias towards the reconditioned or new vehicles, would be the person to give that valuation so that we would know the true insurance cost in Barbados.

Sir, this is serious business, because we have to understand, that there are many people who purchase vehicles, insure them, then the vehicles become involved in an accidents. Even though the value is enough, based on the agreement signed with the insurance company, to cover the amount owed to the bank, they find themselves in situations, where after the accident the cheque is transferred from the insurance company to the bank; they have to find additional money to make payments on that vehicles even though it was fully covered, and they would have made payments previously.

Sir, I am hoping that the Honourable Member for St. James North, if he does not want to make the amendment in this particular piece of legislation, would promise this Honourable House that he would bring the necessary legislation later, to correct these things. The Honourable Member might direct me to the Fair Trading Commission. If it is so, I hope that this Lower House, could speak for the Fair Trading Commission, because it is clear that this Lower House has no control of what occurs within the Fair Trading Commission, and the direction of the Lower and Upper Houses on this particular matter, seem to be at variance. In this particular matter I seek some clarity.

Sir, I see the Honourable Member for St. Joseph is looking on, and I think that he is in a good position to speak on this matter, and to be the mediator on this particular matter. Sir, as Attorney-General for Barbados, the Honourable Member for St. Joseph, must take a position and must direct us as to whether the opinion of the Lower House is the right one or the opinion of the Upper House on this Fair Trading Commission matters.

Mr. Speaker, I hope after that decision is made, the Honourable Member for St. Joseph could also tell us that the consumers of Barbados, who insure vehicles could also turn to the Fair Trading Commission, because the Fair Trading Commission is supposed to protect consumers. The Honourable Member might tell me that insurance does not fall under the Fair Trading Commission, that is in a privileged position and cannot be discussed under the Fair Trading Commission.

Sir, as far as I know, the FTC is for Fair Trading Commission, and that fair is not fear but fair. The Honourable Member will have to tell me whether I am right, that the Fair Trading Commission is really fair for consumers and not fear.

Mr. Speaker, I am saying that at this stage, an actuary is a very important person in insurance but that is not the calling of today. The calling of today is the protection of the consumers. When I looked at the definition of the actuary and his or her role, I do not see anything that demands an obligation to consumers. They have obligations to other persons. I am saying that we have to be very careful, how we come to this Parliament, with this top-down approach to legislation. We need to see the bottom up approach. That is we look to see how the consumer is being treated, correct those problems, then we can think about the other person, in this particular matter.

Mr. Speaker, I am saying that this amendment means nothing at all. We would turn up every May Day, representing the interest of workers, to an amendment that has nothing to do with the workers of Barbados. Here again, this top-down approach to legislation.

Sir, the Honourable Member for St. Michael West Central is telling me that the interest must not be dealt with at this time, and that they will get their time during the campaign.

Asides

Mr. R.D. MARSHALL: On a point of order. The Honourable Member for St. Michael West Central has not spoken in this debate and I wish the Honourable Member to withdraw those remarks.

Mr. SPEAKER: Honourable Member, please withdraw those remarks.

Mr. D. St.E. KELLMAN: Sir, I withdraw those remarks.

Mr. Speaker, I am saying that we have to understand where the base is. It is clear that the base for the other side and this side is quite different. The base for us will be the consumers and it is clear that the base for the other side will be the insurance companies and the actuaries.

I thank you very much, Sir.

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

Mr. R.D. MARSHALL: Mr. Speaker, I did not plan to get involved in this debate but I heard the Honourable Member for St. Lucy, in his presentation, speak about insurance not benefiting the workers. Sir, this piece of legislation deals with actuaries. As you are aware, insurance is based on sound advice from actuaries. I know that many Barbadians and Caribbean persons are going overseas to do actuarial studies. Sir, Scotland was where many people went, many years ago to study actuarial science, they also went to England and Canada.

Sir, in the early days of insurance, many insurance companies would have been seeking advice from actuaries in North America and England. As I said, recently, many young Barbadians, instead of staying here and doing law and medicine, were opting to go and do actuarial studies. Actuarial science is a study that would take approximately seven to ten years. Even when you have completed seven years and you are qualified as an actuary, you still have to become an apprentice in an insurance company.

Sir, as I said, these actuaries would have been from England and Scotland, but nowadays in the Caribbean you are finding the talent where persons have studied overseas. We have the talent in right here in the Caribbean so we do not have to depend on actuaries from North America and Scotland.

Mr. Speaker, for the Honourable Member for St. Lucy to take the line about the Fair Trading Commission, the piece of

legislation is just to make it wider so that the actuaries in the Caribbean, especially now we are going Caribbean Single Market and Economy, will be able to move and work and their expertise can benefit all the insurance companies in the region.

I thank you.

H97: 10.50 a.m.

Sequence 5

Tuesday, May 02, 2006

House 98, sequence 06, 10:50 a.m.

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

Mr. R.L. SEALY: Mr. Speaker, I did not anticipate a debate on this insurance matter when I came here today, recognising obviously that we had the long weekend, et cetera, but it is something that I feel compelled to just make a few points on. Of course, it is a good thing that we are tightening up the legislation with respect to the definition of an actuary.

I suppose, it is nothing that should be opposed necessarily but, I believe the points that the Acting Leader of the Opposition, the Honourable Member for St. Lucy made, with respect to the need to take a balanced view of insurance, is very good.

Mr. SPEAKER: Please, Members, I allowed the Honourable Member to speak but, surely, this Bill is not an opinion. As the Leader of the motion said, it clearly stated what it is about.

Mr. R.L. SEALY: Mr. Speaker, I am speaking to the definition of actuaries.

Actuaries, as I understand it, are hired by insurance companies to take into consideration, Mr. Speaker, all of the factors, with respect to determining the appropriate levels at which premiums should be charged. They used a number of tools, mathematical, statistical, demographic, historical and anthropological. It is a very interesting and wide-ranging profession, as I understand it, which requires quite a bit of knowledge.

I am suggesting that when we look at the role the actuaries are playing, with respect to our insurance companies, we are not veering too far off the mark when we ask for the appropriate work to be done by these actuaries, in coming up with the evaluations for premiums.

Mr. Speaker, I am sure you have heard - I certainly have heard - upon turning up at my insurance company to renew an insurance policy on a property, you hear that because of a year of catastrophes, your premium has doubled or tripled. This is usually blamed on higher reinsurance rates. This might be true but when I see these same insurance companies publish their financial statements in the newspaper, we see very handsome increase in profits.

I am simply suggesting that the same way a contractor sometimes has to give a breakdown of labour, material, et cetera, and when you go to a banker and ask for services he has to do a breakdown of the interest, ledger fees and so on, perhaps, insurance companies also cannot just simply say, well, your premium has doubled because of higher reinsurance cost; maybe some sort of breakdown could be provided.

On one hand you are saying that your cost has gone up and that is why you are charging higher premiums, but on the other hand, we are seeing handsome profits being made by these same general insurance companies. I am saying it is related to the whole question of the actuary state of the insurance companies. Therefore, maybe, it is something that the Fair Trading Commission can look into, perhaps, the Honourable Member for St. Lucy is not too far off the mark.

I certainly think that as a representative and a member of the Opposition, I have a duty to raise it in here. It is only reasonable that if you have a doubling or even a trebling of your premium that a little more than a trite statement, that the reinsurance rate has gone up because of the tsunami in Asia, Hurricane Ivan, or something like that, is not good enough and, maybe, a breakdown would be appropriate and would, indeed, be fitting.

Asides.

Mr. R.L. SEALY: Precisely.

But notwithstanding that point, Mr. Speaker, I would certainly want to see - as I alluded to earlier, and I believe the Honourable Member for St. Michael West Central was driving at this point - that as a career, the whole field of Actuarial studies could, and should be developed in a major way. It is a highly remunerated profession and it is one that, with so many Barbadians and West Indians graduating with, maybe, pure degrees, mathematics, statistics and so forth, instead of finding themselves going into the teaching service or being under-employed some place, perhaps...

Mr. SPEAKER: You would have to take back that, Sir. You seem to be making an inference of the teaching service.

Mr. R.L. SEALY: No. I did not mean that, sorry.

Mr. Speaker, while, unlike many of the Honourable Members of this Chamber, I was not a former member of the teaching service, three of my four grandparents were involved in teaching, so I have a great deal of respect for the teaching profession. I did not mean anything negative.

I was merely suggesting that there is an opportunity here, as we speak about CSME, and so fourth, it is okay to tighten up the definition of actuary but there are several persons, including educated, well-adjusted persons who do not even know what the field is all about and it is something that perhaps can be pursued. I would merely encourage the Government, the Minister of Education, et cetera, as I see Cave Hill is trying to develop and become a centre of learning for the 21st Century and beyond that, maybe, this field of actuarial studies is something we could develop.

Mr. Speaker, before I take my seat, I just wanted to also draw to the attention of the Government that I have noticed the Insurance Corporation of Barbados (ICB) that, no doubt, would have had the appropriate actuarial studies done, as part of the due diligence, before it was sold to Government, has seen an astronomical increase in its share value, since it has become a private company.

Now, it is the same Board, essentially. I think that the Chairman has changed. It is the same General Manager and staff but it has become almost doubled in value. I need to understand a few things with respect to that, from the actuarial point of view.

Mr. SPEAKER: Sir, you are really going a bit far now.

Mr. R.L. SEALY: Mr. Speaker, the actuarial work that was done, I believe, again, can be made public because it is not fair, if indeed, ICB is no longer a Government-owned entity that they should enjoy uninhibited access to the Government's portfolio. They should have to compete along with all of the other insurance companies, who do their own actuarial studies as well, in order to get that work.

Mr. SPEAKER: Sir, what is the relevance of that to the topic?

Mr. R.L. SEALY: Mr. Speaker, it is based on fairness with respect to the actuarial work.

Mr. SPEAKER: Please, please, you are taking it a bit far now.

Mr. R.L. SEALY: Mr. Speaker, I do believe that the definition here, as we have had it, does not necessarily take into account both sides of the equation. I think that point is one that can be driven home, and we can see it, with respect to what the Honourable Member for St. Lucy said on automobile insurance, the point that I made about property insurance and even in that larger point, in seeing the situation as it pertains of a company that is Government-owned and private-owned. I do believe that this field should be developed, so that we can have actuarial work done from both points of views.

Mr. Speaker, I am much obliged to you.

Hon. R.C. EASTMOND: Mr. Speaker, I would like to thank all those Honourable Members who took part. They made some interesting observations.

House 98, sequence 06, 11:0014

Tuesday, May 02, 2006

Continuation of Hon. R. C. EASTMOND:

Sir, let me start in response by saying that it is important that actuaries be properly defined, taking into account a number of considerations, because the three pieces of legislation that exist, create a framework within which actuaries are to function and imposed particular duties on actuaries, therefore it would be

necessary to know who or what an actuary really is.

Mr. Speaker, both Honourable Members in their youth, and this is not being disrespectful nor pejorative, are unmindful of that fact that it was the Democratic Labour Party which, under the late Right Excellent Errol Barrow, as he now is, made a serious move to interest consumers of insurance products in protection by the creation of the Office of Supervisor of Insurance.

Sir, it is a historical fact that cannot be disputed that the Democratic Labour Party under the late Right Excellent Errol Barrow created the Office of Supervisor of Insurance, as a regulator, so that persons who felt that they were (hard done by) in the community could have redress. Unfortunately, Sir, not enough Barbadians seem to be aware that the Supervisor of Insurance, whose powers are gradually increasing, does have jurisdictions to look into sharp practices that come against people who are insured.

Mr. Speaker, both Honourable Members said that if a man forms a contract with an insurer, that the insurer should not be able to abuse the consumer under the terms of that contract, which is true. Sir, this is one of the areas where, if a person is aggrieved, that person could approach an officer who was created by the Democratic Labour Party, and that cannot be denied. I believe that our Party had supported the Democratic Labour Party when it came to setting up this special regulator.

Sir, the last thing I would say is that if this amendment were not made, persons entitled to practise in Trinidad and Tobago, Guyana and Jamaica would not be able to practise in normal insurance in Barbados because under Chapter 310, the Insurance Act, that category of actuary is left out. Sir, what we are doing now, as I said earlier, is to create a uniformed definition of actuary. Sir, of course, such an officer has duties and obligations under all three pieces of legislation.

Sir, I beg to move that this Bill be read a second time.

Hon. Dame Billie MILLER: I beg to second that.

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

On the motion of Hon. R. C. EASTMOND, seconded by Hon. G. A. CLARKE, the House resolved itself into Committee, Mr. R. D. MARSHALL in the Chair.

COMMITTEE

Mr. CHAIRMAN: This House is in Committee.

Clause 1 was called.

Hon. R. C. EASTMOND: Mr. Chairman, at present Clause 1 reads as follows

(This Act may be cited as the Occupational Pension Benefits (Miscellaneous Provisions) Act, 2005.)

Sir, I crave your indulgence to move an amendment to remove 2005 and to put in its place, 2006. Therefore, Sir, I asked that Clause 1 be now read as: This Act may be cited as the Occupational Pension Benefits (Miscellaneous Provisions) Act, 2006.

Hon. Dame Billie MILLER: I beg to second that.

Mr. Speaker, I beg to move that Clause 1 as amended stand part.

Hon. Dame Billie MILLER: I beg to second that.

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

Clause 2 was called and passed.

The Schedule was called and passed.

On the motion of Hon. R. C. EASTMOND, seconded by Hon. G. A. CLARKE, Mr. CHAIRMAN reported to His Honour, the SPEAKER the passing of one Bill with amendment in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the Separate motion of Hon. R. C. EASTMOND, seconded by Hon. G. A. CLARKE, the Bill was read a third time and passed and cited as the Occupational Pension Benefits (Miscellaneous Provisions) (Amendment) Act, 2006.

ADJOURNMENT

Hon. Miss M. A. MOTTLEY: Mr. Speaker, this brings us to the end of Government Business for today(s Sitting and I therefore beg to move that this House do now adjourn until Tuesday, May 16, 2006 at 1000 a.m. in the morning.

Hon. R. C. EASTMOND: I beg to second that.

The question that the House do now adjourn until Tuesday, May 16, 2006 at 10:00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

House 98 Sequence 7

11:08 a.m.