
THE

House of Assembly Debates

(UNOFFICIAL REPORT)

FIRST SESSION 2013 – 2018

HOUSE OF ASSEMBLY

Tuesday, November 24, 2015

Pursuant to the adjournment, the House of Assembly met at 10.00 a.m. on Tuesday, November 24, 2015.

PRESENT

The full list of Members present is to be inserted from the Votes and Proceedings. Members identified from the record of this Sitting:

His Honour M. A. CARRINGTON, Q.C. (Speaker)
Her Honour Mrs. M-J. M. THOMPSON (Deputy Speaker)
Mr. T. A. PRESCOD
Miss S. J. O. BRADSHAW
Hon. C. P. SINCKLER (Minister of Finance and Economic Affairs)
Hon. S. A. LASHLEY (Minister of Culture, Sports and Youth)
Hon. J. D. E. BOYCE (Minister of Health) (Leader of the House)
Mr. G. A. CLARKE, J.P.
Mr. D. G. SUTHERLAND
Hon. D. O'N. INNISS (Minister of Industry, International Business, Commerce and Small Business Development)
Hon. D. St.E. KELLMAN (Minister of Housing and Lands)

MINUTES

Mr. SPEAKER: Good morning, Honourable Members. This House is now in session. Members, I have with me the minutes of the meeting held on Tuesday, November 17, 2015. No, sorry. I do not have those said minutes with me. May I ask the usual motion for their deferral?

Hon. J. D. E. BOYCE: Mr. Speaker, I beg to move that the minutes referred to be deferred.

AN HON. MEMBER: I beg to second that, Sir.

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

SUSPENSION

Hon. J. D. E. BOYCE: Mr. Speaker, I beg to move that the sitting be suspended for five minutes until 10.35.

The question that the House be suspended until 10.35 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly.

RESUMPTION

Mr. SPEAKER: Yes. Honourable Members, this sitting is resumed. When the suspension was taken, we had just concluded Minutes. Mr. Clerk of Parliament.

Not a formal announcement, but just let me take the opportunity to welcome among us the students of the Legislative Drafting Programme of the University of the West Indies and the course director, Ms. Shady Cullimore. We are always happy to see students from anywhere being here and taking note of the process. We hope that this is beneficial to you. Thank you.

PAPERS

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

Hon. C. P. SINCKLER: To lay the Duties, Taxes and Other Payments Exemption - West 10 Paints Limited 2015.

ORDERS OF THE DAY

Mr. SPEAKER: Yes. Honourable Leader of the House.

SUSPENSION OF STANDING ORDERS

Hon. J. D. E. BOYCE: Mr. Speaker, I beg to move the suspension of Standing Orders Nos. 6, 16, 18, 20, 42, 43 and 44 for the remainder of today's sitting.

AN HON. MEMBER: I beg to second that, Sir.

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

GOVERNMENT BUSINESS

Mr. SPEAKER: Honourable Minister.

ORDER NO. 2 – EXCISE TAX AMENDMENT BILL, 2013

Hon. C. P. SINCKLER: Mr. Speaker, sir, I beg to move the removal of Order Number Two - the Excise Tax Amendment Bill 2013, notice of which was given on April 6, 2013 - be withdrawn.

AN HON. MEMBER: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Order No. 2 was withdrawn.

Mr. CLERK: Order Number 18, sir, in the name of the Honourable Minister of Industry, International Business, Commerce and Small Business Development - to move the Second Reading of the Shops Bill 2015.

ORDER NO. 18 – SHOPS BILL, 2015

Mr. SPEAKER: Yes. Honourable Member.

Hon. D. O'N. INNISS: Thank you, Mr. Speaker. I rise of course to address this matter of the Shops Bill which is before the Chamber today. It is a piece of legislation where the State is seeking to work towards bringing Barbados fully into the 21st century by moving towards what we would like to call the 24/7 type society. I cannot prejudge others and say that therefore this is not a weighty matter, because it is indeed an area in which we are making a paradigm shift in the way in which businesses and Barbadians have to operate. Therefore it is not just about matters regarding the opening hours of shops in Barbados.

It is very instructive, Mr. Speaker, that we reflect upon the kind of environment within which Barbados has to function - the global environment, the regional one - and certainly what we are seeking to achieve as a country and

as a Government. The reality about it is that the rest of the world is not waiting on Barbados. Barbados can no longer continue to operate in an 8-to-4 atmosphere with an 8-to-4 mentality. Therefore we have to make some major adjustments, legislatively and otherwise, to help create the kind of environment that is conducive for business to operate longer hours and for all the attendant opportunities to present themselves to workers and commerce generally.

We realise, Mr. Speaker, not just because of the advances in technology, but certainly the way in which global business is conducted today, that jurisdictions like Barbados, if we are to be taken seriously and to play a more meaningful role in the development of global enterprise, we have to ensure that our laws and the way we conduct our business and the hours in which we work in Barbados are in keeping with what is demanded by an international clientele who is demanding more and more accessibility in a real-time arrangement.

We also recognise, Mr. Speaker, that Barbados' economic growth is in many respects limited by our commercial activities, and that is an area we have to address. So I want to start by setting the stage before we get into the details of the Bill before us, to help us to appreciate better what the Government is trying to achieve at a very macro level. We recognise that there are ways in which we can assist in the expansion of commercial activities in Barbados without compromising on the safety and the well-being of workers in the country. This Bill before Parliament is a judicious blend between what private enterprise and the State is demanding and what the workers, through their representatives and themselves, are demanding as well, and the fact that we are able to coalesce and bring them all together in this one piece of legislation.

I was saying, Mr. Speaker, that as we look at the issue of expanding and diversifying this economy, there are a couple of things that we have to wrap our minds around. Notwithstanding the Shops Bill, Barbados needs to be a more productive society. That is the harsh reality we have to face. And let me add there that being a more productive society is not just about the additional output of units per worker. It is also a matter of how we use technology, how we deploy it, whether we are using it in the most efficient manner. It is about the quality of managers and leaders we have in all facets of our society. So it is not just about the workers. There are many other aspects of a commercial enterprise and of business that weigh in on the matter of productivity in this society.

In order to really develop a very resilient and very robust economy, we cannot operate as business as usual. One of my greatest concerns as a parliamentarian, as a politician, in the midst of a deep and prolonged recession, is that we still seem to feel as though we are going to come out of this recession doing things the way we were doing

them going into the recession. For me, that is a recipe for calamity and for us to slip back into a recession again. So there are some major changes that will have to take place in this society and this economy if we are indeed to build out a very resilient economy going forward.

Mr. Speaker, we have therefore to clearly outline a vision and certainly identify what it is that will help us to achieve such. I believe Barbados can be one of the most productive economies in the western hemisphere. We have bright men and women. We have all of the fundamental structural systems that are necessary to make that happen. What is lacking in many respects sometimes is the legislation that creates that enabling environment and sometimes a lack of will to go the extra mile in making it happen.

I am of the firm view that Barbados certainly can also become an entrepreneurial hub in the western hemisphere, which certainly means that we have to invest more time and more resources in the training, retraining and equipping of our young people in particular in this area. I am also of the view, Mr. Speaker, that Barbados certainly has to move towards greater alacrity in addressing matters such as our unemployment level, and I believe this Bill will also help us address some of these issues. So generally speaking, the State is here today helping to set the stage for the transformation of Barbados into being a much more modern society through this particular Shops Bill.

I am of the view, Mr. Speaker, that we therefore must not labour, must not waste time, in moving our society forward in these matters. I now address my mind to some of the objectives of this Bill that is before us and some of the specific matters that we are certainly addressing herein. This Bill, which we call the Shops Act, ultimately consolidates the Shops Act with the Shops Order of 1985. One of the major issues that we are addressing in this Bill is in respect of the number of hours which a shop is allowed to be opened for business in Barbados. I do not think many Barbadians realise that there is actually law that governs the opening hours of shops and businesses in Barbados.

Perhaps I can also start by giving a definition of shops within the context of this particular piece of legislation, because people think sometimes it is just a rum shop in the village that we are referring to when we talk about shops in this particular piece of legislation. But the shop in this context means any premises or place in which a person conducts, manages or carries on any retail or wholesale trade or business, or conducts business by providing services in respect of the sale or hire of commodities, whether or not the business is conducted, managed or carried on to the exclusion of, and in addition to, any other business, and includes any place used for the

storage of goods, the receipt of orders for goods, or the dispatch or delivery of goods dealt with in the business. So that, Mr. Speaker, as written in the legislation, defines a shop in our context.

We are therefore moving in this piece of legislation to address frontally the opening hours of shops. Under this proposed Bill, the hours at which a shop will be allowed to open in Barbados will now be between the hours of 7.00 a.m. on Mondays right through to 10.00 p.m. on Sundays. I repeat that this Shops Bill before us will now allow for a shop to be open between the hours of 7.00 a.m. on Mondays right through till 10.00 p.m.

on Sundays, meaning that the only time that you are required to be closed by law is between 10pm on Sunday nights to 7am on Mondays. And that, Mr. Speaker, is very instructive because hitherto there was a realisation that many of these shops started to close by 10 or 11 o'clock at night. And the reality about it is that is perhaps what was a very antiquated rule or law that certainly will not help Barbados to advance itself. And of course, many shop owners who may have been or may not have been aware of the law would certainly have opted to perhaps operate outside of it and wisely provided a level of convenience to Barbadians. It certainly placed many of those entrepreneurs or enterprises in a very risky position of feeling the full weight of the law for opening beyond what was then considered to be normal opening hours. So we now have given shop owners and operators a more enabling environment by giving the flexibility in terms of the hours at which they can be open to serve the public.

Another important aspect of this legislation, Mr. Speaker, removes public holidays from being closed days while maintaining Good Friday, Easter Sunday, Christmas Day and the days celebrated on Independence Day as closed days. And closed days really is the day which the shop by law must be closed. The inhibitor, all of the public holidays were defined as closed days. And we all know that in recent times that has placed a lot of stress on commercial businesses and Barbados activities because the other days that we have as public holidays in Barbados, there is a sector of the public who really and truly still wish to have business as usual and to have access to some goods and services. And those enterprises, I believe, would have had to seek the permission of the Chief Labour Officer to be open on those days defined as closed days. So by this legislation today, we are now clearly reducing the number of closed days in the Barbados context and limiting it to Good Friday, Easter Sunday, Christmas Day and Independence Day.

Now, I wish, Mr. Speaker, to make it abundantly clear that you note that the closed days here, except for Independence Day, are celebrated among the Christian faith as the day or days of great significance to them. But

the bill, in seeking to protect the rights of other citizens who may not be of the Christian faith, has also pointed out that an employer cannot force an individual to work on a day that is deemed their religious holiday. And that is instructive because, you know, Barbados has always been a very tolerant and respectful society, recognising that there are others in our midst who may not be of the predominant Christian faith and therefore you have to accommodate them. So before anybody gets up and says that the Muslims, the Hindus and the others do not have the same benefit in this particular legislation, what we have recognised is that Barbados is still predominantly a Christian society and we are not seeking to move away from that. But we also want to ensure that the rights of others in our midst who are Barbadians, or whatever, are also protected by ensuring that they have the opportunity to have their day of religion off from work and certainly getting the compensation. And I really hope that others who will look on at this model society of Barbados from afar appreciate how tolerant we are when it comes to religion. I hope it may always remain that way.

Another significant aspect of the Shops Bill 2015, Mr. Speaker, permits the Chief Labour Officer to grant permission for opening on closed days up to eight hours. Previously, the Chief Labour Officer was constrained by allowing shops on closed days not to be open for more than four and a half hours. And that was really also related to the issue of shops being open on closed days only when a tourist ship was in the port. And that seems a little strange - the fact that shops in the Bridgetown area, generally speaking, on closed days, could only be allowed to be open if there was a major cruise ship in the Bridgetown port. That, Mr. Speaker, certainly is not advantageous in contemporary society. So we are also removing that restriction that has been imposed upon commercial enterprise, not just in the Bridgetown area, but those who certainly need to be open and accessible by tourists. Because the reality about it is not just the tourists who visit - it is also Barbadians who need, on these particular closed days, to be able to go about and do some of their business as usual.

This bill also seeks to more adequately establish and define its application to services. So, for example, provisions on working hours and wages apply to shop conditions in cinemas, laundries and bedding and gaming, while in the areas of floral services, barber services and the beauty and cosmetic services, for example, only the safety, health and welfare provisions are made. So we certainly, in addressing concerns regarding the operation of shops, also in this bill, frontally address and resolve the issue of health and safety matters in the shops. And I will come to a bit of that a little later on because I want people to appreciate that, you know, when we say that this particular piece of legislation will help to make a paradigm shift in the way in which we do business in Barbados, it is not ignoring the

important aspect of health and safety in the workplace for the workers and the owners of enterprise, as well as the customers who use their businesses.

Herein it also, Mr. Speaker, will address the issue of the rate of compensation for workers in Barbados who work on these off days. Let me add here quickly that we reached this point in our journey after deep consultation with our stakeholders, members of the private sector who were well consulted. As a matter of fact, this piece of legislation had been in the works for many, many years. And I note through you, Mr. Speaker, that we may have missed some of our young bright minds who are engaged in the discipline of legislative drafting. And the reality about it is that those who draft legislation do it with a clear understanding of what is the mischief, what is it they wish to address, and we need as policymakers in sending forth our directives to those that are the drafters to ensure that we have consulted far and wide and there is no ambiguity about what we are seeking to achieve, so that those who are doing the legal work will certainly be right and present it in a manner that captures all that we are seeking to achieve for stakeholders in this particular jurisdiction.

So therefore, I am happy to note and report that with respect to the Shops Bill, there have been deep consultations with the Barbados Employers' Confederation, with those representative private sector bodies, and certainly the labour movement in Barbados. And you can well appreciate that the Government continues to show utmost respect to our partners in labour and our partners in the private sector because it is the only way in which we are going to be able to transform this society and get it going. There will be areas where we differ, but certainly in terms of the Shops Bill it has been very much a cooperative effort between all of the stakeholders to get us to this point.

Mr. Speaker, we also, in addressing the issue of extended hours for people to work, have decided upon and pronounced herein matters attendant to the conditions of service, including security and transportation for the workers. So this bill before us is basically an act to repeal and replace the Shops Act to make better provision with respect to the opening and closing hours of shops, the terms and conditions under which persons are employed in shops and certain businesses, and with respect to health and safety standards in shops and related matters. I have already defined in our context what is meant by a shop in Barbados under this bill. We have also, as I said, frankly addressed the issue of the opening and closing of shops, therefore allowing for shops normally to be open from 7.00 a.m. on Mondays right through to 10.00 p.m. on Sundays. And I will also add, Mr. Speaker, that recognising that we must be very flexible and accommodating in our work, this particular bill has now given the Minister permission whereby by order he or she may amend the hours specified for the opening of a shop. And that order can be made

subject to negative resolution, which certainly gives us the kind of flexibility that we need in order to address dynamics within the commercial sector.

The Chief Labour Officer may, on the application of the occupier, grant that occupier a licence, on such conditions as may be specified by the Chief Labour Officer, authorising the occupier to open a shop for business on a closed day. And while there may seem to be quite a bit of stress on the issue of a closed day, the reality about it is that, you know, as much as we say we are a 24/7 society and want to be operating, we also have to recognise that there are some days when the state will have to decide that enterprises should be closed. But we want to ensure that the Chief Labour Officer is empowered to have that flexibility to grant permission for those shops to be open on closed days with certain conditions attached. Naturally, the law cannot encompass all of these scenarios and therefore cannot be so specific as to the conditions under which the Chief Labour Officer will grant permission. But one would assume that common sense will prevail and the Chief Labour Officer will exercise his discretion not in a frivolous or vexatious manner.

Mr. Speaker, the working hours and wages of shop assistants are also addressed in this particular piece of legislation. The number of hours in any one week, excluding intervals for meals, during which a shop assistant may be required to work in a shop shall not exceed 40. So therefore, simply put, workers in Barbados will, as has been customary, be given no more than 40 hours of work per week. Obviously, anything beyond that on a voluntary basis - overtime - will have to kick in. But we have gone a bit further, Mr. Speaker, as clearly stated in section 6(2)(a): on any day, for more than four and a half consecutive hours without an interval of one hour for meal time, and for more than eight hours in the aggregate run continuously from the time he commenced his work, by excluding intervals for meals - no shop assistant shall be required to work. So therefore, we have to ensure that there is the respect and recognition that the shop assistants cannot be required to work beyond a certain number of hours each day without giving the requisite time for a break period.

Now, where a shop assistant works on any public holiday, that shop assistant is entitled to be paid twice as much as his ordinary rate. So, recognising that the shop assistant is already required to put in 40 hours of work at normal rate, we are therefore stressing here in law that any time that is a public holiday, or that the shop assistant is required to work on what would normally be considered their day off, they will be paid twice as much as his ordinary rate. And that is important, Mr. Speaker, because sometimes employers may wish to misinterpret these pieces of legislation or come to other arrangements. And that is where industrial unrest can set in. While the state cannot envision everything, the state certainly in this piece

of legislation is seeking to reinforce what has been practised by enshrining it here in law. So therefore, any shop assistant - or what you call an employee or worker in our context - who is compelled or who agrees to work on a public holiday or on what is normally their day off from work, will be entitled to be paid twice as much as his ordinary rate.

Double time or double pay is different from overtime, which is a slightly different matter. That is where the worker now has to go beyond the normal eight hours of work. That shop assistant is entitled to be paid time and a half of the ordinary rate. So overtime here will certainly now be paid at the rate of time and a half. And in the colloquial language, pretty much now, no shop assistant will be required without his consent to work overtime or to work on the day, as I said previously, he observes as the day of religious worship. Because you see, Mr. Speaker, as I said earlier, our goal here is to really move Barbados to becoming what we call a 24/7 society. And there are those who, when you use that term of a 24/7 society, longer opening hours, et cetera, start to put out red flags and become very concerned about the workers' rights and whether they are protected and such like. And we are giving the assurance here in law, as certain by our comments here in the Parliament, that the rights of the workers are being protected and are deeply enshrined in our legislation. So no shop assistant shall be required without his consent to work overtime or to work on a day observed for religious worship.

Now, of course, we are not going here in legislation to define the various types of religion. We are not going to start to list all of the religious holidays known. And I think common sense must prevail because a worker cannot for the first six months of the year be of one faith and then for the next six months become of another and claim that they have a whole set of religious days the first half of the year and then the next half claim a whole other set of religious holidays. That is the reality. I do not think that, except for our members, so many other people will want to risk that. I think this is where, as I say, the law cannot capture everything - that is a clear reality. But common sense will have to certainly prevail in this context.

But you know, Mr. Speaker, we have had to go a little bit further and wrap our minds around the issue of how does an occupier, as mentioned in law, or what we say an employer, treat the issue of an employee who chooses not to work overtime. And it clearly states: an employer who dismisses or otherwise penalises a shop assistant for refusing to work overtime or to work on the day the shop assistant observes as a day of religious worship is guilty of an offence and liable on summary conviction to a fine of \$50 000 or to imprisonment for three years or to both. And this, Mr. Speaker, is extremely important because we cannot have legislation that does not reflect upon penalties

for those who break the law. And we are stressing here as we move forward well into the 21st century and the 24/7 economy and society that no employer is allowed to force a worker to work overtime or to work on a day that is mutually agreed as the religious holiday of the particular worker.

Of course, reflecting upon the penalties therein, Mr. Speaker, as I said earlier, this legislation is not just about defining opening hours, which we move from 7.00 a.m. on Mondays to 10.00 p.m. on Sundays. But we recognise that there hitherto have been many deficiencies in respect of our health and safety requirements in enterprise in Barbados, and therefore we have had to address them frontally. Some may argue, and it may have very well been driven by the Cavendish [Inaudible.] tragedy of a few years ago. But the reality about it is that we have had to move in modern times. And there may be several enterprises in Barbados that do not meet what would be considered to be minimum standards for health and safety at the workplace. And the state has a duty to protect its citizens by ensuring that we enshrine in law these minimum requirements, that we are clear as to who is the competent authority for all of the investigation, licensing and the remedies to be effected, and of course the penalties that will certainly apply to those who do not address these matters. And this is a point that we really have to stress. We cannot compromise on the issue of safety and health at the workplace in Barbados. We have come too far. We have built up this society based on the investment that we made in our people to then turn around now and have them go into work environments where their health and their safety are compromised.

I would say to you though, Mr. Speaker, in my own experience in enterprise in Barbados and serving this ministry and a former one as Minister of Welfare for a few years, that most Barbadian employers do actually give priority to health and safety in the workplace. And that is something we must commend. But we cannot take any chances. We need to strengthen the law and not leave it up to volunteerism. But I would say to you that my own experience is that most - not all, but most - of the enterprises in Barbados have not waited on legislation to do the right thing. They actually pay great attention to ventilation, to issues of fire safety, escape routes and all of the rest. Because at the end of the day, it is also an investment that employers and owners of enterprise have to make. You have to insure your property, but certainly want to mitigate against any harm that can occur in the event of an incident. And I will give commendation to our designers of buildings, the architects in Barbados today, the engineers, those who pay great attention to these matters. But as I said, we cannot compromise, we cannot relax on that.

So the occupier of a shop shall, in every room where shop assistants are employed, provide not less than one seat

for every three shop assistants employed therein. And where there are less than three shop assistants employed in a room, the owner shall provide at least one seat. And the occupier or the owner or manager carrying on business in a shop shall permit the shop assistants to make use of the seats whenever the use of the seats does not interfere with their work. And also, of course, let the shop assistants know they are entitled to the seat. Now, some may say, well, why is this? It seems like a very frivolous matter. But the reality about it is that there are actually some enterprises in Barbados who would operate in a manner as though the staff therein are less than human and must stand up on their feet for the full eight hours that they are at work. That is not humanly possible. Even here in Parliament, sometimes some politicians would like to stand up and talk for eight hours before taking their seat. But the reality about it is that in most of our enterprises in Barbados, as is around the world, we have to treat our workers with the utmost level of respect, provide for their safety and well-being. And that is why we insist here in law that seats must be available for them to rest and that they must be allowed to use them as long as it does not interfere with their work schedule.

The other important matter in relation to this issue of health, safety and comfort in the workplace relates to facilities for eating. Every occupier carrying on business in a shop in which five or more shop assistants are employed shall provide an adequate room for the eating of meals by those shop assistants. And also where there is a shopping mall, the owner of the mall shall provide adequate facilities for the eating of meals. Mr. Speaker, the reality about it here is that we keep hearing the stories of those workers in some of these enterprises who have no clearly defined space in which to take their lunch break. So you may find them grabbing a bite behind the cash register, holding on in a corner somewhere and having a little sandwich or eating out of a flask. That is not acceptable. It is not satisfactory. They must have a clearly defined space where they can sit with privacy and have a table and chairs or whatever, so that they can sit and have their meals. And these are things that oftentimes people in our position take for granted because many of us may not have been exposed to that kind of work environment. Many of you may have been exposed to air-conditioned offices and some lunch rooms that certainly give a level of opulence that others can only dream of. But the reality about it is that there are thousands of workers sometimes in our society who do not get the basic lunchroom facility. And we are saying here in law that that is something of the past. We cannot ask our workers to be the most productive workers in the Western hemisphere and then give them the kind of work environment that is not conducive for them to be the most productive workers. It certainly is not justice - natural or otherwise, as you say.

But anyhow, the Opposition do not know natural justice. They should take a lesson from this side. And certainly, Mr. Speaker, realising that enterprises in Barbados today, geographically and physically in space, are moving more and more towards a mall setting as opposed to a clearly distinguished individual shop, we have also captured that kind of enterprise and physical arrangement by placing the onus on the operator of the mall to provide common lunchroom facilities for staff who work there in the mall to be able to use. And that is important. So nobody can say, well, I do not own the mall, I only rent a little space and therefore I am not obligated to provide lunchroom or eating facilities for my workers. That is not the case. Now those who operate malls will have to provide such a facility. And I am not going to dwell on the definition of a mall. I am not going to get caught up in that. I think that the competent authority, whether it be the Chief Town Planner's office, the Environmental Protection Department, the Chief Labour Officer, whoever - are sensible enough and experienced enough to define a mall setting in the Barbados environment for them to address.

Mr. Speaker, in respect of health and safety related issues too, first aid supplies continue to be a big issue. So where any shop assistant is employed in a shop, the occupier or the manager shall provide a first aid kit containing such first aid supplies as the Chief Labour Officer on the advice of the Chief Medical Officer may direct. I am happy to put that point in there because I would not want the Chief Labour Officer to take it upon him or herself to say what should be in the first aid kit. You may be exposing yourself to great risks and legal action. But Mr. Speaker, I wish to stress a little bit here on this point. You know, first responders are very critical in many scenarios. It can make a difference between whether you survive or you die, or the quality of your life thereafter, following an incident. And therefore that is why we are stressing that first aid kits must be placed in enterprises around Barbados. But I want to go a step further and address the matter which is not captured in legislation here. Because a first aid kit in an office environment that does not have an individual who is trained as a first aider or first responder makes that first aid kit just another piece of furniture within the office. And whilst the law is not demanding that at this point in time, I would certainly encourage enterprises in Barbados to make an investment in training some of the staff in becoming first responders - in knowing what to do in the event of what is deemed an urgent medical matter. That is not to take away from anybody else. But if you know how to recognise the signs of a myocardial infarction or heart attack, then you will know what to do. That may very well affect whether that person lives or dies or the quality of their life thereafter.

But then there are things that we may take for granted. You may be operating in a factory environment or workplace environment. Take a knife and accidentally

somebody is cut - you know, slice a finger, whatever. The ability of a worker or colleague to be able to stem the flow of that blood may very well determine whether you save that limb or prevent any infection that may occur afterwards. So the reality about it is that while the law has not addressed that particular aspect of it, I think moral suasion would certainly dictate and common sense must provide that those who are in private enterprise make every effort to have a first aider in their enterprise in case something happens.

We have already addressed the issue of the supply of drinking water. The manager or the occupier shall provide an adequate supply of drinking water free of cost for the use of shop assistants in the room or areas set aside for the taking of meals. And here again, we cannot take this for granted. I mean, water is not expensive at the point of delivery per se - it is expensive from the Water Authority, I tell you that much. But there are still too many enterprises in Barbados that will not even provide a cup of water for some of the workers who are there. And we are saying that must become something of the past. So some people say, oh, these are minor issues. These are -

frivolous issues. We are seeking here to really enstrain in law what ought to be the minimum standards in the enterprise in Barbados today. If we don't do this, then we run the risk of individuals doing things that certainly don't meet minimum standards and being able to say they have not broken the law. I think, Mr. Speaker, that we have a duty in the state to make that possible. We also, Mr. Speaker, have enshrined here matters relating to supplying lavatories and sanitary facilities. Or simply put, I believe you mean toilet facilities. The occupier and the manager shall provide an adequate number of lavatories for shop assistants and other sanitary facilities for the washing and drying of hands. And where it is a mall construct, the mall owner is expected or demanded to provide similar facilities in common space for those who occupy the malls.

Mr. Speaker, it may surprise some people in this chamber to know that there are still enterprises in Barbados that do not provide toilet facilities for workers, not even a sink at which they wash their hands. And some of us may open our eyes and say that cannot be so in Barbados. But I say to you, what is not common is not absent. It certainly exists in some cases. And we need through legislative arrangement to bring that to an end, and say to employers in Barbados, you need to provide basic lavatory and sanitary facilities for your workers. And of course the manager, the occupier, shall provide a safe means of access to every place where shop assistants work and shall, to the satisfaction of the Chief Labour Officer, maintain those means of access. So do not go and have an emergency exit at the back of your building and then use the space in front of that emergency exit as a storeroom.

I have certainly seen, in previous iterations, the Minister of Health visiting enterprises around Barbados where emergency exit doors were blocked or they were locked and nobody could tell you where the key is located. Sometimes it is so rusty, obviously the key would not even work anyhow. And then there are those who would opt to say, yes, we have a fire exit, but then they have a whole set of boxes, combustible in nature, located right in front of the exit and think that they have met the law. So therefore the Chief Labour Officer is now the competent authority to do that level of inspection, to ensure that such is not the case.

We also have businesses, some of them who will have space for ventilation, but the only thing they are ventilating are some cockroach-infested boxes in that space. We cannot ask our workers to get up every morning and go to work in a substandard environment. None of us in this chamber would do it, and therefore we cannot ask our people to do it as well. So that must become something of great importance. And I think that the Chief Labour Officer must conduct him or herself in a manner without fear or favour. I think that we really and truly have to ensure that the state provides the level of resources so that we can have those inspectors who go out and do their work.

Barbados is a society where, when you get a major tragedy, all of a sudden everybody jumps up and starts to say all the things that should have been done and need to be done, et cetera. And then six months later it goes back to business as usual until the next tragedy occurs. I think, Mr. Speaker, that we really and truly can do better in this society. And those who do not cooperate with the authorities need to feel the full weight of the law. Because there are some people in Barbados who feel that they are above the law - that they can operate their enterprise in a manner where the emergency exits are blocked, where the areas of ventilation are blocked and full of cobweb and dust, et cetera, and pay starvation wages because they have friends in high places. We are not in that frame when it comes to that.

I simply make the point, Mr. Speaker, that our inspectors in the Labour Department or the Fire Service Department must be allowed to do their work in an effective manner and without fear or favour. And none of us must give any ounce of comfort to anyone who seeks to break the law therein. So that addresses the matter of means of access as well as the matter of ventilation.

Mr. Speaker, I come now to the issue of employment of shop assistants at night. No shop assistant shall be employed in the shop during the night unless the occupier obtains a certificate from the Chief Labour Officer permitting him or her to do that. So whilst we are saying that we are extending the hours at which the shop may legitimately open - to the point where now you can be open even continuously from 7.00 a.m. on a Monday until 10.00

p.m. on a Sunday - we still need to face the reality that we are not much of a nocturnal society. And therefore, recognising that there are constraints in the environment such as access to public transportation, there are real concerns about law and order and safety and security issues regarding lighting around the workplaces or as you traverse from work to places of public transportation. We are saying: longer hours, but if you are operating at night you need to get a level of permission from the Chief Labour Officer.

And that, Mr. Speaker, is extremely important because the Chief Labour Officer must satisfy himself or herself that the operator of that particular enterprise has made adequate arrangements for transporting each employee to and from the workplace at night where adequate public transportation is not available. So as we are saying to employers, you now can operate for longer hours, but you must do it in a manner that your workers have access to adequate transportation late at night. Now some may say, well, that is an additional burden. I see it as another area of opportunity in Barbados. We cannot be so pessimistic and start to say we cannot move forward because these things are constraints upon us. There are those public service vehicles now who perhaps find the opportunity to operate longer hours, including the graveyard shift. The Transport Board may be able to put on a bus service that goes beyond midnight. You know, these are the kind of response mechanisms that we expect to emanate from this piece of legislation. So let us not be so pessimistic and look at all the hurdles and hindrances, but let us start looking at the real economic and entrepreneurial opportunities that can present themselves from this kind of legislative reform that we are addressing here in Parliament today.

Also, the employer has to put in place adequate security measures for the safety of employees working at night. Now, the legislation will not determine what the adequate security measures are per se. But here again I expect that the wisdom of the Chief Labour Office will prevail, and the experience of the Chief Labour Office and common sense will prevail, with the workers' interest taken at heart as well as the employer's level of resources, to ensure that they reach a common point in terms of what is meant by adequate security measures and safety of employees working at night. I don't think we are going to see, or should see, situations where certain workers say they want guards to escort them home at night - that would be going to the extreme. But I imagine the perimeter of the premises must have adequate lighting so people can walk to their cars, or if they are being picked up, that you can know that a thief does not lurk in darkness to pounce upon you. If there is a bush in the area that needs to be cleared, that is also addressed.

And Mr. Speaker, these are real concerns that we face not only in the workplace but also in communities. I digress a bit and say that only this morning I met with the Chief and Deputy Chief of Security at the University of the West Indies, which is part and parcel of the constituency I represent, to address the issue of safety of students and residents in the adjoining neighbourhoods. Because, as we know, there have been recent incidents where some students have been attacked, visually and physically harmed, and others have been psychologically damaged by these attacks by predators and vicious individuals in the community, particularly in the Walstead area, Pleasant View, and the Cavehill area. And we have committed this morning to deploy a team to do some debushing in the surrounding areas as well as to work with the authorities to provide improved lighting, so that the students at the University - some who are local, some who are foreign - as well as the residents in that part of St. James South, can exist in a much more peaceful and safe environment going forward.

So Mr. Speaker, the Chief Labour Officer in respect of some of these health and safety issues will be guided by other competent authorities in Barbados - in terms of the health side, the Chief Medical Officer; in terms of some of the safety issues, the Fire Department as well. The manager of course is required to keep all of these documents and information accessible to workers in respect of the specific issue of fire safety requirements. As I said, I remember in addressing some of these issues that the Campus Tran tragedy looms large. But this is not a knee-jerk reaction, Mr. Speaker. As I said, those who are responsible for drafting legislation will be informed by the circumstances that exist in society at the point in time, measured with where we want to get the society to, which is where we have the policy framework here.

So the employers are required to have a fire safety certificate, and Section 71 clearly states no shop may be open for business unless there is a fire safety certificate issued by the Chief Fire Officer in respect of that shop. It clearly points out the circumstances under which it may be issued or may not be issued. And it goes a step further. This is very important because sometimes enterprises are issued with these certificates but they do not maintain the space in a manner that is conducive for the retention of the certificate. And that is why we are making abundantly clear that the Chief Fire Officer may be allowed from time to time to inspect premises. And where the premises do no longer conform to the fire safety standards, that licence or certificate previously issued will have to be revoked. And employers will therefore be mindfully aware of the consequences of not having a valid fire safety certificate in place. And of course we have also clearly outlined the penalties where you are guilty of an offence and liable on summary conviction to a fine of \$50 000 or imprisonment for one year or both. And since Her Majesty's Prison is

nearly fully occupied, we certainly do not want employers in Barbados to be running afoul of the law and spending some time up there.

Now, for a period of one year after the commencement of this Act, a shop may be open for business although a fire safety certificate has not yet been issued under the section. This basically, Mr. Speaker, is us saying: look, when we finish our debate here today and the legislation is passed - as I have no doubt it will be passed, since all the Government sitting, I imagine, support it, and since there is a reduced and demoralised opposition not in their seats to give any objection to it, I imagine we shall prevail. And since the numbers are dwindling as a result of a lack of respect for natural justice, I imagine that the Government will have a little bit more comfort in addressing these matters. But the reality about it is that whilst the opposition gets on with their disunity and they are fighting and quarrelling over who will be replacing the Honourable Member for St. Michael North West and North East - there is great discussion on the opposition benches now as to who will newly be the opposition - the Government is getting on with addressing the people's business, such as providing a safe work environment for workers in this country.

Dwight Sutherland has my support, Mr. Speaker. So we have very serious matters that we continue to wrap our minds around in this country, including the safety of workers in it as well. So we are not compromising on the issue of fire safety.

We have also frankly addressed the issue of the enforcement of the Act, and we have gone further because this issue of competent authorities or public officers exercising their duties and being threatened is a matter that we cannot take lightly. Too often there are individuals in this society who will find that the Chief Labour Officer or one of the competent authority public officers presents themselves to do what they are employed to do, and then they are met with a very hostile employer who says: look, you cannot come to my premises; I will shoot you, maim you, disfigure you; or I am going to call the Minister and tell the Minister to pull you off the job. We cannot be serious, Mr. Speaker, as parliamentarians, in saying that there is a real problem in this society that we have to address, and then be weak in the knees in giving support to those who are the enforcers of law in Barbados. So I am very happy that the legislation here has spoken quite strongly to that particular matter, saying no action or other proceedings for damages shall be instituted against the Chief Labour Officer or any person acting on his behalf in the discharge or purported discharge of his functions under the Act, unless it is shown that the act or omission was in bad faith. So do not expect that you can sue the Chief Labour Officer for frivolous matters.

Mr. Speaker, of course we have gone on to speak to the various offences and the consequences therein. In terms of offences, no person shall, on account of his race, colour, or creed, refuse access to any shop or the opportunity to avail himself of any facility, service, or amenity offered to the public by a shop by way of trade or business or incidental thereto. And the occupier who contravenes this subsection is guilty of an offence. So you cannot tell a man, I do not like the way you look, you cannot come into my shop. That is not the way it is going to operate in Barbados. We are not going to be able to discriminate or look at someone and point our noses and say, well, you look like you are of a different religion. These are realities that we have to face in Barbados.

Yes, I am glad that the Honourable Member for St. George North is laughing at that comment, because they have now found the jihad John of Barbados when it comes to politics on that side - how to behead people politically, that is, Mr. Speaker; not talking about any physical damage. They have now found the new jihad Johnny of Barbados in respect of these things. You know, I thought, Mr. Speaker, that such was, as you say in Bajan parlance, like pulling teeth. But it is the first time I have seen the teeth of a dentist pulled like that - not an ounce of pain reliever, take a pliers and just yank the front teeth out. And it was done to a dentist of all people. Mr. Speaker, let me not digress too much from that. I thank you all for that levity in that particular respect.

So, Mr. Speaker, I think that we have pretty much covered a lot of what the Bill says. But in closing, let me simply reiterate that what we are doing here is reflecting upon where we want Barbados to be over the next five or ten years. We cannot spend our time talking about the past. You know, I keep saying that one of the challenges we face in Barbados is that there are too many people who are very good at giving us a historic perspective - telling us where we come from - but who do not spend enough time talking about where we want to go. And we really and truly have to wrap our minds around where we wish Barbados to be five, ten years from now, and not spend all of our time talking about where it was ten or fifteen years ago.

And I hold the view very strongly that what we are doing here is not just speaking directly to the issues of terms and conditions of service, working hours, and such like, but we are sending a message to the rest of the society that it is not business as usual. So when shops now have longer opening hours, those enterprises not covered under this Shops Act - such as lawyers' offices, doctors' offices, dentists' offices - all of those will now be able to respond by having their own offices open longer hours or going the route of flexi-hours, as we have already seen in Barbados. We have seen how many doctors have responded by opening late in the evening. I do not know about the other professions per se, but I imagine there are some. But a new

culture will start to be set whereby Barbadians no longer feel that at 4 o'clock everybody must get in the motor car and drive out of Bridgetown or drive out of Warrens. And we worry about congestion in Barbados. I believe that this piece of legislation, Mr. Speaker, will also enhance the employment opportunities in Barbados. Because enterprises are not going to start opening at 10 now instead of 8, but they may find that they are opening for longer hours, maximising the investment that they made. Because whether you open for eight hours a day or sixteen hours a day, the mortgage is still the same, the rent is still the same. You may find an adjustment upwards in utility charges, but you are able to spread those fixed costs out a bit and reduce your unit cost of production going forward.

This is also going to create some opportunities. You know, I said elsewhere recently that I am not a big fan of all the excess overtime. And overtime is enshrined in law - you have to pay if somebody works more than the prescribed hours. But I want to see Barbados being a society where there are flexible working arrangements, where some may opt to come in at 10 and leave at 6, or where businesses, as we are doing here now, can have longer hours of opening and therefore have a greater demand for additional employees to work in their enterprise. I do not think that those of us who are employed in those kinds of environments can be so selfish as to start to object to that, when in truth and in fact all of us know of hundreds of other Barbadians out there who are looking for work and who are in dire need of work. Let us not bury our heads in the sand on this matter. So the employment opportunities are created. There is a paradigm shift in the culture of working Barbados where people no longer feel that they have to stop at 4. And now other enterprises beyond those defined in this Shops Act of 2015 are feeling themselves responding by opening their hours longer as well.

Let me say, Mr. Speaker, it is not just about those brick and mortar enterprises that are selling goods. This economy is predominantly a service-based economy. I believe about 68 per cent of our economy is considered to be in the services sector. And therefore it means that we have to have those services available a little bit more, a little longer than they currently are. But I go back to my original point in the sense that we have to ask ourselves what kind of opportunities are we going to make available for those who may look to come into Barbados to do business as well. And I believe that this piece of legislation, with the clarity it brings to working arrangements and conditions of service, will also provide opportunity for additional investment to be made in Barbados.

You know, I went to a lecture last night, Mr. Speaker, at the Central Bank. I was there to give opening remarks at the 40th Winston Scott Memorial Lecture given by noted West Indian investor and entrepreneur Nicholas

Baffert - no relation whatsoever to the learned Attorney General, and a far higher IQ. But Mr. Speaker, it was a lecture par excellence. I can tell you that it is one of the better lectures that I have attended in recent times anywhere in the world. I was extremely impressed. But the noted gentleman stressed the fact, in terms of enterprise and entrepreneurship, that it is not just about the tax incentives that we offer enterprises - which is true, because a tax incentive is only a tremendous benefit in terms of income taxes if you make a profit; it is a line that comes below gross net income. But the reality about it is looking at what are the components that go into creating an enterprise and sustaining it in Barbados, which must include matters like what we are addressing here - such as the environment that workers have to labour in so that they can enhance productivity across the board - and it is about how we reduce the cost of operation of business in Barbados.

And these are matters, Mr. Speaker, that we are not losing sight of. And that is why I say that what we are debating here or discussing in Parliament today cannot be just limited to the construct that is printed on a document called the Shops Bill or Shops Act of 2015. But there is a reflection of what the Government is seeking to achieve in terms of our national agenda. We cannot say that we wish to be the most business-friendly society in the Western Hemisphere, one that is deeply embedded in entrepreneurship and innovation, and that we want to double our foreign direct investment by 2018 from whatever it is now, and think that somebody is going to wave a magic wand and it is going to happen. It is not going to happen. And that is why the Government is addressing sector by sector a lot of the challenges that we may face.

In the tourism sector, which has been doing exceptionally well thanks to the able leadership of the Member for St. Michael South Central and the incoming Member for St. Andrew, the sector is poised to do even better. But that has been happening because we have treated the tourism sector as an export industry. We recognised that we needed to therefore free up a lot of what was transacted therein in terms of granting duty-free charges for the inputs into the sector. There are those who criticised the Government when we said that we were doing these things. You know, the one thing that the opposition was united on - the only thing they have been united on in recent times - was the opposition to those measures. But that has proven to be a success. And I am always pleased when I go there and see the number of opposition Members of Parliament who are gathered outside and eating a sumptuous meal, thanks to the duty-free rates that we have been extending to the hotel sector in particular. So we recognise that.

But then even in terms of business formation and whatnot, Mr. Speaker, I was taking a look only this week at the World Bank 2016 report on doing business in Barbados. And I have tasked my officers with the responsibility of getting a quick response to it because some of it in there is very misleading. Some of it is accurate. But the reality about it is we have to ask ourselves how do we do better at facilitating business in Barbados? The Intellectual Property Office, for example, does have some challenges. They have made a giant leap forward in terms of the fact that lawyers can sit in their offices now and apply for company formation, name reservation, and do searches online. I do not know that that is going to reduce the fees charged by the Honourable Member for St. Michael South East, who remains very loyal to her leader unlike the others.

I also represent, Mr. Speaker, the Honourable Member for Christ Church West, and I intend to defend her as I defend the Honourable Member for St. Peter, who is my constituent, and the Honourable Member for St. Andrew, who is also a constituent of mine. Unfortunately, the three do not agree on anything but reverence. But we have certainly, Mr. Speaker, made some strides and will continue to address such through legislative reforms as well as through administrative arrangements.

I firmly believe that beyond all of this, in terms of legislation and the work environment, there has to be greater use of technology in enterprise in Barbados. Barbados is number three in terms of access to technology, in terms of penetration of mobile phones, in terms of access to the Internet and all those things. But as was said last night, we are using the bulk of it for entertainment purposes. We need to get more e-commerce going in Barbados. And I do not know that there are major legislative hiccups in that respect. But Barbadians must be prepared to embrace that technology and use it. You know, many of us talk about shopping at Amazon.com and those who trade using e-trade platforms, et cetera. But we want to see more Barbadian businesses using the Internet for their commercial transactions. You know, these are the kinds of things that are really going to drive this society forward. And I am amazed that in November 2015 we are still talking about these things as things that we want to have happen, when in truth and in fact they should have been happening for a while. But let not complacency set in in this particular case, Mr. Speaker.

So we certainly have, by way of this legislation, started to create or emphasise the need for us to create a more enabling environment for workers, for businesses, and for investors in Barbados to make

a difference. Mr. Speaker, I am satisfied that it is a step in the right direction. Certainly as the Christmas period is upon us and I know the Chief Labour Officer will be

inundated with requests for permission to open on what are called closed days, Christmas days and all coming up and others that the Christian faith celebrates. And once you get past that, that office will no longer have the challenge of addressing the paperwork around these applications. Businesses now know that they have longer hours. They can operate; there is a reduction in the number of closed days and therefore they can really operate in a lot clearer environment where there is consistency in policy and application therein. Mr. Speaker, Barbados is moving in the right direction in respect to this. We cannot spend all of our time in Parliament debating over tax rates and raising or lowering tax rates and those financial issues. There are some real people issues that we also have to wrap our minds around. And I think that this piece of legislation encompasses that and reflects upon that immensely. It shows that the Democratic Labour Party Government is serving in tune with the demands of workers in this country. And we are prepared to do what we have to do legislatively and administratively to safeguard their rights in Barbados. We also, on the other hand, are mindful of the opportunities that present themselves and the demands being placed upon us by private enterprise. I believe we met them halfway in terms of providing opportunities for them to operate longer hours. All we need now, Mr. Speaker, is for this to be fully deployed across the society where Barbadians start to move in a manner as though they are really operating in a 24/7 society - where we let the world know what we are doing and how we are doing it, that we are more accessible now than we have ever been, and where tourists now can come and not feel that they have to hustle back to the hotel room at 4:30 or hustle back to the ship by after 5 or whatever. So we are really, Mr. Speaker, capturing well, both in this legislation as well as the other policy shifts and administrative arrangements being made across different ministries, a point where we are truly pulling Barbados well into the 21st century and positioning it to grow from here. Mr. Speaker, I move that this Bill be read a second time.

Mr. SPEAKER: The Honourable Member for St. George South.

Mr. D. G. SUTHERLAND: Mr. Speaker, I rise to speak on this Bill which repeals and replaces the Shops Act, Cap. 356A. And I will begin my contribution in this Honourable House by stating clearly that the Barbados Labour Party is not opposed to the Bill which is to be repealed and replaced. This is the Shops Act, Cap. 356, that I have here. But Mr. Speaker, the Shops Act was enacted in 1984, some 30 years ago. And since then we have had many changes in business - also political changes, and that is no pun intended - changes in the Barbados business environment, changes in the world as it relates to trade and commerce. And I am one who strongly believes that the time has come for us to seriously consider vending over a 24-hour period. But having said that, we must not close our

eyes to the fact that we have had businesses in this country operating on a 24-hour basis. Over the years we have had, in the financial services sector, CDS, who employed some 1 200 persons on a three-shift basis. We have had Mutual Life Doctor Services who would have employed fewer persons, but however on a three-shift basis. We have gas stations that operate 24/7 on a three-shift basis. The Honourable Member for St. James South mentioned some place called a club - he said, and he would know about that. But Mr. Speaker, we clearly have had the manufacturing industry. We have the Arawak Cement Plant. And I can speak to that because I too came from a shift system as an engineer - a young engineer. I was employed to work shift on a three-shift basis. And the three shifts were 7 to 3, 3 to 11, and 11 to 7. So we are not novices as it relates to coming up with legislation to allow vending operations, or for want of a better word, retail operations over a 24-hour basis. And I must thank those persons in the public service who would have sat and spent their energies and their talent preparing this document, because there are some elements in this document that I wish to speak to passionately. Coming from an industry perspective, I will see a number of violations of some of the elements of this Act, and I will get there.

But before I get there - why must someone taking their lunch hour, working say in St. Peter or St. Lucy, want to come to Bridgetown to purchase something and have to use their lunch hour to do so? That is time lost; that is productivity lost. And I heard the Honourable Member for St. James South speak clearly about productivity. And I am one who strongly believes that if there is one thing that this Act and this legislation should focus on, it is creating a more productive environment for our citizens in this country. The time has passed whereby we should have to use our lunch hour to shop in this country. We should be allowed to come after hours - after 7 to 4. If you work 7 to 4, you should be allowed to come to Bridgetown or any other area and shop. Because we know that most of our people in this country - parents, we have a lot of single parents - have to manage their time, more so than anything else, to allow for pickup of their children from school, travelling, taking the children to school. And I will speak on the whole transportation issue as it relates to operating a 24/7 operation in this country.

We usually travel - we go to Miami. Well, I can speak for myself, and I know some of us do, because the Honourable Member for St. James South just came out of Miami - and thank you for the gift that you brought for me. He spends a lot of time in Miami and he says he shops at midnight. I also shop at midnight. I go to Kmart when I go to Miami and I shop at midnight. So why should we not, as citizens in this country, be given that opportunity? So I embrace this Act as it relates to the 24-hour operation.

But, Mr. Speaker, there is an element of this Act that I wish to dive into right now, and that is the aspect of enforcement - the sustainability of some of the elements in this Act. Because in this Bill - sorry, Mr. Speaker, I keep saying that because we have no objections to this Bill - I find in this country, Mr. Speaker, we have a system where we implement certain systems and strategies and we follow them for one day or two days or one year, and thereafter they are allowed to lapse. And I heard the Honourable Member for St. James South - and when he speaks, I make note, because he is probably the most vocal member and he represents the voice of the Democratic Labour Party, whether it is on public television, whether it is in the media, in the sports bar. He represents the voice of the Democratic Labour Party. So when he speaks, I listen. And he said clearly that he is not one for doing any favours, and that when we have put systems in place, having friends in high places should not allow one to circumvent them. So I am one who will be monitoring the enforcement of this legislation that will be put in place with respect to the elements that have been outlined clearly. And I will not spend the whole morning like the Honourable Member for St. James South, who was not prepared and who had to read every aspect of the legislation. I would not do that. But I am one who will be monitoring.

I have the utmost respect for the Chief Labour Officer and also Mr. Felix, who is his deputy. I think I would have worked closely with these gentlemen over the years. But nonetheless, Mr. Speaker, let me get back on track. I have the utmost respect for the Chief Labour Officer and his deputy. But I have a serious problem with this Government as it relates to enforcing legislation and enforcing policy. Because this whole aspect that was raised by the Honourable Member for St. James South about having friends in high places - whereby persons will want to circumvent this whole issue of health and safety, and having first aid equipment, and having one seat for every three persons - these are things that we will be monitoring closely. We will also be monitoring closely, Mr. Speaker, this whole aspect of asking employees or forcing employees to work more than a 40-hour week without their consent, and this is a very serious thing.

These are some of the things that I would want the Minister who just presented on behalf of the Minister of Labour to ensure that we do not circumvent when this Bill becomes an Act and is legislated - that we do not circumvent some of the critical aspects of health and safety, fire and safety. Because we do not want to go back to the Campus Trendz situation whereby we lost about four young ladies. We had no proper fire escape; we had no proper safety regulations in place. And these will be some of the businesses that will be operating 24/7. So let us not close our eyes to these things. Let us be focused on the risks and all of the mitigating factors that we have to assess and put in place to ensure that when this Bill becomes an

Act, Barbados is a safe place to work, it is a productive place, and that we are not just coming in here and giving throne speeches - just talk and no action. So I am one, on behalf of the Barbados Labour Party, who will be checking to see that we are enforcing the necessary legislation as it relates to health and safety. Because where I came from - the industry that I worked in for over 20 years - safety is first. Whatever we do, not production: safety. So I want us to inculcate that safety culture in the way we operate, and not just on paper.

So that is my position as it relates to enforcement by the Chief Labour Officer. And like I said, I have the utmost respect for the Chief Labour Officer. I have worked with him and I know he will do his best along with his team. But let us not have any political interference, because this can cost lives. We will be playing with a very serious aspect of health and safety if we allow persons to operate without following the necessary legislation.

Mr. Speaker, let me carry on. Recently I was at a town hall meeting whereby the Transport Services Authority would have issued a statement that they would be merging with the Transport Board. And they are doing a pilot project in the area of St. David's, Fair Pilgrim, Lower Grazettes - a bus service coming from Bridgetown. And one of the points raised was this whole aspect of the time during which the last service will reach the top end of the journey, which is Lower Grazettes. And that time was half past ten - 10.30 p.m., not a.m. And I raised the question to the chair: what will happen with those persons who work a graveyard shift, leaving Fair Pilgrim and Lower Grazettes and heading to some destination, let us say for proximity, in Bridgetown? And that is one of the challenges that we have - that we will have to ensure that those persons working on that shift, or on those shifts, the 3 to 11 and the graveyard shift, are provided with adequate, efficient transportation. Because as it stands, if you are doing a pilot project and your last service is 10:30, then we will certainly be putting a lot of pressure on the employer and also on the shop assistants to find their own means of transportation, which is a taxi. And we know very well that we cannot expect shop assistants on their little earnings - whether it is \$70 a day or \$100 a day - to pay a taxi to travel to and from their place of work. So I will call on the public transportation services to ensure that when this Act is in place and vending begins over a 24-hour period, we have the necessary transportation system in place to protect our people, to ensure that they get to and from their places of work.

Right now the Honourable Member for St. Philip North will sit down and say that it is in the law. But he sent out persons with a bus schedule telling me that the last bus coming to Lower Grazettes is 10:30. But yet it is in the law. I am asking: do not let us be penny-wise and pound-foolish. Let us re-examine the critical issues that will

impact the citizens of this country. It is already coming here and saying it is law. But you sent out the TSA - the Transport Services Authority - to a town hall meeting with a shift system showing me the last bus going to Lower Grazettes being 10.30 p.m. So he can sit down and he can talk his speech as usual, but the action does not follow. And that is what I am speaking about with the members on the other side - fancy talk, but no action to back up the thought. So I am asking the Honourable Member for St. Philip North, who has the responsibility for public transport: let us work on it, and do not just criticise me, but let us look at it for the betterment of the citizens of this country. It will give the Chief Labour Officer less grief.

The other point, Mr. Speaker, that I wish to make is the whole aspect of security - security of operations. And the Honourable Member for St. Philip South is telling me to concentrate. But I hope when I make this point that he does not get offended, Mr. Speaker, because we will put additional pressure on the Royal Barbados Police Force when we enter into this 24/7 operation. Because I am not saying it with any malice or facetiously - I am just exploring some of the challenges that we have to safeguard against. Because we know very well in this country crime is on the increase. We know very well that it will be asking a lot of people to shop after 12 o'clock without the necessary safety precautions in place. And it will put a lot of pressure on the Royal Barbados Police Force, who in my opinion is doing a very good job in this country with the limited resources available. Because it is the task of the Minister - the Honourable Member for St. Philip South - to find policemen in this country. He came to this Honourable House and he said we have a shortage of policemen in this country, and you will be putting tremendous pressure on the Royal Barbados Police Force as it relates to law enforcement in these various areas.

But having said that, it will also create employment opportunities for security personnel - those with firms like my Honourable friend, the Honourable Member for the City. And I am hoping that the private security sector will join with the Royal Barbados Police Force to ensure that this Bill becomes a reality and our citizens are protected. Because like I said in my preamble, safety first. And not just safety as it relates to fire safety, but safety as it relates to our citizens getting to and from their place of work back to their homes in a safe manner. Because we know what is happening in this country and we cannot close our eyes to it and say we can open 24-hour vending operations similar to Kmart and Walmart in Miami and in the first-world countries without putting the necessary safety precautions in place.

Now, Mr. Speaker, this whole aspect of fire safety - I will touch on that. Page 17. I am not going to do like the Honourable Member for St. James South and read out the entire Act, but there are some key areas. Fire safety, Mr.

Speaker, is very, very, very important as it relates to this Bill. Because like I said, the Campus Trendz tragedy was a very sad day in the life of this country, in the history of this country. We will not want to go back there at all. We know, as I speak, there are some issues as it relates to vending in the city and in other places. And it is my wish, on behalf of the Barbados Labour Party, that we deal with all of the inadequacies as it relates to fire safety - putting the necessary fire escapes in place. Because when this Bill becomes an Act and is legislated, and these things are not put in place, I am asking - and I do not like to ask this question - who will take responsibility? The responsibility lies with the Government of this country, the Government of Barbados. So I am calling on the Government of Barbados to put the necessary infrastructure in place as it relates to fire safety with these vending operations before we begin to legislate. It may be a very challenging task, but you have to take responsibility if anything happens in this country. Remember Campus Trendz.

But Mr. Speaker, this is a very serious Bill. This is not golf. This is a very serious Bill. So fire safety, Mr. Speaker, is one of the areas that I think is critical.

The other area, Mr. Speaker, is this whole aspect of violating the rights of employees. And I am calling on the Labour Department - not only with this Act, but we have a number of employers in this country who are mistreating the citizens of this country, the employees, because these employees go to work and they want a dollar to support their families. And there are a number of irregularities that are occurring within businesses in this country that I think the Labour Office needs to get on top of. Asking people to work 12 and 16 hours and then threatening their jobs is a very serious thing. I will not call any names. I will not put any employers on the spot. But we have to be mindful that when you ask an employee to work 16 hours, 18 hours, and any accident occurs, we have a duty of care to the citizens of this country. And do not just turn a blind eye and say, I am not the person who employed that person. Because we as members of this Honourable House - all 30 of us - we have a duty of care to the citizens of this country and we must police all legislation and we must also police these irregularities to make sure that our citizens are not being exploited in this country just for the want of a pay cheque. Because just as much as the employer wants the employees' productivity, you cannot do it on your own. Despite some of us politicians believing that we can do things on our own, we rely on the citizens. We rely on the citizens of this country who put us here.

Mr. Speaker, that aspect, I believe, is very, very critical as it relates to this Bill that will become the Act. Violation of employee rights is very important. And I am asking the Chief Labour Officer and also the Minister to deal with these issues.

Now the Honourable Member also raised this issue of training employees in the area of first aid, safety, health and safety. And it is very important. If you have a situation - Mr. Speaker, on Part Four, page 13 - for the Honourable Member for St. Philip South, Part Four, page 30, on health and safety - we must at all times make sure that we are creating a safe environment for people to work in. Too often - and the Chief Labour Officer can tell you - there are many cases where accidents occur on jobs, but the necessary [Inaudible.]

safety steps have not been put in place nor have been taken by the employer. And the employee then goes to court. Crippled, man damaged, can't work again. Which I think is the most important aspect. Not the money. The life of an individual, the citizens of this country, is more important than the money. And we have to understand that. So it is critical that we get it right as it relates to creating a safety culture. Not just a safety culture, but a safety environment for the employees to work in.

Now, Mr. Speaker, my last point. When we have put all the necessary systems in place, we want to build a very resilient economy. And this whole aspect of unemployment is still a tickling factor in this country whereby a number of persons are unemployed - some for valid reasons, some for lack of foresight by the Democratic Labour Party. And it is my wish that when we have the 24-hour operations, the number of these persons that have been sent home unwisely so will return to work. Will return to work.

Mr. Speaker, I don't think that it is wise for me to respond to the Honourable Member for Christ Church South at this time. I will deal with you at another time, because you used some words that were inappropriate to me and I will deal with you, Mr. Speaker. I will deal with you. But we must make sure - we must make sure, Mr. Speaker - that these vending operations over a 24-hour period return some of these people that have been sent home by the Democratic Labour Party to employment. Because it is all well and good for the Honourable Member for St. James South to sit down and talk about what is happening in the Barbados Labour Party. But what is fundamental to the citizens of this country is the bottom line. They can't pay their telephone bills, their light bills, their water bills. They don't have employment. Some of them have had to park their cars; the car is being taken up. And most of these people were sent home by the Democratic Labour Party. I think that is fundamental.

So when the Honourable Member for St. James South can get up and talk about what is happening here - don't live in a glass house. You are surrounded by all glass and you want to throw one little pebble. Be mindful that you have to address the unemployment issue in this country. You also have to address the fiscal deficit. These

are some of the things you have to focus on and stop looking into the Barbados Labour Party's issues.

Mr. SPEAKER: Honourable Member, please address the Chair if you have anything to say to the Members. Thank you.

Mr. D. G. SUTHERLAND: Thank you, Mr. Speaker. But I am sending the message to the Democratic Labour Party because critical to this Bill is unemployment.

Mr. SPEAKER: Honourable Member, please - you are getting too loud now. Please.

Mr. D. G. SUTHERLAND: Thank you, Mr. Speaker. Mr. Speaker, we will see whether this 24/7 operation creates employment. Because it is all taught by the Democratic Labour Party, who has more infighting than anybody else. Mr. Speaker, I am hoping that the Democratic Labour Party, having passed this Bill, Mr. Speaker, will stop their infighting. And those Honourable Members over there will return some of these people to employment with this. On the passing of this Bill, Mr. Speaker, I am obliged to you.

SUSPENSION

Hon. J. D. E. BOYCE: Mr. Speaker, sir, I beg to move that the sitting be suspended for lunch until 2.00 this afternoon.

The question that the House be suspended until 2.00 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly.

RESUMPTION

Mr. SPEAKER: Honourable Members. This sitting is now resumed. When the suspension was taken, we were on Order 18. And with that we shall continue. Yes, the Honourable Member for St. Lucy.

Hon. D. St.E. KELLMAN: Mr. Speaker, I too rise to speak on this Bill and to say from the outset that I am very supportive of it. I heard the Honourable Member for St. George South referring to it as vending. And even though we saw it as more the shopkeepers than the business we would build, there is a relationship between shopkeeping and vending. And what I will say today is that I am very happy to see that it is the Democratic Labour Party that had the foresight in recognising that if the world is moving towards services and if tourism is going to be our main plank of the economy, that we have to be proactive and react to suit the calling of the day.

It is no doubt that wherever you go in Barbados, there is a recognition that the Democratic Labour Party is impacting on the tourism industry and is doing it in a positive way. Not only by the numbers, but also by ensuring that we build out the country and that we put the plan in place. So far reaching is this that the Ministry of Tourism has been split where you get the marketing, and there is appreciation for the product aspect. And there is no doubt that when you speak about shops, that shops will have to fall into the product aspect, even though they were providing part of the marketing aspect. Because one of the best ways to promote tourism in this country is at the community tourism level.

And let me here, at this opportunity, congratulate the good people of St. Lucy for having the foresight. Because when people never thought of community tourism as far back as the 1960s and the 1970s, they were providing what we now consider community tourism, but a different type of tourist. Because you would have read the records of this House, Sir, and you would have acknowledged that from the time I came to Parliament, I always made the comment that what the naval base did for St. Lucy is now what the normal tourists are doing for Barbados. And that is, as far back as the 1960s and 1970s, we saw those persons who worked at the naval base who came to this country. We treated them as tourists to St. Lucy. So much so that we built out the area where persons of means recognised the opportunity. And they built additional homes to rent to the personnel at the naval base. People like Claude Maud Blackmon, Ralph Boyne, who is now in Florida, and persons like my grandmother and so on, who were the ones who were pioneer shopkeepers in the area - they will recognise the contribution that shops would be making to the development of Barbados.

And there is no doubt, Sir, and I am very happy - up to today someone we would call a very great professional was speaking to me about the possibility of also opening a shop. It was a time when people felt that shopkeeping was only for a particular type of person. And I am glad to see that those persons who felt that they were above shop life have recognised that if you really want to interact with the masses of people in Barbados and you want to be part of the tourism industry, that one of the best ways to do it is to get back into shopkeeping life. And that is why this Bill will be able now to allow - and I hope that the personnel at the Ministry of Tourism will recognise that tourism is not only at the macro level, that it is also at the micro level, and that the impetus of tourism comes from the community level.

Because when you do business at places like Sandals, it is just one step to the treasury. But when you do business in a shop, whether it would be somewhere in St. Philip, whether it be St. George, St. Joseph, Christ Church, St. Michael, any of the outer areas, including the urban

areas, that dollar that has been spent in the local shop filters right through the economy, and it nearly touches every hand as it goes from the primary, the secondary, and the tertiary stage. And it creates more impact when it comes from that level than when it comes from the top. And I am very happy to see today that this Act will allow that service that the tourism industry and locals alike have been asking for, for that to be expanded.

The Honourable Member for St. George South gave the impression that by opening shops now 24 hours you will be creating a security problem. I want to say to you, Mr. Speaker, that anybody who knows country life and who knows life on a whole would know that opening shops 24 hours will stop security problems instead of creating security problems. There was once a great man called the Right Excellent Errol Barrow, who said the biggest problem facing our people is that we went to sleep too early and we got up too late. And what we are doing now - allowing people to go to sleep late and get up early - because he said that if you want to know what is happening in Barbados, all you have to do is travel certain hours late at night or early in the morning, and you will know who is coming from this house or that house and who is doing what. So I am saying that by this Shops Act we are now solving the problem of crime before even mentioning it. Because by having opening hours, those dubious persons who tend to believe that they will be travelling and doing as they like - there now will be more persons to see what they are doing. And the Attorney General's job would be much easier because of this Shops Act. So those persons who are not enlightened will see it as a negative. But these enlightened persons on this side will know that this Act will also help in solving any crime that might be occurring within the country.

Mr. Speaker, I have been saying for many years that I would also like to see the day when the same approach will be taken to vending. Because I have, from the time I have been in this House and in opposition, always said that those persons who market the produce of Barbados should be given the same privilege as the persons who grow the produce of Barbados. For example, in the days when we had the vendors with the donkey cart and the bicycles and so on, those persons used to peddle the goods right across Barbados using that means of transport. And if we are now to tackle imports and to challenge them - because we also have a scenario now where people are ordering goods by the Internet - I am saying that if previously these persons were able to capture the market because they used the donkey cart and the bicycle, and the competition is now using the Internet system, that what we need now to do is to ensure that we also get proactive, keep the farmers in the ground, and allow the vendors to have the transportation to go to the produce so that they can then take the produce to the house, to the hostels, as partisans do when we want to canvass. But we must ensure that the same way that the

Internet is coming to the house, that those persons who are selling the goods can go to the house too and have the means to get there. And also to ensure that those persons who leave their homes to go to the largest supermarkets, which concentrate more on imported goods, that we allow the local persons to have the advantage to get to those persons before they get to the supermarkets to buy the imported goods.

We also have to recognise - I just came back, Sir, from a country that on a weekly basis gets 12 million tourists and on a monthly basis 50 million tourists: the country of Mexico, of which Mexico City is the one that dominates as it relates to tourism figures. And I am saying that we have to understand and appreciate that if the tourists see Mexico City and the ruins and the historic areas of Mexico, then we must recognise that if the people of Barbados are what the tourists see as the asset, that we must allow them to have the opportunity to be able to mix and create that relationship.

I found, Sir, that the majority of those top-line tourism players - those at the top - tend to believe that we need to keep the tourists away from the locals. And that is the biggest error. Because if you want security of the tourists and Barbadians, it is always best to allow them to mix with the locals, because the locals will be their security. So keeping the tourists away from the rural areas and so on will not help the tourism industry of Barbados. Furthermore, I am advocating that the more you allow tourists to interact with the people in the rural areas and Barbados as a whole, the better security that will be provided for them. And I want to make the point that we must understand that based on the trends, the tourism numbers will get higher, and the more tourists come to Barbados, the more shops will be open and the more we will develop our relationship with the tourism industry. So this Shops Act is not only about locals; it is also about the expansion of the tourism industry and acknowledging that our numbers will not be stagnant, but we will be expanding our numbers as it relates to the tourism industry.

And I want to congratulate Sandals, because the other side thought that it was a negative. But that is the norm of them - everything is negative as it relates to the growth of the economy of Barbados. Every time you come to anything that is positive for the economy, there is always this negative approach. And I really want to beg them to stop and recognise that yes, there might be some things that appear to be negative, but we understand the strength of our people. We must understand that the strength of our people is in being able to see something that appears to be a negative and turn it into a positive. Too often we spend time looking to see what is negative, but we do not spend the same time understanding that the measure of our ability is allowing us to have the opportunity to see what others see as a negative and to turn it into a positive. We have to

stop the belly-aching and recognise we have to put our hands to the plough. And we also have to stop looking down our glasses on certain professions.

And that is why I have always argued that there is nothing called indecent work. Every job is decent. But what I will argue is that there is something called conditions of work that are not decent. Every profession has people - every one of them has people that will work in them. And the success of those professions that people do not want to work in is when someone can take that profession and transform it into a profession that everybody gets jealous of and wants to be part of. I remember a time when nobody wanted to get involved in the transportation system. But now you cannot even have enough permits. Shopkeeping - the type of people involved in shopkeeping now are not the same type that used to be before. I am saying that we are professionals who now want to and now understand the psychology of shopkeeping and how it allows you to interact with your people, how it allows you to be able to rub shoulders in the right way and not rub shoulders and pretend that you are with them when you are really against them.

And I am saying, Sir, that we have a golden opportunity with this Act. And I know there are closed doors, but I also recognise that we have acknowledged that we are a country that is operating on the tourism industry and that we cannot bring people to Barbados and ignore them when they come to Barbados. Because tourism is not about Sunset Crest. Tourism is not about the Caribbean. Tourism is not about itself. Tourism now is about Barbados. Wherever you go in Barbados, there is some aspect of tourism. And that is why I am saying that this Act - and I think it might be good if we can develop a relationship between the shopkeepers and the vendors, because they are integral parts in the development of Barbados. This expansion of ours will mean more job creation. It will mean more extraction of money from the service side as it relates to tourism. And what it means is that the longer people are up and producing, we will be able to increase the working capacity of our people.

And it is not too long from now. Because another thing that I have been asking for in this country is moonlighting. And I believe that because of the opening of these shops for longer hours, it will create the opportunity for moonlighting. And as we speak about the fear that was mentioned by the Honourable Member for St. George South, I think it is a golden opportunity to recognise that our police force is doing a wonderful job. And maybe one of the first organisations to be allowed to do moonlighting in the interest of the country and also the interest of security will be the Royal Barbados Police Force. As we travel, we will see police officers moonlighting in their uniform at certain malls. What is wrong when our police officers want to report to their boss and, once they are

working for people whom they are protecting - and I am not talking about police officers working to protect the boss, but I am talking about police officers working to protect the community. Because we are so narrow-minded sometimes that we get jealous when we see other people earning more money than us. But there is no crime when somebody is doing a job that is good and decent and fair, and we create the opportunities for them.

No one job will be able to satisfy anyone. And the opportunity for someone to be able to increase their disposable income should be allowed, because that will also dampen the demand of the unions on the Government of Barbados and other employers. So moonlighting is not a negative. Moonlighting allows increased capacity and it also dampens the demand of the employee on one employer. Now he will have an opportunity to have more than one employer and also to get the right amount of disposable income. And we cannot offer the right amount of disposable income, then we should not block persons from having the opportunity - once they are doing it in a fair and honest way - to also increase their disposable income. It is done all across the world and it is done successfully. The United States seems to have worked out the formula, and there is nothing that they can do that we cannot better. So I am proposing, Sir, that we look at those possibilities and stop being narrow-minded about these things and recognise that we as a country will never be able to satisfy the demand of our employees, but we create opportunities for them so that as they give their talent, they are able to exploit that talent.

I find that in Barbados too many people gain talent but they do not maximise the usage of the talent. And I am saying that in a small developing country like Barbados we need to create the atmosphere where people can maximise the usage of their talent and exploit their talent for the maximum return.

So, Mr. Speaker, it is not that this Bill will not go far. To me it comes right after we extended the hours that the ships can operate. And you know, it is not a standalone - remember that we brought a Bill in this House which extended the hours for the ships in the port. You cannot extend hours for ships in the port and then have the shops closed. So there is some consistency, and there is an appreciation of this Government for knowing what they are doing. We plan what we want to do. We know where we are going. And it is like how we are now rolling out our capital programme. So those persons who believe that we are here by guessing or by chance - no, we are not. We have a structured programme and we are rolling out that structured programme. And to ensure, Sir, that no one accuses us of looking only to those at the top - today we are here, Sir, ensuring that before we put on the roof, we strengthen the foundation. And there is no doubt that shopkeeping is the foundation of Barbados. And

shopkeeping is the foundation of the productive forces. Those small farmers up there - where do they sell their produce? They sell their produce to the shops. And if the shops are opening longer, it means that more consumption will be needed and they will have to grow more.

So, Mr. Speaker, you can appreciate the flow and the understanding of this Government as it relates to the masses of people and ensuring that while the world is under economic pressure, we are finding creative ways to ease that pressure. And that is why, Sir, I have always said that the Department of Rural Development - the RDC, Rural Development Corporation - must understand and appreciate that it has a developmental role to play. And that is why the national park cannot only be the playground for the rich and famous where they can traverse that area. But when they traverse the area, we must ensure that we build it out so that those persons who live in those areas can have an opportunity to share in the goods of tourism. And that is why I am such a strong advocate of shopkeeping and also vending and also of community tourism. Because I believe that once we get these three things right - not forgetting the exploitation of the assets of the sea, because these shops also sell a lot of resources from the sea - we can only exploit the 166 square miles that we have in Barbados. But we have to understand that when we add our sea base and our land base, Barbados is a much larger country. And if Barbados is a much larger country and the sea base is much larger than the land, we must be able to allow all Barbadians to exploit the sea base also and be able to come and sell their produce and products and their catches to the shops of Barbados.

So, Mr. Speaker, I support this Bill and I look forward to seeing it in place as an Act pretty soon. Because I want to say that as we grow the numbers of tourists coming to the country, as we grow the productive capacity of our people, then the demand for shops and the extension of shop hours will be there for one and all. I thank you, Mr. Speaker.

Mr. SPEAKER: Member for St. Michael South East. Thank you.

Miss S. J. O. BRADSHAW: I rise to support the repeal of the Shops Act and the replacement through the Shops Act Cap. 356A. Mr. Speaker, the Member for St. George South, who would have spoken on this side, would have indicated to this Chamber that the Barbados Labour Party opposition has no opposition to this particular piece of legislation. I would wish to echo those sentiments as well and to go further, sir, to state that under this administration we would have also found reasonable grounds to believe that Barbados would need to move in this direction in the fullness of time.

We would have seen under this present administration various pieces of legislation, some of which would already have been in draft and some of which would have been brought to the fore during the course of this last administration, amending and in some cases repealing legislation that would have been on the statute books for several years in relation to the law of employment. Sir, the Shops Act has been discussed for some time and I am certainly glad that we can be here today to actually discuss this particular piece of legislation.

As the Member for St. James South would have said in his opening remarks, and he would have gone to great lengths to explain the various aspects of the legislation and the way in which it will impact on the greater population. It is indeed significant that it comes at this particular point in our juncture in our history. I say that, sir, because it is important that we are able to protect employees who may find themselves very vulnerable in very harsh economic conditions that we are facing across the country. And so it is the responsibility of any government to ensure that legislation is passed to certainly protect and in some cases reinforce what we believe all employers should actually be aware of and certainly ensure that they do.

Sir, I would like to take the opportunity first of all to speak to the legislation and then to speak to what I consider has been the much debated 24/7, 365-day-a-year society. Now, this legislation has made a number of amendments to the old Act. It has done away, thankfully, with very archaic language. For instance, you have had definitions being changed that would have previously referred to members of the occupier's family being referred to as the brother of the half blood. And you now see in this legislation where amendments have been made to take into account brothers and sisters. So we see a change in the terminology, which I believe is a reflection of the time. And I think it is symbolic, because there are a number of pieces of legislation on the statute books which are certainly in need of review and certainly in need of revamping to be able to be more relevant to the times.

Sir, I am mindful also that by extending the opening hours for shops, an onus is being placed on the occupiers of premises which, while they may have existed before, are now enshrined in the legislation in a wider way. And I say that, sir, because when you look at the provisions relating to health and safety, for instance, you will see that seats for shop assistants has been explicitly stated - how many seats are actually supposed to be provided. There are provisions relating to facilities for eating, and we do know that there are a number of small shops that do not often have these facilities, but the insistence in this legislation speaks to that. You also have an insistence that first aid supplies, for instance, are provided on the premises. Supply of drinking water. And when you see a provision like that worded into this particular legislation, it is interesting because you

would almost think that this was a fundamental basic right that persons would be provided with in our society.

You also have reference to a supply of lavatory facilities and sanitary facilities, and specific mention being made that an adequate number of lavatories and sanitary facilities must be provided. Issues of ventilation, sir, are obviously of tremendous concern, particularly in the Bridgetown area, because, as you know, a lot of those properties would have pre-existed during the colonial times. And as such, you would have had situations where they may not have contemplated the number of persons who are presently traversing the premises and the number of persons who work in those businesses.

I note that at section 14, employment of shop assistants at night - first of all, the occupier has to obtain a certificate from the Chief Labour Officer. And while in some cases already you have employers who are providing transportation for employees, it is now written obviously into the law that those persons must provide and convince the Chief Labour Officer that they have made adequate arrangements for transportation before they can actually move to having nighttime work. And I think that is very important. It certainly, sir, emphasises the importance of having the infrastructure in place in the transport system to ensure - both private and public - that persons are not only incentivised to provide the private transport system, but certainly that the government takes its duties seriously enough to ensure that public transportation is revamped in such a way to be able to accommodate those persons who may wish to work late and who may wish to be able to ensure that they have adequate transportation provided.

Obviously, the other side of that, sir, is that this, to me, will also increase the cost of doing business for persons who may not have been providing this, but who now, because of the statutory obligations, are being called upon to ensure that they are able to satisfy the Chief Labour Officer that they can meet this requirement. And we well know the current environment.

in which we are operating. And I would invite members on the other side to be mindful of this, and certainly the Labour Department to be mindful of this. In executing this particular part of the legislation, a number of requirements have also been placed on the employer or the occupier to provide notice to the employees of their statutory rights, which I believe is a good thing. But it also goes so far as to ensure that each employee is given documentation to highlight the number of hours that they are intended to be working, the type of times that they are supposed to be engaged. And what is interesting is that an offence is created under this section for occupiers who fail to comply with this particular provision. I think that is particularly interesting, sir, because a lot of times you have a situation where employees sometimes say that they do

not even know the terms and conditions under which they are engaged. And I think by making it a requirement that persons have to set out specifically the hours of work the persons who are supposed to be working, it is certainly a move in the right direction. It is also consistent with things under the Employment Rights Act. And I believe that this will all go well for businesses going forward.

What I do wish, sir, however, to put forward is that, again, it certainly increases the cost of doing business for a number of the small operators who may not have the resources or the staff to be able to put some of these things in place. So I think it is something that we must also be mindful of. Not that persons don't have to move in that direction, but I think we must also still be patient with the shopkeepers in allowing them sufficient time to be able to make this transition.

My colleague from St. James, from St. George, would have also spoken to the issue of fire safety, and I just want to touch on that, sir, as well, because I note that there is a grace period in the legislation at section 17, I believe it is, which speaks to the fact that while there are certain provisions now being introduced in respect of the requirement for a certificate from the fire department, what is interesting is that there is at least a period of a year being given for those businesses to be able to regularise themselves. Now, I would want the Minister perhaps to just explain to us, or perhaps just clarify if he could give a number of the total number of the shops that have to be licensed, because while I respect the fact that a period of time is being given to have the officers inspect the premises and be able to make the transition, I would like to know if it is a realistic time frame to be able to have the properties licensed and to be able to ensure that the persons who operate these businesses are able to make the necessary transition to be able to comply with this legislation. Because what we don't want is a situation where some of these businesses are not able to meet the target within the next year, and then for one reason or the other, they are unable to continue the nature of their business.

On the issue of fire safety, Madam Deputy Speaker, again an onus is being placed on the occupier of premises to ensure that all of its employees are made aware of fire safety plans and fire safety precautions. And while I accept that this is again important, again, I think we must be mindful that we are asking a number of these shopkeepers to train their employees. We are asking in this legislation also that persons who are specially trained - because there is a particular reference to persons being specially trained and persons being trained - but those who are specially trained must always be on site at all times during the working hours. Now, I would hope that account has been taken of the fact that a lot of these operations are small businesses. And it may not be practical to have that one person who is specially trained on site at all times. And it

may be that we may have to move to a situation where perhaps we specially train every person who works within the actual premises to ensure that we don't have a situation where when there is actually an emergency, those persons are actually not available. So I would want that perhaps the Minister could also look into that as well.

Now, there are a number of powers which have been given to both the Chief Labour Officer and to the Chief Fire Officer which are found throughout the Act. I would be curious to hear from the Minister what provisions are being made in relation to both departments as it relates to inspection of premises and entry of premises after what is, in a sense, the standard working hours within the public service. I say that, ma'am, because we are extending hours for shops, but we also have to be mindful that we have a public service which presently works 8:30 to 4:30. Therefore, inspection, it would be assumed, would obviously have to take place in some cases after 4:30, and therefore it would be important. The fire service, Deputy President, may operate 24 hours, but I am saying that the officers who inspect may not necessarily be working 24 hours. And I think it is important that the Minister is able to address his mind to that, because similarly, as you would expect from the private sector, where they will make the necessary accommodation as it relates to scheduling of hours, I believe government also has to start to address its mind to the shift work that may be required in a number of these agencies, in particular in the Labour Department and also in the Fire Department, to be able to give full effect to this piece of legislation.

I understand that had been a cause of concern previously in relation to the Labour Department and officers not necessarily wanting to work after a particular time without the relevant protection. And I am also aware that the Minister has expressed that he has been in consultation with the unions and it would certainly be useful if perhaps we had an update as it relates to what are the steps being taken to address the issue of overtime or even flexi time within the public service to be able to ensure that there is compliance with this particular piece of legislation.

Now, ma'am, there is a section in the legislation, section 29, which speaks to a discrimination offence. It has created a discrimination offence and it says, ma'am, that no person, on account of his race, colour or creed, shall be refused access to any shop or the opportunity to avail himself of any facility, service or amenity offered to the public by any shop by way of trade or business incidental thereto. Now, the Act makes it an offence to contravene this section and it enables the occupier, if the occupier is the person charged with the offence, to be able to indicate to the prosecution that it was not him, but in fact it was somebody else who had contravened the Act. It allows the court, ma'am, to be able to bring that person to the court

and to have that person obviously be cross-examined and to have evidence laid in respect of the charge.

What I do raise, however, ma'am - and I have no difficulty with this section, I believe I am on all fours with the government on this - is the issue of disability and sex discrimination, because I think that we are operating in an environment where all of these other factors exist. We should be mindful that if it is that some person is refused access to a shop because of their disability, or if they are refused access to a shop because of their sex, that those two grounds as well should certainly be a cause for reflection in this legislation. Because otherwise we could be equally accused of being discriminatory towards persons of either a particular sex, or we could be guilty of not accommodating persons with a specific disability. And I do think that since we are moving in the direction that most of our legislation is taking into account basic, fundamental human rights, it is perhaps food for thought that this call certainly considered that those particular aspects of human rights are perhaps best addressed in this particular piece of legislation as well.

We do not want a situation - because we hear a lot about from the tourism side - where persons who are discriminated against come to the island because they are in a wheelchair or they are using a cane and they experience some form of discrimination. Or as the honourable member for St. James himself said, that they are in a same-sex union. We have to be mindful that if we are preparing ourselves for a 24/7, 365-days society, we must also prepare ourselves to appreciate fundamental human rights which exist in other parts of the world and to which Barbados is obviously a party to similar conventions. So I would ask for some thought to be given to that particular section.

Now, ma'am, a move to this 24/7 society certainly for me is one that I, over the years, have had difficulty with. The fact that I work in town and sometimes town is very congested and you want to utilise, say, a bank, but you have to leave within a certain time to beat the traffic in order to be able to get to the banking institution before the close of business. Now, yes, there are banks now that are opening on Saturdays and we are grateful for that. But I too, like others who travel, would want to see a move in Barbados where we encourage businesses, in particular banking institutions, to be able to open later, to be able to open even on the Saturdays. I think that is a move that would be consistent with what the learned Minister has often been suggesting, to be able to ensure that we are consistent in the approach that we are taking. And while there are persons, ma'am, and I accept that, who will be able to utilise the online banking facilities, we have to be mindful of the elderly population as well, because a number of them may not be able to get out during the weekday. Even some of the working people may wish to be able to conduct their business on the weekend.

Now, as we move towards what I consider to be a different type of society, both impacted by technological changes and also impacted by policy which moves in a direction of longer working days, I think we have to be mindful that there has to be some planning that goes into the move towards this. That is not just something we talk about, but something that we actually sit very carefully and study. I say that, ma'am, because oftentimes we do not research before we run ahead and determine that this is the particular policy that we want to advance. Oftentimes as a society we come up with a very good idea, but the follow-through does not happen sufficiently to be able to see the progression of the intention of what some of our leaders may want to realise in the fullness of time.

Now, ma'am, infrastructure will be critical to the development of a 24/7 society. And I say infrastructure both in terms of transportation, lighting across Barbados, access to finance as well, and also in relation to the security of our people. Because while we may extend the hours, we cannot ignore the fact that it is important for persons to feel safe going about their day-to-day and nighttime activities. But also at the same time they must also be assured that transportation is provided in the public domain for them to be able to traverse to their business places.

The other issue, ma'am, is that we know that in a lot of communities there are a number of bushy areas which also are not properly lit. And persons who may now fall within this legislation, who may either not already be working late but who may now wish to take advantage of this, will now have some concerns as it relates to coming home late at night. I have, for instance, ma'am, some areas within the lower Bernese area, a more middle-income neighbourhood, where I have made several representations as it relates to the debushing in the community. And a number of persons who live in that area and who work have serious concerns about the open vacant lots next door to their properties. It does impact on persons who may want to take advantage of nighttime work, but then who, on returning home from work, if they cannot afford a taxi, find themselves susceptible to the vagaries of criminal activity within their communities. And so I do believe that while it is a step in the right direction, we must also pause and look at whether we have sufficient infrastructure in place to be able to ensure that our citizens certainly are safe and that persons who may want to embark on extending their hours can do so comfortably, knowing that the persons whom they employ will themselves also be safe.

Now, the other point, ma'am, that I would want to make is that infrastructure and the move towards this type of society has also been proven to have some health concerns. And while the economic benefits may not outweigh the health concerns, I do believe it is important that a conversation on this also enter this debate. Because we have seen studies overseas which have suggested that

longer hours often impact on persons' health care. There have been studies which have shown that a number of people, because of the long working hours, end up with a number of heart diseases, cardiovascular diseases. A number of persons who work long hours and into the night also have problems with gastrointestinal diseases as well. Because the body traditionally expects to eat at certain times, has been trained to eat at certain times, and then finds itself, ma'am, eating at unusual hours. And I would dare to say that several of us in this chamber find ourselves engaging in the same practices late at night - whether we are in this chamber till 10 o'clock and we eat late for dinner, or whether we are canvassing in our constituencies and we may not be able to get home in time to have a dinner around 7 or 8 o'clock.

So ma'am, it is something that we must also be mindful of because it does have an impact on the health care system and the cost of healthcare. It does have an impact on the rhythm of the body, what they call the circadian rhythm of the body. And it is something that we must bear in mind because we do not also want to create additional problems for our citizens in terms of the health care costs or even to the government by extending hours or having persons work in that way. We have also seen, ma'am, that some people, in order to stay up late, tend to rely on caffeine. Some people take sleeping pills to be able to deal with shift work. So we need to also, while we are encouraging a 24/7 society, educate our citizens about the dangers sometimes of being engaged in such activity. Because this is a reality, we cannot brush it aside. We need to be mindful that there is an effect on both the social and the mental state of several of our citizens when they have to engage in longer hours and longer shifts.

And I think, ma'am, we have to be realistic because a number of our citizens who want to work longer hours will jump at the opportunity to be able to make an additional income for their families. And we have to be able to educate them as to the dangers of engaging in certain activities which could be detrimental to their health. What does it require from a government, ma'am, apart from introducing this legislation? It is going to require an education exercise to enlighten the population about the mental and social effects of working long hours. It is also going to require this administration to be able to promote a balance between work and lifestyle. In other words, ma'am, persons need to be able to appreciate that they may not have to spend long hours at work, or even employers may have to appreciate that employees do not have to spend long hours at work if they can be given flexi hours or if some hours can be spent within the shops, but then some hours can also be spent off site, being able to work on things for the particular business. It would require, obviously, home and telephone working; it would require ensuring that there is still, if it is that type of business,

ma'am, certain consideration given to the length of time that employees would actually be spending on site.

We have to be mindful also, ma'am, that government must encourage the creation of a culture which caters to extended hours. And I say that because you have a number of pockets of communities that already have nighttime activity - restaurants, food being fried late at night, those kinds of things. And I think we have to see a push towards encouraging more of those types of activities so that persons who are working late, persons who are coming into the island, will not only have shops accessible to them, but will also have restaurants and all of the other ancillary facilities available to them. To be able to participate in and to take advantage of this is therefore going to perhaps require differentiation between what we see as the bar and the rum shop culture and the restaurant culture, because there are obviously time differences that take place when each of these are actually open.

Now, ma'am, I believe that we cannot overlook the fact that we have a serious situation sometimes where persons are also tired on our roads. Some people fall asleep because they have worked late. Some of them may be drinking, but in a lot of cases some people are tired because of the type of work that they are doing. And we have to be mindful that, again, we educate our population about taking the relevant breaks in order to be able to travel safely on our roads, because it compromises not only the health and safety of the individual driver, but it also stands to compromise the health and safety of other road users.

Now, ma'am, the other point I would wish to make is that we already have within our system a number of emergency services which can more than adequately, I believe, accommodate persons working shifts, persons working late hours. And I think that is another aspect that we must look at. We have seen the emergence of pharmacies, we have seen the emergence of late-night pharmacies. We have seen the emergence of facilities outside of the public sector which have started to accommodate persons who may take ill during the night. And I think that is something that needs to be encouraged, particularly if we are moving in the direction of a 24/7 society.

So, ma'am, I fully support the legislation which is before the House. I believe that we do have to move towards a position where more research is done in these areas. When legislation comes before the House, as I stated earlier, it would be useful to hear how many shops will be affected, how many areas will be affected by this piece of legislation. I don't think the Honourable Minister would have mentioned that in his opening, but it would be useful to state what are the trends as well that we are seeing within our society. I think we have an idea because we are seeing more people engaging in nighttime activity. But I

think again, we cannot continue to just simply pass legislation without a proper understanding of what are the trends taking place in our society. Because if you are to plan for lighting, if you are to plan for the infrastructure that is needed - whether it is security, whether it is transport - it is important that you have an appreciation as to where these people are coming from who are going to be participating in longer hours and longer activity.

I too would have attended the Transport Authority meeting in St. David's recently with the honourable member for St. George South. And again, I would want to reiterate that a review of the transportation system must be properly examined. We are seeing obviously a move towards growing private operators coming into the marketplace to be able to cut the cost at the Transport Board. However, we have to ensure that services are reliable. People will only create businesses and opportunities will only be created if people are confident that their staff will be able to get to their respective destinations. People will only act as a catalyst for what the government would like to see happening through this legislation if all of the other things are in place. And while we do not expect that everything will happen overnight, I think it is wise to be able to lay out clearly a set of timelines by which we would hope that this administration would achieve various things over the next couple of years as it relates to this piece of legislation.

A 24/7 society is not to be taken lightly, ma'am. It is something which has a number of implications on all sectors. It is something which has implications based on the deficit which this country finds itself in. It has implications for the future planning of the country. And so while we can sit here and pass legislation, we have to be mindful of the impact which legislation will also have on future generations as well.

And so, ma'am, I look forward to the Minister responding to some of the queries that have been raised and certainly being able to also comment on an update on the committee that he would have mentioned. I believe sometime last year a committee had been established to be able to deal with these issues, because my understanding is that about a year ago three committees had been set up and a time frame of about six months had been given for those committees to report. A legal and regulatory committee was supposed to focus on a framework for the legislation that was necessary. Any deficiencies that were going to be highlighted in the legislation were also supposed to be highlighted. The Barbados Coalition of Service Industries was supposed to focus on the support services. And I suspect that we should also be hearing more about, for instance, nighttime facilities for elderly persons to be kept. We should also be hearing more about daycare facilities that keep our children at night as well, because we must be mindful that there are mothers and fathers who will take

advantage of being able to work late, but oftentimes they do not have anyone to care for their children or to keep their elderly persons who they look after during the day.

So I would want to hear from the Honourable Minister an update as to where the work of that committee is at. And he also would have indicated that there was an Information and Communication Technology committee which was to be led by the Ministry of the Civil Service and which would also be responsible for reporting on how the entire thing would actually work with all of the organs of government and the private sector. Now, he didn't give an update six months ago. He didn't give an update on the last occasion when he spoke. And I am clear that he didn't give an update on the committee this morning. But I would hope that in the wrap-up, even if I missed it, it would be clear as to where we are with respect to the various entities that are likely to be affected by this piece of legislation. And with that, ma'am, again, I support this piece of legislation.

Madam DEPUTY SPEAKER: Honourable Member for Christ Church South.

Hon. J. D. E. BOYCE: joining the discussion on this the Shops Bill, to become the Shops Act if passed. And if there is one thing my friend from St. George South learned today, it was that - and once he learned that, he repeated it about six times before he sat down - that this Bill will become an Act if it is passed.

Madam Deputy Speaker, I felt I would get up immediately after the last speaker because there is a tone about her presentation, the Honourable Member's presentation, which I think needs to be nipped in the bud. And that is that the Act in any way sets out to extend the hours of work of anyone. It is precisely designed not to do that, but to allow owners and operators of businesses - and I use the term businesses very widely - to be able to be flexible about their employment patterns, to employ more people, to run longer hours of their shop; not longer shifts necessarily, but longer hours of your shop. So once we understand that the Act in itself does not introduce any extra burden of hours of work directly to anyone, I think then we can appreciate some of the points which the Honourable Member sought to make.

Certainly in the area of transport, the Act anticipates that, because again the Act clearly states that the employer, the owner, the operator is obliged to have in place transportation arrangements for the employees once they are working what they call the graveyard shift. So the Bill anticipates that; it provides that the operator will put in place arrangements for transport. And I agree with the Honourable Member - the workers need to be protected. And in many cases, of course, it is difficult to police these kinds of arrangements. And indeed workers can oftentimes

be victims of some very difficult situations as they try to earn a living and they try to meet these kinds of terms of their contract.

Madam Deputy Speaker, we also need to appreciate that this is a Bill which has been in contemplation for a long time. And the Honourable Member again was asking about what kind of consultation had taken place. And I think that this is something which we have been talking about from - the first draft was in 2006 -

– and extensive discussion and consultation ensued for about two to three years. The Barbados Employers' Confederation made their presentation. The Barbados Private Sector Association had their discussions with the Labour Office, and all the comments of these different agencies and bodies were taken into consideration.

There are special shops, again, whose work is a lot about tourism, related to tourism. And we have a number of those shops on Broad Street, for instance, and they have been making representation for some time, and some arrangements are already in place for them to operate their shops when we have large tourist ships visiting. What we are seeking to do now is make it part of the normal operation of the facility. And as has been stated before, in that regard, it removes the question of public holidays from being closed days, while maintaining - as the Minister was at pains to point out - Good Friday, Easter Sunday, Christmas Day, and the day celebrated as Independence Day as closed days. And of course, again, the Minister was at pains to point out that notwithstanding that, the employers, the operators, the owners are required to demonstrate appreciation for employees' religious rights, so that those who may celebrate on religious holidays other than those mentioned earlier will also have their rights respected.

So in this regard, I think, Madam Deputy Speaker, that this Bill is seeking to really cover a lot of the bases in respect of our experience. And I say experience because it demonstrates to me where we have reached in the entire debate on the question of the 24/7 operation of Barbados. And I think no one has been more vociferous and more regular in their comments about the need for a 24/7 operation in our country than the Honourable Minister of Trade, who presented this Bill on behalf of the Ministry of Labour this morning. And so I think that this is a very important development.

Again, I think the Honourable Member made an important reference, and the Honourable Member for St. George South made the comments too, in respect of the actual condition of our buildings. And the Member made the point that the Act does allow a year's grace for a facility that is already in existence to get up to speed, so to speak. But I think buried in the Act still there is the clause

which allows the Chief Fire Officer and the Chief Labour Officer to enter into premises at any time to deal with a situation which is out of hand. I think that is an important point to make. Whereas it is true that the Act anticipates a period of 12 months for facilities that are already in operation to come up to speed, there is buried in the Bill still the contemplation that if there were a situation that lent itself to immediate remedy, then the Chief Fire Officer and the Chief Labour Officer, acting in their own right, would be able to intervene and deal with that matter.

I would like to suggest, Madam Deputy Speaker, that in large measure employers in Barbados appreciate these realities, appreciate the fact that we need to present conditions of work for our workers which are comfortable and which lend themselves to a modern, developed society as Barbados is. The Member who just sat also referred to the question of long hours and eating badly, and therefore creating an unhealthy environment for our workers. I think I have to agree with her in that regard, because I also, as Minister of Health, have had considerable discussion with a number of agencies, and there is a large body of thought that shift workers especially do not necessarily engage in the kind of healthy eating styles which would redound to their benefit. And as such, they do tend - if not counselled very early and given some assistance and guidance by way of the kind of practices which they should engage in - to develop some of what we term today as the non-communicable diseases of the day, the silent killers, so to speak. We need not go into details in that regard. But I think that the important message that we would want to bring to this group of workers is that they need to sign on to programmes that assist with the kind of eating and diet habits that would redound to their benefit. And I can say without any kind of equivocation that in large measure, certainly, a number of our larger businesses have been encouraging their workers to practise healthy lifestyles. And this is a matter which will certainly be encouraged by the Ministry of Health and our polyclinics all over the island. And I believe that we will very soon be able to invest even more in training our people to adopt much healthier lifestyles - in regard not only to eating, but to the fact that they need to exercise regularly and keep their bodies in good shape.

I said, Madam Deputy Speaker, the Act again does not anticipate that anyone will be working more than 40 hours a week. As a matter of fact, it speaks to that specifically - that a week's work is 40 hours. The fact that we are in the habit in Barbados and all over the world of doing some measure of overtime is a different matter altogether. And it is something which we engage in because we want to earn the money, and there are certain special arrangements that are made in this regard.

Certainly the Minister made the point, and the Members on the other side who have spoken so far have

made the point, that we also need to pay a lot of attention to our general infrastructure - not only in terms of the ability of our transport services to respond, but also in terms of our lighting infrastructure and our security infrastructure. I come from, and I live in and represent, a community which is very heavy on tourism development. And the Honourable Member knows, because the Honourable Member has a relative who operates a facility in the area. We often have to control the noise that it generates, Madam Deputy Speaker. But we usually get tremendous cooperation once we enter the premises and ask them to turn down the noise so the residents can sleep, because the reality is that area is still a residential area. Although it is a well-developed tourism area, it is still a highly residential area. And as such we really look forward to our operators - like the Honourable Member and her family - to make sure that noise is contained even as they seek to entertain.

But the larger point we were making is that especially in today's world, where petty crime is a major problem, we need to do our part by way of infrastructural development - by way of lighting, for instance, by way of provision of security cameras - so as to record information that will lead to the easy apprehension of those who seek to carry out these crimes. And we have seen, regrettably, Madam Deputy Speaker, over the last couple of days and weeks, repeatedly on our television, footage of camera footage - albeit not in Barbados; we have not been treated to that level of extreme - but certainly in cities like Paris, Brussels, New York City, and London, the kind of threats that we are facing today has required those countries to put in place significant infrastructure in terms of cameras and lighting. But even with that, Madam Deputy Speaker, as has been demonstrated, we do not necessarily have all the answers. And it is really about building a society, a community, who take the responsibility to ensure that whatever help can be extended to deter the criminal element can do so.

But I talk about lighting, I talk about infrastructure development, and yet there are a number of these thefts and incidents which take place in broad daylight. In broad daylight. Yesterday morning I got a call about an incident in an area where a lady was attacked as she walked to her workplace in broad daylight, in the middle of the road. So there was no corner, there was no secrecy, there was no darkness. It was just the criminal element again that we have to deal with. And I am happy that the Honourable Attorney General and his team at the Ministry of Home Affairs and the Royal Barbados Police Force are making a concerted effort to try to ensure that we get a hold of this situation. And it is especially important as we continue to develop our tourism product.

I mentioned the area which I represent - Dover, Maxwell, Oistins, Worthing - all heavy tourism areas; Silver Sands to some extent. And the question of

harassment impacts on the businesses, because if we continue as a people to harass our visitors the way that I see it being done sometimes, I am sure it will impact negatively on the overall impression of Barbados and will therefore redound negatively to our tourism development. And as we turn the page in Barbados in terms of our tourism development, recognising that it is one of the areas which we can look forward to for tremendous success, we need to bring along with it that training and that appreciation that harassment of our guests cannot be tolerated, and that the quality of our offering as a tourism destination must constantly be upgraded.

And of course, we celebrated only yesterday morning the groundbreaking at Sam Lord's Castle for the new development at Sam Lord's Castle, which will be under construction for the next 18 months to two years. And I look forward to that facility coming into operation. I also look forward to the continued development in Dover and Maxwell of the Sandals property. And although there has been some level of inconvenience to some residents in the area, I think largely the Sandals development has taken place with a kind of responsible approach that has allowed the majority of residents in that area to express their appreciation rather than their disgust at what was going on. And I think that Sandals has really set a new bar, a new level, in terms of tourism development in Barbados. And of course our bookings have already begun to reflect this reality.

But let us not dwell on Sandals alone. A number of properties on the south coast and west coast of Barbados have gone into significant development for this season, and we expect tremendous results in this regard. I mentioned only last week, of course, the fact too that our owners and operators of our shops and booths at our Oistins and other outlets need also to keep improving their business. They need to pay careful attention to the food that they serve. The Honourable Member made mention of cooking all night, and certainly the kind of awards that have already come in the direction of the operators at Oistins - a couple of operators at Oistins have had tremendous successes in this regard. One of them I am aware of has actually been Zagat-rated. And this is an excellent achievement and it speaks volumes for Barbados. At the same time, we need to continue to improve these facilities so that not only are they improved for the visitor, but they are improved for the employees, the workers of the facility.

So, Madam Deputy Speaker, the point we have to make is that this amendment of the Shops Act by this Bill is really a rolling process that has started, and the different iterations have already been mentioned by those who have spoken before. But the point is, we have reached the stage where we can boldly introduce this Bill to the Chamber and introduce it to Barbados, because we are confident with the level of consultation that has already taken place, the level

of consultation that is anticipated, and the fact that owners and operators of facilities recognise their responsibility in respect of bringing their facilities up to a level of acceptance - to provide all the areas of comfort which this Bill speaks to: provision of a lunchroom, provision of seating areas for those who use the facility.

And if you want a wonderful example of a working environment - because the point has to be made that this is not only about shops, Madam Deputy Speaker; it is also about any facility, really, where there are employees and where business is being transacted - we had the opportunity last Friday at the Ministry of Health to open officially the St. John Polyclinic, the David Thompson Health and Social Services Complex. And I believe Barbadians would have been treated to a modern facility of an extremely high standard, which not only provides for the comfort of those nurses and doctors and other operators of the facility, but which will provide an excellent ambience for all those who come to that facility.

As a matter of fact, the word on the ground is, Madam Deputy Speaker - and maybe you can testify to this - the word on the ground is that there are many people in St. John going to the St. John Polyclinic not because they are necessarily ill, but just to visit. So they are going to the St. John Polyclinic to visit the facility. My information is that since yesterday morning a number of those clients who have been to St. John have been there just out of curiosity. And maybe the only thing the doctors would have had to prescribe there was some kind of tranquiliser, because they were so elated and excited at what they observed that they may have needed something to bring them back down to earth.

But the truth is that we need to maintain these kinds of standards around Barbados. And as I said in passing, I think that the thing I like about this Bill most of all is the level of consultation that has clearly occurred. It is a very responsible aspect of this entire development, Madam Deputy Speaker. And it speaks well to the maturity of our organisations in Barbados - our employers, our workers, our unions, and indeed our public servants and our governments. And I say governments because it has been going on for some time. It is not about 2008, 2013, and today only, Madam Deputy Speaker, but is about a history - a recent history - of Barbados labour development that is really represented by this Bill here this evening.

So, Madam Deputy Speaker, with those few words, and really encouraged by the maturity of this Bill today, I lend my support totally to the Shops Bill 2015, and want to congratulate the Minister and Ministry of Labour for this very important development at this stage. I am grateful.

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

Mr. T. A. PRESCOD: Thank you, Mr. Speaker. I am not the Honourable Member for Christ Church East or West, but St. Michael East. And I advance my positions almost exclusively within the interests of the people of St. Michael East.

Madam Chair, I think parliamentarians, we have a duty. We are not critical of this Act or the drafting of this legislation. I sincerely respect the effort being made in drafting this legislation, but I think that sometimes we must feel free to at least help to plug loopholes, not in the legislation itself, but in the charting of the direction that the legislation might allow us to give rise to. Politicians are not sleepwalkers and we cannot afford to chart a path with the precision of a sleepwalker - people who do not know the destiny. So we would have an Act or Bill. I know that seemed to be a fundamental issue here for a layman like me. I will make the error by calling it a Bill. I say that deliberately because I do not think it is really - I would only assume that it was just injected into the conversation because it is a common practice that I have actually heard in this Chamber.

I know that many people posit the view with a strong emphasis on corporate Barbados and their interest as represented within the Bill. The Bill itself touches on the interests of both the employer and the employee. But while I believe that it is a progressive piece of legislation - very much like legislation related to health, legislation related to welfare, legislation related to child care - I consider all those things to be progressive packages.

Madam Chair, from time to time we must feel very passionate about making a deep analysis of whether the legislation alone contains all that is required to meet the objectives or to address whatever wrongs exist within the society itself. It is not always possible that legislation will do that. And I am not saying that legislation is not valid, but it is about the application of the legislation. Not everybody can fault the high quality of the drafting that we have witnessed in Barbados over the years. But as a politician I am not going to look at it exclusively from the efficiency of those who draft it. I am concerned whether the application at this time - whether the sociological conditions - can be considered as favourable to the introduction of this piece of legislation.

It is progressive and it is not only for today. But whenever you introduce legislation, from a layman's perspective, I would like to believe the social environment and the economic environment must be appropriate to the type of introduction. The Marxists say the objective conditions must be favourable. And I believe that the Honourable Member will be familiar with that kind of language. The objective conditions must be favourable. I am saying that the objective conditions are not favourable. And that all other ministers, all other public servants and

Barbados as a whole must look to create the required infrastructure that is mirrored in the provisions of the legislation so that it can make this piece of legislation workable.

I know that there is a time limit in the legislation that allows traditional infrastructures to make the required adjustments. I really believe that is sleepwalking. We have a lot of old buildings in Barbados. And although you understand the fears of safety and of human rights, I do not believe that after one year has elapsed you will see any fundamental changes. A lot of construction and adjustments will have to be made in places like Baxter's Road and through the street. And I think that was the point that was being made. Reference was made to the fire that took the lives of the young ladies there. We also had an experience in Bank Hall. The same thing occurred. Well, that is a single building away from all other buildings. A building of that type - the necessary arrangements for reconstruction could easily be made. But to me you will have to do something miraculous to make any fundamental changes to the buildings in Swan Street and Tudor Street and Baxter's Road and some of the other buildings across Bridgetown.

One main door in many cases. And then people subdivide the building. And they have six or seven legal entities called businesses. Some are not always wholesome businesses being conducted. Sometimes they have a communal toilet. So after the Minister talks, the Ministry of Health, the Ministry of Environment, the Fire Service must also connect with the seriousness of the legislation. The Town Planning Department must connect with the seriousness of the legislation. But we are talking about infrastructural changes. They cannot be done within one year. With the most vivid imagination, it cannot be a serious political or scientific view that 12 months from now we will see all of these old buildings - which I know people were advocating for years -

That some of these cheap investors who are only here to exploit labour in the most criminal form that they will take the little profits which they have and make any major changes to the buildings. So we're not going to let anybody stay out there and laugh at us and say that we are making a mockery of Parliament. We know that it cannot be done in one year. And those are the things. That is one aspect that I want to in fact, as a result of people at the legislation not looking through it thoroughly. I've got a legal mind, but I believe that sociological analysis would require of me that I look to see if that provision is workable.

I'm also glad that when I look through the legislation or skin to it that the legislature address that employers must become human beings and make provisions for a drink of water to be available to workers. You know, we have some

legislation, we have some people in Barbados who employ you and tell you if you make dirty, you must make clean. Sometimes workers working in restaurants, workers working in stores in Swan Street managed and owned by a different kind tell workers they must sweep the place where they don't sweep. They probably might not even provide water to wash their hands properly. But I want to come and serve people drinks of food and in some cases cashiers are now in a position where in order to survive in the modern economic environment they must make the required adaptations if they want to be accommodated in the system. To become a sweeper, which is called the purist cleaning place, wherever is maintaining, they must enter around and be a cashier. And then other things as well. Other things as well. When the juries come, all other things likely to occur. But I am concerned about those things.

Madam Chair, I am not being critical of the legislation because you cannot at any time draft any legislation that touches everything. Sometimes it's even difficult to find a construction that wouldn't go beyond what you want to do, that would not allow a lawyer to get a lot of free money for doing nothing. So it's always difficult to find the right words when you are drafting just to address a specific area.

There are other things apart from that. As we mentioned before. Yes, private security services would be probably one of the main beneficiaries apart from the direct employment in the workplace because of the conditions in the economy at this time. We will have to work assiduously to move at a rapid pace to reduce the high levels of unemployment in the society and not the bill means nothing to people who don't work. But if it is also to mean something to those who would benefit from the 24 hours service then you must have, you must give bustle or energise the economic system itself so that money can be filtered down to consumers and clients. All that is going to be very difficult for us to sustain a 24 hour service. You've seen it with gas stations attempting to open up for long hours. But if there's no traffic on the road, because everybody, everybody very conscious of any gas prices go up or down. And after a certain time at night, if you come to my constituency or you come into Carrington Village, all of those shops in Carrington Village, after a certain time there's no activity.

So even if you offer the opportunity to those shops to open up 24 hours, it is going to demand of us, I'm saying, of us as administrators at this high level to do everything that we can do to create the required economic environment so that you can get the young people and those not so young in Carrington Village, Belmont Road. I don't know the social composition of Belmont Road now as it used to be when George Lamming wrote in the Castle of My Skin. But I know that was a buffer line. And it's unlikely that those people there would have ventured over

into Carrington Village and participated in economic activities. But you would have to create an environment.

There was a time in Carrington Village - the Honourable Representative of St. Philip would be well aware of that - where there was a lot of activity by watermelon shops. Now, in Carrington Village there's a barber shop, there's rum shops, there's a Freddy Chicken outlet. These are the kind of businesses that we are talking about here in the early stages of the effectiveness of this legislation. It is those small units across certain densely populated communities that will give rise to the muscle of the economy. It is a necessity. The other ones might be probably focusing on producing either goods or services for an external market. They don't deal with any external market. There's a small parochial circle that keeps them alive. And there are people in this society with large families, extended families, when these shops are not working, there are massive households that suffer as a consequence of these small businesses not functioning in the way that they ought to.

Now, the other social implications go back to unemployment. And I raised this issue already because, as I said, the criminologists, they believe or they view scientific judgment as well. As long as the environment is like that, there will be a major intensification of not only criminal activities, but criminal activities once upon a time that are now accepted probably as immoral activities or unethical conduct. So you're changing the dynamics inside the community all the time. Things that I see in my community - Tichman, Haggart Hall, Barkers Road, by Lawrence Hill, Ivy, Lakewood Village, St. Barnabas. Things that we normally before would call the police quickly for, we are now conscious that is your next door neighbour's son or daughter that is involved in the activities. So we are not even going to fool ourselves with statistics. We know that what is so described as criminal, not in its written form, but in the judgment of ordinary people, is not seen as a crime anymore. So we have to address all of these fundamental issues as we put a piece of legislation of this kind into place.

So whether it is progressive, whether it might be perceived as visionary, what I believe is that it is futuristic. There's nothing wrong with putting legislation in place ahead of time. But we also have to move concomitantly with the intention of those who draft this legislation to put the required physical structures in place so that we can move collectively to also rapidly transform the environment in which we live.

I really just wanted to - I'm not going to touch on the health aspect of it, but we also have to look at conditions of the Welfare Department as well. The Welfare Department once had an excellent programme called Welfare to Work. There needs to be a proliferation of that kind of programme

at the Welfare Department because the Welfare Department provides an excellent human mechanism for determining some of the fundamental changes in the community as it relates to poverty. I know if you had a chance to look at the welfare departments, you can get a chance to measure if poverty is increasing in South Central, in the city, in St. Michael East, St. Michael West, whatever. You will know what is happening in Bush Hall. You will know what's happening in Greenfield, in Farnham's Land, in Castle, in Nelson Street. As long as the Welfare Department records the information, it might be an imperative that we put these structures in place so that we can create the required skills.

Because as the environment changes, what we see is, as I said, a lot of emphasis on ICT programmes. There's a requirement for the Ministry of Social Care, to which I have the honour of serving for two terms as a minister - with some of my limbs cut, but working in the department anyhow - under a very competent person at the time. And we had - it was the former Prime Minister. Yes, and the minister who served then. And everybody can't tell me not, because if I didn't think that things were being done the right way, I would not just take the taxpayers' money. I received the money because I was producing and I was happy that the policy was going in the right direction. But I don't know what has happened. I know that there are financial constraints in the government, but I don't know what is happening. But there's that Welfare to Work programme. There was also skills training. There were also a number of skills that used to come out of that department along with departments like the National Training Board as well as the Polytechnic as well. Because we're trying to create young minds, stimulate interest in young minds to fit the new job market.

But if you have, in these times, a whole set of unskilled persons not even motivated to develop their education or develop their skills, they would be around loitering for a long time in the society and you would never be able to create work for them. And if you can't create work for them, they can fall back on the Welfare Department or they can fall back on the criminal system. So I really believe that this piece of legislation, Madam Chair, is one that is worthy of praise. I also want to compliment those who have been responsible for drafting it. But I looked to it, I still saw a lot of interesting issues that were addressed in the legislation. Obviously out of discussions here and experiences in the future, you will continue to address additional elements in the system that need to be addressed.

I don't really believe that every time you draft, or even at any time you draft legislation, that the whole idea of adequate conceptualisation or adequate analysis of our reality will be reflected in the legislation itself. So you know that the only reason why we keep changing

governments and going forward is because you know that the atmosphere changes. I know we boast sometimes about who drafted legislation in the 1940s and 50s and so on, but as the dynamics change, you have to go back to the same principal piece of legislation and make the required adjustments to the legislation to suit the social and economic conditions in the society at this specific time.

The objective is to allow people to live in a relatively civil environment so that all of us feel safe. So that the Honourable Representative for St. James South can walk on the beach without fear at night with his other half, whoever that might be. So we want - we're trying to create a very civil and peaceful environment, all of us. It is not the Opposition and the Government holding differences on creating that kind of environment. And when we try to bring legislation of this kind, we are trying to bring people back into a wholesome economic environment where they can work and get income by legitimate means, not contraband or other illegitimate forms of gaining income.

But if we push people on the rims of the society - and that is why we have to have different voices - the reason why we are here is because all of us might never have the same perspective about a specific subject matter. But what is important is that we listen to each other, be as dispassionate as we can. I know we are human beings and from time to time we will slug it out. But I don't see why somebody would want to take a piece of legislation like this and rope it into any area of contention whatsoever. Because what has been done here is admirable. And all that I'm saying is that we must create now, and genuinely so. The minister responsible for the piece of legislation cannot be exclusively the person expected for the execution of the piece of legislation for it to be successful. So it means that all other ministers, as you look at the various variables that you touch when you try to make this legislation happen, it means that all other ministers must work in collaboration and harmony with the Minister who is responsible - the Minister of Labour. Better serve Health. All of these ministers must come together and understand the importance of this legislation to the general development of the society.

So, Madam Chair, just a second more. I am concerned. I don't know if I'm right, but it's certainly not the perspective of a sleepwalker. I get the impression that there's a lack of energy and drive in the system to be productive. I believe that we can only find the issue or the element that ought to drive these energies to be productive in the system by reasoning together. But there's a problem. Nobody wants to sweat. Nobody wants to sweat. If it's eight to four, people go to work and loiter because they're ready to get to Friday to get some money. There's no admiration for the completion of a task, whether you're making something or whether there's a service, as though people are fully alienated from the complete product, or

they believe that some other person in the society is gaining greater benefits out of their labour. You've got to spend time trying to see how some person in the society will require persuasive skills that can generate the interest and the motivation that will help us to create the kind of environment where our people can become more productive.

If you ask a man to build your tech box five years, the only way you get him to move quickly is if you're paying by the job. If you tell the man you want the box car completed by this evening for X amount of dollars, it shows that he possesses the required qualities to get the job done within a reasonable time. But he is not motivated in the society if he is being paid by the month or by the week to produce that box car within a day. But then we are expected to compete with other persons when the cost of production for the labour is much higher than the cost of production for labour in other parts of the world or probably even among the other competitive partners within the Caribbean itself. And these are fundamental issues and we have to tackle them.

And I'd be glad - I'm to some extent glad to see how the discussions went today. You know, there are other parliamentarians that I really would have enjoyed hearing. I hope that they don't consider this bill to be so insignificant that they are not applying themselves to the bill. But I believe, Madam Chair, that this is progressive. It will be very helpful in the future. But what we need to do is to do everything to make sure it is executed. The provisions in it - like the changes of the structures, the safety conditions, the police force, the security forces, the lighting systems in the society itself - give me some comfort so that I can walk and feel free in any part of Barbados as I would like to. Madam Chair, thank you very much for listening to my feeble contribution.

Madam DEPUTY SPEAKER: Honourable Member for Christ Church West Central.

Hon. S. A. LASHLEY: Thank you very much, Madam Deputy Speaker. I will not be long, but I certainly share the remarks of the last speaker that this particular bill before the House is of critical importance and therefore ought to demand the attention of Members in relation to its provisions. This particular bill, of course, replaces the Shops Act of 1985. And it has been basically about 19 years since this House has revisited the provisions of this legislation. There has only been one amendment to the 1985 Act in 1996, but of course the time period in between the last review of this legislation - during that time, this House will certainly agree that there have been tremendous changes made in relation to the landscape, both the commercial landscape and of course the employment landscape across Barbados. That certainly requires of a mature government the requirement of reviewing

provisions of this legislation to make sure that it can certainly be seen as progressive and brought within the 21st century requirements.

I have to say, Madam Deputy Speaker, that certainly in my view, the most profound change that has been brought about by this bill has been the extension of opening and closing hours for shops, which has certainly brought about a complete shift in relation to the dynamics impacting on the opening and closing of commercial centres across Barbados. Certainly over the past 10 years, you would have seen a transformation in relation to the conduct of commerce in Barbados. We would have seen certainly some significant changes in Bridgetown. We would have seen the development of new shopping centres. We have seen Warrens, we have seen Sheraton. We have seen a new type of shopping centre, also moving beyond the confines of the traditional shop experience. We have seen malls being created in Barbados, which is a good thing. But of course, the legislation governing the encouragement of commercial activity has lagged behind. And therefore this bill before the House is certainly a progressive step by the Democratic Labour Party government to bring Barbados squarely into what I would call the modern era of commercial activity.

That certainly will ensure that places involved in the business of commercial activity, mainly retail trade in particular, are given the legislative framework upon which to exist and to succeed. Under the former legislation, one could say that the flexibility that is required for these shops and these retail centres to operate effectively was lacking. And therefore, I believe the most important aspect of this bill is to extend in a flexible way the hours in which these operations can be carried out in a manner that does not offend the law as it relates to safety and other protection mechanisms for employees. So, Madam Deputy Speaker, I certainly want to hail this as a good development.

Another feature that I think is important, buried within the provisions of this bill, is that while it extends the shopping hours - as the Minister has said, 7.00 a.m. Monday to 10.00 p.m. on Sunday - and of course there are the closed days, mainly those traditional public holidays, Good Friday, Christmas and so on - while it does that, it does reside and place within the powers of the Minister some very important discretionary powers. Not only by order, which means that there is no need to come back to the House each time by legislation to do this, but the Minister under the bill is vested with some important discretionary powers to extend the opening and closing times, to also extend the provisions of the bill, and of course, if it becomes an Act, to extend the provisions of the Act to shops that may not currently be covered under this particular proposed legislation.

And that, Madam Deputy Speaker, is extremely important within the context of a rapidly evolving retail and commercial environment within Barbados. And I think that aspect of the bill shows the extent to which the government has planted its feet within the confines of ensuring that this legislation is flexible enough to allow for commercial retail operations to get along with their business, unimpeded by unnecessary bureaucracy and unnecessary red tape.

So, within the context of a bill that has not been revisited over the past 19 years, I believe that this government ought to be congratulated. I believe the Minister and his team certainly must be congratulated for bringing this legislation, this proposed

legislation before the House. I also want to say, Madam Speaker, that I am of the view, I know that within the context not only of this particular bill, but certainly the bill that it will replace, there has always been a mechanism within the bill to ensure that places such as the port and the airport, shops operating within our ports of entry in particular, and there are others as well because of the extent, of course, the nature of where they operate, that they are not confined by the stipulations in terms of opening and closing hours as would obtain for other shops. And that is precisely because these areas are important in relation to being kept open 24 hours. And if we are talking about moving towards a 24-hour operation within Barbados, it is certainly my view that sooner rather than later, we will have to look at the question of our historic capital city of Bridgetown. And to ask the question whether or not this historic city, which of course carries the important designation on the UNESCO World Heritage Sites, whether we should not also designate historic Bridgetown as one of those places of business activity which is placed on the same footing as our airport and seaport. I believe that is something that we will have to do. We probably have to do it also for those emerging shopping centres such as Warrens. And also I believe we have an obligation to look very seriously at how we are going to create the necessary environment also in the historic city of Speightstown, which is in need of resuscitation to ensure that town can continue to thrive. And we may very well have to apply this legislation to allow for our historic Bridgetown to be a 24-hour city. And also to allow for Speightstown in particular to be a 24-hour city. I think we have to provide the opportunities for our commercial centres to operate in as much an unimpeded environment as possible.

And this is important because, Madam Deputy Speaker, if we look at Bridgetown, for example, we recognise that the face of Bridgetown, particularly over the last 10 years or so, has changed significantly. We have seen a number of business places leaving our city. And of course they have planted seeds in other areas of commercial

activity. Some have gone to Sheraton, some have gone to Warrens. But there are many businesses that still maintain a presence in Bridgetown, I believe. And having looked at it only recently, I had a meeting with some of the owners of business in Bridgetown. And we are agreed that there is a need to have a plan to ensure that Bridgetown can be placed again at the apex of commercial retail activity in Barbados. And I think we can achieve this not only in relation to maintaining the very prestigious UNESCO World Heritage designation, we can achieve this by means of some very incisive projects designed to not only maintain the beauty of our buildings, our streetscapes, our signage, but certainly we are going to look at a plan to ensure that we can beautify our capital city. In particular, Madam Deputy Speaker, there is room for engaging our young talents, our artistic talent in particular, bringing them on board to help us to beautify our city - by means of murals, by means of artistic caricatures that will help to beautify our city. And as I speak, we are looking at a plan to start that particular activity certainly in the month of December and moving beyond that.

But I am saying that we need to have some very incisive approaches in relation to our capital city that will maintain its beauty and at the same time ensure that commercial activity can continue to thrive from Bridgetown and act as an incentive. Certainly I think there are several alleys within Bridgetown, there are currently areas in which we could beautify them. We can have our artists utilising them for the sale of their paintings and other artistic craft. And all that is required really is to have an approach and a shared vision where both the private sector who maintain a presence in the city can work with the government through its various agencies to ensure that these areas of commercial activity can be ways to propel our city back to the pristine and hustle and bustle city that we have known Bridgetown to be. We have to guard against any further movement of business activity from our city. We have to bring more businesses back to Bridgetown because the importance of that means that we will retain more jobs, we will have more activity in our city. And of course the aesthetic beauty of our city is protected.

And that is why, Madam Deputy Speaker, moving towards a 24-hour arrangement, and certainly the effort in this bill before the House to extend the opening hours of shops, has to be seen within that context of taking a leap forward in terms of transforming our capital city in particular, but transforming areas of commercial and retail business across Barbados. And there are various levels in which, of course, we have to encourage that, because not only does it have a significant impact on local commercial activity, where many Barbadians, of course, have different options in terms of purchases, both duty-free and duty-paid purchases. But what we are doing today is an important development within the context of ensuring that Barbados can remain relevant and can remain appealing to our

visitors, who by and large have access to all the major capital cities of the world. Many Barbadians travel from time to time and recognise that the whole business of retailing is one that continues to evolve. In fact, it has to evolve because a lot depends on how you can create the kind of appeal to shoppers. Indeed, our places of commerce have got to reinvent themselves. They have got to use innovative means, either by means of physical upgrades or in terms of the training of their staff, to continue to be leaders, if that is what we want to do. If we want to be leaders in terms of commercial and retail, then of course we have to look at it in a very holistic way. It has to not only relate to opening and closing hours, but it also has to do with ensuring that those persons who are the face of our retail services in particular are the beneficiaries of training. Because one of the last things, Madam Deputy Speaker, we can afford to have is a perception that those who are delivering service are not doing it with a smile, with a kind of attitude that is befitting of where we want to get to as a service paradise.

I also want to say, Madam Speaker, that the bill is not only about expanding hours. I think a lot of care has gone into the bill to ensure that we can look at health and safety issues. As we are looking to ensure and encourage expansion at the commercial level, we can also ensure that the health and safety of employees are safeguarded. Of course, we are aware that within Bridgetown itself, only a few years ago, we were faced with the very challenging and traumatic experience of a fire that claimed the lives of several of our young citizens within a store. And that has brought to the fore the very important and critical issue of fire safety in our places of retail business, and in particular in Bridgetown. And I believe the bill does go some way. I mean, I think there has to be obviously a transition period. Many of the stores are in rather confined locations. There are physical constraints to expansion, but of course that ought not to be a consideration that inhibits safety. And therefore we recognise that safety has got to be an important aspect. And the bill does make provision for occupiers and persons who control these businesses to have fire safety plans. And I want to hear that as a progressive step. And not only must they have a fire safety plan, but the fire safety plan must be placed at the consideration of the Chief Fire Officer. In fact, it must be approved by the Chief Fire Officer. And indeed it must be made available to all employees who should be informed and who, once this bill becomes law, will be required to be trained in fire safety as a mandatory requirement. And I think that is the government's response to the risk of fire occurring within these structures, which of course we have an obligation to guard against and to ensure that such a tragedy as has occurred does not happen again in Barbados.

I also want to say that the bill provides and sends a very important signal because I believe for the first time we are sending a signal that we want compliance with this bill.

We are not only putting provisions in here to deal with health and safety, we are tightening - we are actually tightening the provisions that deal with health and safety that exist under the current legislation. We are going a step further and we are putting in place certain additional safeguards, as I referred to, in relation to fire prevention in particular. But we have also ensured that the penalty for breach of the provisions of the bill are going to be increased from \$20 000 to \$50 000. And therefore, that suggests that there is a clear intent on the part of this government to ensure compliance with this bill.

So, Madam Deputy Speaker, I would want to conclude by again saying that this move by the government again signals that we are serious about encouraging commerce. We are serious about moving towards the concept of a 24-hour commercial and retail operation in Barbados. We believe that it is critical for the expansion of activity, particularly in our commercial centres, but it is critical also to preserving and providing for additional jobs. I want to end, Madam Deputy Speaker, by certainly congratulating in particular those businesses that have taken the initiative to expand their physical structures to make provision for the new era of commerce in Barbados. And in particular, I would like to single out those businesses particularly that I have seen expanding on Broad Street. And that is to be encouraged because we want to ensure that our buildings can be refreshed, can be appropriately restored, but also that the services that are being offered are modern and relevant and place Barbados at a level that makes it competitive in relation to other countries across the region. And those businesses that I have seen making that effort I certainly want to congratulate them without calling any names in the House. But I believe we have seen tremendous investment. I believe one business in particular, leading up to this Christmas period, has made a significant investment, I believe in excess of \$10 million in expanding its operations on Broad Street - and that is Cave Shepherd. And I want to commend Cave Shepherd for doing that. And also I have seen the expansion and the effort by Diamonds International as well, in terms of ensuring that the building, the façade of the building can be improved, but also ensuring that it can do the necessary renovations in and outside of the building to ensure that our historic Broad Street can look proper.

I believe we have an obligation and we take it seriously to ensure that our services, such as the Sanitation Service Authority, our police services - because I believe we have to revisit our plan within Bridgetown in particular. We have to ensure that it clicks better. And certainly, as the Minister of responsibility for protecting the historic designation of Bridgetown in relation to UNESCO, it is certainly my intention very shortly to convene a meeting of all the necessary relevant agencies - the police, the SSA, the Ministry of Health and so on, the Fire Service - to

ensure that we can devise a strategy to ensure, one, that Bridgetown remains clean and sanitary, that it remains aesthetically pleasing, and that, of course, in relation to parking, because I do believe that we have to revisit the whole issue of the parking plan, the traffic arrangements for Bridgetown, to encourage more shopping, more activity, of course, in a safe environment. We have to also ensure - and I want to compliment the private sector for starting the lighting project across the various streets, because lighting is important and we need to do more of that - because we also have to make sure that Bridgetown remains a safe city. But also I want to say that it will be our resolve to ensure that we work with the Royal Barbados Police Force to ensure that Bridgetown remains a safe city. And particularly as we enter the festive season, I certainly want to send a signal that we want to ensure and will ensure that Bridgetown remains safe. We know that this time of the year there is an increase of attempts at various types of crime. And this is where our plan, of course - and I have to compliment the Royal Barbados Police Force for every year coming up with a very robust plan to deter crime in our city, particularly as we get into the period beyond Independence and into the Christmas shopping season.

So, Madam Deputy Speaker, I want to wind up by saying that this is a very timely bill which seeks to take Barbados very, very progressively into the 21st century, and to place our stamp on where we want to go in terms of encouraging commerce in Barbados. I am obliged.

Hon. D. O'N. INNIS: Thank you, Madam Deputy Speaker. Madam Deputy Speaker, I rise to close the debate and pretty much to seek to bring it to an end. And I want to thank all Honourable Members who have made a contribution to this debate today, and of course, those who may not have spoken to the bill on the floor, but certainly otherwise given their support.

I want to start where my colleague, the Honourable Member for Christ Church West Central, would have just ended. And that is to signal the importance of this piece of legislation to the development of Barbados, our economy, our society. And I must say, Madam Deputy Speaker, it is indeed a very profound piece of legislation. One that can really help to transform our commercial landscape, create job opportunities, encourage further investment, and generally speaking, really make a significant contribution to this society and economy.

And that is why I have a great sense of regret that the other members from the opposition benches have not seen it fit to comment on the bill here today, because it is of such significance. Madam Deputy Speaker, as you know the rules, I cannot comment on the absence from the chamber here today. I know the Barbados Labour Party was committed to address the Chamber of Commerce

today. But I really feel that a significant piece of legislation like this, that will certainly positively impact upon even the membership of the Chamber of Commerce, should have heard from the Leader of the Opposition today.

I note the presence of her two most loyal supporters - the Member for St. Michael South East and the Member for St. Michael East - who obviously are very, very lonely today. But that is understandable given the turmoil that has erupted within that party out of a blatant disrespect for natural justice, so I am told. It is not for me, Madam Deputy Speaker, to comment on what is happening within the disintegrating Barbados Labour Party. But as they continue to labour with what others have called political despots, the reality about it is that the Government is getting out of the people's business. This is a significant piece of legislation that will create opportunities in Barbados. And we, therefore, Madam Deputy Speaker, will press ahead.

Mr. SPEAKER: Please continue.

Hon. D. O'N. INNISS: The reality about it, Mr. Speaker, is that this piece of legislation - the Shops Bill 2015 - as a Government we have sought to capture not just where Barbados is today in the global economy and society, but where, more importantly, we wish it to be. And I note the calls for us to speak on matters such as what has been happening within the 24/7 committee and my ministry and what the Government has been doing in other areas. We cannot do everything at one time, but certainly the perspectives of my ministry have weighed in heavily on this piece of legislation.

This has been in the works for many, many years. And I want to thank the Permanent Secretaries and the staff in the Ministry of Labour in particular, who have worked tirelessly to bring this together. I know they have had what they consider perhaps to be immense pressure from the private sector and the labour movement and others. But I think that we can safely say that all have been given a fair hearing and we have reached this point today where we have a piece of legislation that, while it may not be perfect, it certainly is a major paradigm shift from where we were perhaps a few years ago and certainly takes this country in the right direction.

As I stressed earlier in my presentation, this is not just about the opening hours of shops, not just about health and safety in the workplace - which are all extremely critical, do not get me wrong - but it is also about sending a message to the rest of the society that it is not business as usual. Barbados really has to open its mind and open its shops to what is happening in the rest of the world. I am not asking anybody to lose the cultural nuances and beliefs that we have right here in Barbados and work so hard to preserve over the years, but one thing that we work hard to

preserve that we have to keep with us is the capacity for hard work and a willingness to adapt to change.

Now, what troubled me a little bit was the comments from the Member for St. Michael South East, who is obviously willing to wholeheartedly support the bill, but caught in that dilemma of opposition politics where you oppose for the sake of opposing. The Member for St. Michael East constantly referred to a few negative things such as the impact upon the health of individual workers in Barbados who will now have to work longer hours. I think it is a misconception that people have there. We are seeking to extend the hours at which shops may be open for business. But we have clearly stated that employees will not be required to work for any more than 40 hours per week, exclusive of their lunch hours. And anything beyond that really is overtime for the workers.

That exists now. I do not hear Honourable Members raising concern about the health of the people of the nation because they currently work - some of them work more than 40 hours. I would say to the Honourable Member that argument does not carry any significant weight. Those challenges that you speak of perhaps can exist even if people work 10 hours a week. So I do not think we need to worry about that. The issue of security is an issue that has always existed even if people work 30 hours a week in Barbados. What I say to you though is that once this becomes law, you may find that businesses now opt to open for longer hours, creating more employment opportunities. And if there is a correlation between deviant behaviour and unemployment, I expect that deviant behaviour in society will decrease as employment opportunities increase. So I think we have to see the very positive side of what we are doing here.

Mr. Speaker, the reality about it is that we are not seeking here to encourage any more lawlessness in this society. The reality, Mr. Speaker, is that by enacting this piece of legislation we are creating opportunities. But also we have to look from the perspective of those who are looking inward to Barbados and realise that once we have enshrined in law rules that make it possible for shops to go beyond the 8-to-4 operation, Barbados then becomes a more attractive place for inward investment. And that is something too that we cannot discount here.

Mr. Speaker, I note the concerns that have been raised in respect to the public sector. And I will say to you quite frankly that the Government has to lead by example. The public service cannot continue to be an 8-to-4, 8:30-to-4:30 operation. And I will say that there are some departments that have in recent times started to have a more flexi-work arrangement, where some staff do come in at maybe 9 and leave at 5, or 10 and leave at 6. I know it certainly exists in some parts of my ministry. I will also admit that there are key government departments that are

already working 24/7 - the Customs and Excise Department, the Immigration Department, public health, major healthcare tertiary institutions, the various facilities around the island, the ambulance service, fire service, police. So when people make the call for the public sector to put in some additional hours, let me say that there is a significant part of the public service, particularly essential services, that do work 24/7 and do so sometimes without any difference in compensation, whether it were the early morning shift or the graveyard shift.

But I think that we have to accept that there is an opportunity now for other government departments

to look at extended working hours as well. Of course, the conditions that we attach to the rest of society, including the commercial enterprise, will also be applicable to Government. I wish to stress that, Mr. Speaker, because there are sometimes when some people behave as though there is one set of law and rules for the private sector and a different set for the Government. I hold the view that whatever we pass in here as legislation that is applicable to the private sector is applicable to the Government as well. So rest assured that the working conditions of employees in Barbados, as enshrined in this legislation - shops-wise - Government departments may not be classified as shops, but certainly, fundamentally, we will ensure that we continue to provide the best working environment for those who work in the public sector and for those who have to visit our places from time to time.

So, Mr. Speaker, we certainly will march forward with this legislation and certainly ensure that it is enacted both in terms of law and the spirit of it as well. I expect that there will be no fallout from it. Those who talk about the need for additional babysitting services or nursing services or schools to be extended hours - I hear every time we raise this issue somebody says, oh, you are going to need more daycare facilities around the island. Well, that to my mind is a very narrow perspective. I look at it from the other end: that if there are opportunities now for parents to work different shifts, they may very well find that it negates the need for any extended babysitting or children's services facilities to be available. You may also find that some of the elderly in our society who need to have someone with them around the clock - families may very well find that by having now opportunities to shift systems of work in the household, there is less of a need for expensive home care therein.

So I think that this piece of legislation offers up to this society quite a number of opportunities. It is truly regrettable that we have not had as robust and engaging a debate, and certainly I can note the lack of participation on this profound piece of legislation by the Honourable Members of Her Majesty's Opposition. But I, Mr. Speaker, certainly, as I said earlier, empathise with the disruption or

calamity that is existing there as they seek to have a conversation with the Governor General about who should be the new leader.

Mr. Speaker, I believe that we therefore on the Government side have sent the right message across the country. We have certainly indicated to the employees that we are concerned about them and we have done everything possible to safeguard their security and peace and health in the workplace. To the employers who have been asking for the protection and safeguard of being able to open their premises for longer periods, we too have heard that call and it is being addressed frontally in this piece of legislation. For those who are seeking employment opportunities and those who are seeking a better investment climate for transactions to take place in, we too have heard the call and addressed that. For those who are looking on and asking for the right kind of enabling environment for foreign direct investment to occur in some sectors, that too has been addressed. For those who may not be covered or defined as shops under the Shops Bill 2015, they too will find themselves moving forward in a new culture that does not watch the clock between 8 and 4 and say these are the only hours to work, but they too will respond and open up their offices perhaps for longer hours to provide the kind of services that we want.

Mr. Speaker, I therefore feel that this is a bill worthy of full support by all members of this Honourable House. I therefore, Mr. Speaker, beg to move that the bill be read a second time.

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

Hon. D. O'N. INNIS: Mr. Speaker, I beg that you do now leave the chair and the House resolve itself into committee for further consideration of this bill.

The question was put and resolved in the affirmative without division and Mr. SPEAKER left the Chair and the House went into Committee, Mr. J. D. PAUL, Chairman of Committees, in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is now in Committee.

Clauses 1 - 3, inclusive, were called and passed.

Clauses 4 and 5 were called and passed.

Clause 6 was called and passed.

Clauses 7 - 16, inclusive, were called and passed.

Clauses 17 - 21, inclusive, were called and passed.

Clauses 22 - 27, inclusive, were called and passed.

Clauses 28 - 32, inclusive, were called and passed.

Clauses 33 and 34 were called and passed.

The First Schedule became the First Schedule to the Bill.

The Second Schedule became the Second Schedule to the Bill.

On the motion of Hon. D. O'N. INNISS, Mr. Chairman reported to His Honour, the SPEAKER, the passing of one Bill in Committee without amendment and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. D. O'N. INNISS, the Bill was read a third time, passed and cited as the Shops Act, 2015.

SUSPENSION

Hon. J. D. E. BOYCE: Mr. Speaker, I beg to move that the sitting of the House be suspended for half an hour until twenty minutes past five this evening.

The question that the House be suspended until 5.20 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly.

RESUMPTION

Mr. SPEAKER: All honourable members, this sitting is resumed. When the suspension was taken, we were on Government Business. And with that we shall continue it.

Mr. CLERK: Order Number 19. Order Number 19. I name the Honourable Minister of Finance to move the Second Reading of the Excise Tax Bill 2015.

ORDER NO. 19 – EXCISE TAX BILL, 2015

Mr. SPEAKER: Yes, Honourable Minister of Finance.

Hon. C. P. SINCKLER: Thank you very much, Mr. Speaker, sir. The Bill before the House actually has its genesis in a body of work which commenced back in 2006 or slightly before then, as part of the reform of Barbados' tax system and indeed strategic reforms as part of the overall financial system of Barbados, including tax. As you know, Barbados has operated on a tax system for many years - that financial system generally - that was in dire need of some upgrade so as to make it more in line, first of

all, with internationally accepted norms and standards pertaining to financial public finance, accounting, public finance law, public finance, taxation policy and tax administration. And as part of that body of work that was defined as necessary was the subsector of the financial system as it pertains to taxes, both generally in terms of tax policy in relation to tax administration and as it relates to the interplay between fiscal policy and the efficiency and productiveness, in fact the competitiveness, of our economy generally. And certain aspects of that policy were defined as being critical to look at.

And the then administration in office took the decision that it would embark, as part of the tax subsector within the overall financial system, to do a modernisation of the Customs, Excise and Value Added Tax areas - the taxation system - with a view to strengthening and modernising the operations of the Customs and Excise Department, including the Value Added Tax division, in relation to those separate operations. Each of those were positioned because of history at varying points, some more older than others, some more practised than others, but all having the same issues as it related to the overall efficiency with which those tax systems and those taxes, or systems related to the administration of those taxes, were concerned. And so a project was undertaken with assistance from the Inter-American Development Bank to look at various aspects of that system, one of which was to look at the Customs Act - I believe Cap. 87, if my memory serves me correctly - the Customs and the entire operation thereof, and also in terms of what we could do to make that system more transparent, more reliable, more efficient, more harmonised in relation to not only the internal operations of Customs, but equally as well harmonised towards a more Caribbean Single Market and Economy system. Because of course, as you know, Barbados as part of the CARICOM system had agreed at the level of the Council that there should be a harmonised regional Customs Act or system which would have standardisation across the various acts pertaining to Customs in different jurisdictions.

The second part of that related to the Value Added Tax, which was a much younger piece of legislation, having only been enacted in the late 1990s and which had come to a stage where, by the mid part of the first decade of this century, had opened up and identified within itself certain deficiencies which of course are natural in the context of when legislation is passed - in terms of things that may have changed since the passage of the legislation, issues that may have cropped up within the workings of the legislation, and intentions that may be desired by the policy and technical administrators, forward-looking, for the legislation to be able to do even more than it was able to do within the confines, the narrow confines, of the drafting of that legislation which would have existed. So it was also then determined that some significant changes should be

undertaken in relation to the Value Added Tax system, as far as that is concerned.

And then of course, finally, on the area of the Excises of Barbados, which is an even older piece of legislation - pieces of legislation that were divided up into separate pieces of legislation to administer the collection of excise taxes in the context of the Barbadian economy, predominantly geared towards the spirits, the wines and spirits, the petroleum and of course, tobacco. And those pieces of legislation, sir, some of which date back for an exceedingly long period of time, when they were designed, were designed as entirely based on control mechanisms that place considerable authority and power in the hands of the Tax Administrator in relation to the assessment of tax, the setting of tax, the assessment of tax, the collection of that tax and the settlement of disputes pertaining to any that may have arisen because of the assessments which have been given. And as I said, Mr. Speaker, sir, spread, as it were, over a number of pieces of legislation that could be captured among the Spirits Act, the Excise Tax at Cap. 69, the Bureau at Cap. 363/26, the Storage of Petroleum Act Cap. 172, the Spirit Regulations 1984 and the Customs Petroleum Bulk Product Storage Regulations 1955. So in a sense, you could see the number of pieces of legislation over which excises have been stretched from time to time.

Now, of course, given the age of those pieces of legislation, given the changes which would have occurred fundamentally in terms of trade and economic activity, the number of differentiations and differences which would have emerged in product and production, storage, distribution, transport and even consumption of a number of the products that would be captured on the excises, one could only have imagined that over time those older pieces of legislation would have fallen into abeyance in relation to their ability to be most effective and efficient in terms of assisting Government in terms of getting revenue, but also assisting those persons who are producers in terms of the efficiencies of their own business operations. And so a decision was taken that we would seek amendments to all of these pieces of legislation and a body of work was started in relation to the Customs Act, and of course some of that will come to this House of Assembly soon. A body of work was also started in relation to the Value Added Tax Act with a number of amendments that have been identified to be done, and that again, sir, will be done very shortly in this House of Assembly. And equally as well the whole issue of excises, which we are now drawn in this House of Assembly this evening to deal with.

Now, the basis on which the work that has been done in relation to the excise tax - for proper delineation of the thought process attached to why we would have made, or why we are here making, these types of adjustments - could be laid out as follows. Mr. Speaker, sir, the whole basis on which excises have been structured in Barbados, as I would

have said earlier, has been on the basis of the administrator having principal, almost dominating control of the design, setting, assessment, administration and post-collection auditing of those excise taxes. In other words, it was administrator-controlled. Modern excise tax administration, however, suggests that it is better - in a more advanced electronic age where information can be received, processed in very, very quick time and acted upon with a degree of alacrity - that rather than having the tax administrators take such full and dominant control over the process of excise, you can share that burden or shift that burden of responsibility on the producer rather than on the administrator. And it was felt, therefore, that in looking at excise tax legislation across the world, we noted a trend more towards what is termed in the language, voluntary compliance of excise licensees.

Under the system we currently have, the administrator has a fairly extensive presence on the factory floor or in the production plant - on the production floor - that is not now normally seen in modern excise tax administrations. Indeed, one could argue, on the basis of empirical evidence, that administrators no longer need to be present at all, certainly not on that kind of semi-permanent basis at which we see it. So, for example, in a brewery or in a distillery, we have had the situation where you would see Customs officers placed on a factory floor. In fact, you will see a delineated area on the production floor, called a Customs area, where a Customs officer goes in and sits there throughout the entire process of the production of the item. A lot of people who are not involved in that process are not aware that the cost associated with having that person there - particularly if the production goes on beyond what is considered to be normal working time and you have to pay overtime - that all of that cost then finds its way embedded into the production process and is eventually passed on to the consumer. And the question has always been raised: why is it that in a jurisdiction like Barbados, which boasts of such an advanced information technology structure, we should have a situation where we are still expecting businesses to accommodate tax administrators and their appointees or their representatives placed on factory floors, looking to see how much alcohol is poured into something and how much of this is not in there and how much should have been in there, and if the product left this place and went to this place, you have to be walking behind it? That type of archaic operation has not only become clumsy, it has become clumsy and expensive. And it needed to change.

And the basis upon which both the intellectual discourse, but also the practical operational discourse of how do you move from that system into a more efficient system, has taken place - has been on the basis of how can you build the efficiencies within the context of that production process that allows the person who is producing the item the freedom to produce the item and become their

own guard, so to speak, based on standardised rules written within the excise tax legislation that permits them to then submit to the tax administrator what, based on the rules that have been set, their assessed tax should be? So, in other words, you move it from a command compliance to a voluntary compliance. That is the fundamental basis on which the changes in this particular legislation have been grounded. How do you make that system less expensive, more efficient, both for the producer but also for the tax administrator? And how do you allow that to contribute not just to increased levels of excise tax revenue, but to more competitive production processes - even in the context of where you have imported items - how do you allow for those to be easily moved through the tax system, moved through the Customs area, out of your port, into your warehouses, and from there into the various distribution outlets without having to add costs to that operation in the way in which we have done it? And it has caused considerable angst and consternation among many of our manufacturers who have complained for years that this situation needs to be amended.

And so in looking at modern excise tax administration across the world, the consultants who would have dealt with this and the Ministry staff and stakeholders and others who would have inputted would have asked themselves those fundamental questions. And the answer that kept coming back to them is that we need to move our system from a command-dominated, administrator-driven system to a structured, standardised, rule-based voluntary compliance system. Now I may say - or why do you want to do that? Because you really trust the people who are doing this to do the right thing? But yes, because in the context of modern excise tax and modern tax administration in any case, fundamental levers for standardised rules of measurement, assessment, processing and post-audit have been designed to ensure that the system not only works efficiently but it works effectively, and that Government is not put in a position where it can lose. Yes, because you can do the post-audits and that is the fundamental basis on which it is done.

Indeed, Mr. Speaker, sir, we already have a system operating like this in relation to our Customs duties, where for example the importer is allowed to go into the ASYCUDA system - and of course we operate ASYCUDA Plus now, but we are moving to ASYCUDA World and we should be able to fully deploy that system in the new year; we have already done a substantial amount of training so we are at the modern, highest stage with the ASYCUDA system. But the importer is allowed to go into the system, identify the tariff line or product line for the item that he or she is importing and do a self-assessment by selecting what duty or tariff should be paid on any particular item which they are importing. What then happens after that is that the tax administrators then go in behind them, do an audit assessment of the submission that has been made to

determine whether or not that is the right or the incorrect one, and they make the adjustment. Ninety-five per cent or perhaps even a higher percentage of the time the system works exceedingly well. There are occasions when there are disputes over classification and it goes to committee, but in the vast majority of the time it works exceedingly well. So there is experience already in Barbados in doing what we are proposing here to do in terms of some of the fundamental changes which we are making.

So that framework - of the rigid control over plant apparatus and production processes to the identification of the movement of product among designated parties with a liability on those who own the process - has been seen worldwide to be the most efficient way in which to design and execute a modern excise tax system. Now, of course, in doing so, you shift fundamentally, Mr. Speaker, sir, the basics on how you determine who is to be licensed, how they are to be licensed, when they are to be licensed, and how that licence is administered. And within the changes that you will see in this particular piece of legislation, you would clearly see that once we decided to move the fundamental basis from demand-dominant control to voluntary compliance, you then had to go into the Act and change all of those things which propped up the demand-dominant control model and shift it to the voluntary compliance model.

And one of those areas, Mr. Speaker, sir, is the question of who is or what is licensed. Because under the current legislation, as it is, the process has been - because the administrator wanted to control the entire process - the licence went to the premises. In other words, you licence the premises or the location where the production was taking place, rather than licensing the owner of the process. So the tax administrator wanted to be present in the plant, wanted to control certain aspects of that production within the plant, so you licence the plant. Under this system of voluntary compliance, we are moving from licensing the premises to licensing the producer, the owner of the process. And that is fundamental, Mr. Speaker, sir. It is fundamental because you are shifting away from trying to dominate what happens on people's factory floors to moving to a system where you are engaging them to follow a particular process, a standard of rules set to determine how their production process is going. So you determine for them - you put the liability on the owner, not on the premises, but on the owner. This is what the standard is, these are what the rules are. We will licence you to ensure, and your liability is to ensure, that those rules are followed, those standards are met, that you do what you have to do under the law, and if there is any breach of such, you will be held responsible.

So if you are saying to the people, okay, voluntary - you set the rate, we can do audits, we can look and see what you said and we can determine whether or not it was

right or wrong. We can do that in real time. But we are also giving you the freedom. We are not going to hound you down, crowd your factory with officers all day long hanging around there. We are going to free you of that, but we are going to set a standard and hold you responsible if you do not meet the standard that we have established. And that is what we call modern tax administration in practice, Mr. Speaker, sir.

So therefore you will see in the changes to this legislation a fairly elaborate process for the licensing process - how a person is licensed, what conditions you have to meet to get a licence, what conditions you have to maintain to keep your licence, under what conditions you can lose your licence. All of those provisions are made in this new Act so as to give you the freedom to be able to do what you have to do in your production process. And that of course frees the producer to do a number of things, because rather than having to come each time - for example, if a producer decided I am producing wine, now I want to produce beer and I want to produce some other spirit - under the existing legislation, you would have to go to the tax administrator and have three different licences: one at the premises for beer, one at the premises for wine, and one at the premises for, say, ethanol or whatever the case may be. Totally inefficient. Totally inefficient. So what we decided to do is that we will licence the person. So you can have multiple operations under one licence, but you are responsible for meeting the requirements of all of the production processes. Saves you the money, saves you the headache, the paperwork and all of that. We have put that before you and you are free to go and have any number of operations you want. Just understand that you as the licensee are ultimately responsible for it.

So in the context of that, Mr. Speaker, sir, what we are proposing to give producers is what we call a generic licence that allows you to then go and produce any taxable good under the conditions laid out under the Act. So we licence the person, not the premises, and then we give you a generic licence where you can go and do your thing. So we are bringing it now into the modern world of tax administration as we go forward in relation to that.

So based on that overall context of the framework that I have just outlined, we sought to then adjust other areas of the Act, and some of these relate, Mr. Speaker, sir, to specific aspects of the production process. Because once we have established you in your licence, once we have given you the voluntary compliance, established you with your licence, indicated to you that you can do it in multiple places if you want based on what you are doing, we also then go to look at the production process and we say that whilst we retain some responsibility for the application of excises during the production process, we are not going to crowd you exclusively in relation to all of the applications related to that. What we are going to do, however, is that

we are going to set a framework in place - and you will see this in the various clauses dealing with the production and how the tax is applied and where it is applied -

that the fundamental basis of the excise becomes payable, becomes payable and accessible and payable when the items are being packaged, bottled and even moved in terms of transportation, that is when the collection is going to kick in. So we do our own assessments and then you submit your self assessment of what the cost is based on what the applicable rates are and the process you're doing. And we say to you, you can hold it, hold the item, but when it gets to the stage of bottling, packaging or any other such thing, then we will kick in with the application of the tax. Now, under the current system, the tax administrator, as I said, is present ostensibly on the factory floor and follows that right through to the process from the beginning to the end and is doing assessments from the time you start to do the mix right up until you are finished. And we are freeing you in this new bill, freeing you in this new bill from all of those extraneous appendages and apparatus in relation to the process of production.

So licensing and registering of persons who own or possess the bulk item. And what we have done is that once of course you are registered, you have the right under the act to carry out those particular functions as a licensee. However, we are putting stiff penalties in place to capture those persons who do not have that right. And that has been a problem in the system that we currently have because there have been people - and we know who - who have produced various items covered on the excises who have been able to do so without being subject to the excise regime. So we're saying, okay, we are going to give the benefit, full functionality, greater efficiency, build your competitiveness, you get your licence. But those who fall outside and who do not subject themselves to the new system, we will hit you very, very hard. And that is as it should be. That is as it should be. We make it easier, make it voluntary compliance. But if you don't come forward and join, then we are not taking responsibility for you putting things out into the public that one, we are not sure about and two, that you have not paid your dues as is required under the law so that the excise duty will be imposed during the production process as determined by you. But far fewer constraints on where the manufacturer can do so, what they may produce, how they may store and how they may transport the item. And that we believe brings this act into the modern age, gives us greater efficiency, gives us greater productivity, and ultimately gives us greater competitiveness as we go out into the marketplace to compete not just here in the domestic market, but of course, export wise, as we go on and deal with these issues.

The other point that I want to make, Mr. Speaker, sir, in relation to this act, is that under the area of spirits and beer, which of course will be subject to the excise tax that

is imposed and becomes payable during the production process. Those taxes will be imposed, sir, at the still, as they say, when you're finished and payable, as I indicated before, when you are packaging; and for beer, of course, it will be imposed and payable at the time of the packaging of that item. So in respect then of things such as bulk alcohol, because we do a lot of bulk production in Barbados, it is envisaged that the excise tax under the new act will not be payable, as is the case now, on bulk alcohol. But there will be strict controls over the ownership, possession and disposition of bulk alcohol, with penalties imposed for illegal ownership, possession and disposition, mandatory licence for producers and owners of bulk alcohol, and a registration of all persons who possess these goods will become functional.

And that is important because we do a lot of bulk production. And a lot of our bulk rum too is exported in the market. Of course, we've had a very difficult time with these cover-over subsidies that the United States government has been providing for producers in Puerto Rico and other places. And that's a fight that I know the Minister of Commerce and his team and Foreign Affairs and Foreign Trade have been picking up. So the bulk rum has not been doing as well as it has been doing - certainly not as well as the bottled rum which we've seen, which has grown in terms of its export levels and capacity and earnings. But it's been a trying time for it. But one of the things that we have done well for more than 400 years - or however long we've been around here, certainly more than 350 years - is to produce bulk rum. We know how to produce bulk rum in Barbados. We know how to drink it too. That's part of our culture. But the rum that we produce in bulk, we need to find as great a competitive edge as any, knowing what we're facing both in the international market and domestically as well. Because we import quite a bit of rum from other Caribbean territories. Of course, they come to us duty free or very low duties because of the CARICOM status of the production, and all rums need to compete. So we need to ensure that we don't put any additional burdens on those persons who are producing. And so this excise tax ensures that people who produce rum don't have to worry about having these excises placed at the time of production and that they can store for ageing, because that's part of the issue with wines and rums - that you need to age them - so you don't have to worry about having taxes imposed unnecessarily while you go through the process of ageing and storage. So that is one of the flaws of our existing legislation that we are seeking to correct and we are happy today, this evening, that we can address that particular issue.

It is also proposed that the excise duty will become payable when those bulk goods are bottled, as it ought to be, rather than when they are in bulk form - when they are bottled or otherwise packaged for consumption. That of course adds value, because that's what you call the value-

added process to the product, because it then becomes a different product operating on a different tariff heading and so forth and so on, if it is imported or whatever the case may be. So it is on that process that we would like to see some of that happen. So packaged products may, as I said, be stored on a duty-deferred basis in an excise warehouse or excise duty area, and may be only subject to the excise once they are removed, packaged, bottled and sent out for consumption.

In relation to beer and wine, the excise duty process liability rests with the owner, as I said, of the process at the time when the goods are packaged again, and the only exception to this rule remains cases where the owner of the beer or the wine is an individual and it has been produced for individual purposes and personal use rather than for onward sale and commercial use.

The act also is amended, sir, to allow for a process whereby if you have a difficulty with the assessment which has been done - remember I said you have a voluntary assessment process - you worked out your duties, you submit; if the Revenue Commissioner or the Controller or whomever has responsibility at the given time for it does not agree with your assessment and there is a dispute, there is a process for review. And that has been laid out in this particular act where you may write the tax administrator stating and outlining your objection and the administrator will review - or in this case the Commissioner will review - the assessment and decide whether to vacate, confirm or vary the assessment and will send, of course, a formal notice of a decision to the taxpayer. If the taxpayer is not satisfied with that process, again as they are entitled not to be, the taxpayer is free then to, under this new legislation, appeal to a tribunal which is determined and so called an appeals tribunal to determine the final outcome of that assessment. And that is in keeping with all of the major new modern tax laws that we've put in place. Under the ALL Act, there's a VAT Commission and there was an Excise Commission, there's a Land Tax Tribunal and so forth and so on. We've now put all of those into one. So there's one BRA tribunal to which you apply, which of course is headed at the current time by His Honour Justice Waterman - Retired Justice Waterman. So we bring this now in line, or are bringing it in line, with those modern tax provisions under the law.

Other than that, the new act gives of course the Minister - in this case being the Minister of Finance or the Minister responsible for Finance - the ability to remit and or refund the tax imposed if for any reason under the exercise of his or her discretion, such is feasible, such is reasonable and of course by virtue of the passage of that clause, such is allowable. And therefore again, that is a standard piece of the bill which you will find in all modern tax administration systems.

So just by way of overview, sir, again I said we go voluntary compliance - remove from the dominant Tax Administrator control method to a more voluntary assessment method where the producer retains the responsibility to do a self assessment and to submit, as is the case in other parts of our tax system, based on the rates which have been established for the excises, based on the methodology outlined in the particular piece of legislation. If this is then accepted, the Tax Administrator will then process and collect the taxes. If it is not, then you have a dispute. The Tax Administrator can reassess and apply what they determine to be the correct value for the imposition. If there's a dispute between the two then you can go first to an objection notice to the Commissioner, Revenue Commissioner, and then if you are not satisfied by that, you can go to the Appeals Tribunal. So we've moved that now to the voluntary process.

Secondly, for efficiency purposes, by doing the voluntary compliance method and removing the dominant control method, we allow for greater efficiency and cost competitiveness. By removing the Tax Administrator from the factory floor, competing for space and attention in the process and adding costs to the production of the product, we then also allow for the production process in terms of the assessment of the tax to be shifted and spread more through that entire process by way of self assessment. And then ultimately at the stage where the item is packaged, bottled or otherwise put in a value-added form to move on to consumption. And that we believe is far more efficient, far greater transparency and of course allows for greater levels of productivity in relation to the operations.

We then said that we move from a situation where you licence the property or the premises or the location where the production is taking place to licensing the owner and putting the responsibility on the owner to meet the requirements of the act when once that person is licensed; and under the act we have specific rules governing how a person is to be licensed, what standards they have to meet, what is the process they have to go through and when they get the licence, what they are required to do under the law. So the new act deals extensively with this clause by clause. Because what we want to ensure is that once you get the licence you can go off and do your processes either singly or severally across various disciplines of the production process, in terms of different products. Before, as I said, if you had a licence - if you licensed the property - depending on if you were doing a different application, you had to get a different licence for that particular premises or location. Now we licence you with a generic licence and you can go do your production process across a number of different areas.

So that in doing all of this, Mr. Speaker, sir, we sought to eliminate the high indirect cost of production and manufacturing, remove the tedious paperwork associated

with this process. Of course, as you could imagine, having to go through many different hoops currently to just set up an operation, whether it is in relation to one thing or of course in terms of different activities, we've removed the restrictive procedures and practices of the act. You can only produce beer in this condition. You can only produce wine here. You have to have this thing in place for the tax administrator to be present. All of those restrictions we've removed to allow the thing to flow more easily and to be more efficient in terms of its operation. And then we remove the uneven treatment of the excise taxpayers across the various systems where you have one set of rules for spirits and for the Spirits Act, a separate set of excise rules for the Excise Tax Act proper, a separate set of rules for the Bureau Act. And of course we're not dealing with those here, but there are separate rules of course for the Petroleum Act. So across the various excises that are imposed by government, there are different rules for all of them. We've harmonised all of those rules under one piece of legislation. And of course all of this allows for the poor operational efficiencies to be reduced if not eliminated.

So this is really a bringing of this entire cadre of pieces of legislation governing our excises into the modern world. Utilising the ability to use the technology, building efficiencies, opening up a more transparent process, allowing for greater flexibility and of course generally really commending itself for us to be part of the process so that government gets what it desires in terms of its excises, but ultimately that it does not do so in a way that is too burdensome, too controlling and of course then too anti-competitive as we go on.

So if you look through the act, Mr. Speaker, sir, and you look at some of the areas that we may want to highlight. Clause 3 provides for the electronic control tax system which would apply to the administration of excises, again bringing it into the modern age, allowing you to submit your thing electronically. I think they're going to use the VITA system of the Value Added Tax to deal with this in terms of your electronic filing, again making it more efficient, cutting out all of the paperwork and so forth and so on.

Clause 4 speaks to the tax being paid on taxable goods that are manufactured in Barbados and are removed from your warehouse for local consumption. All of those issues I covered and those of course are subject to the rules in clauses 19, 20, 23 and 24.

Clause 5 prohibits a person from manufacturing taxable goods or using a utensil or other machinery that is suitable for manufacturing without having a licence. And that's why I said we are doing a level licensing regime, but those who fall without, we are going to come down very hard.

Section 7 sets out the information to be submitted to the Revenue Commission in respect of a licence and that's part of the licensing process.

Clause 11 describes the obligations of the excise licensee, what you can and cannot do in the context of this legislation.

Clause 16 makes provision for the assessment and payment of the tax, the methods to be used in relation to the assessment and of course the penalties to be paid of \$1 000 where the return is not filed within the prescribed time.

Clause 17 provides for the method of calculating the amount of tax, which of course we know is important.

Clause 19 provides for the calculation of the chargeable value of taxable goods.

Clause 22 states the entities that are exempt from paying the tax.

Clause 26, Mr. Speaker, sir, makes provision for the Minister, as I said, to remit any of the excise tax where it is just and equitable to do so, to give effect to the terms of an agreement that is binding on the Crown and where the tax has been paid, that the tax should be refunded by the Revenue Commissioner. I referred to that clause already, of course, Mr. Speaker, sir, in the general conditions that I outlined.

Clause 30 provides for officers of course to visit the warehouse or the bureaux at any time and make their inspections to ensure that people are following the rules as set down and that the information being filed is accurate, rather than having people on the spot all day long and having to pay overtime and extra for them to be there and burdening the producer.

Clause 34 of course gives the Minister the power to make regulations in relation to the act, which is standard form in these cases.

And of course, importantly, clause 37 repeals the various acts that currently exist in relation to excise, to bring this one into one excise bill, and those would be the Spirits Act at Cap. 90B, the Excise Tax Act at Cap. 69 and the Bureau Act at Cap. 326. As I said, in relation to petroleum products, we are going to deal with that separately. So we did not include those in this particular bill.

So that, Mr. Speaker, generally speaks to what we're doing here with this piece of legislation. It is a good piece of legislation and it is designed to bring us into the modern age of tax administration, tax policy setting, tax administration and of course tax post-audit operations. And

as I said at the beginning of my presentation, it equally falls within the regime of tax reform that the government has been pursuing from back in 2005, 2006, under the last administration and which has now followed through. And as I indicated in this particular section, it related to customs operations under the Customs Act Cap. 87. It relates to the Value Added Tax Act which we are going to bring the amendments, I believe next week or the week after next. And of course it includes this excise tax bill - updating, upgrading and reforming the system of both the legislation and the regulations governing that piece of legislation.

And so, Mr. Speaker, sir, I commend this bill to this Honourable Chamber and ask that this bill be read a second time. A seconder.

Mr. SPEAKER: Secunder. Fine. Yes. The other member for St. Michael South East.

Miss S. J. O. BRADSHAW: Thank you, Mr. Speaker. I don't often agree with the Honourable Member for St. Michael North West, but on this occasion I wish to lend my support for his introduction of the Excise Tax Act of 2015. I do so, Sir, because I agree with him, and members on this side do agree with him, that the simplification of the system for the collection of taxes is certainly the way forward for this country. Against a background, obviously, where the Minister of Finance has indicated on several occasions that Barbados must move towards reforming its tax system, that it must also seek to correct, in a sense, some of the waivers that have been granted in previous years. I certainly can see from reading through this piece of legislation that this is indeed a step in the right direction, despite accepting that the legislation is necessary and that a system that is going to simplify the process not only for Government, but certainly for the users of the system.

I would also want to say, Mr. Speaker, that I just have but a few concerns, and I think our support has to be couched in careful language, because for the past almost five years we have seen an increase in excise taxes, which in turn will place an additional burden on businesses in this country and in turn will also introduce increased costs for consumers. It may increase the revenue collection for the Government of Barbados, but at the same time, when we look at the fact that corporation taxes are down, income taxes are down, and that only really in respect of the land taxes are we seeing an increase based on the adjustment in terms of the timing of the collection of land taxes. Really the only thing that the Government of Barbados has been able to increase at this point has really been, in fact, the continued increases in the excise taxes.

Now, when I speak of the burden that is being placed on the business owners in this country, I would want to make the point, Mr. Speaker, that the old piece of

legislation would have allowed for a payment 21 days after the end of - I believe it was the end of the submission of the documentation. This piece of legislation, Mr. Speaker, provides in Section 20 for persons to now have to pay on the 15th day of the month immediately following the month when the information has been submitted. And it is my respectful submission, Mr. Speaker, that we have to be mindful that it is seven days earlier that business persons are going to be asked to basically submit their payment. And in this particular climate, we have to be mindful of the cash flow problems that many of the businesses in Barbados are actually facing. Obviously it will increase the revenue collection for the Government, but I do believe that it is an observation that needs to be made that businesses will be placed under an additional burden - in an additional burden situation - to have to now put systems in place to ensure that this money is paid in seven days.

Before now, the Minister of Finance would have indicated that he has moved the system from one that was being placed more on what is described by him as the command compliance, the voluntary compliance. And obviously with that, it allows for the businesses to be able to have greater control over the submission of the returns. Now, from what I can assess of the situation, Mr. Speaker, obviously that too will bring with it, yes, an ease. But I do believe it will also require the businesses to engage persons to be able to prepare the necessary administration and the paperwork to be able to submit to the Barbados Revenue Authority.

Now, what I believe is interesting in this scenario is that the payment of the excise tax has to be paid into the Commissioner, and that is in accordance with Section 181 of the Act. Now, as we would appreciate, Mr. Speaker, under the old legislation, it had to be paid into the Comptroller. And that institution, if you can call it that, would have been an aspect of central government, which in that situation the money would have been paid directly into the Consolidated Fund. So you would have had payment to the Comptroller - it is a body which is regulated by the central government within central government, and the monies are directly paid into the Consolidated Fund.

Now, I recall on the last occasion when we would have debated the Barbados Revenue Authority legislation, it was raised by members on this side with respect to whether adequate provision was made in the legislation to be able to allow the transfer of monies collected by the Barbados Revenue Authority to be paid into the Consolidated Fund. And having reviewed this piece of legislation, I yet again can find nothing in this particular body of legislation that would indicate that the Commissioner is under any obligation to pay this money directly into the Consolidated Fund. And I would just ask for clarity from the Minister to indicate, if in fact there is

authority on which he does rely, that he would be so kind as to indicate that to this Honourable Chamber.

And that, Mr. Speaker, I believe, are really the few observations that we have - one, in relation to the effect on business in relation to the payment of the monies, and secondly, as it relates to the Consolidated Fund and the money being transferred directly to the Consolidated Fund. And in the absence of a specific provision, if the Minister could be so kind as to indicate exactly how that flow or transfer of monies is intended to happen.

Apart from that, Mr. Speaker, as I stated at the outset, there are really no objections to the legislation. I believe it will have to be a matter that we will have to see in the fullness of time how it actually works. Obviously, Barbadians have no difficulty submitting to paying the excise taxes. It is definitely a move in the right direction to be able to allow people to have greater control over what is submitted. And I think the fact that this is in line with the Customs Act, which allows for the post-audit clearance, means that we are placing a greater responsibility on businesses to be able to control their business administration and also their finances. But we must reflect on the fact that it does increase the cost of administration to a number of these businesses. And so, Mr. Speaker, with those few words, I support this Excise Tax Act.

Mr. SPEAKER: Yes. Do I have the Member for St. James South. Thank you.

Hon. D. O'N. INNIS: Mr. Speaker, of course I rise to give support to this Excise Tax Bill and the regulations attendant thereto. And to say that I wish to endorse the comments of the Honourable Member for St. Michael North West, the Minister of Finance, on this matter. And to say that quite a bit of it really is being fuelled by the challenges that we have seen in the Ministry of Commerce and Industry with some of the manufacturing enterprises in Barbados and the cost of administering their own affairs, which has been driven by the demands of the state. Certainly in one area, in relation to the rum manufacturers in Barbados, who hitherto have been faced with the dilemma of having Customs officers - officers of the state - located at their premises on an around-the-clock basis, or at least once they open. And that has not proven to be a very efficient system, and certainly is a costly system - not just in terms of the cost of the staff who are from the state and who are stationed at these facilities, but also the costs that can be attributed to the limitations placed upon the opening hours and other activities that take place in these particular plants. And therefore we welcome this particular move.

My own recollection is that these manufacturers in particular are spending somewhere close to \$800 000 a year on these services provided by the state. And that is not something that is sustainable. The belief is - and certainly

accepted by all and sundry - that Barbados really and truly must move into the 21st century in respect of the administration of some of the revenue collection agencies in Barbados. Quite often we in this Chamber spend a lot of time discussing rates of tax, excise tax and other taxes, the imposition of additional financial burdens on citizens and corporations. But we do not spend enough time looking at the efficiencies or inefficiencies within our system of administration. And I think that this Bill here today is not reflecting upon any change in tax rates, but more or less giving the Barbados Revenue Authority and the competent authorities within their jurisdiction a methodology for collecting taxes imposed upon certain entities in Barbados. So we are certainly going to, in this Act, repeal the Spirits Act, the Excise Tax Act, and the Bureau Act in particular.

Let me say, Mr. Speaker, that it is interesting that we have had some of these pieces of legislation in place for so many years - some going back as far as 1955, like the Customs Petroleum Products and Bulk Storage Regulations of 1955, and then the Spirits Regulations back in 1984. And the reality is that with the changes of time and the advance in technology, some of these pieces of legislation have not deemed to be very relevant and are certainly becoming more of a nuisance and a hindrance to the operation of contemporary businesses in Barbados than the state would desire. So we have certainly before, with the modernisation of the Value Added Tax, looked at restructuring, and we have brought into being the Barbados Revenue Authority. And let us not discount the importance of that, because, as I said earlier, we oftentimes discuss rates of taxes going up or coming down, but we do not look at the administration of it.

I can certainly say that, having picked up from the last administration, this Government has instituted and implemented the Barbados Revenue Authority, which has sought to bring most of the Government's revenue collection agencies under one roof and under one organisation. In spite of whatever challenges that young organisation may be having, there is absolutely nothing wrong in the decision to create the Barbados Revenue Authority. I think over time we are going to find that there is an increase in efficiency in the system, which means that there ought to be less taxes to be imposed upon the citizens for the delivery of services and goods by the state.

Now, I need to dwell on this point, Mr. Speaker, for a few minutes, because any new agency created in this country - as in any other part of the world - will always have its challenges. There are those who would have been accustomed to doing things one way, filing on one particular type of document, who certainly would have been accustomed to perhaps interacting with several different agencies and the different individuals that they knew in those agencies. They would have been oblivious of the high cost of administering several agencies, the

inherent risks within the organisations and to the state that arise from having several revenue collection agencies, and perhaps by extension oblivious of the advantages to be derived by the state in totality - and by individuals and corporations - by having one agency. But any time you seek to bring several agencies together, one must be mindful that it brings several cultures together. And therein lies a fundamental challenge. Because as much as we are one small society, you will be amazed at the organisational cultures that have evolved in each agency, each department, to the point where nobody wants to let go, nobody wants change - and the only thing that is constant is change in life, quite frankly.

We have therefore had this challenge in bringing these various agencies together under the Barbados Revenue Authority. And naturally we are seeing the clashing of cultures, the dynamics of personalities involved in our administration. And of course, on the other end - the customer end - the challenge involved in having now to deal with a new structure that may very well have had powers that hitherto did not exist, or that people felt did not exist, but an organisation now that is able to reach into, through one lens and one arm, what is transparent in much of corporate Barbados and among individuals in Barbados. So I am very mindful, and I get the complaints quite often, about the Barbados Revenue Authority - concerns about inconsistency in policy administration, difficulty in reaching certain people, and difficulty in decision-making. And I urge Barbadians: let us work with the agency. At the end of the day, we must be ever mindful that if the state is going to have to continue to provide the level and the range of goods and services in this society, then we are going to have to make a contribution to the tax system to pay for those things.

I have always come down on the side that many states will find there is less of a burden on the tax side for individuals and corporations if we are able to increase the efficiency of the tax revenue collection bodies. And I am saying that we are therefore moving in that direction, where I expect that in spite of all the condemnation and occasional criticism, the Barbados Revenue Authority will prove to have been the right decision of the state. And we will find that increased efficiencies will certainly reduce the burden on all of us.

Mr. Speaker, I came into this Chamber as the Member for St. James South - a predominantly middle-class constituency. And the Minister of Finance will tell you that I bend his ears every day about the level of taxes imposed upon my people. I am therefore duly bound to join any crusade to find ways in which we can reduce that burden without compromising on the quality of services and goods provided by the state. And I think that what we are doing here certainly is a step in that direction. So even in what we are doing here today with this Excise Tax Bill

and the attendant regulations, we are going to help reduce the cost to some enterprises in Barbados as we go forward.

One of the industries directly and positively affected by this Bill is the rum industry. And Barbados has been under immense pressure in the American export market in particular, and perhaps other markets, because of increased competition and certainly because of actions taken by other states that have caused negative consequences here in Barbados. And I keep saying all the time that we have a duty as a state to continue to find ways in which we can help producers of goods and services in Barbados reduce their operational costs so that they can become far more competitive - so that they have the leeway and the flexibility to invest in new technology, to invest in the marketing strategy that gets them into new markets, to forge strategic alliances with those agencies and entities locally, regionally, and internationally that help them expand their market reach, to invest certainly in retooling and retraining their staff and their facilities. So we are duly bound from the state's standpoint to provide that enabling environment that leads to greater financial viability of enterprises in Barbados.

And certainly in terms of the rum industry, I am very mindful of the challenges that they have been facing in recent years on the local market. There have been challenges caused because Barbados has certainly sought to welcome, without inhibition, goods coming into our markets. As I said, Mr. Speaker, let me dwell on this point for a minute. We have the famed CARICOM arrangement - this more developed country and less developed country regime that has been in existence, I believe, since the time the Treaty of Chaguaramas was first signed - which speaks of four Caribbean countries being MDCs and the others being LDCs, with the LDCs having preferential access to our markets and the MDCs having a slight disadvantage going into the LDC markets. And certainly international trade policy persons, marketers, and those involved in macroeconomic policy formulation will weigh in on the issue of what has transpired between the CARICOM Caribbean market in respect of this particular arrangement and the disadvantage that it has brought to some of the more developed countries - as they were hitherto called - at a time when we have had a very deep and prolonged economic recession unravelling itself around the world.

So today I do not know that it is quite relevant to refer to Barbados as a more developed country within the CARICOM context and to refer to Grenada or St. Lucia as a lesser developed country. But it is enshrined in that arrangement in the region which gives that level of differentiation. Now, what has been happening is that there have been some goods manufactured in some of these LDC jurisdictions that allow pretty much duty-free access into MDC markets like Barbados, while competing similar goods manufactured in more developed countries like

Barbados are now faced with a higher level of taxation going into the LDC markets.

Mr. Speaker, this is instructive and certainly quite relevant to what we are doing here today as I speak about driving down the cost of production of goods in Barbados so that we can become more competitive. But that is not enough in itself. That is why I keep stressing the point that our CARICOM arrangements need to be totally re-examined. I do not know that some of the legislative and administrative arrangements that govern CARICOM today as a regional institution are relevant, and certainly are going to help us to move that organisation to the point where discussions and decisions taken therein can gain the support of the wider Caribbean people going forward. I think we really and truly have to have a serious, serious look at CARICOM as an institution and question - not its relevance per se, that is too strong a term - but question whether the way in which it is currently constituted and empowered is going to allow us to really develop the kind of fair trade arrangements within this particular geographical space.

But more to the point, Mr. Speaker, in respect of spirits and beers and such - because this particular Bill does repeal some of the legislation that speaks to those particular industries - and being in relation to what has transpired with the LDC/MDC arrangement, let me emphasise the point that you now have companies large by international standards, brewery manufacturers like Heineken, for example, that establish operations in lesser developed Caribbean countries and are able to export their products into Barbados duty free. Now, the Treaty and its attendant arrangements that differentiate between LDCs and MDCs in terms of market access did not speak to or address the issue of ownership of the assets, as far as I am concerned. So in some instances, quite frankly, if we are not careful, you will find that some Barbadian manufacturers may find it more financially beneficial to locate in one of the OECS territories and then export into Barbados. That is not what we wish. It certainly would create some unnecessary havoc and unrest economically in the region.

So we have therefore this disparity in the system whereby these multinational entities now come into our geographical space, go into selected jurisdictions for manufacturing purposes, and use that then to enter our markets here in the region - in the MDC territories. We as the Government are committed to continue to fight this battle. Of course you cannot make these fundamental changes without support from a certain number of countries in the region. And you know, sometimes in the region you will agree on matters at a certain level, but when it comes to implementation, some people have very selective memories, and that is where the difficulty then arises as you seek to implement changes.

But the spirits and rum industry certainly is one that has been under immense pressure in that respect. Of course, having somewhat of a laissez-faire attitude in terms of trade policy matters, we have found that some of these goods have come into Barbados. For example, there have been times - recent times - when beer coming into Barbados would have been sold at four for ten dollars, forcing Banks Brewery perhaps to compete - I am not sure if they are able to make a profit on that particular product - but at least compete at three for ten or four for ten. And I suspect that a lot of that beer that was coming into Barbados may have been coming in as a loss leader to gain market share and thereafter to find that they are able to up the prices a bit within Barbados, and that therefore has had a negative impact upon our own Banks Brewery, which obviously, as we all know, is now the subject of something of an aggressive shareholder takeover battle going on.

But it was not just the competition among the beers that proved to be a challenge or issue for us. Obviously, given the financial limitations and the purchasing power of those who consume alcohol, you will find that there was a paradigm shift away from the consumption of rum that we produce onto beer, because it now became a competitively priced alternative to our rum. And that also contributed to a decrease in domestic consumption of the stronger spirits. Added to that, Mr. Speaker, we have been faced with the cover-over tax programme in the United States of America, which has over the years been a programme where the United States of America imposed a tax in principle on spirits coming into their market, and the tax derived from those imports has been used to provide services and to help give support to budgets and economies, particularly in places like Puerto Rico and the US Virgin Islands.

What has been the case is that hitherto Puerto Rico would have certainly spent quite a bit of that money - I believe almost \$70 million a year or so - providing infrastructural improvements in the society, educational services, health services and such like, and a little was going then to the rum manufacturer Bacardi in Puerto Rico. Then in came the USVI and struck an arrangement with Diageo, another large manufacturer - not of American origin in terms of ownership, I believe Japanese or European or something - but establishing itself in the USVI, receiving now a good chunk of that cover-over tax from the federal government, which meant that they were able to produce a pint of alcohol, or sell a pint of alcohol, perhaps for less than what it actually cost to produce, because of the high level of subsidies. And when you trace it back, it links back into the cover-over tax that was imposed on spirits coming out of jurisdictions like Barbados. That, Mr. Speaker, has certainly helped to reduce our level of export of spirits to the US market.

Of course, the issue was also, from my end, the issue about rum exports and the fact that the market today is

perhaps a little bit more discerning, and therefore opportunity may lie in specialty rums or high-end pioneer rums going into certain jurisdictions. But this matter of the cover-over tax is one that we have not taken lightly. We have agreed at the level of Government and Cabinet that it is a matter we should take up with the World Trade Organisation. But while that may be under active consideration, we have certainly been finding ways in which to engage the US authorities. I certainly have on two occasions had conversations with Congress in Washington, D.C. on that and related issues, to give a greater understanding and appreciation of the impact it has on us.

And Mr. Speaker, let us not discount the fact - I always say let us consume these things in moderation and be reasonable - but we cannot deny the importance of the rum and spirits industry to Barbados, culturally, economically and otherwise. The fact that our linkage with the sugarcane industry and the production of rum over the years have helped Barbados to earn considerable income and foreign exchange, much needed for the physical, economic and social development of this jurisdiction. So we continue here - in what may be called the Excise Tax Bill - to not so subliminally place some attention on the rum and spirits industry in Barbados and what we can do to give greater support to it going forward.

Mr. Speaker, as we look towards the future, we are certainly heavily focused on a new level of industrialisation that is going to embrace technology, that is certainly going to recognise the intellectual powers of our people in new areas - in marketing and not just the basic ICT arrangement - recognise the value of intellectual property, the issue of labelling and design. It is a whole new era that we are entering into where manufacturing cannot be just a matter of buying some raw material, putting it together, putting it in a container and selling. Barbados will have to continue to strive for the higher value-added aspects of our work and recognise the tremendous value that lies therein, and not just the manufacturing of items per se.

So Mr. Speaker, we certainly accept within this Government that the Barbados Revenue Authority, as the competent authority for these matters, has started to move the issue of revenue collection and tax administration in the right direction. Gone must be the days where individuals were obligated to physically drive or commute to an establishment, unlock a door and stand up there with a book, note how many pints of alcohol were manufactured, what is in storage, what is being shipped out and where it is going - that archaic pen-and-paper-pushing type of arrangement. That is not the 21st century, Mr. Speaker; that is not what is going to help us go forward. And therefore I am very mindful of the support - technical and otherwise - given by TARKAC and other agencies, and I thank the Ministry of Finance for their own vision and involvement in helping to move towards the electronic platform where

now the industrialists are able to input the data, the competent authority is able to do their level of verification, and ultimately to arrive at the amount of tax that is liable to the state, and the necessary collection mechanisms to be put in place to ensure that they are there for all and sundry to look at.

So Mr. Speaker, we are satisfied that what we are doing here today in terms of the Excise Tax Bill 2015 and the attendant regulations will help to make a difference - a positive difference - in the collection and administration of taxes in Barbados, and certainly in terms of improving the efficiencies of enterprise in Barbados. I can only urge those of our partners in private enterprise to come on board and to be a true partner in the sense of working with us through these changes. As I said, the only thing that is constant in life is change. And I believe therefore that those who are going to be the beneficiaries must be prepared to make any investment that has to be made in technology. They also certainly have to be prepared, where there is doubt, to ask questions. And from our end in the public sector, we have to be prepared to be responsive, to be proactive as far as possible, and to ensure that we are able to continue to create that enabling environment to move this country forward.

Mr. Speaker, I am satisfied that the Ministry of Finance must be commended. It has been a long and arduous task, because we are speaking here of repealing several pieces of legislation and making amendments - including the Spirits Act, the Excise Tax Act, the Bureaucracy Act, Cap. 326, the Storage of Petroleum Act, the Spirits Regulations, and the Customs Petroleum Products Regulations of 1955 - moving them in that direction. I can only hope, Mr. Speaker, though, as they reflect upon the role of the state in some of these matters, to note that we obviously have had in recent times that challenge between the Customs Department and the Barbados Revenue Authority. And to say that these prolonged issues do impact negatively upon enterprise and upon our own economy. I can only hope that this will quickly become something of the past. Let us not bury our heads in the sand - any time you have that level of unrest within a key department such as the Customs and Excise Department, it does have a negative impact upon this economy and society, including members of the same Customs and Excise Department and their families.

I believe that if we are really and truly to get back to the stage of punching above our weight, of being a business-friendly economy and society, of seeking to reduce the burden of taxation in the country without diluting the quality of goods and services provided by the state, then key Government departments and offices just have to be able to pull their weight in a fair and fearless manner and to ensure that they appreciate that their role -

is to facilitate and not to frustrate. So expect as the utility season comes upon us that we are able now to get our containers and goods out to the port in a more timely manner, more efficient manner, so that consumers are not obligated to pay a higher price that include delayed storage resulting in higher fees therein and the merge charges and all of the attendant charges. Because at the end of the day the entire society loses out. None of us are beneficiaries in these matters. So Mr. Speaker, those who worse. I'm obliged you and give my full support to this bill before the chamber today. Thank you.

Mr. SPEAKER: Yes, I recognise the Member for St. George North.

Mr. G. A. CLARKE: Mr. Speaker, I do not want to delay the House but I still need to spend a few moments to look at this. The introduction of a new regime in the excise tax. We on this side have said that we are very supportive of the measures that the government is using to enforce these taxes. And of course the whole measure of compliance is important. We agree that there is a new direction in terms of the electronic way of monitoring what is happening at most of these manufacturing plants - and I may say the rum industry, the gasoline industry and mainly most manufacturing at the home base where excise tax is levied on those either at point of departure or the marketing arrangement.

But the whole section of voluntary compliance, where you rely heavily on the manufacturer to give data - I think it is still reasonable to say that we would expect the Ministry of Finance, especially the Customs Department, to still monitor what is happening at those plants. Because even though you have the electronic arrangement, I would just want to caution the government that we still need to monitor what is happening at these various plants. It is important for us because the taxes that we collect help to run the country. We know that Barbados is definitely a heavy tax jurisdiction. In fact, most Caribbean countries are. And when you look at the fact, Mr. Speaker, that we have to import a number of raw material agricultural products to manufacture into a final product, it is important for us to look at the rate of taxes that we pay and how, in terms of the competition, we fare.

We note, Mr. Speaker, that the last speaker spoke about the rum industry and the unfair competition that the countries producing rum are now facing from the subsidies that are given by some of the metropolitan countries, especially the United States, Canada and those countries in Europe that usually help to subsidise their exports. It is important for us to look at that because it is unfair to our producers. And to compete in the world, it means that we have to do much more in terms of marketing specialty products in order to compete with these already wealthy destinations. So that, Mr. Speaker, the government must

therefore continually look at ways to strengthen our tax collection.

I noted that the Member spoke about compliance. Again, compliance and how we collect the tax is important. I believe, Mr. Speaker, that we are in a new regime as we go forward. And the government surely must look at constantly modernising our tax. For example, Mr. Speaker, many people in the vehicle industry have complained that the taxes that we pay on vehicles are very high. Some people complain that the tax structure for vehicles in Barbados is much higher than the ones coming out of Trinidad or any other Caribbean country. So we have to keep modernising that so that we are able to compete with those other destinations.

I also must speak in terms of other taxes that the government currently collects. And people want to find out how their tax dollar is being spent. And the government from time to time must trust the people, must bring to Parliament how these taxes are not only collected, but how they are used for the benefit of the people. We need more. We need constantly. I know it is a very heavy burden from the Minister of Finance who has been trying his best because he has brought in the Barbados Revenue Authority. And I am saying that these things are important, but we need to know. These various debates are important because we need to know how we are spending the money - how much money is collected for the road tax, for the stamp tax, duties from various taxes, how they are spent. We want to find out in terms of property taxes and the various other taxes. And for example, we were told earlier this year that we collected more than, I think, \$50 million in road taxes. How are we spending this money? And yet we find, Mr. Speaker, that the roads in our country are very, very bad.

So we need to know if and why. Mr. Speaker, I want to say, as the Member for Christ Church West Central does not want to find out how his money is spent on taxes - you do not know. And that is why the roads in your constituency are so bad and you have not made a complaint about them. I want to know that the people of St. George, North and South, who have spent their money on roads, that the roads are properly fixed. I want to find out, Mr. Speaker, that the amount of money spent in taxes for the various things - whether it is the income tax, property tax, all the various taxes that we pay - that our money is properly accounted for, which a Member usually gives from time to time. But sometimes it is important for us to bring these debates so that Members, for example, can tell us what is the level of excise tax collected this year from gasoline or from the manufacturing of rum or from the manufacturing of the other diverse liquid things that we produce on which excise taxes are paid. Excise taxes are paid on manufacturing items that leave the country. And these taxes, Mr. Speaker, must be accounted for.

Remember, we talked about compliance, which we said is important. But it is important for us when we discuss these taxes that the government let us know what is really happening at each level of tax.

Mr. Speaker, the other tax that is important and that we need to look at is the shop tax. Many of my constituents have complained that the tax they have to pay - whether you say it is a tax or a licence, it is still a tax - the tax that is now charged on persons keeping dances and keeping parties and having to pay certain taxes for entertainment can sometimes be a burden to those people. And therefore, I would hope that from time to time the government could look at not only increasing the tax. I understand that this tax was increased some years ago, then it was decreased. And there is no certainty as to what this tax is today. But I believe that there is a need to constantly monitor the tax that is being paid by the entertainers.

I understand that the Barbados Revenue Authority sometimes sends an officer to the point of the entertainment centre. I want to find out what is going to happen - if this will continue or if you will only trust those persons' integrity as to the level of tickets being sold. Because sometimes it may be a hardship for those officers who have to go to the entertainment centre and stay all night at a door to see how many persons come in, so that you base the money that has to be paid on the amount of persons that come into the centre. So we have to look at all these diverse systems. I understand that there is constant revision of the legislation to modernise it. But at the same time we still need bodies to be in place. And is the Minister satisfied with the level of training that the tax officers have received over the past three, four, seven years that the government was in office? I know that training was provided by some international agencies, by the various agencies that help these countries from time to time. And I want to find out from the Minister if this training has been ongoing and what level of staffing he has now in terms of ensuring that we collect the tax that is levied on persons.

The other question that needs to be asked, Mr. Speaker, is at the port of entry - the Customs Department, now the Customs and Excise Department - the department that collects a lot of our revenue. And it has to be modernised. When you go to the port, Mr. Speaker, and you go for a parcel barrel or whatever, and you see the level of the collection - to my mind it is still way back in the 1960s. You have to go to three different officers in the port and they have this sign up: you go from A to B to C to D. And then you go back. And I want to find out from the Minister what is happening, what arrangements are being made to modernise that system, to bring it in tune with the modern world. I believe that he is aware of it. I believe that the government has said the port will have longer hours of operation. And if this is going to happen from this year,

when will it happen? If he can assure the public that they will have a better system operational from this year.

And I believe, Mr. Speaker, that the Barbados Revenue Authority can be strengthened. I believe that there are a lot of ways. It is a young body and we cannot at this point in time pass any judgment on this organisation - you have to give it some time. And the government so far is saying that they are satisfied with the collection and what is happening there. I believe that we still have a long way to go in terms of improvement. I have seen some areas where they have improved this year, especially in the refunding of income tax, and they have done some work, although persons have said to me that they are still two or three years behind. And I hope that the Minister can give the public the assurance that these things will be levelled off within another year or so.

So Mr. Speaker, we support this move because we recognise that there is a constant need for the improvement of tax collection and the tax system. And we are hoping that the Minister wherever possible can give relief not only to a certain sector - because we know that some sectors usually get the duty-free concessions and so on - but the ordinary man in the street is really deserving some form of tax relief in terms of the manufacturing and the various goods that are needed for the day-to-day operation of his enterprise as well as his household. Mr. Speaker, I am obliged to you.

Mr. SPEAKER: Yes, the Honourable Member for St. Michael North West.

Hon. C. P. SINCKLER: Thank you very much, Mr. Speaker, sir. I am going to be very brief in my wrap up. I just wanted to thank all Honourable Members for their contributions. As the lead spokesperson for the Opposition said in her presentation - even though if you listen to it in its entirety you would not think that she actually believed what she was saying - she indicated that they have no opposition or objection to the Bill. It is a good piece of legislation that we are doing. It tidies up an untidy situation. It sets a new platform. It is consistent with what they would have started when they were in office and what we have continued to modernise and make more efficient the tax system. And I thought the speech could have ended there, but the Honourable Member through the Chair must have found something to complain about.

Not you - I am not speaking about you, the Member for St. George North. His speech - for as long as I have been following him, and I have been following him for quite a bit of time, Mr. Speaker, sir, since he was a member of this Parliament both when I was outside and now that I am in - I think this is one of the few occasions that I actually found him to be a little difficult to follow. He usually speaks with a lot more clarity. He was rambling

quite a bit, Mr. Speaker, sir. Clearly could not get the landing gear down on the speech. And he went, Mr. Speaker, sir, from shops in the country to barrels in the port and everything in between. I mean, I understand he is under some pressure and I forgive him at this point in time.

But the Honourable Member for St. Michael South East is the lead spokesperson on this matter and clearly on most matters for the Opposition, and she made a couple of points that I think we just need to dispel. First of all, that our revenues are down - which is not true. The last Central Bank report has indicated that our revenues are actually up and excises in particular are up. What we are doing here is improving the efficiencies of things.

But what really captured me - and I keep saying to the Honourable Member, be very careful when people put notes in front of you and ask you to repeat them - was this view expressed that there is some doubt or uncertainty as to what happens with taxes when they are collected in Barbados. The Constitution of Barbados is abundantly clear and speaks clearly and pellucidly to what transpires. All taxes collected in Barbados are to be paid into the Consolidated Fund of Barbados - not into any revenue authority or other entity in Barbados. And I would believe that a non-lawyer such as myself should not have to retain the undistinguished privilege of pointing out to an attorney-at-law - who I am told must have done constitutional law at law school and must be familiar with the Constitution of Barbados - Chapter 9, Finance, section 107: there shall be in and for Barbados a Consolidated Fund into which, subject to the provisions of any law for the time being in force in Barbados, shall be paid all revenues of Barbados.

And we know that the Barbados Revenue Authority Act - which I am sure the Honourable Member for St. Michael South East knows, but was given a note to repeat and got up and said it nonetheless - carries over all the specific enactments relative to the collection of taxes, which subject themselves again to section 107 of the Constitution of Barbados. And we keep getting up here giving the impression that taxes can be collected by a Revenue Commissioner in Barbados and secreted into someplace other than the Consolidated Fund of Barbados. It is irresponsible - in fact it is spectacularly irresponsible - of the Honourable Member to keep making that point, because you set that abroad. And it gives the impression to the unsuspecting person outside of this Parliament who may not be familiar with the laws of Barbados that we are going to collect excises in Barbados and that the Revenue Commissioner - because this Act does not say so specifically - or the BRA is going to be secreting the money somewhere other than in the Consolidated Fund. Please do not do it. You are not scoring any political points by doing it. And we must subject ourselves to the discipline of intellectual thought, because we cannot pass laws and rewrite them on our feet, or repeat what somebody gives us

in a note. It is not becoming of a member of this House. I make that point repeatedly.

This is a good Bill. It seeks to create new conditions on which we can move forward. And I heard the Honourable Member for St. George North making this point - he has made a point - but I think for the Estimates next year we are going to have a discourse and we will bring facts and figures. The assertion that Barbados is an overtaxed society - when compared to other jurisdictions in the Caribbean or elsewhere - must be supported by facts. Because when you look at the carve-outs, the exemptions, the remissions, the waivers, and all of the other things that we give, even the rates themselves do not compare unfavourably to what happens in other countries. The average VAT in Europe is 22 per cent across the board, some as high as 25. Ours is 17.5, Mr. Speaker, sir. And we hear that we have the highest tax rates. The average income tax rate at the upper end in European countries is 40 per cent. Ours is down at 32.

So many people talk about Barbados being overtaxed and yet a lot of people do not mention that Barbados provides a luxurious array of social services free at point of delivery or seriously concessioned at point of delivery - whether it is public transport, water, education, health care, social welfare, post office services, you name it. We have one of the lowest water rates charged in the Caribbean and the wider world. And that is simply a fact. But nobody mentions these things. And of course they expect the Water Authority to work wonders - but the rates are low. The rates of recovery are extremely low compared to other places in the Caribbean and the wider world. The bus fares - you go to the United States, you pay \$3 US, \$4 US for a trip. So many people rarely talk about this. We can have a discourse in this Parliament, Mr. Speaker, sir, about the rates that we charge, because we know that we are romanticising ourselves when we give the impression that everything in Barbados is taxed so heavily and so burdensomely. When we compare to other countries what we give in terms of social services and what we charge in relation to taxes, levies, excises, or whatever the case may be, we compare very, very favourably to what happens elsewhere.

So we are going to have that discourse, but for the time being we have a good Bill. We are all agreed that it is a good Bill. And I commend this to the Parliament, as I do commend it to the people of Barbados. And with those few words, Mr. Speaker, sir, I beg to move that this Bill be read a second time.

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

Hon. C. P. SINCKLER: I beg to move that your Honour do now leave the Chair and let the House resolve itself into Committee for further consideration of the Bill.

The question was put and resolved in the affirmative without division and Mr. SPEAKER left the Chair and the House went into Committee, Mr. J. D. PAUL, Chairman of Committees, in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 - 5, inclusive, were called and passed.

Clauses 6 - 10, inclusive, were called and passed.

Clauses 11 - 15, inclusive, were called and passed.

Clauses 16 - 20, inclusive, were called and passed.

Clauses 21 - 25, inclusive, were called and passed.

Clauses 26 - 29, inclusive, were called and passed.

Clauses 30 - 34, inclusive, were called and passed.

Clauses 35 - 38, inclusive, were called and passed.

On the motion of Hon. C. P. SINCKLER, Mr. Chairman reported to His Honour, the SPEAKER, the passing of one Bill in Committee without amendment and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. C. P. SINCKLER, the Bill was read a third time, passed and cited as the Excise Tax Act, 2015.

PAPERS

Hon. C. P. SINCKLER: Mr. Speaker, sir, I am commanded to lay the Loan Agreement between Corporación Andina de Fomento - CAF - and the Government of Barbados, 2015.

GOVERNMENT NOTICES

Hon. C. P. SINCKLER: Mr. Speaker, sir, I beg to give notice of the Value Added Tax Amendment Bill, 2015.

FIRST READINGS OF BILLS

Hon. C. P. SINCKLER: Yes, Mr. Speaker, sir. I beg to move the First Reading of the Value Added Tax Amendment Bill, 2015.

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

ADJOURNMENT

Hon. J. D. E. BOYCE: Yes, Mr. Speaker. With that we have come to the end of Government Business for the day and I beg to move that the debate be adjourned until Tuesday at 10 o'clock in the morning. Of course, Mr. Speaker, during the intervening period, Barbados will celebrate its 49th birthday. And on Monday we will have the normal parade, the Independence Parade at the Garrison Savannah. On Sunday before that, the 29th, there will be the annual Independence Service at the Sir Lloyd Erskine Sandiford Centre.

Even as we celebrate this 49th anniversary, sir, we look forward to that beautiful year of 2016 when we will be celebrating our 50th anniversary. So I believe this year should be a celebration year as we lead up to that culmination on the November 30, 2016, when this nation will raise a toast to its 50th anniversary Jubilee year. The Jubilee year, of course, an event which we in the Democratic Labour Party especially look forward to celebrating with the people of Barbados, having introduced nationhood to this country back on the November 30, 1966.

And I remember that rainy night in St. Peter at Mile and a Quarter where I watched this parade on a television which we had only received from Singer that very evening. Singer used to sell the black and white televisions in those days - a little 19 or 17 inch set. All seven of us crammed into our little living room and watched that parade as the Union Jack was lowered and the broken trident was raised in its place. And we remember those leaders then and those who made that happen, that wonderful year of independence.

So we look forward to these things, but without detaining the House any more, because we have had a long day - in wishing the country, in wishing Barbados Happy Independence 2015. I want to also wish all Honourable Members a happy independence as we go among our families, we go among our constituencies and have some fellowship, some more fellowship with the people of Barbados.

I also want to wish the Clerk and his staff at the table a happy independence too, and of course the security and the staff of the Parliament, especially our Hansard reporters who make sure that everything we say is recorded correctly. I want to also wish the caterers a happy independence, and the technical staff who ensure that our proceedings are carried live on radio and streamed on the Internet.

And of course I cannot sit without joining, I am sure, all Honourable Members in wishing all Barbadians - all of Barbados, every constituency, every parish of Barbados, all our 272 000 souls - a wonderful 49th anniversary celebration. And looking forward, sir, to being with you and being able to raise that toast on November 30, 2016. So, sir, happy independence to you, sir, and to all the Members of this Honourable Chamber.

Miss S. J. O. BRADSHAW: I too would wish to echo the sentiments expressed by the Leader of Government Business in wishing all Barbadians a happy independence. I think it is a time that we have to certainly reflect on the institutions that exist in this country, certainly the people who have brought us this far, the people who have gone before. But also it gives us time to reflect, as we approach almost 50 years of independence, on whether the institutions have served us well, and perhaps how we look forward to preserving what we have, but also building on the institutions that have been created.

I think, sir, that we cannot forget the people who have brought us here. We cannot forget the contributions of those on both sides who have contributed to the development of Barbados since independence. And I think that more than anything, we must continue to reflect on those contributions in a way that recognises that it is not one individual or one party who has benefited Barbados over the years, but certainly both political parties and members who have been instrumental in the development and shaping of the landscape that we know today.

And so, with that, Mr. Speaker, I would wish all Honourable Members in this Chamber a happy independence. Also to all of the staff and the support staff who assist us in carrying out our functions, and certainly to the Royal Barbados Police Force who continues to protect us in this Chamber. I thank you, sir.

Mr. SPEAKER: Before I put the question, let me identify with the comments from both sides. And of course, I take the opportunity to wish, particularly the staff here at Parliament and the security personnel, and of course the good people of St. Michael West and all Barbadians, a very happy independence.

The question that the House be adjourned until Tuesday, December 15, 2015 at 10.00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

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SPEAKERS IN THIS ISSUE

BOYCE, Hon. J. D. E. (Christ Church South)**BRADSHAW, Miss S. J. O. (St. Michael South East)****CLARKE, Mr. G. A. (St. George North)****INNISS, Hon. D. O’N. (St. James South)****KELLMAN, Hon. D. St.E. (St. Lucy)****LASHLEY, Hon. S. A. (Christ Church West Central)****PRESCOD, Mr. T. A. (St. Michael East)****SINCKLER, Hon. C. P. (St. Michael North West)****SUTHERLAND, Mr. D. G. (St. George South)**

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EDITORIAL NOTES — NOT PART OF THE REPORT

Prepared with the transcript; for checking against the recording and the Minutes.

EDITORIAL QUERIES

Points noted while correcting and preparing this report. Members are named as in the 2013–2018 Parliament.

Q1. Throughout. The three Parts of the source are out of order: the third Part records the morning (Minutes, Papers, the opening of the Shops Bill debate and the luncheon suspension), the first Part the afternoon, and the second Part the evening. The record has been arranged in the order of the proceedings. Please confirm against the Votes and Proceedings.

Q2. Front matter. The source does not record the PRESENT list or the officiant at Prayers. The Members listed are those identified from the record; the time of meeting, 10.00 a.m., is as stated in the source. Please supply from the Votes and Proceedings.

Q3. Throughout. The bracketed time-checks in the source are out of sequence (for example ‘[12.30 a.m.]’ and ‘[1.00 a.m.]’ during the morning and ‘[2.30 p.m.]’ in the afternoon) and have been omitted.

Q4. Throughout. Seconding words (‘I beg to second that, sir’) are run into the Chair’s putting of the question, or into the mover’s own motion, in the source. They are printed as separate seconding under AN HON. MEMBER; the seconders are not identified. Please confirm.

Q5. Minutes. The heading ‘SUSPENSION OF STANDING ORDERS’ stands in the source before the Leader of the House’s motion to suspend the sitting for five minutes; it is printed as SUSPENSION, and SUSPENSION OF STANDING ORDERS is placed before the later motion. The source records the sitting as suspended at 10.30 a.m. and resumed at 10.35 a.m.

Q6. Suspension of Standing Orders. The motion reads ‘Standing Orders 6, 16, 18, 20, 42, 43 and 44’ in the source, without the ‘42(5)’ used at other sittings. Printed as in the source; please check.

Q7. Government Business, Order No. 2. The Clerk’s call ‘Order Number One. Order Number Two.’ is omitted; no proceedings on Order No. 1 are recorded. Order No. 2, the Excise Tax Amendment Bill, 2013, was withdrawn on the motion of the Minister of Finance.

Q8. Order No. 18, Miss S. J. O. Bradshaw. The source has ‘On the issue of fire safety, Deputy President’, a Senate form; the Deputy Speaker was in the Chair and Miss

Bradshaw otherwise addresses her as ‘ma’am’. Corrected to ‘Madam Deputy Speaker’.

Q9. Order No. 18, Hon. J. D. E. Boyce. The speech begins in mid-sentence (‘joining the discussion on this the Shops Bill’) after the call from the Chair. The opening words may be missing.

Q10. Order No. 18, Hon. S. A. Lashley. Headed ‘HON. G. P. IAN GOODING-EDGHILL, J.P., M.P.’ in the source; he was not a Member of the 2013-2018 House. Madam DEPUTY SPEAKER called the Member for Christ Church West Central, the speaker describes himself as the Minister responsible for the historic designation of Bridgetown with UNESCO, and Hon. D. O’N. Inniss refers back to ‘my colleague, the Honourable Member for Christ Church West Central’. Printed under Hon. S. A. LASHLEY. Please confirm.

Q11. Order No. 18, Hon. D. O’N. Inniss, reply. The words ‘Thank you, Madam Deputy Speaker.’ are headed ‘HON. MS. C. SANDRA V. HUSBANDS, M.P.’ in the source; she was not a Member of the 2013-2018 House. They open the reply of Hon. D. O’N. Inniss, who was the next speaker, and are printed as part of his speech.

Q12. Committee (both Bills). Mr. CHAIRMAN is not named in the source; the Chairman of Committees, Mr. J. D. Paul, is presumed. The Committee stages are condensed to the Official Report formulae; the Shops Bill was taken by Parts and the Excise Tax Bill in groups of clauses, both without amendment.

Q13. Order No. 19, Clerk. The Clerk’s reading gave ‘Excise Stocks Bill 2015’; printed as the Excise Tax Bill, the title used by the Minister and on passing as the Excise Tax Act, 2015.

Q14. Order No. 19, Mr. G. A. Clarke. Headed ‘MS. TONI N. S.-A. MOORE, J.P., M.P. (St. George North)’ in the source; she was not a Member of the 2013-2018 House. Mr. SPEAKER called the Member for St. George North, and Hon. C. P. Sinckler refers to that Member as ‘him’ and to his long service in Parliament. Printed under Mr. G. A. CLARKE. Please confirm.

Q15. Papers, Government Notices and First Readings. These stages were taken after the Excise Tax Bill on the Clerk’s ‘revert to Papers’, and are printed where they occurred.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The House of Assembly met at 10.00 a.m. on Tuesday, November 24, 2015, with Mr. SPEAKER presiding. The Minutes of November 17, 2015 were deferred, as Mr. SPEAKER did not have them, and the sitting was suspended briefly until 10.35 a.m. Mr. SPEAKER welcomed students of the University of the West Indies Legislative Drafting Programme. Hon. C. P. Sinckler laid the Duties, Taxes and Other Payments Exemption (West 10 Paints Limited) Order 2015. Standing Orders were suspended, and on the motion of Hon. C. P. Sinckler Order No. 2, the Excise Tax Amendment Bill, 2013, was withdrawn from the Order Paper.

Under Order No. 18 Hon. D. O’N. Inniss moved the second reading of the Shops Bill, 2015, which repeals and replaces the Shops Act, Cap. 356A, as a step towards a 24/7 society. He explained that shops would be required to close only between 10.00 p.m. on Sunday and 7.00 a.m. on Monday, that public holidays other than certain days would cease to be closed days, and that shop assistants working on a public holiday would be paid double. He described the requirements on seating, sanitary facilities, drinking water, first aid and fire safety certificates, the licensing by the Chief Labour Officer of night employment with adequate security, and the offences under the Bill. For the Opposition, Mr. D. G. Sutherland said that the Barbados Labour Party did not oppose the Bill but questioned enforcement by the Labour Department, security, fire safety and the protection of employees’ rights, and asked whether extended hours would create employment.

After the luncheon suspension Hon. D. St.E. Kellman supported the Bill as an opportunity for small shopkeepers, vendors and community tourism. Miss S. J. O. Bradshaw supported it while raising the cost of doing business, the powers of the Chief Labour Officer and the Chief Fire Officer, the discrimination offence in section 29,

and the infrastructure, transport and health care that a 24/7 society would require. Hon. J. D. E. Boyce said that the Bill did not anticipate anyone working more than 40 hours a week and cited the development of the south coast and Sam Lord’s Castle. Mr. T. A. Prescod raised the social conditions, unemployment and security that extended hours would bring, and Hon. S. A. Lashley spoke on the revision of legislation unchanged for 19 years and the future of Bridgetown. Replying, Hon. D. O’N. Inniss regretted that more Opposition Members had not spoken. The Bill was read a second time, passed through Committee without amendment and was passed as the Shops Act, 2015.

After a further suspension, under Order No. 19 Hon. C. P. Sinckler moved the second reading of the Excise Tax Bill, 2015, which moves excise administration from control of production premises by the tax administrator to voluntary compliance and audit, licenses persons rather than premises, and makes excise payable when bulk goods such as rum are bottled. Miss S. J. O. Bradshaw supported the Bill but raised the burden on business and the arrangements for payment to the Commissioner. Hon. D. O’N. Inniss spoke on the costs borne by manufacturers and the pressures on the rum industry, and Mr. G. A. Clarke on compliance and the collection of other taxes, including the shop tax. The Bill passed through Committee without amendment and was passed as the Excise Tax Act, 2015.

The House then reverted to Papers, and Hon. C. P. Sinckler laid the Loan Agreement between the Corporación Andina de Fomento and the Government of Barbados, 2015, gave notice of the Value Added Tax Amendment Bill, 2015 and moved its first reading. Hon. J. D. E. Boyce and Miss S. J. O. Bradshaw extended Independence greetings, and the House adjourned until Tuesday, December 15, 2015 at 10.00 a.m.