
THE

House of Assembly Debates

(UNOFFICIAL REPORT)

PARLIAMENT 2013 – 2018

HOUSE OF ASSEMBLY

Tuesday, February 14, 2017

The House of Assembly met at 10.00 a.m. on Tuesday, February 14, 2017.

PRESENT

His Honour M. A. Carrington, Q.C., B.A., LL.B. (Speaker)

Her Honour Mrs. M-J. M. Thompson, B.A., M.Sc. (Ph. Ed.) (Deputy Speaker)

Mr. G. A. Clarke, J.P., B.Sc., Dip. Ed.

Mr. R. St. C. Toppin, LL.B. (Hons.)

Hon. D. St. E. Kellman (Minister of Housing, Lands and Rural Development)

Hon. Miss M. A. Mottley, Q.C., LL.B. (Leader of the Opposition)

Miss C. Y. Forde, J.P., L.C.P.

Hon. R. D. Jones, J.P., B.A. (Hons.), M.A. Ed. (Minister of Education, Science, Technology and Innovation)

Dr. the Hon. D. C. Estwick, B.Sc., M.B., B.S. (Minister of Agriculture, Food, Fisheries and Water Resource Management)

Mr. D. D. Marshall, Q.C., LL.B. (Hons.), L.E.C.

Hon. M. A. Lashley, LL.B. (Hons.) (Minister of Transport and Works)

Hon. R. L. Sealy, B.Sc., M.B.A. (Minister of Tourism and International Transport)

Rt. Hon. F. J. Stuart, Q.C., B.A., LL.M. (Prime Minister, Minister of National Security, The Public Service and Urban Development)

Hon. J. D. E. Boyce, M.Sc., C. Eng. (Minister of Health) (Leader of the House)

Hon. S. D. Blackett (Minister of Social Care, Constituency Empowerment and Community Development)

Mr. J. D. Paul, B.Sc. (Chairman of Committees)

Dr. the Hon. D. S. Lowe, Dip. Theology, B.A., M.Ed., Ed.D. (Minister of Environment and Drainage)

Hon. A. D. Brathwaite, Q.C., LL.B. (Hons.) (Attorney General and Minister of Home Affairs)

Hon. S. A. Lashley, B.Sc., LL.B. (Hons.), L.E.C. (Minister of Culture, Sports and Youth)

Hon. D. O’N. Inniss, B.Sc., M.B.A. (Minister of Industry, International Business, Commerce and Small Business Development)

Hon. C. P. Sinckler, B.A., M.Sc. (Minister of Finance and Economic Affairs)

Mr. T. A. Prescod, B.A.

Mr. K. D. Symmonds, B.A., LL.B.

Lt. Col. J. D. Bostic, MVO, B.A. (Hons.)

Mr. E. G. Hinkson, LL.B. (Hons.), L.E.C., LL.M.

Mr. D. G. Sutherland, B.Sc., M.Sc., M.B.A. (Dist.)

Miss S. J. O. Bradshaw, LL.B. (Hons.)

ABSENT

Rt. Hon. O. S. Arthur, M.Sc. (Econ.)

Mr. G. W. Payne, Q.C.

Dr. M. M. Agard, J.P., B.Sc., M.Sc., D.D.S.

Mr. Speaker took the Chair at 10.15 a.m

Prayers were taken by Reverend Father Mark Harewood.

Mr. SPEAKER: Good morning, Honourable Members, this House is now in session. I have with me the Minutes of our Meeting held on February 7, 2017. Yes, Honourable Leader of the House.

MINUTES

Hon. J.D.E. BOYCE: Mr. Speaker, I beg to move that the Minutes referred to be taken as read.

Hon. R.D. JONES: I beg to second that.

The question that the Minutes of Tuesday, February 7, 2017 be taken as read was put and resolved in the affirmative without division. The Minutes were confirmed by His Honour the SPEAKER.

PAPERS

Hon. C.P. SINCKLER: Mr. Speaker, I am commanded to lay the Invest Barbados Annual Report, 2015.

Hon. J.D.E. BOYCE: Mr. Speaker, I beg to withdraw an earlier Regulation laid in this Chamber on January 24, 2017, and lay a new Health Services Smoking Regulation 2017 as of today's date.

Mr. SPEAKER: I am obliged.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. J.D.E. BOYCE: Mr. Speaker, I beg to move the suspension of Standing Orders 6, 16, 18, 20, 42 (5), 43 and 44 for the remainder of today's Sitting.

Hon. R.D. JONES: I beg to second that, Sir.

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

GOVERNMENT BUSINESS

ORDER NO. 15 – THE BARBADOS REVENUE AUTHORITY (AMENDMENT) BILL, 2017 (SECOND READING)

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

Hon. C.P. SINCKLER: Mr. Speaker, thank you very much. The Honourable Chamber would recall that somewhere around the early part of the turn of this century, the previous Administration and the professionals who operate within the Ministry of Finance generally and within the Government, charged with the responsibility for advising on matters pertaining to the architecture of the tax administration of Barbados, recommended that a Barbados Revenue Authority (BRA), not called that at the time but so styled the Central Revenue Authority, be created for Barbados to enable the administration of all of the taxes and levies in Barbados, as are required to be paid to the State from time to time by individual and corporate personalities. In the context of doing so, the previous Administration began a body of work which was carried on and executed by this Administration for the establishment

of such an authority. I believe, from around 2014-2015 that institution would have been formally established by Act of Parliament as a statutory entity with a Board of Directors under the leadership of a Chairman of the Board and individual Directors selected for their specific skills and/or the organisations they represent, as in the case of Government Ministries, trade unions and the like. It also provided for the creation and establishment of the post of Revenue Commissioner.

In the context of Parliament passing what is now known as the Barbados Revenue Authority Act.

10.34 a.m.

It was contingent on the establishment of that, that for the orderly and smooth disposition and continued smooth disposition and implementation and administration of the various taxes embodied in statute that those specific enactments, as we call them, were incorporated under the Barbados Revenue Authority Act in the various Schedules attached to that piece of legislation. For those who must have been outside of the House who may not be familiar with that, that refers to the pieces of legislation that were formerly administered by Inland Revenue Department as is the case in the income tax, and land tax, as in the case of the Land Tax Department executed, of course, by what was then styled the Commissioner of Land Tax, the excises and duties which are administered by the former Customs and Excise Department, as in the case of import duties, and the excises which were executed along with the value added tax by the Value Added Tax and Excise Division of the Ministry of Finance and of course largely attached to the Customs Department.

Those functions, as I said, were shifted under the Barbados Revenue Authority with the exception of those that fall properly and squarely within the purview of Customs because Customs has not yet transitioned into the Barbados Revenue Authority, so Cap. 66 remains pretty much as it is except for its IT functions so the other import duties are still administered largely under the control of the Comptroller of Customs.

In the context of this happening and equally as well with the stated objective of both the legislation and the policy overseeing the legislation, the Government had agreed and approved through Cabinet for what was so styled a single tax payer platform on which all taxes, duties, levies and other impositions falling within the confines and context of the new Barbados Revenue Authority would be administered. That was the firm policy of the Government and I believe it was the firm policy of the previous Government as well even though sometimes you may hear some sideways talks as to what they were interested in doing and may not be interested in doing, but at the end of the day this process began under their

penmanship and continued with us albeit with some adjustments as well.

The whole idea of having a single tax payer platform was essentially to bring a level of efficiency and clarity to the administration of taxes, that is the objective of it, and of course functionality in the way in which people within the society, whether in their individual spaces or as corporate personalities, engaged and interacted with the system so as to ensure that they can have a system that is properly detailed and user-friendly and of less trouble to navigate and also that the State can be in a position to ensure that all taxes that are assessed, demanded and due to it can be paid in to this Central Revenue Authority or so styled the Barbados Revenue Authority.

Mr. Speaker, as is the case with tax administrations all over the world, we are no doubt, the existence of statutes that provide for the payment of taxes, for the method in which they are to be paid and for the administration of those taxes for whatever rebates, refunds, waivers or penalties and interest may be necessary, these specific pieces of legislation that governed the various sets of taxes provide within the context of each one some similar but largely across the categories with some differences as to how the taxes are to be administered.

Mr. Speaker, having brought this into the Barbados Revenue Authority under the Schedule, as I indicated, as the principal objective of building a single tax payer platform in which every tax payer, corporate or individual, would be responsible for all of the taxes that he or she or it engages with the State across tax categories, it became necessary for the State to continue to work at the legislation. When we brought the legislation here for the Barbados Revenue Authority we made the point that it was not a perfect piece of legislation, that it was likely as the organisation evolved that interventions would have to be made to clarify some areas if they need clarification, as happened in real time, or to add or indeed subtract from the Act as is required for good practice of tax administration.

The Government looking at the whole situation knowing from the practice in the field what transpires in relation to the payment of taxes due to the State and the honouring of liabilities due to the State that there were and are and continued to have, some people call them loopholes but I call them some fissures in the existing tax arrangements that may and have in some instances allowed for persons who are owing taxes to the State to escape that responsibility in a manner that perhaps ought not to happen.

Mr. Speaker, I recall very distinctly that some time last year or year before last the Government sought to ensure that Tax Clearance Certificates, in this instance, where all of the taxes were concerned that the Barbados

Revenue Authority should have under the legislation since it has the principal responsibility for the administration of all of the taxes which fall under it now and under the administration of the Revenue Commissioner, should try to have that legislation reflect the fact that the policy undergirding the administration of taxes in Barbados had principally changed from an individualistic and separate intervention for each tax into a consolidated and coordinated tax approach, and that is the policy, so if the policy has changed then the legislation requirements would have to change otherwise they would conflict with what the Government's policy is and the policy as approved in legislation by this Parliament.

House D4 Sequence 2

Mr. Speaker, the Government sought by administrative action to have the Revenue Commissioner, consistent with the Government's policy, consistent with the intention of the legislation for the Barbados Revenue Authority's creation and incorporation of those specific enactments under the Schedule where in each of those pieces of legislation it provides for the issuance of tax clearance certificates, indicating that persons who owed taxes or who might be assessed to owe taxes under any of those specific enactments such as land tax, excise tax, imports duties or VAT, et cetera, should be issued with a certificate appertaining specifically to that particular piece of legislation.

As I said, having incorporated these under the new policy of the single taxpayer across the system, indeed, having reformed the system to the extent where instead of having separate administrators for each of those taxes you now have one administrator, that is, there is no longer a Commissioner of Land Tax, there is no longer a Director of VAT, there is no longer a Commissioner of Inland Revenue, but that there is one person embodiment by office who was responsible for the administration of those taxes, it would continue to be a clumsy piece of folly to allow for a situation to occur where the person who has the responsibility for the administration of the taxes ultimately and is answerable and accountable to this Parliament and to the people of Barbados for the administration of those taxes did not have full and complete control over the administration of those taxes, as is in the case of the issuance of tax certificates.

Mr. Speaker, when it was sought and executed administratively under the Act of the Barbados Revenue Authority, persons within the society, especially members of the Bar who were principally involved in what they call land transactions, that is the sale of land, the movement of land, the conveying of land, et cetera, of course, it is in their practise and it is the means by which they make money, these persons questioned whether or not the Revenue Commissioner had the legal authority to prevent a

person from selling their property or demanding that the person who sells the property pays any taxes, duties, levies and other impositions by way of statutory liabilities owed to the Crown first or before such could be done.

Mr. Speaker, in fact, it was argued specifically in relation to land tax that it may be considered to be -- the popular term that is bandied about and we will hear it in here again today -- unconstitutional. Mr. Speaker, I am not a lawyer but it seems as though nowadays even the Parliament of Barbados is incapable now of properly going through the process of passing legislation because it seems that as anything that is drafted or is said in Barbados that somebody jumps up and says that it is unconstitutional and that we cannot do it, without they taking it to court and testing it as to its constitutionality.

Sir, I recall quite distinctly while being a young man and working as Personal Assistant to the then Prime Minister Erskine Sandiford back in 1991, when it was proposed that salaries should be cut in Barbados, everybody jumped up and down, including a lot of the lawyers in Barbados, some of whom were supposedly trained in Constitutional law and constitutional principles, jumped up and down and said that the Government acted constitutionally in cutting the salaries. They then took it all the way, I believe, to the Privy Council in the Ophelia King case. It was repeatedly confirmed by the courts up and down the system that, in fact, it was indeed not unconstitutional for the Government to have adjusted the salaries. We know the story on that, of course, the last Government came to office and changed the Constitution to then make it unconstitutional, they having ran around saying that it was unconstitutional. Mr. Speaker, the lawyers jumped out of their caverns and said that if a person has land to sell but that he, she or it (as in a business) owns the Crown moneys for unpaid corporation tax, personal income tax or whatever, that once the person discharges their responsibility to pay any State liabilities for land tax, that the Revenue Commissioner could not deny them the issuance of a land tax certificate.

Mr. Speaker, the fact of the matter is, they said that once a person discharges their liability in terms of land taxes they are entitled, which is true, to be issued with a land tax certificate thereby clearing the way for them to proceed with their transaction to sell the land and that if the Revenue Commissioner, seemingly in execution of her responsibilities then, to attach any charge or otherwise to such properties as would act in a manner as to prevent them from the disposal of that property, the enjoyment of their property or whatever terminology the lawyers call it, the Revenue Commissioner would have acted in breach of the law or would have acted unconstitutional because even though the specific enactments were incorporated under the Barbados Revenue Authority Act, the Revenue

Commissioner did not have the permission or authority in legislation to be able to so act.

Mr. Speaker, as a Government and indeed as Cabinet, the chief policy-making body for the country, we took that under consideration, reflected upon it and said that to the extent where we know the mischief we were trying to solve was real, that it was not an invalid point to say that the current legislation of the Barbados Revenue Authority did not specifically state that the Revenue Commissioner could issue a tax clearance certificate for anything and as such that even though the Revenue Commissioner had assumed responsibility for the administration of those taxes, that it would not have been proper in law for that person to so act. Mr. Speaker, that is part of the genesis for the reason we have come back here today to amend this legislation.

Mr. Speaker, the reason I make this point is because we know from practice, and we have been advised by the authorities, that in quite a few -- and I should say too many cases -- we have instances where persons who seek to dispose of properties but who are indebted to the Crown up and down the stream, some of it because of business failures, others because of deliberate denying of the Crown of its due, operated under the very fortunate circumstances where they could dispose of property owned by them through the various facilitations of the system, garner unto themselves because they have a tax clearance certificate, a land tax clearance certificate approved they owe no land taxes or they are so set aside within the process of payment for the property they were disposing of to ensure that their taxes were paid, so making them hold, as far as that particular piece of legislation was concerned, that these persons, some of them, would dispose of the property, take that money unto themselves and disappear, or refuse to pay the taxes and other things which were owed to the Crown.

11.16 a.m.

We have seen that happen on many, many occasions where people have transactions, some in the millions of dollars, and owing the Government \$100 000, \$200 000 in tax, take unto themselves everything, pay the lawyers so the lawyers get theirs and they are happy as they go off to the bank to deposit their fees...

Asides.

Hon. C. SINCKLER: I am not distracted by the Honourable Member for St. Joseph shouting across at me. I did not fire him nor did I not hire him, so I do not have a problem with the character he is talking about.

Mr. Speaker, I am not going to be sidetracked because I am putting a very cogent case here in relation to what this matter is. So that the vendor gets his money. The

person who is buying the land gets their land or property. The lawyers get their fee, everybody gets what they are due and the Crown is left, again, holding the bag because the person who is disposing of the property absconds, goes away, cannot be found, to ensure that person pays what is due and owing to them.

Mr. Speaker, I do not believe the system was designed to work that way. In fact, my own specific view on this matter is that this is a user pay fee of the standard principle of tax administration and tax law that where the State, through Parliament, the sovereign Parliament of Barbados sees reason to impose taxes for the alban and appropriate management of the society to finance the management of the society as the society demanded of their Government and of their State, that it cannot be that either the Parliament or people outside of the Parliament, in terms of the stakeholders and practitioners who operate within the system, either the taxpayer or otherwise are allowed to frustrate the legitimate will of the Parliament of Barbados, in relation of the levying of taxes.

So we reviewed the situation and asked for advice of what would be required, to ensure that the agency that reestablished or upon the penmanship of the last Government who on a policy and technical level approved for the establishment of a Barbados Revenue Authority, to execute and administer all of the taxes under one heading, consistent, Sir, with the principle of the policy of creating a single tax pay platform in which every individual, corporate or otherwise- personality, corporate or otherwise -- would bear responsibility for their interaction, their intervention within the system as a tax payer for all of the taxes which are imposed on them, that consistent with that policy we were advised that the Act should be amended to first recognize the Barbados Revenue Authority Commissioner, the Revenue Commissioner, as the person responsible for the administration of their taxes in full, and secondly, also including for them to be provided with the authority to issue a Barbados Revenue Authority Tax Certificate, ensuring that liabilities across the system are paid and provided for in clearance for any individual or corporate personality, who may so desire to have that done.

Sir, it does not mean that any of the specific taxes enactments are done away with, does not mean that at all. What it means though persons will not be allowed to undercut the system by saying I have a VAT Tax Clearance Certificate. I have a land tax certificate, so that breezes me to do whatever I want to do with you and your single tax play platform policy and administration across taxes, you can go to hell with that because I am going to do whatever. The Government of Barbados decided we will plug that particular loop hole in the system by defining the Tax Clearance Certificate, first of all, and instituting between the Revenue Commissioner's authorities to issue a Tax Clearance Certificate (Barbados Revenue Authority Tax

Clearance Certificate) to ensure that they have paid their taxes.

Now, I know that is coming today because some of these do not have any refrigeration qualities, so they burst out. I know whenever you see the lawyers present at Parliament from the Opposition up and down the stairs, running down with books and papers, you know what to expect is coming next, as we have seen from last week the anxiousness to get to this particular debate. The first thing I am sure we are going to hear, Sir, is that this is a bad piece of amendment. (1) Has not been thought through. (2) is unconstitutional and abridges the rights of citizens to execute this and to do that and the enjoyment of property and so forth. We will hear all of that and the response is, Sir, not in relation to what they might or might not say, but the responses or the simple facts of the matter is, I do not and this Cabinet, believe that there is anything of unconstitutionality of anything contained in this particular piece of legislation, because it does not deny any person...

Asides.

Hon. C. SINCKLER: I know, Mr. Speaker, that they -- you see their game plan has been exposed before they put it on the table.

Sequence 4

So it is unconstitutional, I am told by somebody, that the...

Asides.

Hon. C. SINCKLER: I am very focus. I am not listening to them. I shall reflect on the speakers. I am letting them talk. They are not going to stop me from making my point, Mr. Speaker, because I am not even hearing them, but I let the cacophony of noises go over my head. I am speaking to you Sir, and to the people of Barbados. I am not interested in them.

So the unconstitutionality of the Bill, it will be said, that the Government in allowing the Barbados Revenue Authority Commissioner, or the Barbados Revenue Authority to issue Tax Clearance Certificates is causing or likely to cause some persons, individual taxpayers, from the benefit and right of disposing of their property, under some section of the Constitution, or enjoyment of their property, because you need to have a Barbados Revenue Authority Tax Clearance Certificate in order to do so.

I ask myself the question, is this really such a strange practice in the administration of business in Barbados? I asked myself that question. An interesting thing came to thought. Already we know you cannot dispose of land if it has an attachment of something as simple as a water bill,

that is a bill owed to the Barbados Water Authority, which ran pipe across the land, at the asking and permission of the owner of the property, because if the land is rented land a person turns up at the Barbados Water Authority for permission to run water, the Barbados Water Authority would say if you do not owe the land, bring a letter from the owner to indicate to us that you have permission from them for us to install water mains or pipes on your property. So it can go both ways, but if you owe the Barbados Water Authority and you have a piece of land and you want to sell that land by way of closing a conveyance on that land, you are prohibited from doing so until you can satisfy all of the people involved in the system for that approval, that you have in fact cleared that particular encumbrance. If fact, if you do not and you sell the land, for example if you are a less than diligent attorney-at-law and that process goes through, the person who buys the land, becomes the person responsible, I believe, for the liability, and they would then have to hunt down the person who sold them the land, in order to ensure they can effect title as the word says and get on with the business, because the Barbados Water Authority has a charge on that land.

I go further, Mr. Speaker. Under the last administration and to be fair, the National Housing Corporation, let us take one State organization, owed the National Insurance Board or Scheme monies for deductions that they should have paid from the salaries of its employees. Those payments were not remitted to the National Insurance. The National Insurance under the National Insurance and Social Security Act as they are entitled to do by law entered for a Certificate of Judgement in the courts. Of course they do not have to appear, there is no case, they can apply and the law allows them to get a Certificate of Judgement against the National Housing Corporation to the extent where each time the National Housing Corporation wanted to dispose of its fixed assets it had to ask the NIS, and seek to get a release from the NIS in order for that property to be disposed of. Now nobody raised a question in that particular regard to say that the law, the National Insurance and Social Security Act, was abridging the constitutional rights of the entity called the National Insurance Scheme, or any other individual or entity in Barbados who have suffered under similar circumstances in order to dispose of their property. It was not unconstitutional for that to happen, but apparently it seems it would be unconstitutional for the Revenue Commissioner to be given under the law the authority to be able to -- the point is, the issue for which something like that by example may have applied, is in relation to - that is an employer in a NIS situation. You are supposed to deduct and pay in contributions. You did not pay in your contributions. It has nothing to do with the sale of the property at all. You did not pay it. You are supposed to pay, entirely different transaction, NIS file the certificate, not the judgement. I am saying to you, you cannot sell this

and that property just like that before you get a clearance from me, or pay me what you owe. If you cannot pay me what you owe me, then I would decide what you are selling if I am going to give you clearance to sell it, and then you pay me the money and I want my money before you get yours. That happens every day in Barbados. That is not unconstitutional.

Then the issue of, as I have seen somebody wrote somewhere, if a mortgagee fails to pay his mortgagee and the bank decides they are going to sell the property...

Asides.

Hon. C. SINCKLER: The mortgagor, if you want to call it that. It could be a credit union or whatever decides that they are going to sell the property, this amendment to the Act would prevent them from doing so because it says that any taxes, which are not attached to the property -- it could be income tax, VAT, or it could be whatever, that those would not allow the person or the mortgagor, the financial institution, to recoup what is owed to them on the basis that the - now the amendment to the Act does not say that. All the amendment to the Act says, Sir, and this in the regular course of the conduct of business and the administration of taxes it would say:

Sequence 5

"Where an application is made to the Commissioner for a tax clearance certificate (and the Commissioner is satisfied that no taxes under the Act are due under the taxing Acts) to facilitate a conveyance of land, an applicant shall

(a) pay all tax, interest and penalties which have accrued under the Land Tax Act, Cap. 78A; (b) repay all input tax in accordance with section 48(4) of the Value Added Tax Act, Cap. 87, where such tax was previously allowed under section 46(2) of that Act; and (c) pay an amount satisfactory to the Commissioner that is equal to not less than ten per cent of the taxes, interest and penalties which have accrued under the other taxing Acts"

have been paid, and an agreement has been executed with the Authority for the purpose of making scheduled payments to liquidate the sums owed, then the Commissioner shall issue a tax clearance certificate.

Where an application is made, the Commissioner can determine under these provisions how to handle the situation, so the Amendment does not stop the financial institution from proceeding. All it says is that under the responsibility of this, you can recover your money if you want, but the person who is affected has to recognise.... Let us suppose the person owes the bank \$600 000, the property is worth \$2 million and the bank sells it for \$1.5

million. There is still \$800 000 left, which would be due and owing and should be paid to the person who has the property. If I borrow \$600 000 from the bank, I build a property, I pay down the mortgage to, say, \$500 000, and I run into difficulty. If the value of the property is \$1 million, the bank sells the property for \$1 million and takes what is owed to them, which is the balance I have at whatever date I ran into difficulties, plus the fees and interest on fees and so forth. Let us say \$200 000 remain. All this is saying is that you cannot just give that \$200 000 to the person for whom the property was sold. That person has to come and make arrangements with the Revenue Commissioner. That is all I want to say; that is what it is. We know the practice. Mr. Speaker, you cannot detail every instance and iota and initiative from top to bottom in a piece of legislation. The piece of legislation would be as big as the book of history.

Aside.

Hon. C.P. SINCKLER: Disgrace? It is a fact. The legislation is very clear. You all like to throw a spanner in the works but that does not bother me. It says here very clearly:

“Where an application is made to the Commissioner for Land Tax....”

Mr. Speaker, you know why I make that point? I make that point because under the current Receivership and Insolvency Act, if a company goes into receivership or insolvency and has a number of creditors and it is disposed of, the Supervisor of Insolvency, acting under the legislation in conjunction with the court, is given the responsibility under the Act to determine the ranking of its creditors. It is now known as standard practice in law and in business that liabilities to the Crown are settled up front and then anything else thereafter in terms of the creditors. There is nothing unconstitutional about that, but we are being told now to say in an Act that if a mortgagee has a property sold by a mortgagor for nonpayment or default and the property is sold for more than the payment due to the bank when all of the associated costs are calculated and a balance remains, the person is to be given the money and allowed to walk off, even though the person is owing to the Crown for certain and different types of impositions and liabilities. We are saying that cannot be right. You do not need to detail everything of that in this legislation.

Asides.

Hon. C.P. SINCKLER: If it sells for less, it sells for less. You still have a remedy here. I do not think the bank would sell it for less. They can. They have done it before just to take it off their books and write it off as some kind of loss, if they want, but the truth is that it does not abridge any constitutional right. It does not prevent the disposal of the land, because in the normal course of transacting

business, the banks have worked on numerous occasions with the tax authorities to ensure that these matters are dealt with and resolved. One has to have some type of faith in the system that the system will work and work accordingly. If you are going to write legislation right down to the very instance, somebody will come up some day and say, “You forgot this particular instance,” so you come back and write that into the legislation too. Then when somebody else comes up two years after and say, “You know something? We have now discovered something else,” you have to put that in the legislation too. You would be coming back every week or every two weeks to write in some instance, and I cannot believe that legislation is designed and has been designed to work in that particular way.

Aside.

Hon. C.P. SINCKLER: All pieces of legislation are imperfect, and that is why we do Amendments to legislation. Therefore, we do not claim perfection like the other side. They are the most perfect people in the world, they write the most perfect pieces of legislation. Of course, we know the history does not accord with that particular view, but they write the most perfect pieces of legislation in the world, nothing is unconstitutional with them, and they do everything perfectly. I am thankful to the Lord Jesus Christ that apparently, according to them, He has company in the flesh of the Members of the Opposition, because they do everything right, they know everything and they provide for everything, Mr. Speaker. I, unfortunately or fortunately -- because I think it would be a very sad day if I knew everything and did not need anybody to tell me anything -- do not share that disposition. I do not think myself to know everything, so I rely on counsel in relation to various matters.

The Amendments themselves are not even unreasonable, because all you are saying to somebody in any instance, not just in land or whatever the case may be, is that if you owe the Crown money for taxes or whatever the case may be and you want a tax clearance certificate to do some business, come in. We will sit down with you, we will go through the situation, and we will ensure that you get your clearance certificate but you have to, first of all, acknowledge that you are indebted to the Crown and agree to make arrangements to clear that. In good faith, we say put a deposit of ten per cent there, we would issue you with a provisional tax clearance certificate or a tax clearance certificate. Of course, you can renege on that and go and do what you want to do, but we are exercising....

Aside.

Hon. C.P. SINCKLER: At the end of the day.... No, no. That is not in there. No, no.

11.23 a.m.

Hon. C. P. SINCKLER: Yes, because at the end of the day...

Asides.

Hon. C. P. SINCKLER: That is not in there.

Asides.

Mr. SPEAKER: Honourable Members, let us keep it down so that we can hear the Honourable Member, please.

Hon. C. P. SINCKLER: Thank you very much, Mr. Speaker. Mr. Speaker, Sir, I am saying that you come into the Barbados Revenue Authority, and the Act says it very clearly, you are given a Tax Clearance Certificate in good faith if you pay 10 per cent and you make an arrangement to pay it over time. Mr. Speaker, that is a good faith act on the part of the Barbados Revenue Authority to assist you to continue to conduct your business while getting you to recognise that you have a liability and that you are going to deal with that liability. Of course, even though the legislation does not say provisional tax certificate, and there is no such thing provided for in the legislation, you know that those arrangements in terms of you making arrangements to pay can only be interim until fully executed, that is a simple, simple fact. If I come in and make an arrangement for you to pay and I am supposed to do certain things to have my record clear or expunged or a discharge and you give me a pass and says you go and do what business you have to do, you still have a liability to me to be executed, so until that liability is fully executed then whatever arrangements are put in the Act, they are interim until such time as a full discharge of that responsibility has happened, which is, that you have made good on your agreement to pay or to discharge that. Mr. Speaker, unless I am totally discharged of the knowledge of what the simple English meaning of the word provisional means, then that is what it is.

Asides.

Hon. C. P. SINCKLER: It is not two certificates. You are trying to put words in my mouth as usual, that boy Symmonds. Look, the word provisional means recognition, providing or serving for the time being only, existing only until permanently or properly replaced. In other words, it is an interim arrangement that we have entered into, I am allowing you to go ahead and do your business on the faith that you will discharge your responsibilities to the Crown. It is an interim arrangement until such time as you have fully discharged your responsibility, and apparently I do to know what the word provisional means.

Asides.

Hon. C. P. SINCKLER: I am doing it in good faith, so if I am doing it in good faith, I am relying on you in your good faith to execute the agreement which you have come to with the Crown otherwise I would have to invoke other aspects of the law to deal with you. They got some people including some attorneys-at-law, apparently you cannot call that name now, let me say professionals then because apparently it is a crime in Parliament to say attorneys-at-law, and other non-professionals who do not even file taxes in Barbados, who do not register for VAT, who do not...

Asides.

Hon. C. P. SINCKLER: I am not in that. Mr. Speaker, the funny thing about it is that every day in the system in order for ordinary business practitioners, taximen, minibus owners and all of these people, to continue to get licensed to register to do what they have to do to get their duty-free taxis, to get their licences renewed or whatever it is they want to do, they need to get a NIS and a Tax Clearance Certificate from the Inland Revenue Department. If you are running a school canteen you have to do it. I have not heard any one of them get up in here while they were Opposition or see any one of them get up in here when they were Members of the Government - and the Honourable Member for St. Michael North was the Minister responsible for commerce and trade, I never saw him or never heard him take a Paper to Cabinet - and say that it is unconstitutional and unfair and unreasonable to ask any of those ordinary people to be able to provide Tax Clearance Certificates to do what they have to do to earn a living, but as soon as you say attorneys-at-law, big land dealers and transactions for which some of these people get their fees it is a problem, it is unconstitutional, it is bad, it is vicious and violent and vile by the Government of Barbados to do these things.

Asides.

Hon. C. P. SINCKLER: Sir, I listen to all of these things.

Mr. Speaker, there is another one that goes like this. Suppose a wife and a husband breaks up and the court orders in the divorce settlement that the property be sold, you got to get a Tax Clearance Certificate now for the thing to be disposed of. Of course, the court within its own right, as it has done before I am told, if the court wishes to so do, can speak to that.

Asides.

Hon. C. P. SINCKLER: No, no, no, the court cannot issue a Tax Clearance Certificate, it never has. It does not deal in Tax Clearance Certificates but where in some instances relative to waivers of land taxes...

Asides.

Hon. C. P. SINCKLER: I tell you already that I do research before I speak. Property transfer tax not land tax. Man, take your time. Property transfer tax on property is a form of land tax too. It is not in the specific meaning of the land tax legislation but a property transfer tax is on the sale of the property.

Asides.

Hon. C. P. SINCKLER: At first the court did not used to do it but all of a sudden now... Oh yes, the court does it on property transfer tax.

Asides.

Hon. C. P. SINCKLER: I do not mind, Mr. Speaker, I know. The court never waived anything but until I mentioned on the sale of a property, they then remembered that the court can do it on property transfer tax, so the court could do that.

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Mr. Speaker, now, if both individuals are to benefit from a court order in relation to the disposal of property and the proceeds are go to go both of them either equally or as the court decides and if any one of them owes land taxes or whatever to the State, it can also be recognised within the Act or if passed here today by this Parliament that such arrangement should be made in the disposal of that property, so that both individuals in their own individual right would have a legal responsibility to ensure that whatever proceeds they get from that sale, that they should make arrangements to honour their liabilities, whether absolute or make arrangements under this specific piece of legislation, so it does not deny them from doing so.

Mr. Speaker, what is the right that is abridged? What is the mischief that has been created or that will be created by this? I hear all these arguments and I am waiting to hear from our learned perfect friends on the other side and we will stand to be guided. I do not believe, in all sincerity, that there is anything that they can proffer here. In fact, while they are speaking I am going to grab again a copy of the Barbados Constitution. I want to see which provision they say this Act will abridge and which due process before the law, as I saw written somewhere because this amendment, apparently, abridges due process. I do not know how it does it before the law as it pertains to the Constitution of Barbados which guarantees everybody a fair and equal treatment and due process before the Courts of Barbados? Mr. Speaker, I would like to see how this amendment abridges any such thing in the Constitution of Barbados.

Mr. Speaker, I think that this is a reasonable piece of legislation. I do not believe that it rises to the level of unconstitutionality. I certainly do not believe that it is unreasonable and unfair and that it does not allow for the normal course of business activities for appropriate interventions to be made by individuals, their counsels and/or representatives to ensure that they continue to be able to do business and to transact or whatever the case may be. Mr. Speaker, I believe it gives the Revenue Commissioner, as is properly designated under the policy of the Government, to have a single taxpayer system in which the Barbados Revenue Authority through its Revenue Commissioner is responsible for administering the specific enactment under the Schedule of the Barbados Revenue Authority Act, but gives the superstructure which is the Barbados Revenue Authority Act through its Commissioner the responsibility for issuing of tax clearance certificates, by clearing up both the role of the office and the meaning of what tax clearance certificates mean in this particular case.

Mr. Speaker, I think that anyone in the interest of ensuring that liabilities to the Crown are met in full will commend this piece of legislation to this Honourable Chamber. Again, it does not strike perfection, we strive for that but if we fall short, then in the course of things... As I said, that is why legislation is amended but we believe that for the time being and in the ordinary course of the administration of taxes in Barbados that this amendment is fit and proper to be commended to this House of Assembly for approval. Mr. Speaker, with those few words, I beg to move that this Bill be now read a second time.

Hon. D.O'N. INNISS: Mr. Speaker, I beg to second that, Sir.

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

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

Mr. D. D. MARSHALL: Mr. Speaker, we have been treated to a most interesting exposition from the Minister of Finance and Economic Affairs. Mr. Speaker, the Honourable Member should do well to follow his own advice, that is, the Honourable Member should not step into waters in which the Honourable Member is not at all familiar. Mr. Speaker, the Honourable Member certainly does not know the mind or heart of the Barbados Labour Party, even though more than likely the Honourable Member envies them both, the Honourable Member has not even a passing flourish of a relationship with the law and recent events have demonstrated that the Honourable Member has even less with the economy.

Mr. Speaker, nonetheless, it is the Honourable Member's duty to pilot this amendment Bill which is intended, Sir, to change the relationship that the Barbados Revenue Authority has with the taxpayers of Barbados. I believe that the Honourable Member has tried to clothe these amendments with the vestments of efficiency, good tax administration and a whole raft of other things which will only serve, Mr. Speaker, to redirect the focus of Barbadians.

Mr. Speaker, it is important for the Minister of Finance and Economic Affairs to have the taxpayers of Barbados focusing on the things that the Honourable Member said that we should be focusing on, for example, tax efficiency, a single platform and all of those kinds of things, while at the same time the Honourable Member has not really delved into the minutia of this Bill and told Barbadians how it will affect them. The Honourable Member, for some reason, has castigated lawyers. The Honourable Member seems to be even castigating the law and the Constitution.

Mr. Speaker, our purpose in Parliament today is not to give the Minister of Finance and Economic Affairs any schooling in law, I believe if the Honourable Member wanted to pursue that career the Honourable Member had more than enough opportunities, we are here to try to point out to the Minister of Finance and Economic Affairs and to Government Benches the error of their ways in relation to this amendment to the Barbados Revenue Authority Act.

Mr. Speaker, I would venture that we cannot start here, we have to remind Barbados that when this Democratic Labour Party came to power that within, I believe, two years the then Honourable Prime Minister David Thompson, now a blessed memory, came to this Honourable Chamber and increased the Professional Registration Fees for every profession under the sun. Let us make it clear, when we say profession we are not talking only in the sense of doctors, lawyers and those kinds of professions, we are also talking about mechanics, dressmakers, nurses, tradesmen, contractors, et cetera, everybody who had to register under that Act had their registration fees doubled. Mr. Speaker, it caused tremendous hardship in Barbados so much so, Sir, that for the first time many of our tradesmen were compelled to become scofflaws, simply because in an already tightened economic environment, they could not afford to pay the additional fees.

11.48 a.m.

That is what they did in the early stage of their Administration. Mr. Speaker, they then proceeded to increase every single tax under the sun. I do not think they increased bicycle tax; I do not think so, but I would rather suspect that was an oversight because, had it come to mind,

I have no doubt that they would have increased bicycle tax as well.

Aside.

Mr. D.D. MARSHALL: That was included? Bicycle tax? Oh goodness gracious. Mr. Speaker, only a year-and-a-half ago the Minister of Finance, to continue to assuage his thirst for money, announced in this Chamber that it would be Government's policy that before any individual could register under the Professional Registrations Act, they had to produce a tax clearance certificate. Before a nurse could show up to work, it was this Minister's position that she must first be able to prove that she owed the Government of Barbados not a penny in Land Tax nor a penny in Income Tax. Mr. Speaker, it was so bad that I believe the public of Barbados rose up indignantly and said to this Administration, "Too much is being placed on our shoulders."

Aside.

Mr. D.D. MARSHALL: No, this only happened in 2015, so we will see if they get re-elected now. So much so, Mr. Speaker, that the Government backed away from that position. Mr. Speaker, it is a fact that individuals who wish to get foreign exchange from the Exchange Control Authority to do their lawful business are being asked to produce a tax clearance certificate as well. Mr. Speaker, I am well aware of an instance where a parent wanted to send a sum of money abroad to his or her child as a gift, and the individual was told, "We will give you the permission but only when you bring your tax clearance certificate." The individual went and tried to get the tax clearance certificate and was told by the BRA that some amount of taxes was due from back in 2009. The individual went and dug up every single tax return they had filed, everything, to show that they owed no taxes, but the BRA was adamant, and now three-and-a-half years later those individuals have still not been able to send that money to their child because they have still not been able to get a tax clearance certificate from the BRA. This is three years later.

Mr. Speaker, these are not individuals who have a friend in a high place who can call somebody and ask for a favour. These are individuals who are seeking to do what any parent would do for the benefit of his or her child. Mr. Speaker, I mentioned it at the outset because I think that we have to remember that when we do these things, these laws are not being passed in a sterile laboratory. These laws are not being applied in an environment that is static. These laws are to be applied to the day-to-day lives of people, and this Government is not taking into account the harmful effect or the potential harm which is going to be visited upon citizens.

Mr. Speaker, we need to make this clear. Because the Minister of Finance, whatever falling-out he has had with the Governor, whatever advice he thinks that the Governor of the Central Bank should not have given, whatever fiscal policy failings he is now opening up his eyes to recognise, this is nothing more than the Government of Barbados trying to find another way to turn the screws on the already suffering Barbadian populace. Mr. Speaker, they are trying to squeeze the last drop out of the lemon that Barbados has now become. Mr. Speaker, you have to ask if this is what we have come to. Is this what we have come to? The Minister needs to recognise that this Bill is about the average Barbadian. This Bill is about the many thousands and thousands of people who have bought land from the National Housing Corporation. Mr. Speaker, this Bill is about the many thousands of people who this Administration has given National Housing Corporation units to. This Bill is about all the people who buy economic house spots from Eastern Land Development and from Property Holdings.

Mr. Speaker, the now deceased former Prime Minister Sir Harold St. John once told me that in the Caribbean, Barbados had the highest percentage of land ownership compared to any other Caribbean country. Barbadians have always aspired to own a piece of this rock, and it is something which successive Governments have encouraged. Why now come and try to throw cold water on that and put an impediment on it? Mr. Speaker, when you have such a large percentage of your population owning real estate --and we are not talking about anything in Sandy Lane or the hotels or any of those properties, Sir -- we have to ask ourselves, "Will this Bill negatively impact on the average Barbadian who either wishes to deal with his or her property on a voluntary basis or who, by force of circumstances, must approach a financial institution to borrow a piece of change, maybe to pay the child's university fees, maybe to get them out of some debt or maybe to help a child with another piece of land; or the average Barbadian who wants to approach a financial institution to take care of a pressing health need?" Mr. Speaker, those are the people who will be adversely affected -- and this is not speculation -- by this Bill, simply because the Minister of Finance....

Asides.

Hon. D.D. MARSHALL: He is so arrogant....

Mr. SPEAKER: Honourable Member, you would know, though, that I have cautioned Members about commenting about Members' absence from the Chamber; so I want you to withdraw that comment and move on, please.

Hon. D.D. MARSHALL: I withdraw the comment, Mr. Speaker. I want to say to the Minister that he, the

Minister, has been briefed by his technocrats but he needs to be briefed by the people. This is not just a technical issue. What we have is a situation where the Minister is trying to tie with a Gordian Knot, or maybe an umbilical cord, every single liability that an individual may have to the Crown, however it is created, and put a position in place that before you can make a step forward, you must pay all.

11.52 a.m.

Sir, Barbadians are expected to pay their taxes, there is no doubt about that and let the Barbados Labour Party be on record as saying that we believe that all Barbadians should be law-abiding taxpayers, so we are not even going to put that red herring across the trail, but the point is Barbadians must also be at liberty to conduct their business in a way that works and that make sense for them, but this Government is so intent on controlling every aspect of our lives that we are worried about what would come next.

Mr. Speaker, when an individual wants to sell a piece of land, it is right that he should show and prove that he has no taxes due on that land, that is fair. The Barbados Water Authority Act when it was enacted, the Lord knows how many decades ago, also provides that the provision of water is to be a charge on the land. The National Insurance Act also provides that those things are also to be charges on land. Each of those pieces of legislation provides discreet mechanisms for how they should be dealt with and there is no getting around it.

Sir, the average housewife or worker at the telephone company will not have any obligation to the National Insurance Scheme because that is an obligation for employers. In fact, the National Insurance Act says that National Insurance payments that are due are to be charges on all of the property and assets of the business, so that is clearly directed to people who are engaged in commerce and who deduct amounts of moneys from their employees' salaries. The National Insurance Scheme through the Government is saying you are a trustee of this money that is supposed to safeguard John Browne if they get injured or when they retired, so it cannot be fair that you should keep that money and therefore that provision in the National Insurance Act is justified but it does not touch and concern the average Barbadian, it will not. What touches and concerns the average Barbadian, Mr. Speaker, is income tax, and now the Government is saying that before you can sell your piece of land or before you can mortgage your piece of land, and I will concede that mortgage is not mentioned here but the practice is that you have to produce the same certificate, you now have to go and deal with all of these Government departments before you can do your transaction.

Mr. Speaker, the Minister may think that it is efficient, but I would venture that it will not be. I mentioned the example of the individuals who three years later are still waiting on a Tax Clearance Certificate so that they could make a gift for their daughter. What will happen to one of my constituents who wants to borrow a piece of change from a commercial bank but is then told by the Barbados Revenue Authority you owe taxes back to 2009, is that the individual now has to stop in his or her tracks, backtrack to find the information and then engage in a fight with the Department of Inland Revenue. What are we visiting on our populace?

Mr. Speaker, I am very happy that the Bar Association has spoken on this matter. I do not really get to Bar meetings and I have to say I was not aware that the Bar, which consists of now over 1 000 lawyers maybe about 1 200, had weighed in on this particular social issue but I am glad that they have weighed in on it and I will urge them to weigh in on many other issues of public interest. The Minister finds it convenient to pooh-pooh the comments of the people who are in those trenches every day who deal with these things every day, and he spoke about mortgages. I said earlier that these laws are not going to be applied in a sterile laboratory so these laws are going to be applied out there.

Mr. Speaker, in this environment Barbadians are losing their homes. If you look in the newspapers every day you would see by order of the mortgagee, by order of the mortgagee. Property after property after property is being sold because people have defaulted on their mortgages. Mr. Speaker, these people are being told that before they can sell their land they have to prove that they owe no taxes. You know what, the statute says, and the Honourable Minister touted this, that you could come to an arrangement with the Commissioner but he did not tell you that the statute was mandatory and it says that you could only come to an arrangement with the Commissioner if you first pay 10 per cent of the taxes, the interest and the penalties, so it is not a case of where you just owe X dollars in taxes, it is 10 per cent of the taxes, the penalties and the interest, and we know that often the penalties and interest are more than the tax was in the beginning.

The Minister would like to believe that Barbadians are just 'wutless' people who do not like to pay taxes, not the ones I know. Barbadians line up and they let alone paying other things just so that they can pay their taxes and all they ask in return is that when the time comes for income tax refunds that the Government would treat them with the same dispatch as they do when they have to go and pay because when they file and they have to go and pay, they run and line up until the lines are all outside the building in the hot sun to pay Government's one cashier the money and they come back day after day after day. They only wish the Government would treat them with the same

sense of urgency but we know that do not happen, and now that the Governor is in a lame duck situation less would happen now. Mr. Speaker, the statute says that you must pay the 10 per cent first.

Mr. Speaker, all of those thousands of people who are struggling to pay their mortgages on a daily basis, some of whom have been sent home by the Government and some of whom have been sent home by the employers because the business are closed, and who have a hard time paying a light bill, when they default a bank now has to sell out the house. A bank does not know John Browne's income tax position. How is the bank going to know that? If I go to borrow money from the bank, the bank does not ask me to prove that I do not owe taxes.

Sir, as you know, bankers respond very quickly to change and what will happen now, which the Minister has not foreseen, is that any commercial bank which is approached to lend John Browne money would be prudent to say to John Browne you got to bring a Tax Certificate now, you got to prove to me that you do not owe Government any income tax, so all of a sudden by this Bill, and I hope the Minister did not intend it but often intended consequences are the worse, any financial institution about to lend money as a matter of prudence will demand that the borrower proves as a preliminary point that he does not owe any taxes by way of income tax, National Insurance contributions or anything else before they lend. The bank cannot take the chance not to because the individual may in fact owe income tax so the bank has to protect its position and every year now the bank will insist that that individual produce proof that he or she has paid income tax.

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Mr. Speaker, you must understand what this is going to do to the lives of Barbadians, to the cost of them surviving on a daily basis, and to the cost of doing business itself. Mr. Speaker, if that individual defaults on the loan the bank now has to sell out the land and therefore the bank now has to go to the Commissioner of Inland Revenue and asks for a tax clearance certificate for that individual's land, to which the Commissioner of Inland Revenue will say that that individual owes tax and that before a tax clearance certificate can be issued the bank itself has to pay 10 per cent.

Mr. Speaker, let us make it clear, it is not optional, there is no discretion, the tax clearance certificate can only be issued if you have first paid the 10 per cent. Mr. Speaker, let us imagine that John Brown does not owe the Barbados Revenue Authority any money but as there often does there is an error somewhere and the Barbados Revenue Authority says that tax is duly owed. Mr. Speaker, therefore, a bank now has to go pay 10 per cent of the debt because it is not optional. The statute says you shall first

have to pay that 10 per cent, it does not give me an opportunity to go fight with the income tax department, because the bank is in a hurry to sell off the property to recover its debt.

Mr. Speaker, it would be inappropriate for me to say that the Honourable Member is making it up as he goes along but the Honourable Member did make reference to a provisional tax certificate. Mr. Speaker, I think that the Honourable Member was reminded by one of the Members on this side that the statute does not provide for that, you either give or you do not give the tax clearance certificate, you cannot take it back, so that when somebody gets a tax clearance certificate to sell the land and they do not pay you the rest, you cannot then 'unsell' the land, it is already sold, so let us put that one side.

Mr. Speaker, the fact that the Minister would even introduce such a concept tells me that the Honourable Member does not quite have a grasp of the mechanics of what the Honourable Member is doing here today. All the Honourable Member is seeing are dollars and hearing the cash register ringing but that cash register is not going to ring because the Honourable Member is increasing the cost of doing business now by delaying the length of time that a transaction will take. Mr. Speaker, individuals are waiting years to get clearance certificates for which they had applied three, four, five years ago and they cannot get them as yet, so that under this particular regime the transaction cannot go forward until the tax certificate is produced, so that instead of facilitating business this will be an immediate damper on the appetite of the financial market to finance transactions and there will be an immediate damper on the ability of the average Barbadian to engage in a transaction. Mr. Speaker, at a time when this economy needs money to move, this Government is engaging and embarking on a counterproductive measure.

Mr. Speaker, I should tell the Honourable Member that the court does not exempt or waive any tax of any kind for anybody. It is said that the Honourable Member has administering an Act and does not know what the Act says. Sir, the Act says that certain types of transactions are exempt but by practice you go to court and you ask the court to declare that that transaction is one of the transactions referred to in the Act. That is all you do, but the Minister does not seem to be aware that that is what is in the statute. Well, the Honourable Member does seem to be aware but I do not think the Honourable Member is aware as much as it comes to this area.

Mr. Speaker, the Honourable Member pooed-pooed the idea... The Barbados Bar Association quite rightly spoke about people who were married who were getting divorced but I think there are other instances that should be taken into account. Mr. Speaker, Sir, for example, if a gentleman named Toppin and I were to own a piece of land

jointly and Toppin owes VAT while I owe nothing, before I can do a transaction in relation to my other piece of land, I would have a problem because my land that has nothing at all to do the land that is jointly owned, I have to show that that piece of land does not owe any taxes. Now, you do not pay taxes by half, I cannot pay my half and leave Mr. Toppin's half unpaid, because the record will show that there is an outstanding tax liability for a person named Dale Marshall, but the piece of land I am trying to deal with is free and clear.

Mr. Speaker, these are the kinds of real life scenarios that the Minister has not contemplated, an individual who wants to give, not even to sell, a piece of property to his or her son, brother, sister or mother, a transaction that this Government should encourage now calls for an individual to expose their whole tax situation in order to be able to facilitate a humanitarian gesture.

Mr. Speaker, only a few years ago a very prominent businessman in Barbados endowed the University of the West Indies with 30 acres in St. Thomas so that the university could set up a research programme. I believe another businessman gave the university a significant acreage near Redman's Village. Mr. Speaker, what this Government is saying is that before that transaction to benefit mankind can take place that that individual would have had to go and sorted out all income tax and every tax he owed. Sir, every liability to the Crown would have had to have been attended to so that they could engage in a humanitarian act which takes pressure off the Government because the Government cannot even pay the people the university fees far less help them to buy land but this amendment could have affectively put a stop to that kind of humanitarian gesture. Is that where this Government really wants to take us?

Mr. Speaker, I do not imagine that the Minister of Finance and Economic Affairs will recollect what I am about to relay but I happen to be involved in a transaction where the individuals applied for a land tax certificate and were told they cannot be issued with the land tax certificate because they owe corporation tax of \$19 000. Well, there are some times when you do not fight with the Government, if you want to get on with your business there is no point in fighting with the Government, but you cannot always give in. Mr. Speaker, do you know what happened? Sir, because a tax certificate could not be obtained and because there was no money to pay that \$19 000, the transaction fell through. Sir, do you know what? The Government's take from property transfer tax and stamp duty would have been so much higher than the Government was taking out for that \$19 000, so that Government did not get the \$19 000, nor had they got the large amount they would have received had the transaction gone through in property transfer tax and stamp duty. Mr. Speaker, I remember mentioning it to the Honourable Member and he

was perhaps horrified, perhaps because he could have already seen what those money would have been applied to, to help to reduce some of the Government's debts.

12.16 p.m.

These particular Statutes already have mechanisms for the collection of money. What does that tell us, Sir? Mr. Speaker, the BRA Commissioner, who is responsible for the Income Tax Act, has the ability simply to go and file a certificate saying, "You owe this money," and get a judgement -- not in the High Court, Sir -- in the Magistrate's Court. It is the easiest mechanism in the world for collecting a debt, but do you know what happens, Mr. Speaker? These Government departments are not interested in collecting the debt at all until you are looking to come and sell land. Mr. Speaker, in the Income Tax Act, for example, Section 71 says:

"All taxes, interests, penalties, costs and other amounts payable under this Act are debts due to the Crown and recoverable as such in civil proceedings in the High Court or in the Magistrate's Court for District 'A' at the option of the Crown, notwithstanding that the amount involved exceeds the normal monetary limit on the jurisdiction."

Mr. Speaker, it also goes on:

"An amount payable by a person under this Act which has remained unpaid for a period of 30 days may be certified in relation to that person in a certificate called an unpaid tax certificate." Sir, it goes on: "An unpaid tax certificate may be filed by the Commissioner in the High Court or in the Magistrate's Court for District 'A' and should be registered in the court in which it is filed, and seven days after it is filed and registered has the same force and effect as a judgement of the court in which it is registered."

Mr. Speaker, the Income Tax Act was passed years and years ago. I would challenge any Minister of Finance, and this Minister of Finance, to tell this Chamber how many unpaid certificates have been filed in either the High Court or the Magistrate's Court. Sir, what has happened is that the Statute, from the time it was passed, gave clear, simple, easy enforcement mechanisms to the Government department. The same thing is to be found in the Value-Added Tax (VAT) Act and the National Insurance Scheme (NIS) Act. All of our tax collection Statutes permit this simple process, but the individuals employed in those departments do not use these enforcement mechanisms. We are in the court every day, Mr. Speaker, and you cannot find a certificate filed on behalf of the Commissioner of Inland Revenue. You cannot find one. They take no steps to collect the debt at all, even though the Statute provides how it is to be collected easily. They take no steps, but

when John Brown is ready to try to do a transaction for his benefit, he is visited with this particular thing and the Commissioner is now saying, "I got you now." That is what it is, Sir. They do nothing at all. What business in the world could function like that? You cannot owe one of the commercial houses in Barbados money past three months and they do not collect it. They do not get to file any unpaid certificates. They have to get lawyers and go to court and all kinds of things just to get a judgement, and fight five and six years in our awful judicial system. That is what they have to do, but this Statute says that you can file an unpaid certificate, and within seven days it has the full force of a judgement. Not one is filed, but when the individual comes to sell land -- which has nothing at all to do with the Commissioner of Inland Revenue or the VAT man -- they start to smile. "I got you now." That is how Barbados is now supposed to be doing business.

It is completely retrograde and inappropriate for a modern, sophisticated Barbados. If you have a power to collect the taxes, by all means collect them. Do you know what the problem is too, Sir? The BRA is understaffed, but the Minister wants to tell us that we should go and apply for this tax certificate. If you cannot get one in the ordinary course of business, how do you expect to get one with any facility or with any ease when, for every single transaction involving real estate in Barbados, every "manjack" has to get one? If I, Jerry and Patsy own a piece of land together, all three of us have to get. The department is now going to be inundated with requests and before you can get one certificate, you have to get all the rest; so before you can get the tax clearance certificate, you also have to come for NIS and, oh Lord, the liquor licences are now added to that. Liquor licences are now added to this regime, so the BRA which can barely cope with its day-to-day business and which already cannot use the enforcement mechanism of the Statute because it is understaffed, will now be visited....

Mr. Speaker, if there are 10 000 land transactions done in Barbados a year, all 10 000 of them will require tax clearance certificates; and Barbadians complain about how long transactions take. That delay in itself is a break on business; it slows down the business cycle, but now you have added that to this regime.

Mr. Speaker, when a Government enacts this piece of legislation and now burdens the people of Barbados in a reckless way, we have to ask what comes next. The Minister has his hands on the Government purse and now he wants to get his hands on the purses of the taxpayers of Barbados, and he is so anxious to get his hands on those purses and to squeeze every drop out of a lime which no longer has anything in it, that we feel that it is not unreasonable to expect that the Minister may well start to go a step further. Mr. Speaker, you and I were privileged to be in Trinidad at law school in the late 1980s, and I would remind you, Sir, that in Trinidad the law was such that if

you had stayed there for a period in excess of, I think, six or eight weeks, before you could leave the country you had to apply for a tax clearance certificate. Before you could go to Piarco and get on an aeroplane, you had to apply for a tax clearance certificate and you could not check in at the desk unless you had that tax clearance certificate. Sir, what will happen next? I have already pointed out to this Chamber that before you can get foreign exchange to send overseas to your son, daughter, mother, brother, sister or aunt, the Exchange Control Authority is saying, "Bring your tax certificate." Before you can sell a piece of land, the Minister of Finance is saying, "Bring your tax certificate." Before you can mortgage a piece of land, bring your tax clearance certificate. Before you can give a piece of land to your brother, tax clearance certificate. So what next, Sir? How about before you can get an injection at the polyclinic? Tax clearance certificate? Is that too far off? Is that too farfetched? How about before you can apply for and be given a new passport? Tax clearance certificate? Before you get on an aeroplane, tax clearance certificate? What about National Housing Corporation houses, Minister of Housing? Are you going to tie that to a tax clearance certificate? How about a little piece of help from the Rural Development Commission if the house needs repairs, for instance? Tax clearance certificate. Mr. Speaker, there are times in the history of Man when individuals have had a feeling or a perception of what might come, what is within the realm of the possible, but they sat silent and they said nothing. In Barbados, we have that saying, "If I did know" or "If I had known", and it always describes a situation where an individual now comes to regret not taking a certain pre-emptive stance.

H:No.D4 (12)

In Barbados we have that saying 'if I had known' and it always describes a situation where an individual now comes to regret taking a certain pre-emptive stance, and sometimes that pre-emptive stance is not always about what you can do but what you can say to point out pitfalls that are ahead.

We know that the economy of Barbados is on the brink. If we did not know it before we certainly know it in the last few weeks and we certainly know it when the Governor of the Central Bank is being put on the Government's chopping block, so we know it, so when you are on the brink, is it irrational to expect that the Honourable Minister of Finance would come to Parliament with a Bill like this. This is consistent. The Minister of Finance is coming to Parliament with a Bill like this to try to get every single penny that he can out of an already ailing patient. That desperation, Mr. Speaker, is sure to continue and so I want Barbadians within earshot who are on facebook and other social media to start to ask the question: What next? Is it within the realm of possibility that in order to extract more taxes this Government will

drag us further and further down a path almost akin to a fascist state?

Mr. Speaker, this Parliament is being asked to approve a piece of legislation which the Minister has tried to paint in the most noble of colours. The Honourable Minister has tried to say it will make our system efficient. It may make his tax collection efficient but it will destroy the financing community in Barbados and it will stop people from selling land, it will remove all of those attributes of a modern society that Barbados has claimed as our own.

Mr. Speaker, I for one will bow my head in shame if this Parliament were to allow this Bill to pass. Courts eventually determine the constitutionality of legislation. I would urge that the Minister take into account the cautionary views of 1 200 or 1 400 trained lawyers who have weighed in on this issue and have said you need to pause, we have doubts about its constitutionality.

Mr. Speaker, out of the abundance of caution, we would urge the withdrawal of this Bill, but knowing that such is not the Minister's temperament and it is not the wont of the Government Benches to do such daring things, we would urge that this matter be sent to a Select Committee for careful review.

Sir, the Minister should have told us that he had consulted with the commercial banks, but he did not. The Minister could have told us that he had consulted with the real estate agents and real estate developers in Barbados, but he did not. The Minister could have said this will so impact the lives of the thousands and thousands of people who own land in this country that we could perhaps have a town hall meeting or two to hear their views, but he did not. Once again we have a situation where there has been no consultation with the people but at the end of the day it is the people who have to pay these taxes and it is the people whose lives and livelihoods are affected by this change in the law, it is not about making anything perfect.

This Bill is very far from perfect because it is based on a fundamentally wrong principle which says that you should get every penny you can out of everybody who has to pay the Government no matter what it takes. There is a principle where it is advocated that Governments should be firm in their ruling but soft in their touch. I only express the ideal that you are not dealing with mechanical instruments, you are dealing with people who have to structure their lives and their arrangements in accordance with the laws that you pass, but other than the voices of the Opposition, Mr. Speaker, they do not get to tell you if they agree with it or not, they do not, because democracy says so right, that the commoners and the plebes, as they would say in ancient Rome, will defer to the power of the authorities but that is not about power.

Mr. Speaker, I have constituents in St. Joseph where the Town Planning Department has determined they cannot build any houses on land in the Horse Hill area. The Government does not say we know you need to develop your land so we are going to come and deal with it, no, they just say you cannot build anything in this catchment area. I have constituents, Mr. Speaker, who had land listed with real estate agents for sale in Horse Hill and with the stroke of a pen those land values went from whatever they were, having majestic views of a verdant countryside, to \$1 a square foot, and then they cannot get any water so the land values went lower still, so a piece of land that an individual in Horse Hill might have owned that had a market value of \$150 000, the single largest investment that person might have ever made in their life, they have now seem their land values diminished to almost nothingness and now to add insult to the most dolorous of blows, they are now being told in addition to that we are coming after every penny that you owe.

Mr. Speaker, I have individuals who live in Fruitful Hill who have been denied planning permission after planning permission after planning permission for land that their great grandfather went to Panama and send back money to buy. The only asset in the family they cannot use, but every year the land tax bill is going on. They own four acres of land in Fruitful Hill but they had to abandon it and go and buy 6 000 square feet in Kingsland, but they want to get a mortgage on Kingsland's land but the Commissioner of Land Tax is going to say well boy do not forget Fruitful Hill.

This Government needs to pause. There is an election in the air and the Minister wants to grabble every penny that he can to do whatever it is the Government wont to try to secure an election victory, but Mr. Speaker, this Opposition is not giving it its support. Whatever the view of the Honourable Minister of Finance, we have sought advice from beyond the corridors of the Barbados Labour Party and that advice has indicated to us that this Bill does not meet the standard of constitutionality and it will not get the blessing of these Opposition Benches in trying to achieve a two-thirds majority.

House D4 Sequence 13

Mr. Speaker, the Minister of Finance and Economic Affairs hates lawyers but has now developed a newfound love for the courts, the Honourable Member is in court tomorrow. Mr. Speaker, the Honourable Member did not appear before the Public Accounts Committee but is going to court tomorrow. Mr. Speaker, I venture that is this Bill is passed that the Minister of Finance and Economic Affairs will have to go to court a little more, because the attitude of the people in Barbados is that this Government will not be allowed to run roughshod over us without us standing up for our rights.

Mr. Speaker, the Minister might not want to hear it but there are considered opinions that say this is unconstitutional. Has the Minister sought an opinion from the Office of the Solicitor-General? The Minister did not say so. The Minister is noted more for what he did not say in this debate than for what he says, the Honourable Member did not say that he consulted or that he got a legal opinion, but there is substantial merit in an argument that this Bill is unconstitutional.

Mr. Speaker, as I said I am not here to school the Minister but several statutes specifically say that the moneys due and owed to those statutes shall be charges on land. If you tie a transaction with land to a tax clearance certificate where the statute itself does not say that it is a charge on the land, you are de facto making that particular statute and the debt due under it a charge on the same land. Mr. Speaker, let me go over it because I see mystified faces over there. If you tie an obligation to something that is already a charge on the land, you are creating a further charge on the land and that you cannot do through some implied route, the law would have to say so specifically.

Mr. Speaker, therefore, if the Minister wants to talk about lawyers and all kinds of things, then the best thing that the Honourable Member can do is to listen to their advice. This Parliament in desperation... We understand why you are desperate. Napoleon said that if you see man destroying himself you should leave him alone and to some extent we should probably leave you alone to do what you want to do, but the problem is that each of us here has been elected by some constituents to look after their interests and to voice loudly their concerns, so we are not going to leave you alone, this Bill must get a two-thirds majority to pass, it must, so start there.

Mr. Speaker, any reasonable statute will be supported by the Opposition, we are not in here to stop governance, but we tell you this, there was a time in Barbados when a particular product was plentiful and in order to make sure that product gets sold you would hear that 'the thyme selling the peppers'. What it meant that was in order for you to get thyme, you had to buy peppers, but the law stopped that. Mr. Speaker, this is the equivalent of that in a taxing statute and we want to come in as a Parliament and impose that on the people of Barbados? Mr. Speaker, it is not too late to recognise that you are about to make a grievous error, pull the Bill, come again, but if you need to save face go to Select Committee and let us discuss it, but we maintain that it is unconstitutional and that it must get the sanction of two-thirds majority of this Parliament and be so certified in order to be passed and will not be giving it our fiat.

What next, Mr. Speaker? I shudder to think that if this Government stays in office for much longer what other grievous devices it will think up to try to destroy the

morale and the livelihoods of the Barbadian people. I do not think that they were elected as a Parliament for that purpose, certainly we were not, we were elected to make the lives of people better, we were elected to stop poor people from being poorer, we were elected to safeguard Barbados for another generation but somehow, either they were elected for different reasons or they have forgotten the real reasons we came here. I am obliged to you, Sir.

SUSPENSION

Hon. J.D.E. BOYCE: Mr. Speaker, I beg to move that this Sitting be now suspended for Lunch, to be resumed at 2.15 p.m. this afternoon.

Hon. R. D. JONES: I beg to second that, Sir.

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.

12.46 p.m.

RESUMPTION

Mr. SPEAKER: Honourable Members, this Sitting is resumed. When the Suspension was taken, we were on Government Business, Order No. 15, and with that we shall continue. Yes, the Honourable Member for St. James South.

Hon. D.O'N. INNIS: Thank you, Mr. Speaker. I rise, of course, to give support to this matter before us, the Barbados Revenue Authority (Amendment) Bill, and let me start by saying that I listened attentively to both what the Minister of Finance had to say and the Honourable Member for St. Joseph, and I followed some debate earlier today on this matter in other parts of the public domain. I must confess that as I listened to the Honourable Member for the constituency of St. Joseph, I became a little troubled because it did not seem as though we may have been doing the right thing. I really felt, "Wow, we really may have made an error here as a Government in pursuing this," but upon deep reflection and reviewing the various pieces of legislation quickly, even though I am not a lawyer, I must conclude at the very beginning that we are doing the right thing, Mr. Speaker. Perhaps I can start from the perspective that what this Bill fundamentally seeks to do is to empower the BRA and the Revenue Commissioner to be able to have oversight of who owes what to the Government under the various taxing Acts, and to be in a position to collect such tax as due or to make arrangement for the collection of such tax as due. I listened attentively to the concerns that this is going to bring the economy to a halt, it is going to wreck poor people, it is going to clog up the court system, it is unconstitutional, and all sorts of arguments that have been put forward. A Government must ensure, as far

possible, that its actions and its laws which it brings on the Statute Books do not infringe upon the constitutional rights of individuals. Let me say that these pieces of legislation are drafted actually by lawyers, who work in the Chief Parliamentary Counsel's Office in conjunction with those in the Ministry of Finance and elsewhere. Where people feel, after the Government has done all of this due diligence, that the actions infringe upon their constitutional rights, there is a pretty new and well maintained building on Coleridge Street to which anyone can go, even at six o'clock on a Sunday evening, and have their opinion heard and decisions made therein. That is the beauty of this democracy and the fact that we have a judicial system which does work, but I do not think that this is a case where you can say that the Government has deliberately set about to infringe upon people's constitutional rights or to frustrate business.

Mr. Speaker, the other complexing part about this argument put forward by Her Majesty's loyal Opposition is that on one hand you hear every day, almost every minute now, about the fiscal challenges of the Government, the lack of fiscal space to embark upon growth in the economy, the deficit, and that Government does not have money to do this and do that. When the Government brings measures in place such as this, which speaks to tax efficiency and ensuring a greater level of tax compliance -- not in the imposition of additional taxes but more to address an issue of catching those who hitherto perhaps were outside of the tax net -- then it is as though you have done the worst thing. I think, honestly, that we as politicians must be very consistent in our arguments. We must tell ourselves, "If you say that the State has a cash-flow issue and is short of money, and the State has brought a measure here to Parliament, not to impose additional taxes but to say we have to do better at collecting taxes, I would like to think that this is a fair and reasonable argument which ought not to engage a partisan divide on the issue."

Mr. Speaker, the other point which needs to be stressed is in relation to the purpose of the BRA. The then Government ten odd years ago, the Barbados Labour Party Administration, of which the Honourable Member for St. Joseph was perceived to be a senior Member, is the Government or Administration or political party which saw the wisdom in creating the BRA on the basis that you had several taxing Acts which were rather cumbersome and expensive to administer. The left hand did not know what the right hand was doing, so in their finite wisdom, they determined that we should create one revenue collection agency, deemed subsequently to be the Barbados Revenue Authority, which now has responsibility for the collection of taxes that hitherto were collected by several other agencies. If you go the route of creating such an agency, why should we maintain an operation which is now asked to be functioning as though it is several separate entities located under one head? You do not want the Land Tax

section to know what is happening with Excise Tax, Value-Added Tax or other taxes that come under the various taxing Acts. To me, that defeats the purpose of having one central revenue collection agency of the State. Even though there are several taxing Acts in terms of its day-today function and administration, it is one central revenue agency which must know who are the taxpayers in Barbados with various pieces of taxes, and must have a method by which they are able to impose the various pieces of taxes and collect the various pieces of taxes due to the State.

Mr. Speaker, I do not think that having been cognisant of the rationale behind the creation of the BRA, anyone today should find difficulty with the agency setting about to have the power to ensure that taxpayers are compliant. I want to stress the point: This is not about the imposition of additional taxes. This is not about the imposition of an additional burden on taxpayers in Barbados. I listened carefully, and I know the argument will go forth from here that the Government is imposing more taxes, the Government is making it more difficult for poor people, the black man will hold his belly, and the small man will suffer and suck salt; all of these things you will say. I have said these things too when I was in Opposition, because they got me some Brownie points, but there comes a point in time when you have to face reality and put aside that kind of thinking and ranting and raving, and come to the reality that...

Aside.

Hon. D.O'N. INNIS: I may have arrived in Parliament as a Member of Parliament and a Cabinet Minister, but I have been a card-carrying member of a political party for 32 years. As a matter of fact, the Honourable Member for St. James Central and I were in the same party for a few years until he was enticed to go elsewhere. Mr. Speaker, seriously, we have realised that the State needs to collect taxes. Few people out there would tell you that they enjoy paying taxes. A tax is an imposition or a levy imposed upon citizens, personal or corporate, by the State, and for use of public goods fundamentally. Here in Barbados, our expenditure was over \$4 billion up to 2015-2016, I believe, and the amount we collect in taxes is about \$2.4 billion as well, so we recognise that the amount we collect cannot even cover all of the current account expenditure per se, but we have to do it, generally speaking.

Mr. Speaker, we are at the point today where this Amendment to the Barbados Revenue Authority Act is principally designed to ensure that the State or that body is in a better position to have greater oversight of the various taxing Acts and to be able to say, fundamentally and very simply, that if you owe taxes in one area and you are about to do a transaction in another area which will yield you

some income, let us remember that we have to help settle up that other tax that is due. The issue here today centres around property taxes; ad valorem tax, I think it is called, really.

H:No.D4 (16)

I hear that oh poor people for years have owned a piece of the rock and this is going to make it difficult for poor people to own property or to dispose of property, but let me tell you something, the poor people that I know are in no hurry to sell their land. I listened well to the Honourable Member for St. Joseph, I understand. At one point in time he had me a bit convinced or thinking that maybe we are doing a little something wrong here, but when I sat down and reflected upon this and read it from cover to cover, this is not going to do any harm to individuals who wish to dispose of property in this country.

Mr. Speaker, this Bill does speak to: For the purpose of this Section, conveyances has the meaning assigned to it by Section 2 of the Property Act Cap. 236. If I can just remind the House of what Cap. 236 of the Property Act says in the definition of a conveyance: A conveyance includes any instrument, other than a Will, consisting of or comprising a transfer, mortgage or other charge, lease, assent, vesting declaration, disclaimer, release or other assurance of property or of an interest therein, and "convey" has a corresponding meaning.

Mr. Speaker, I am hearing that this matter here is going to stop poor people from owing piece of a property and such like, that is not true. Please fellow MPs, let us not be strangers to the truth, let us not mislead people in these matters.

Mr. Speaker, let me put it simply, because I note the comments of the Barbados Bar Association, and I think the Bar Association has a right to represent their members and to raise concerns. I will not criticise them, they are doing what they are required to do by their members. They have had sight of a piece of a legislation drafted may I dare say by some of their own members. Members of the Barbados Bar Association drafted this legislation, but that is fine. Lawyers do not always have to agree on everything as the Honourable Member for St. James North and the Honourable Member for St. Andrew knows very well.

Mr. Speaker, the reality about it is that this a simple matter. If an individual is selling a property, as it stands now, even before this Bill, you have to make arrangements to settle your property taxes due to the Barbados Revenue Authority before you can dispose of that piece of real estate. Is that not true? Yes, it is. This Bill is saying yes you have to settle that debt as well but it is also saying that if you owe money under the other Taxing Acts, and I will just mention quickly what those Taxing Acts are as the

Honourable Minister of Finance mentioned earlier, the Value Added Tax Act, the Excise Tax Act, the Income Tax Act, et cetera, an individual is selling a piece of property for let us say \$1 million and owes, let us say, maybe \$30 000 on that piece of land as property taxes but that individual also owes the Barbados Revenue Authority \$100 000 for income tax for the last five years and so, this Bill is simply saying to the vendor we recognise that you owe \$30 000 in property taxes and you also owe \$100 000 in income tax, now of course you cannot get a Tax Clearance Certificate unless you make arrangements, either you pay the outstanding the amounts, the \$100 000 in income tax and the \$30 000 in property tax or you make other arrangements before you get a Tax Clearance Certificate because we all know that you cannot pass on taxes on a property from the vendor to the purchaser, so arrangements have to be made in terms of that. What the Honourable Member for St. Joseph has done in my opinion in terms of misleading the House and the public is to give the impression that you have to pay that \$100 000 in income tax before you get a Tax Clearance Certificate, that is not true.

Mr. Speaker, it is stated here at Section 3 (2) of this Bill, and may I be permitted to read it just quickly, I took note of it: It says that notwithstanding paragraph (c) of subsection (1) where an application is made to the Commissioner for a Tax Clearance Certificate and the Commissioner is satisfied, at (c), that an amount satisfactory to the Commissioner that is equal to not less than 10 per cent of the taxes, interest and penalties which have accrued under the Taxing Acts has been paid and an agreement has been executed with the Authority for the purpose of making scheduled payments to liquidate the sums owed, the Commissioner shall issue the Tax Clearance Certificate. Section 2, which the Honourable Member for St. Joseph keeps stressing on and confusing the issue in terms of property tax, says that notwithstanding paragraph (c), which I just read, of subsection (1), where an application is made to the Commissioner for a Tax Clearance Certificate to facilitate a conveyance of land, an applicant shall (a) pay all tax, interest and penalties which have accrued under the Land Tax Act, Cap. 78A, and that is the case as it stands today. Mr. Speaker, any individual who is selling a property has to make due and settle all debts to the Commissioner of Inland Revenue in respect of property taxes. Subsection (b) says: repay all input tax in accordance with Section 48 (4) of the Value Added Tax Act, Cap. 87 where such tax was previously allowed under subsection 46 (2) of that Act.

My memory of the Value Added Tax Act, Cap. 87 speaks to if you have a building and you have incurred value added tax in the construction of that building and you wish to sell the property on which the building therein, you must make good on that value added tax. Here again, nothing significant, nothing that would prohibit one getting

a Tax Clearance Certificate because you fundamentally have to do it anyhow.

Subsection (c), which is perhaps where the mischief lies in the eyes of some, says: Pay an amount satisfactory to the Commissioner that is equal to not less than 10 per cent of the taxes, interest and penalties which have accrued under the other Taxing Acts and execute an agreement with the Authority for the purpose of making scheduled payments to liquidate the sums owed under those Acts.

Mr. Speaker, this is perhaps the part which has people a little muddle, and I am going to be permitted, let me just simply explain my own layman's term as someone who is not a lawyer as the Honourable Member for St. Joseph reminded the Honourable Minister of Finance just now. In the example I used, if you owe \$100 000 in income tax and you are selling a property for \$1 million, this simply means that you will make an arrangement with the Commissioner of Inland Revenue now the Revenue Commissioner to pay 10 per cent of that \$100 000 that is due in income tax, so you pay \$10 000. Remember you are going to sell a property for \$1 million, you pay \$10 000 to the Revenue Commissioner and you make an arrangement of how you are going to pay the other \$90 000. You may say to the Revenue Commissioner in discussion with yourself, look, I am selling this property because I want to pay for my children's education or my mother is ailing and needs some cancer treatment abroad or whatever, I have all of these other major expenses, and I cannot therefore afford to pay you the full \$100 000 in income tax due, and the Revenue Commissioner with her team may listen and say look let us make an arrangement and you pay the outstanding \$90 000 over the next two years or whatever. Once that arrangement is made and you have paid your 10 per cent owed under that other Taxing Act you will now get a Tax Clearance Certificate which then allows the attorneys-at-law involved in the matter to proceed to dispose of the assets as settled on the sale of that property without any encumbrances on it.

I do not know, Mr. Speaker, that that arrangement flies in the face of anything constitutional. I do not know that that arrangement prohibits a poor man from buying or selling a property. The poor man that the Honourable Member is talking about does not really get caught up in a lot of these matters you know. It is not a case where the State is saying that you have to settle in terms of payment in full of all of your indebtedness in other taxing Acts before you can get good and clear title or get your Tax Clearance Certificate to sell that property.

House D4 Sequence 17

Mr. Speaker, I really hope that Honourable Members would fully understand this because as I said earlier it hits at the point of the purpose of the Barbados Revenue

Authority. Mr. Speaker, what is the sense of having this agency established and functioning and then saying to it that it can continue to issue tax clearance certificates only in respect of matters directly related to the real estate that it is disposing of and turn a blind eye to what is owed elsewhere? Mr. Speaker, we have either to be serious or not, because these are the same people who say that the State needs money.

Mr. Speaker, you ask what the mischief here is. The mischief is simply this, as the Honourable Member for St. Joseph and the Honourable Member for St. James Central as outstanding long-term attorneys-at-law in this country they know that individuals will sell properties in Barbados, they will pay what is owed in property taxes, get sizeable profits on the sale of the property, only then to leave the country or go off elsewhere and do whatever else they want to do while still owing large amounts of money in VAT, Excise Tax and everything else. Mr. Speaker, let me say something, when those taxes are not settled, it is the same poor people who people come in here crying crocodile tears over who are then faced with a higher indirect tax burden when the State has to say that it has to impose other taxes on food, goods and services in this country.

Mr. Speaker, this thing about coming into Parliament, going on political platform and crying crocodile tears over poor people, Mr. Speaker, the objection to this Bill lies in a belief deeply held by others that certain people are to fly below the radar when it comes to paying taxes in this country, while the same poor people who they cry crocodile tears over are then left holding the bag and having to pay taxes through their teeth and through all other parts of their anatomy in order to keep this country going.

Mr. Speaker, I send a word of caution out there, the Barbados Revenue Authority is here to stay whether or not we like it, it was the brainchild of the Barbados Labour Party under the Right Honourable Member for St. Peter and was ably supported by all Honourable Members sitting in Parliament on Opposition Benches. The Democratic Labour Party Administration has given life to it and I do not think we need to beat up too much on it, as it is not perfect but is still a work in progress. Mr. Speaker, the reality about it is that it has now made it easier for the State to become more efficient in terms of the imposition of collection of taxes.

Mr. Speaker, there are those like the Honourable Member for St. Michael North who would have a problem with anything that is really legitimate and above board when it comes to tax matters in this country. The Honourable Member for St. Michael North cannot stand up in this Honourable House today and tell anybody who has a modicum of commonsense that there is something fundamentally wrong with this legislation. The Honourable

Member for St. Michael North who is a lawyer or who has been admitted to the Bar, I should say, for many years, ought to know that this matter will not impede the sale of real estate in this country. Mr. Speaker, the only issue, I must confess, that can be somewhat of a hindrance would be if the Barbados Revenue Authority does not have the internal administrative arrangement to process these matters in a timely fashion. Mr. Speaker, therefore, if one wishes to sell a property, you would get your tax clearance certificate under the current arrangement within a matter of two weeks because it is easy, all you have to do is just go into the system to see whether or not any taxes are owed.

Mr. Speaker, if the Barbados Revenue Authority, once this Bill is passed here today with, of course, the support of the Opposition now recognises that it needs to check Excise Tax, VAT and the other arrangements to see what is owed and that process now takes two months, Sir, I will have a difficulty because that is what will slow down commerce in this country, that is what will cause frustration in this country and not because of changes in legislation alone but because of administrative arrangements.

Mr. Speaker, given the fact that the Barbados Revenue Authority is now moving not just towards a single window but towards the rollout of technology and applications where it is almost seamless, where you can see what is happening in each department, once you have a unique taxpayer's identification, then I do not see why we should have any inordinate delays. I do not see why the lawyers should have any delay in closing on real estate transactions in this country arising from this.

Mr. Speaker, what it will mean is that the State will now be in a better position to get a higher level of tax compliance than they have had before. It means that individuals and body corporate will now find themselves not being able to escape the tax net. Mr. Speaker, it may very well mean that the burden of tax is now eased across the whole spectrum of the society and so I invite Honourable Members to really open their minds and to read the legislation closely and in conjunction with the other parts that are mentioned, including the other taxing Acts such as the Property Tax Act, they will recognise that there really is nothing sinister about this.

Mr. Speaker, do you know how often tax clearance certificates are asked for in this country? Sir, in order to get a taxi permit you have to get a tax clearance certificate. That taxi man has to satisfy to the issuer that he owes no National Insurance contributions, PAYE or any other taxes. Mr. Speaker, therefore, if the small black taxi man, as you like to call him, has to do that, why it is that the corporate clients of the Honourable Member for St. James Central, the Honourable Member for St. Joseph, the Honourable Member for St. Michael North, the Honourable Member

for St. Michael North East, Honourable Member for St. James North, the Honourable Member for St. Michael North East and the other 'half-lawyer' why is it that your corporate clients should not be subjected to the same questioning and regime for obtaining a tax clearance certificate?

Mr. Speaker, there really is no mischief here. I see the Barbados Bar Association has asked questions about a divorce, about if you are getting a divorce and one party owes income tax and the husband is advised to pay, in order to give half of that property to the ex-wife or whatever. That is not a big issue, I understand why the Barbados Bar Association has to ask that question but the answer is very simple, you make an arrangement with the Revenue Commissioner for the settlement of your income taxes, you pay 10 per cent of what is outstanding and make an arrangement to pay regular payments over the next year. The Revenue Commissioner then issues a tax clearance certificate so that the party in the divorce proceeding can then be given free and simple clear title to the other side in the divorce settlement. Mr. Speaker, nobody is saying that you owe income tax and that you therefore cannot sell a property, that is not true.

Mr. Speaker, in respect of the liquor licensing regime that has been raised here, yes, that has been fraught with confusion. Mr. Speaker, as Minister of Industry, International Business, Commerce and Small Business Development I did commit that I am going to address the matter. I am happy to say that we have met with stakeholders and that I am going to meet with Honourable Members on the other side too before we get fully underway into Parliament with the matter. My Ministry has been listening to stakeholders, we have drafted a Cabinet Paper, I am meeting on Friday this week with other parties, including those of the Magistrate's Court on the issue because we recognised that we can find a simpler administrative arrangement to make it easier for those who wish to get liquor licenses in this country.

Mr. Speaker, it does not mean that proprietors and operators must not still fulfil their statutory obligations, so that National Insurance contributions, PAYE and the other things as exist now will have to continue because at the end of the day, Mr. Speaker, we cannot continue a situation where there is one set of laws for the Medes and one for the Persians.

Mr. Speaker, as I close I wish to say that I give full support to this Bill that is before us. I have listened well to the arguments that were put forward by the other side, it did create some doubt in my mind but I want back and did my own study and to satisfy myself that we are doing the right thing. Mr. Speaker, this is not designed to cause frustration, not is it designed to prohibit the sale of property, it is simply a case that if you wish to dispose of a

piece of real estate that you please ensure that you have made arrangement for the settlement of taxes due under all of the other taxing Acts in this country. Mr. Speaker, nobody is going to prohibit you from disposing of your piece of real estate.

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It is simply a case that if you wish to dispose of a piece of real estate, please ensure that you have made arrangements for the settlement of taxes due under all the other taxing Acts in this country. Nobody is going to prohibit you from that. Mr. Speaker, that to me is a very fair and reasonable arrangement, and I invite Members of the Opposition, having heard the argument, to please give it your support. Do not stir up any more trouble in the country. There are other things you can fight on, but this is a very simple arrangement that will improve efficiency, broaden the tax net, ease the burden across all of our constituencies, and ensure that we can get this economy going the right way. Thank you, Mr. Speaker. I am obliged to you.

Madam DEPUTY SPEAKER: Honourable Member for St. James North.

Mr. E.G. HINKSON: Thank you, Madam Deputy Speaker. I intervene in this Debate first to recall that in fact three years ago, March 2014, the Government brought to this Parliament a Municipal Solid Waste Tax Act and I started by saying that it was one of the most draconian pieces of legislation brought to this Parliament since the advent of Adult Suffrage. That Act was an affront to the goals and aspirations of hardworking Barbadians who, from the time they were born, were encouraged to own a piece of this rock. That Act sought to levy and did in fact levy an additional tax on property, which severely hindered the owners' right to deal with their properties. Madam Deputy Speaker, this Act similarly severely hinders in an extremely unfair and unjust way the rights of the owner of real property to deal with those properties.

The party of which I am a proud Member demonstrated, together with civil society, to have that Act removed. Thankfully, good sense prevailed and, after a year, that Act was removed and is no longer part of the law of this Barbados. Ma'am, this Amendment to the Barbados Revenue Authority Act should also be withdrawn. This Amendment which we are debating here today in fact has its genesis in proposals by the Minister of Finance in the Financial Statement and Budgetary Proposals in 2015, which he delivered on June 15 that year. In it, at Page 46, he proposed that effective immediately, all those individual professional operators provided for under the registration regime of the Profession, Trade and Business Registration Act shall be required to produce a valid tax clearance certificate from the BRA in order to renew their respective

licences to practise in this jurisdiction. That proposal, in other words, sought to fetter not only the attorneys-at-law whom the Honourable Minister of Finance clearly has a grievance against -- I do not know if it is because he is not one -- but it sought to fetter a whole class of about 70-odd persons in this country; jet-ski operators, hairdressers, barbers, carpenters, masons, small businesspeople thriving every day to survive in this harsh economic environment that has been brought about by this Democratic Labour Party. The Government again met tremendous resistance from civil society, including the Barbados Bar Association and businesspersons who exercised more commonsense and understanding of how society and the economy operate in contemporary Barbados than the Members of Cabinet. Again, the Government did not go through with that proposal at that time.

Better sense prevailed, we raised issues as to the constitutionality of it, and I myself made public statements on the issue, showing that the officer in charge of the BRA was misguided on the law. However, last month we saw now a reduction because this was tied in, no doubt, with a reduction in professional fees which were proposed in that Budget presentation as well, Madam Deputy Speaker. Those reductions were supposed to come into effect January 1 last year. They did not come into effect and we are only left to guess that they did not come into effect because the Government, led by the Honourable Minister of Finance, was unable to bring in this tax clearance certificate at that time. Last month now, we got the 50 per cent reduction in professional fees and licence fees that were to come into effect from last year. Again, as background information, in June 2015 the Commissioner of the BRA attempted to undertake, again without any legislative authority, a naked usurpation of her authority, what we are proposing to do now; that you could not get a Land Tax certificate unless you were able to show the BRA that you had paid all your income taxes, your VAT, the Municipal Solid Waste Tax which at that time was in effect, the Excise Tax and all of that. Again, we spoke against that issue as an over-reach of executive authority without legislative authority, and that too was withdrawn. We are here today on a third attempt by this Government to bring in this tax clearance certificate which it seems determined to bring in.

Ma'am, this attempt here today now will hinder not only the sale but other transfers of real property, by effectively providing that VAT, Income Tax and Excise Tax arrears are said, by BRA, to be owed. They may not be proven to be owed by the owner or transferor of the real property, but automatically they act as a charge on property. That has to be unfair, because Income Tax is personal to the taxpayer; it is a debt due to the Crown. There are already enough legal remedies available to the State to collect these other taxes that are owed, rather than automatically making it a charge on land when people are

about to deal with the land. This should be nothing to do with dealings on land. What the Government should do is go after those defaulters; those people who owe Income Tax, NIS, VAT, their friends and in fact themselves who owe those taxes. We know that if, as in some places such as Canada, legislators had to show tax clearance in order to step through Parliament and sit on the Floor of Parliament, some on the Government side could not do that. Some of the Government side who have owed taxes and owed Government departments in their past could not step onto the Floor here, so they need to collect the taxes from themselves and their friends rather than coming here seeking to impose draconian measures on ordinary people in Barbados. These penalties and interest.... This thing about how you could make arrangements with the BRA, pay off ten per cent and make other arrangements.... Madam, in a lot of cases it is a situation where the public, the ordinary member of the public, is disputing that he or she owes the VAT and Income Tax. He or she has paid but they might not keep their receipts and the Barbados Revenue Authority as inefficient as it is, as the Honourable Member for St. James South who last spoke has admitted in public up this weekend, may be saying that you owe taxes and you dispute it, you have the right as a citizen of Barbados under the law to object to the assessment they make on you, but none of that is counting here.

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During the period of objection you still have to pay the taxes that the Barbados Revenue Authority has said that they assessed you at or you enter into an arrangement to pay 10 per cent owing the balance of 90 per cent with interest and penalties at 6 per cent per annum accruing on it when under the Barbados of this Democratic Labour Party you are getting .25 per cent interest on your savings. All of this quite frankly is testimony to the fact that this Cabinet of Barbados does not understand what the ordinary Barbadian has to go through to survive in this country today. This, Madam Deputy Speaker, must be tested in the courts of law in Barbados. We will see whether it is a fetter on the constitutional rights to own and deal with your property in a manner that you ought to be able to in any free just society.

We have heard from the Members of Cabinet, including the Right Honourable Member for Christ Church East Central, the Minister of Education, Science, Technology and Innovation who is sleeping and who has now arisen on hearing his name, that the Democratic Labour Party Cabinet 10 per cent that they have now increased from the time they took a voluntary cut three years ago is their right to property. That is what the Members of Cabinet have said, that they have a right to the property of their 10 per cent, so they have taken it back now and this month they are getting their 10 per cent back pay to April 1 last year, 10 months back pay this month,

each of them getting about \$40 000 this month, the salary back at the 10 per cent increase plus ten months back pay. Of course, the Right Honourable Prime Minister is getting more. That is their right to their property as said by the Members of Cabinet led by the Honourable Minister of Education, Science, Technology and Innovation.

It is all about the right to property of an ordinary poor person in this country who needs to mortgage their property to get money to pay tuition fees for their child or grandchild now that the Democratic Labour Party has insensitively imposed tuition fees on them at the University of the West Indies. What about the right of property of ordinary people to mortgage their property so that they could get money to educate their children and their grandchildren as any normal human being should have that fundamental human right? What about the right to the property of an ordinary Barbadian in a health emergency, in a life or death situation when you need money? Again, the facilities of the State are not there where before they used to have a fund in the Ministry of Health whereby you could go and get money for an emergency and a serious medical health situation. There is no money now, so therefore what about the right of the ordinary Barbadian to mortgage their property where there is a life or death situation for their child or their spouse? They need to mortgage their property quickly to get money and they are being held up by an inefficient Barbados Revenue Authority to get a Tax Clearance Certificate because even now, Madam Deputy Speaker, you go to the Barbados Revenue Authority, you present money to them, even if it is cash they take five days before they issue a Land Tax Certificate, if it is a cheque, never mind a cheque clears the bank in three working days, you have to wait 28 days to get a Land Tax Certificate. All of this is being brought by a Government that has lost its soul by people who after nine years in office have a serious disconnection with the everyday life of Barbados. This is a Government that has already imposed 35 new taxes or increase taxes on everybody in this country whether it is an increase in land tax, income tax or VAT, whether it is a Cess on products, whether it is the introduction of a consolidation tax, whether it is the introduction of Municipal Solid Waste Tax, whether it tax on entertainment and travel allowances, whether it is a tax on cell phones or whether it is a social responsibility levy, thirty-five new taxes.

The Minister of Education, Science, Technology and Innovation is talking about paying taxes, I wonder if he has paid his road tax and his car insurance and his driver's licence fees yet after he went into a car accident injuring someone a year and a half ago and the court had to fine him \$1 000. In any proper democracy he would have had to resign his pick as a Cabinet Minister. That happens in a functioning democracy and ought to happen in a Barbados after 50 years of Independence.

No provision, Madam Deputy Speaker, is being made for any setoff of the VAT or any income tax or refunds owed to the property owner by the Government. This Government owes people today while I speak income tax and VAT returns for three years plus. For three years plus the people cannot get the reverse tax credit they owe people, the little \$650 that this Government reduced from the \$1 300 the Barbados Labour Party Administration had it at. No provision is being made in such an Act for some kind of equity and feeling and caring to set off any money owed that the Barbados Revenue Authority may be claiming that you owe against the income tax or VAT owed to the ordinary person in this country who is struggling today under this Democratic Labour Party regime.

The reality, Madam Deputy Speaker, is that any financial institution lending money in this country, as the Honourable Member for St. Joseph has said, would require the production of a this Tax Clearance Certificate before it lends any money to anybody, that is a fact, and this will hinder ordinary people in their way of life. This Government with the 10 per cent increase in salary, \$20 000 a month plus allowances for entertainment, travel, and US\$250 per day every time they travel, have no bearing or care on this kind of person.

This amendment affects every class of persons in this country. This debate, as we knew that the Democratic Labour Party would, is being framed within the context of big corporate people and rich people. This affects every class of persons in this country because as my friend, the Honourable Member for St. Joseph said, Barbadians are the largest percentage of property owners per capita per population anywhere in the Caribbean. We have a large percentage of property owners in this Barbados coming out from Sir Grantley Herbert Adams removing the restriction of labour where people had to work on the plantation coming through to the Right Honourable "Tom" Adams with the Tenancies Freehold Purchase Act. All of that has helped to make Barbados a country of property owners not only corporate people or rich people, but ordinary people, middle income people, who 70 per cent of the constituency of the Honourable Member for St. James South is made up of who are affected by this.

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Madam Deputy Speaker, these are people struggling in contemporary times to maintain their standard of living that they had acquired up to 2008. These are people in my constituency, Bakers Road and Bakers Terrace are the kinds of people who are affected by this, not only are these professionals but also business people who are struggling to advance and to expand their business to keep the people who they have employed remaining employed and not to have to lay them off in the harsh reality of economic Barbados. These are the people who are trying to continue

to support their families so that their children and grandchildren would have a better life and greater opportunities than they and their parents had. Madam Deputy Speaker, they are the people who are severely affected by this amendment here today.

Madam Deputy Speaker, Aristotle about 350 B.C. said that at his best man is the noblest of animals, separated from law and justice, he is the worst. Where is the justice in a supposedly free society, in hindering people from dealing with their property where you are disputing an assessment made by an inefficient Barbados Revenue Authority which even the Honourable Member for St. James South has admitted to? Where is the justice? This is really and truly, ridiculous. The Honourable Member for St. Joseph spoke this morning about the practical difficulties that this entails, in other words, you are a director of a company jointly with someone else who Barbados Revenue Authority says owes income tax, VAT or excise tax for that matter and because of that you cannot deal with your property. All of that are the repercussions and implications of this. The director who has paid up all of his money but is a director together with an individual who the Barbados Revenue Authority says owes and the compliant director cannot deal with his property because he cannot have a tax clearance certificate issued him because he is tied into this business also.

Madam Deputy Speaker, financial institutions such as banks and credit unions will not now lend money to a company, for example, where a director of the company owes. Ma'am, the lawyers on the Democratic Labour Party side know very well, I mean, we might excuse those who have spoken, the Minister of Finance and Economic Affairs, for instance, but a company is a separate legal and distinct entity from its shareholders or directors behind it, but all of this is going to be the practical implications in a Barbados of today to this amendment.

Madam Deputy Speaker, I certainly agree with the Honourable Member for St. James South about his absolute and total frustration with his Cabinet Ministers regarding the issue of the ease of doing business in this country, but what we are finding is that every week -- and this is the flavour of the week -- there is some other piece of red tape let by this Government to prevent people from doing business in this country. Madam Deputy Speaker, this Government does not understand that in this era, the year 2017 that we should be easing businesses in this country, for instance, it should not take 444 days to get permission for a construction project as is happening in this country. The Global Competitive Report by the World Economic...

Asides.

Mr. E. G. HINKSON: Madam Deputy Speaker, that is what statistics say. The Honourable Member for Christ

Church South would not know that because the Honourable Member is too busy playing golf in the afternoon, rather than working doing the Government business that the taxpayers are paying him for. Madam Deputy Speaker, the Global Competitive Report of the World Economic Forum now ranks Barbados No. 72 out of countries in terms of the ease of doing business when in 2013/2014 it was ranked at No. 55 out of 138 countries. In the year 2012 it was ranked No. 44. Madam Deputy Speaker, every year we are declining in terms of ease of doing business in this country. We are, in fact, ranked No. 113 out of 138 countries for ease of access to loans. If this Act is passed, by next year we are going to be nearer to No. 138 out of No. 138 in terms of difficulty of accessing loans in this country.

Madam Deputy Speaker, Jamaica, our CARICOM partner, is improving in those rankings, having moved up eleven spots in two years while we have declined seventeen spots.

Asides.

Mr. E. G. HINKSON: There is no difference? In the 2016 World Bank Doing Business Report, where Barbados is now ranked No. 119 out of 189 countries, when it was at No. 72 in 2012 and No. 106 in 2015. Barbados has declined 13 spots under the World Bank Report in one year, after declining 34 spots in three years before 2015. This is the country in which we are living and a Government is supposed to be facilitating business. How can we get out of this economic mess that this Democratic Labour Party has put us in? Madam Deputy Speaker, this problem has now been magnified by the problem at the Central Bank of Barbados, with our macroeconomic policies or monetary policies in complete disarray here today as we speak. Ma'am, that is what we should be dealing with here today, rather than this Bill of political folly, this complete misunderstanding of the everyday survival that the ordinary Barbadian has to face in this country today.

Madam Deputy Speaker, in addition, these amendments are discriminatory because they apply only to property owners. We have said that we have a significant percentage of property owners but it still has to be discriminatory if it only applies to property owners. Who says that property owners are the only people who owe the majority of tax to Government? What is the Government doing to go after those who are not property owners who owe income tax, VAT and Excise Tax?

As the Honourable Member for St. Joseph has said, let us again place on record that this Barbados Labour Party agrees that we should all pay taxes, including members of the Democratic Labour Party and their friends. We have all agreed that people should pay their just tax, but this is not the way to do it, there is enough provision in law for imposition of certificates under the Income Tax Act, the

VAT Tax, and the National Insurance Scheme Act and there is enough legislative power for the garnishment of those taxes. What therefore the Government should do is to enforce the law.

Ma'am, the Honourable Member who presented this Bill spoke about the fact that he does not know what all the furor is about, that under the present law it is a charge on property, that automatically money is owned to the National Insurance Scheme but Madam Deputy Speaker, I excuse the Honourable Member as the Honourable Member is not an attorney-at-law. Clearly we understand the Honourable Member's misunderstanding of the law but there is practical reality or a practical sense in that because when an employer of a business owes National Insurance Scheme to that department, it is affecting third parties because when he does not pay over the money for his employee, clearly when it comes now to benefits time, whether it is maternity leave or sickness or whether the employee is laid off because of the harsh, misguided economic policy of the Democratic Labour Party, he or she is going to have difficulty getting NIS payments if the employer has not paid.

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Therefore, the NIS Act says that contributions due shall be a charge on property and assets of the employer in respect of which they are owed. In this case, however, it is nothing to do with that. No third party rights are being affected here adversely; no employees are being affected. All this is only a naked, misguided, not-thought-out, stubborn attempt by a Government on its third attempt now -- from June 2015 they were trying -- to bring in a tax take to make up for their economic mismanagement and wastage of the taxpayers' money in this country.

Madam Deputy Speaker, this Amendment, as the Honourable Member for St. Joseph said, would hinder the mortgagee's right to exercise a power of sale where a mortgagor owes VAT and/or Income Tax. Do not mind what the Honourable Minister of Finance has said about how arrangements can be made. All of that is theory. The reality of the situation is that the financial institution will have to go to the BRA, sit down a whole day as is the normal thing now when you go to pay \$50.

Madam DEPUTY SPEAKER: The Honourable Member has two minutes left.

Mr. E.G. HINKSON: Thank you, Ma'am. You waste a whole day before Government departments to pay a \$50 licence fee or Road Tax. If the Honourable Member for Christ Church East Central used to pay, he would know. Now the bank or credit union will need to enter this arrangement with BRA to pay off the defaulting property owner's personal tax debt. How is this going to work? We

made laughing sport, Madam Deputy Speaker. The Honourable Members on that side have spoken on the issue raised by the Bar Association on transferability of matrimonial property on a divorce, but that again is reality. The fact is, do you know who that hindrance is going to affect most? Children of the marriage, whose interest is paramount. Minor children of the marriage will be affected where there is now inability to transfer property if the transferor owes taxes. Where does that leave the children of the marriage?

Madam DEPUTY SPEAKER: Your time is up so please take your seat.

Mr. E.G. HINKSON: Madam Deputy Speaker, if I could be allowed just one sentence to wrap up. We agree with the Honourable Member for St. Joseph that this should be sent before a Select Committee and have stakeholders involved and be able to present Papers on it, including the Bar Association, small businesspeople, big businesspeople, employers, everybody, and let us have a relook at this issue. I thank you, Madam Deputy Speaker.

Madam DEPUTY SPEAKER: Honourable Member for St. James Central.

Mr. K.D. SYMMONDS: Madam Deputy Speaker, I had not wanted to necessarily contribute to this Debate because I thought that the Member for St. Joseph had very adequately responded to the fallacious arguments advanced by the lead speaker for the Government. Ma'am, I then listened to the presentation of the only other Member of the Government who has spoken in this Debate thus far; my neighbour in St. James South and oftentimes in Christ Church as well, Ma'am, but that would be in a more nocturnal sense. Ma'am, I thought there were some things which were said which cried out for a response in order to bring a measure of clarity. Ma'am, I want to say that my own personal position on this matter is that my colleagues in the Labour Party are entirely right; and we need to see this not just in a partisan way but as Barbadians. I too feel that this particular piece of legislation in its draft form should in fact be sent on to a Committee for further consideration.

Ma'am, it can be described in very straightforward terms as an assault upon the rights of property owners in a property-owning democracy. I will come to "how" now. No amount of spin can take us out of that situation, Ma'am. Madam Deputy Speaker, I think that we should first deal with some of the arguments which have been advanced on behalf of the Government in pushing this piece of legislation. Ma'am, the fallacy of the central revenue agency.... We have a central revenue agency. The BRA is a central revenue agency and it is functioning as such. The technology currently exists where there are several portals. From under the roof of the BRA, you can log on and see

one taxpayer with a unique ID, I think that is the terminology used, which can tell you whether that person is VAT-registered or not, Ma'am. It can tell you whether that person owns land and if he is paying Land Tax or not. It can tell you what the position is with regard to the Income Tax of the individual. Ma'am, this legislation does nothing to advance that. That already is a reality in Barbados. What we have to do is make use of the existing portal hand-in-glove with the existing law, because every tax Act has as part of its matrix a penalty. In fact, it is very elementary law first articulated in the case of the Bata Shoe Corporation that a tax cannot be a law unless there is a penalty attached to it. Every one of them carries a penalty, so that the issue of enforcing that which already exists....

The Honourable Member for St. James North is absolutely correct. You have a person who runs afoul of the taxation legislation, you trigger the necessary steps in order to pursue that particular offender, and that offender can be subject to a realm, a menu, of approaches to deal with that specific violation. What is not happening in Barbados, Madam Deputy Speaker, and what frankly should be happening is that you make proper use of the existing legislation and the existing penalties under the legislation, and the existing options to deal with offenders if and when they arise. If you do not do that, and if you fail to properly staff the BRA or to equip the VAT Office with the necessary power to do that which it has to do, then you fail and then, as a consequence of your failure, you begin a process such as what we are doing now, Madam Deputy Speaker: Assaulting the rights of the average property owner in Barbados.

Ma'am, I was present in Parliament a little while ago when the Minister of Finance -- I am glad he is here and he will remember -- talked about the Amendments he wanted to bring to the VAT, for argument's sake. The VAT, as a result of a Study which was commissioned, I think, by the International Monetary Fund or by some subsidiary body thereof, found that there was a deficiency in the ability of the revenue in Barbados to collect VAT in an appropriate way, and that in fact it was a considerable drain and pressure on the existing resources of the VAT Office. Therefore, what they suggested was -- the Minister came here and articulated it on the Floor of this House -- that at \$200 000 and above you would come to a threshold where you would be subject and liable to VAT, and below that you would be exempt from it. If that was what you wanted to do, you took yourself off the VAT. That has become one of the hardest things to accomplish in Barbados. I have spoken to several small businesspeople in this country, and I do not make this point to attack the Government because I do not believe the Minister is to solve that problem by himself, but the Minister must "ride herd" on a process which was designed to bring about relief to the ordinary man and woman in this country.

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I have spoken to several small business people in this country - and I do not make this point to attack the Government because I do not believe that Minister is to solve that problem by himself, but the Minister must ride herd on a process which was designed to bring about relief to the ordinary man and woman in this country who having heard that a benefit can now be extended to them where they can get out of the complications and the burdens associated with the VAT, on the one hand it works for them, on the other hand it is supposed to work for the revenue because you spend more money pursuing poor people who cannot afford to or who are not in a position to deal properly with the VAT and therefore are not paying it in than you spend dealing diligently with the big offenders who if you throw out the net you could catch far more revenue, it makes perfect sense but it is a misery.

Ask anybody out there who knows of what the Minister spoke about who has tried to extricate themselves from the situation because they fall under the \$200 000 threshold, which is true of most of the small and micro businesses in Barbados, and they cannot get any further, so therefore what is the point in coming here and doing it. That is the first issue that this Government has to face.

Madam Deputy Speaker, the difficulty that we have here is again the fallout of a failure to properly implement and articulate a policy. Where I have a personal difficulty with it is that then you are asking the ordinary people who I represent because let us face it, let us be very, very candid about this, and I will not be hypocritical on the Floor of this House, Ma'am, the millionaires in Barbados, I heard the Honourable Minister of Finance talking about millionaires and so on, will have the resources at their disposal to finesse their way through any difficulties facing them and the Barbados Revenue Authority because they have the resources at their disposal. It is the fellow who has a small business or a single property that he gets from the National Housing Corporation because it is the first piece of the rock that he owns and then gran-gran dies and he has an inheritance but he would like, as the Honourable Member for St. James North quite accurately pointed out because you cannot get any money now through the Ministry of Education, Science, Technology and Innovation which is the second hardest thing in the world to do, to get the necessary help to keep your children in university, so you want to take out a mortgage on the land that gran-gran left for you but that is tied up with all sorts of red tape because money owing for income tax, it has nothing to do with him, that is somebody else's income tax, money owing for land tax or money owing for VAT, it does not matter where it comes from now because all is one and you cannot say that the legislation is there to help you know who owes you what where because that is what the portals are there for...

The portals that you use now can tell you who owes what once you identify who the taxpayer is.

The difficulty, Ma'am, is that you cannot put more obstacles in the pathway of people who are trying to use their land, as I think they are constitutionally entitled to do, in order to raise the necessary personal revenue in order to help themselves get through a little better in very straitened and difficult financial circumstances in Barbados, but I do not have to tell the Government that.

By just looking at the Government and the fact that the Minister of Housing, Lands and Rural Development did not jumped up to speak first in response tells me everything I need to know about the mind-set of Members of the Government in this debate. I understand when men are holding on the rope so that you cannot say that they did not play tug-o-war but I also know when a fellow pulling and I can see who is holding on. I listened carefully to the Honourable Member for St. James South and I thought, Ma'am, that as a Member who has broken for himself on umpteenth occasions, too many to count, he has abandoned Government policy, abandoned the doctrine of collective responsibility and break for himself. He is out there on his own nine times out of every ten issues arising in Barbados, but on this issue he felt constrained to go through the motion of a half-hearted defence of this piece of legislation. I do not think it is because he was reprimanded when he talked about his car tyres going flat the other day. I do not think it is that reprimand that has him so much as it is that he has realised finally that he cannot pull down the party that he wants to lead and still lead it too, so he has to start to rein in the kite.

The point, Madam Deputy Speaker, is that he is Minister of Commerce in this country. I have agreed with him on the Floor of this House, as I say I am not going to be hypocritical, and I will agree with him now. As Minister of Commerce he was quite right when he has repeatedly said that one of the difficulties facing us among other things is the lack of ability for Barbadians first and foremost because they are who sent us here and secondly foreign investors to do business in this country.

The lack of ease of doing business in Barbados is a critical issue. I have heard the Honourable Prime Minister himself paying lip service to it but I have seen very little being done about it by this Government. The Honourable Member for St. James North is quite right when he says that Barbados has every single year since the last election gotten worse on the Ease of Doing Business Index. Right now we are down at 113 I think he has said but I think he is misspeaking, I believe it is 119. Having said that, however, this piece of legislation creates problems for us, and I am more surprised that the Minister responsible for commerce does not understand that challenge that is being put up.

Ma'am, let us understand how business works. A man may identify a plot of land next to a warehouse that he has and he may decide look this is the perfect opportunity for me to expand the warehouse and therefore do a little bit more trade, so he goes now to get the plot of land, he does not have the cash because the cash flow in this country is a bad word, nobody except for one or two very close associates of this Government can say they got cash flow in Barbados today, so he goes and take out a mortgage, the first precaution of the bank must be to prove that the person who is coming and standing up in front of the banker is able to establish that he paid the income tax and that he has no exposure or liability to VAT or to corporation tax. All of these were considerations Ma'am, that were never heard of before because unless the issue related to the piece of land in question it never arose.

The Honourable Member for St. Philip North may decide that he wants to expand his taxi business and he may decide that he now wants to have a large parking area, covered of course, for his taxis but when he goes to the bank the land that he wants to put the parking area on has nothing to do with the fact that he may owe income tax, I am not saying he does, or he may owe VAT, I am not saying he does, or that he may owe corporation tax, I am not saying he does. Those prior to today were irrelevant considerations for the banker but after today if this piece of legislation passes those are the first considerations of the banker and therefore the new conditionalities must mean as a consequence Mr. Minister of Commerce that it has become harder now for us to do business in Barbados because those considerations that never before existed are new considerations that on the face of it stand to slow down the process.

Ma'am, the second issue that impacts on us in terms of the speed and the efficiency of doing business is that you have a requirement under the Act to go into the Barbados Revenue Authority to effect an agreement, so that now there is a new requirement, a new piece of red tape. You do not just walk into the Barbados Revenue Authority today and say see 'muh' here, I come to put in place an agreement, you make an appointment so to do, so those are another couple of days maybe a week or two that you hold back what it is that you are dealing with. After that, you have to find your resources under this Act to pay off any existing obligations. As I said to this House, Madam Deputy Speaker, the piece of property that I might be buying or that the Honourable Member for St. Philip North might be buying is not what is relevant any longer.

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Madam Deputy Speaker, there are existing obligations of a different type elsewhere but all of a sudden they must now come and impinge upon that which I am trying to do in another transaction and that too takes up

more time because I have to find those resources. Madam Deputy Speaker, what then do I do in circumstances where the 10 per cent that you say I should go in and pay cannot be paid?

Ma'am, let us face facts, this is not only about businesses, this is about ordinary people in Barbados, this is about a man who under the Tenantry Freehold Purchase Act his family and he live in Hoytes Village, St. James Central for 20 or 30 years and qualify to be tenants, whose grandmother has left him a piece of property with which he would like to deal, but the reality is, Madam Deputy Speaker, that his grandmother has not only left that piece of property but that property is tied up in a lot of confusion and he had to pay to get that unraveled and does not have the 10 per cent now to pay the Government immediately on top of that? What happens in those circumstances, because there is no discretion given to poor people who may find themselves caught under this Act?

Madam Deputy Speaker, it is as though the Government that has constantly gone to the public platforms in Barbados and thumped its chest saying that we are there as supporters of the poor black working-class man has suddenly forgotten that poor people can own land too and that they did not have to buy it to own it but that they can get it through an inheritance or through a divorce process and that there are a varieties of ways that you can get it. Madam Deputy Speaker, what you do not do is to voluntarily come to this Honourable House where you should be representing and empowering them and take bread out of their mouths and make life more difficult for them and make their circumstances more challenging and that, Madam Deputy Speaker, is what this legislation seeks to do.

Madam Deputy Speaker, you are quite right, the Honourable Member for St. James South did make the argument that he can concede that there may be time taken to source the tax clearance certificate and frankly Ma'am, I agree with that. I believe that the time and the resources issues, especially in a cash-strapped environment such as we are now in, are critical concerns that this Opposition must articulate. Ma'am, let me also say this, if this piece of legislation passes today, because we on this side have urged that this be given a second thought and that it goes to Committee. The Honourable Member for St. Joseph was absolutely right in advancing that and urging that upon the conscience of this Honourable House, but if it is that the Democratic Labour Party takes to its normal belligerent course, then let me say that after some discussions with the political leader of this Party, I am now in a position to say that if this Bill comes to law, if a Barbados Labour Party is elected in the next election this Bill will have to be repealed and a unit created and staffed with lawyers and accountants which will be empowered and authorised on a day-by-day basis to make sure that you deal in an

appropriate way with tax offenders, but not to compromise the property owning rights of an entire property owning democracy.

Madam Deputy Speaker, the reality is that we have to understand the context in which the policy decisions impacted on the revenue of Barbados takes place, because there is context to this. Ma'am, that is why I was very surprised when the Minister of Finance and Economic Affairs talked about how we were going to come here and talk about only the constitutional rights and bla, bla, bla. I want the Minister of Finance and Economic Affairs to understand that there is a context to what is happening here now. The Honourable Member is here, hot and sweaty, cap-in-hand, in a rake and scrape business, to financially rape people who did not cause Barbados to be in the position in which it is in. Ma'am, the Minister must remember that it is the policies of this Government, led by the Honourable Member that has put us in the position where the revenue is so steeply and sharply compromised.

Madam Deputy Speaker, let us not forget that one of the first acts of this Government when it came to office was to make political love to their multimillionaire friends, they took \$20 million at the Barbados Turf Club and wrote it off in debt. Now they are coming to tell people in Sea View, St. James, who own a little plot of land that in order to deal with that land to get a mortgage, they must now break the bank because they owe a little pittance at the Barbados Revenue Authority.

Ma'am, it was this Government who gave \$20 million to multimillionaires in Barbados. It was also this Government, because this is the context, you cannot come here today and say that you have to inflict this. Never before have we seen this kind of hardship being inflicted on the ordinary man and woman in Barbados, but it was this Government that decided that Cost-You-Less could get all the concessions in the world and that CaribCable could get all the concessions in the world. Ma'am, with millions and millions of dollars and still not satisfied with his lust for association with people with financial wealth and might in this country, the Minister of Finance and Economic Affairs then turned around and transformed the tourism sector in Barbados into a zero-tax sector.

Asides.

Mr. K. D. SYMMONDS: Ma'am, the Minister then went up to Sandals, Sandals came here, the Honourable Member did not need any money, the Honourable Member could give them 45 years without a cent in taxation, but the ordinary Barbadian born and bred here is to be saddled and burdened in the way in which we have now had to deal with today. Ma'am, I ask if there is no ban in Gilead. I know of a couple living in the constituency of the St. Philip North... Ma'am, I want the Minister of Housing, Lands and

Rural Development to break his stony silence in this debate and tell us what his legal advice to the Cabinet of Barbados was when it would have come to Cabinet. I am presuming that it had to come to Cabinet. The Attorney-General should be asked but the Honourable Member is not within my current eye sight. I also know that the Honourable Member for St. Philip North acts as Attorney-General from time to time.

Ma'am, in the constituency of the St. Philip North I represent two people, one of whom, the husband, has sustained a serious personal injury and has not been able to work for the last five or six years. His wife has been carrying him and the family load and as fate would have it, she too has now had an injury at work. Ma'am, what did they do? The wife has inherited a piece of land. Her plan is to take that little piece of land, mortgage it to put herself in a position where she can look after them both because of the fact that neither of them can work right now. Ma'am, you do not do these things to ordinary poor people.

Asides.

Mr. K. D. SYMMONDS: Ma'am, the Minister asks how this can affect them. It affects them because of the fact that neither of them is working there is no income coming in, but they owe a little 'tra-la' at the Barbados Revenue Authority. Ma'am, because they are not in a position to offset that, they want to use the land they have to raise the revenue but they cannot use the land because of the fact that they owe the Barbados Revenue Authority and cannot do anything. Ma'am, that is why I ask the question, what happens in a circumstance where even the 10 per cent that you are supposed to pay down you cannot make that payment?

Ma'am, let us face it, there is a thing called dissavings. The Minister of Finance and Economic Affairs discovered that for the first time when the Leader of the Opposition pointed that out to him a couple of weeks ago, that the savings rate of people in this country has plummeted under his watch over the course of the last few years, that people are now living off what they used to have in a bank account, that people are living off fumes, that people are deciding today who they are going to pay tomorrow, people are picking which creditor they are going to pay this month and next month.

Ma'am, if Honourable Members on that side do not understand that that is a reality then I feel sorry for them because I see it every day. Madam Deputy Speaker, that is what now we are threatening to be made worse. Ma'am, we are in Parliament to empower people.

4.05 p.m.

I resent being part of the process which is supposed to remove the gains people have made through the years, place more obstacles in their pathway and make life more challenging. Ma'am, I have difficulty with it, especially, as I was just saying, when the historical context that gave rise to where we are today was one in which this Minister of Finance could find \$30 million-odd to put in the hands of one of his friends who is a construction magnate in Barbados in a lump sum. Thirty million dollars in a lump sum to put in the hands of a comrade-at-arms when everybody else who builds something in Barbados knows what it is to have a mortgage arrangement; knows what it is to say, "I cannot pay all now so I am going to pay a percentage this month and a percentage next month, or I will pay a certain amount over the next three years and another amount over the next six years". However, because you are a friend of the Minister of Finance, highly favoured and blessed by the politics of association on one side and lust for wealth on the other, you are in a position to hand him \$30 million while the children in my constituency cannot get a student revolving loan to keep themselves at University, Ma'am. The same \$30 million would allow them to be there. The same \$30 million would allow them to in there.

Asides.

Mr. K.D. SYMMONDS: No, no, you are a part of the Cabinet too, and when you are ready you also like to wash your hands and say you have nothing to do with it. This is a Cabinet where half of them have said, "I do not have anything to do with it. It does not have anything to do with me."

Asides.

Mr. K.D. SYMMONDS: Ma'am, I also say this: We have been treated today to another set of savagery on the part of a Minister of Finance who has a history of using this place to drive a dagger in the ambitions and the aspirations of middle-class Barbadians; a dagger through the heart of the lower middle-class of this country. Ma'am, it was this Minister who said on the Floor of this House that home improvement and retrofitting, including material and labour costs that used to be \$10 000 per house, had to be rolled back. This Minister raped those people of that. Ma'am, his assault on the middle-class in this country went on when he talked about mortgage interest on residential properties; an allowance for mortgage interest on residential properties being rolled back because this Minister despises the base roots from which he sprang.

We should as a Parliament be encouraging people regarding home ownership and home improvement, not taking away an allowance that would help a man to fix his house or to keep a roof over his head. In difficult times, a man should not have to choose between feeding his family

and fixing his house, but that is what this Government did. Not satisfied, the Government is now saying that if you own a piece of property, even that you must not be able to manipulate in order to raise a little revenue to help yourself out of difficult times. Ma'am, it is such a nonsensical and stupid piece of law that we are about to be asked to pass, because people would not be able to pay the Government. A man may want this thing here which we are doing now in order to raise the little money because he wants to pay the Government what he owes it, but the Minister now comes and says, "No, I want the money but you are not to use the land to help me to get the money." What is he supposed to do? Not satisfied, Ma'am, it was this Minister who went after home insurance premiums. I am convinced that he resents the fact that ordinary working class people in Barbados spring to the middle-class through the home ownership process. Look at it. Time after time after painful time, he has assaulted the interests of property owners in this country.

Let us not forget the Municipal Solid Waste Tax. Ma'am, the same Minister targeted old-age pensioners.

Madam DEPUTY SPEAKER: Honourable Member, you have two minutes left.

Mr. K.D. SYMMONDS: Ma'am, the same Minister he targeted old-age pensioners and he targeted people in the tenancies who were previously not exposed to any liability to taxation. The naked lust to undo the gains of past years puts this Minister in a position where he is the only Minister of Finance who would take old people and deprive them of an opportunity to plan out their existence. Ma'am, I thank you for the advanced notice of the time, but I want to say just in closing: In medieval history, there was a concept known as serfdom where you had a feudal overlord and he would allow peasants to use land. You could live on it, you could come and go as you liked, but you were deprived of using the land for your own purposes no matter how long you lived there. We are now taking Barbadians and putting them back into that type of a relationship, where the land is mine but I cannot use it for my own purposes at will. The first thing you had to do in the peasant-serf relationship was pay a fealty, what they called a duty of fealty. You had to pay finances to the overlord to appease the lust of the overlord for more and more, even though you could see little coming back to you. In Barbados today, we are not seeing any big lot coming back to us. The roads are disgraceful, garbage collection is disgraceful, there is no accountability in the Government for anything at all, the transport system is grinding slowly to a halt, the schools, and the solution is not to have a robust growth agenda, Ma'am. No, this Government does not speak about growth at all. A Minister of Finance comes here today and he is at war with the Governor of the Central Bank, beating his chest that he will be in court tomorrow. He has not had a word to say about growth in

the economy, not a word about printing money and doing all the things he did to bring us to this point, but all of a sudden we are supposed to be content with the fact that the little bit which you now have Government is to get first control over that now too. I agree with the Honourable Member for St. Joseph, Ma'am. What is next?

Madam DEPUTY SPEAKER: Your time is up.

Mr. K.D. SYMMONDS: What is next? Ma'am, if you are going to St. Lucia to visit the land of your birth, do you have to show the Government that you do not have any Income Tax first too? I am obliged.

Madam DEPUTY SPEAKER: Honourable Member for St. Michael North.

Mr. R.St.C. TOPPIN: Thank you, Madam Deputy Speaker. I will make a very short intervention in this matter, but I have to begin by really observing and making the point about how astounded I am that only one single Member on the other side has seen it fit to stand in defence of this policy introduced this morning by the Honourable Minister of Finance. No-one at all. There are diverse lawyers over there who profess that they are the real lawyers in this Parliament, but not one has stood in defence of the policy announced this morning by the Minister of Finance, except the Honourable Member for St. James South; and we know that famous saying about "fools rushing in". You know that famous saying, Ma'am. Not one other Member on that side has seen it fit to defend this policy announced by the Minister of Finance this morning.

Madam Deputy Speaker, I will begin by noting the argument made by both the Minister and the said Member for St. James South about the BRA being the sole recipient of taxation from a number of different sources. That really was used to justify the measure brought to Parliament today. Without even going as far as where the Member for St. Joseph went and the Member for St. James Central just went, can we now expect therefore, if that justifies a tax clearance in relation to everything, that if someone now is seeking to file, as we have to, our annual Income Tax Returns, are we now going to hear in the very near future that to even get an assessment in relation to our Income Tax returns, we have to also produce clearance in relation to our Land Taxes, VAT, Excise Tax and every other tax that the Members on that side said are now being collected by the BRA?

Madam Deputy Speaker, it is really a very illogical argument. Government has to be able to compartmentalise things. Everybody can compartmentalise things. If there are Income Tax defaulters, go after them. If there are Land Tax defaulters, go after them. Those who are in default of any taxes out there, there are provisions in the law for those persons to be dealt with. It does not have to be dealt with in

the way it is being dealt with today. It is a simple matter, Madam Deputy Speaker.

4.04 p.m.

Some things are unworkable, and in the same way that amendments came to this Parliament some while ago in relation to the Family Law Act and were found to be have been unworkable and had to be withdrawn, ultimately, and we hope sooner rather than later, this matter before Parliament today will similarly have to be withdrawn.

I am not standing here, Madam Deputy Speaker, to defend persons who will not pay their taxes but the reality is that there are some people in some cases to their total and utter disgrace who do not and will never go about making payments in relation to their tax obligations, that is just the unfortunate reality, and we are not standing here on this side defending people who behave like that. The fact is that not only rich people and corporations sell properties. Poor people in this country also, and this is really the crunch of my argument today, want to own properties too and now these people are not going to be able to do so if those tax defaulters, no matter how nefarious we can rightly categorise them, do not go and settle their tax liabilities. We will have a situation now where a very poor individual, whom the other side now seems not to be able to recognise, will be deprived from becoming part of the property-owning democracy in this country through no fault whatsoever of his own. Madam Deputy Speaker, that is in my view abominable.

As a nation bragging about 50 years of independence these are the types of things we would want to put on this country's Curriculum Vitae (CV), that poor people are being facilitated to become part of the property owning democracy of this country. You would find now that because an individual, who is entirely disreputable and maybe does not pay his taxes in one area, cannot sell land to empower someone who in this country would look forward to becoming somebody too. Sir, that is what this Government has put on its CV and on the CV for this country.

Madam Deputy Speaker, insofar as the point being made by the Honourable Member for St. James South and the Minister about allowing the vendor of the land to be able to make an arrangement, the fact is that arrangement in relation to outstanding taxes... Firstly, that arrangement relates not only to outstanding land taxes or other taxes but also in relation to interest and penalties which, as the Honourable Member for St. Joseph said, quite often are even more than the original taxes that are in default. More importantly is that the acceptability of that arrangement or agreement that is to be reached will fall to be determined exclusively by the Commissioner because you cannot make an agreement by yourself. The Act is explicit that it must

be an agreement that is acceptable to the Commissioner, so here again although we have a piece of legislation we have imbedded in it a very wide discretionary power now being conferred upon the Commissioner to determine whether or not an arrangement that is put forward by the seller of the land is acceptable or not, so Madam Deputy Speaker, you can see the number problems that this legislation, if it is allowed to continue, will present to the ability to persons to not only transfer land but, as I said, for persons, especially the poor elements of this society, to become owners of land and part of the property-owning democracy of this country and be able to say like anybody else I own a piece of the rock too.

I think, Madam Deputy Speaker, that it is very unfair that after some Members on the other side bought their properties cash without having to deal with any vendor who had to get tax clearance... Madam Deputy Speaker, I am really, really sorry that the Honourable Member for St. Michael Central was not able to be at a Branch meeting held a few weeks ago where his opponent was able to highlight the fact about who was able to buy properties cash for just under \$1 million without any hassle at all having the vendor from whom they bought having to get tax clearance to stand in the way of them becoming owners. You should have heard that speech by the attorney-at-law who is the opponent of the Honourable Member for St. Michael Central. I am sorry he did not hear the speech in particular because he would have learnt about how people go about in this country being able to buy properties just under \$1 million in cash without any hindrance at all in relation to land taxes. Madam Deputy Speaker, after they on that side are able to do that they now want to stand in the way of others who want to buy properties and put hindrances in their way to tell them that before you can become the owner of this property we will make sure that the vendor does not owe any taxes. Life can really, really be unfair at times, Madam Deputy Speaker.

This whole issue of outstanding taxes and the payments thereof needs to be compartmentalised. I mentioned to the Honourable Minister of Finance at break today that really and truly sometimes you just have to eat some humble pie, recognise you made a mistake and proceed accordingly. This legislation needs some further thought, Madam Deputy Speaker. There really, really should have been consultation with the general public. I do not know if the silence from the Honourable Members on that side is in protestation of the fact that it is coming through as though this is fairly autocratic legislative posture in this Parliament today, but lack of consultation now typifies this Government. A 15-storey building is to go up not far from here shortly without any consultation whatsoever with anybody. Transparency and discussion and so on are now things of the past. This Government has no regard for those sorts of tenets that have distinguished Barbados' history and development over the years. All

those things now have gone through the eddoes. There is no more transparency or consultation. What the people say, what the hell, who cares about them anyhow, that is now this Government's position.

In terms of this legislation, what if a man now in relation to his income taxes is appealing against the assessment made against him. A man is appealing an assessment and decides to sell a property at the same time, what is he to do? He is to now pay although he has the matter under appeal. Is he to do that? These are little things that the Government really should recognise. These are real issues that will arise as this legislation is implemented and operationalised. These are some very, very serious issues, Madam Deputy Speaker.

Madam Deputy Speaker, what does this really demonstrate today in this Chamber? This Government's economic policies really and truly have been abysmal failures. What the Government is now seeking to do is to drain the swamp and is squeezing out every little thing... The war between the Honourable Minister of Finance and the entire Government and the Central Bank of Barbados now is like birds of a feather and all of a sudden now one is turning on the other. All of a sudden the Government is wising up to the fact that the printing of money was wrong, so I do not know if because that source of funding is now cut off that it got to try to squeeze out every little thing from everybody, so it comes now and decide they are going to squeeze out everything that you got left inside you, but Madam Deputy Speaker, they are squeezing the wrong people because my argument today is about the little fellow who wants to own a little something that he can say well listen I did not grow up with anything but I want to have something so I can pass on to my children and that I can leave this earth knowing that I acquired something and now because of no fault of their own somebody they want to buy a little property from they run a little deficits in relation to their taxes and they cannot get to own a little piece of land that they saw.

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Madam Deputy Speaker, my argument today is about the little fellow who wants to own something that he could say, "Well, listen, I did not grow up with anything but I want to have something so that I can pass onto my children, something I can leave this earth knowing that I managed to own a little something, that I have acquired something." Ma'am, now because through no fault of their own, the person from whom they want to buy that property runs some deficits in relation to his taxes and that little fellow cannot get to own the little piece of land that I saw. Ma'am, do not go after those people, go after Sandals. I almost said 'Scandals' but it is Sandals, go after Sandals that this Government gave permission to, to not pay taxes of any kind whatsoever in this country for 40 years, go

after those kinds of people, not the little small man who is trying to get up and get a little something. Madam Deputy Speaker, some things are unacceptable and this is one of those things that are unacceptable. Madam Deputy Speaker, in my view, this has to go back to the drawing board.

Madam Deputy Speaker, the Honourable Minister of Finance and Economic Affairs referred to me as being a former Minister of Commerce, the Honourable Member is right, I was, but I do not have to stand here and espouse my record as my record speaks for itself. Ma'am, one thing I will say is this, central to all the work that was done in the Ministry of Commerce over which I was fortunate to have presided was the intention that small people in this country had to be protected from the big people in this country. Ma'am, consumers in this country had to be protected and given a chance to breathe and to stand up with rights that they never had before. It did not make me find favour in the business community, but anyhow that was where my mandate was that the then Prime Minister had given me to discharge, which I discharged proudly.

Madam Deputy Speaker, it hurts me to see that when those things were put in place to ensure that small people in this country could rise up and could benefit, that now we could have an ill-conceived piece of legislation, only to say that they have done something, but there was no thought or consultation into it. Ma'am, that hurts because it means that all or some of what was fought for is being eroded by a Government that would have you believe that they are the ones who would be championing the cause of small people in this country. Madam Deputy Speaker, I find that to be offensive and would again urge that this Government goes back to the drawing board with this, that Government would look at it and at something far more sensible.

Madam Deputy Speaker, I will end by just saying that it stands out, in my mind, as it stands out in the minds of all Honourable Members on this side and as it stands out in those out there who listen to these debates every Tuesday that only one single person on that side -- and he is known for bluster, that is his hallmark -- saw it fit, not even the Honourable Member for St. Lucy who cannot remain silent ever, even he, Madam Deputy Speaker, could not stand up in here today and defend the foolishness, that is this Bill now before this Honourable Chamber. Madam Deputy Speaker, I am therefore willing to say let us go back and look at this Bill again and maybe we will then come up with something that is sensible and acceptable. I am grateful to you.

MADAM DEPUTY SPEAKER: The Honourable Member for St. Michael West Central.

MR. J. D. PAUL: Madam Deputy Speaker, I rise to participate in this debate and to say that when I listened to

the Members of the Opposition and when I read the Act, there is a clear intent which is that the Act is trying to encourage persons to pay up their taxes. I listened very carefully to the Honourable Member for St. Michael North just now and there is a phrase that we used to use. There was this gentleman called “Bugga Lord” who was a fisherman and operated a ‘moses’. The Honourable Member for St. Michael North West might remember him. “Bugga Lord” had this phrase about catching the fish, he would say let them gather, for they will soon scatter. He would let them gather, then throw dynamite at them in order to catch the fish.

Madam Deputy Speaker, when I listen to the arguments coming from the Opposition, they are trying to suggest to Barbadians that they are on the side of the ordinary Barbadian in this matter, when here is an Act that is simply trying to get Barbadians to ensure that they make their contribution to the Treasury of this country which they are supposed to do. It therefore begs the question on whose behalf are these people speaking because very often they speak with forked tongue because what they are not telling you is that if you are going to sell a part of land, that very often in order to conclude that sale all taxes on that land have to be paid. Ma’am, that is fact, anytime anybody is selling land, that land is not going to be passed unless the individual pays all taxes. Ma’am, at the end of the day, unless all taxes are paid that property cannot be sold.

Madam Deputy Speaker, my question is, why is the Opposition making this fuss about, that transactions in land sales will not take place? Ma’am, in truth and fact, the current practice is that those taxes must be paid. Even if the case is that lawyers somehow find a way that they can conduct land sales with taxes being owed on the land, because they are telling me that somehow lawyers in this country can conduct land sales...

Asides.

Mr. J. D. PAUL: I am a layman. I have to say it, if the lawyers over there who engage in land transactions are saying that somehow they like to engage in transactions of land so that their clients do not have to pay the taxes on the land, then it says to me what is going on because most ordinary Barbadians are told that they have to pay their taxes. Hence, when I hear these cries and false tears coming from the Opposition in this manner, it is really puzzling to find out on whose behalf they are really speaking. Is it that they are trying to speak on the behalf of the very people who seek to spread the vast majority of this country, who seek not to pay their own fair share to those who are running the country, and who seek to engage in transactions that deprive the State of the very revenue that is needed to run the affairs of this country?

4.32 p.m.

We need to get at least some measure of honesty in these Debates, and let us understand really what are the real issues, but we try to crowd it and put the argument that it is going to impact on a particular group whom they do not care anything about at the end of the day. They do not care anything about that particular group of persons who they claim to want to speak on behalf of, because the truth is that all they seek to do is use the group to achieve political ends. That is all they seek to do, and I think we really need to be honest with ourselves that in truth and in fact we have to be able to determine what the relevant facts really are when it comes to that.

Clearly, all the Amendment is saying is that a person must provide proof that the relevant taxes in relation to a particular transaction must be paid and that you should not owe any taxes. That is all it is saying. Ma’am, I really want to say that maybe if we can hear what is the real concern in respect of this particular piece of legislation, maybe we might better understand; but to try to pin it on false tears being shed for transactions in land involving poor people is not the way. We are misleading the public, and we are misleading the very people who we are here to represent, because in truth and in fact under the current system, it does not apply. It also says to me that they might actually be looking to benefit another which they are not willing to speak about at the same time. They need to be honest; not come inside here creating a story that really does not exist in practice. Generally most people would say to you that they have engaged in the selling of land, especially poor people, and when that sale is made the property taxes are deducted from the sale and they get the remainder; so what is the argument? How does this really in itself prevent poor people or whoever from selling land? It says to me that maybe the people they are speaking about are the big realtors whom they represent as lawyers. That is the only set or group of people who I can think of; and if that is the case, come out and say that. Do not give the impression that they are here defending poor people, because they are not. Do not give the impression. That is the issue which they need to speak to. No amount of lies and innuendoes being promoted by Members from the opposite side, including the Member for St. Thomas, can help us with that. It does not help.

Madam Deputy Speaker, I just wanted to make that small contribution to see if we can get some type of clarification as to really what is the issue which the Opposition has in relation to this particular Bill. Thank you very much.

Madam DEPUTY SPEAKER: Honourable Member for Christ Church South.

Hon. J.D.E. BOYCE: Madam Deputy Speaker, I feel bound to join in this discussion because it is clear to me the game-plan of the Members on that side. They have set

about over the next 12 months or so, as we approach the date for Elections in Barbados, to try to create in Barbados as much confusion as they possibly can, and to try to curry the support of Barbadian people whenever that appointed time comes. No-one on this side is ignorant of that kind of behaviour. We are all students of the politics of this country, and we have been through all of these kinds of approaches for many a decade now. They will not fool this Honourable Member, and I know they are not going to fool any Members on this side. Madam Deputy Speaker, do you know something? They are not going to fool the people of Barbados either, because whenever we go to the people of Barbados, we share with them the experience of governing and the experience of providing essential goods and services for those especially who cannot afford to purchase land. I am not talking about the people in Barbados who the Honourable Member for St. Michael North referred to; who buy properties cash for \$1 million. If the Members on that side are aware of those kinds of persons, so be it. I have never in my life, born in Mile-and-a-Quarter in St. Peter and growing up in Barbados, been associated with that kind of people, so if the Members on that side have knowledge of these kinds of persons, they are duty-bound to come and talk about it and let us discuss it with the people of Barbados, Madam Deputy Speaker. None of the people I know in Enterprise and in Carter's Gap and in Oistins and even in Maxwell are associated with those kinds of experiences. There are a couple of Barbadians who behave that way, but the Honourable Members would like to pretend that they are unfamiliar with these kinds of experiences. I know the Honourable Leader of the Opposition is not going to get in here and say she is unfamiliar with that kind of experience. Born in Sandy Lane with a silver spoon, the Honourable Member cannot get up in Barbados and say she does not know about buying properties cash for \$1 million; so if that is a crime, then the Honourable Member has to be counted among them.

Paying taxes is never a pleasant experience. As a matter of fact, since the discussion started today I leafed through the website of the Inland Revenue Department to look at my situation just to remind myself of what I may owe or what may be owed to me. This is a normal practice in Barbados, and on the couple of occasions when I have had the need to dispose of any property which I may have owed the bank and had an interest in, I certainly have had to settle all the outstanding debts associated with the property before I could benefit and realise anything personally. The Honourable Member for St. James South was at pains to point out that largely a lot of the areas referred to in the legislation exist today, and that the arrangements for the attachment of the taxing Acts, as they are referred to, is one in which an arrangement can be made with the Inland Revenue Department or the Barbados Revenue Authority, as we now refer to it, to make sure that settlement occurs. What is so unfair and unreasonable

about that; a Government seeking to make efficient its tax collecting? The same Members on that side come in here every day that we meet and speak to the lack of services wherever they exist.

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The Honourable Member for St. Thomas speaks every day about roads that she wants paved in St. Thomas and about the Rock Hall Cultural Centre that she wants completed. As a matter of fact, Rock Hall was the theme of the presentation by the Honourable Member a couple of Sittings ago when we dealt with the vesting of land which evolved into a heritage debate in Barbados.

Of course, the public of Barbados must be constantly reminded of the position of the Honourable Members over there. Their ability to be totally and apologetically... All last year we celebrated the 150th Anniversary of this country's independence.

MADAM DEPUTY SPEAKER: Yes, Honourable Member.

Hon. Miss M. A. MOTTLEY: Madam Deputy Speaker, I have sat here and heard the Honourable Member used his voice to offend our sensibilities but he is not allowed to offend us by imputing improper motives to us namely... He did not refer to a party, he referred to Honourable Members and I am asking that the Honourable Member not only withdraw it but that it be struck from the record. Obviously a chord has been struck in here that has hurt him and the Honourable Members on the other side deeply today.

MADAM DEPUTY SPEAKER: No point of order.

Hon. J. D. E. BOYCE: Madam Deputy Speaker, during the celebrations... Sorry she is up again.

MADAM DEPUTY SPEAKER: Yes, Honourable Member.

Hon. Miss M. A. MOTTLEY: Madam Deputy Speaker, I rose on a point of order for which there has been no ruling and I also rise to make now a second complaint because the Honourable Member who is Leader of Government Business in the House cannot seek to bully people from his seat by seeking to quarrel about my being up again. I have a right to rise in this Chamber to defend the Rules of this Chamber. Now, if the Honourable Member is not accustomed to women standing up for their rights that is a matter for him.

MADAM DEPUTY SPEAKER: If the Honourable Member indeed used the word ... please withdraw it.

Hon. J. D. E. BOYCE: I withdraw the term ...as it refers to the personalities of the Honourable Members on the other side.

Madam Deputy Speaker, I want to refer to the contradictions that are so obvious in the presentations of the Honourable Members. All during the celebrations of the 50th Anniversary of this country we heard from that side a total tone of non-participation, non-cooperation and criticism of the Government for spending that little sum of money for Barbadians to remember their 50th Anniversary of Independence, but last week or the last time when we sat to discuss the vesting of the land for the Synagogue and the related property developments in our heritage sites we could hear a 'bosomful' of presentations about what should be happening in every constituency in Barbados vis-à-vis cultural development. I do not understand the hypocrisy. Barbados does not understand the hypocrisy of this fledgling Barbados Labour Party who have been tried on many occasions in Barbados and who now today would like to pretend they are not part of the creation of this whopping deficit that this country has to deal with and they are not prepared to be part of a solution which see Barbadians take upon themselves the burden of correcting the situation as it comes to the financial ills of the country.

Madam Deputy Speaker, if our tax collection needs to be tidied up... It has been recognised over the years as has been pointed out before that the Barbados Revenue Authority has been the brainchild of the Barbados Labour Party and when the Bill was introduced in here they boasted of the fact that it was not ours that it was theirs and we were barely continuing a programme that had already been started by them.

Madam Deputy Speaker, we continue to evolve in Barbados a tax collection system which has to become more efficient and we have been able to demonstrate that as far as the Government of Barbados is concerned and as far as the Ministry of Finance is concerned there are means by which we can move to make that tax collection more efficient. Nobody enjoys paying taxes. No one has to speak to me about the hardships that may attend members of our community. I too have to face those issues on a daily basis. All of us, Madam Deputy Speaker, face those challenges on a daily basis. We resort to the same services that are propped up by our taxes, the same hospital services, the same welfare services, the same grant services and the same National Insurance Scheme services that we pay as workers for so that others can benefit. We have to provide state-of-the-art treatment for our people at our polyclinics and in our hospital. We want to continue to provide improvements in all of these areas.

We therefore have, Madam Deputy Speaker, to speak to the issue of how can we better effect collection of the taxes which have been put in position so as to avert the

increasing need to borrow because every time we come to borrow we hear the other side of the coin, why are you borrowing, why are you not earning. Madam Deputy Speaker, in truth and in fact, we are continuing to see evolve...

The Barbados Labour Party in truth is promoting an environment in which every time we seek to put in place development in this country, even as the Honourable Prime Minister has signed off on the development of the tourism property here in Bridgetown, we hear subtle references and innuendo as if to stoke some kind of resistance and opposition to completing that project to provide jobs. Sandals is a scandal, that is what the Honourable Members on that side say. Sandals is providing work for over 350 Barbadians. Sandals invested \$250 million at Maxwell in Christ Church even as we speak with hundreds of men and women working to do the construction. They might not be getting every wage that they believe they should get but they are working and they are in a position to provide for their families.

Government has been able to institute a de-bushing programme in this country over the last couple of months on the back of the taxpayers' because it is being paid for out of the funds collected to help to clean up this country, so we must not do that so that. One hundred and fifty to 200 people are employed and members that are recommended from that side are among them. Every one of them I know. Madam Deputy Speaker, do not let them trap you or drag you into any nonsensical illogical discourse. They are part of the benefiting regime. Their people benefit from the projects that the Government put in place. Their people use our polyclinics. We all use our polyclinics. Nobody who goes to a polyclinic is asked anything about whether they are a Barbados Labour Party or a Democratic Labour Party member. We all use our polyclinics. We use our hospital. Barbadians use our facilities. We provide for them. We are proud to be the leaders in the Caribbean in many, many ways and no air bridge in St. Vincent can change that. Every Saturday afternoon more than 18 Boeing 777s aircraft.

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Madam Deputy Speaker, I saw a report from our health people only recently that there were some 3 400 people who arrived in Barbados last weekend for tourism...

Asides.

Hon. J.D.E. BOYCE: Madam Deputy Speaker, some had health issues too and they were effectively dealt with and that is what we provide so that people can come to Barbados. Ma'am, yet their station their operatives so that they can throw out to the people of Barbados a picture of doom and gloom, do not mind the 3 400 people the

Honourable Member is talking about, it is true, but they did not come to Barbados in truth, they only came to the Grantley Adams International Airport. Ma'am, after that I supposed they disappeared somewhere into the earth and were swallowed up.

Ma'am, the other call was that they did not spend any money in an environment where none of us has money to spend like we would have 10 or 20 years ago. The American economy continues to reel. The British economy continues to reel, the E.U. is threatened by the reality of today's world economy. The trading people between the Americas, Canada and Mexico are threatened by the reality of today's world economy and by the need to do things differently. Ma'am, Barbados does not stand alone, Barbados is a dependent island State and we have achieved what we have on sacrifices and on the backs of our taxpayers and we need not to be ashamed of this.

Madam Deputy Speaker, if there are areas in the legislation which mire the challenge... As I understand it, any legislation can be challenged. As a matter of fact, I do not know the exact legislation but there have been times when Attorney-Generals have come here and passed legislation which have been agreed by this Honourable Chamber, they would have subsequently retired or moved on and would have challenged that same legislation in the courts of Barbados and won.

Madam Deputy Speaker, if there are flaws in this legislation, I submit that the people of Barbados or those who feel aggrieved are entitled to challenge the legislation, but the Parliament is charged with the responsibility to put in place that legislation it sees fit and that is why we vote. We do not come here and simply leave the legislation on the Clerk's Table and go back outside, we come in, we stand up and debate and then we vote. If it is passed it then moves up to the Other Place, Madam Deputy Speaker, where once it sorted out and Gazetted it then becomes law. Ma'am, so that there is a process.

Madam Deputy Speaker, subsequent to that, if there is a challenge with the legislation, we go to the point where the aggrieved person takes to the courts of Barbados and has the matter properly heard. Nobody is fighting that process, nobody over here is saying that that process should not be followed, but the Barbados Labour Party is now steeped in a mood which wants to popularize every action so as to go out there and sell it, like "Chicken Little" the sky is falling, the country is about to sink, so Barbadians watch out, the Honourable Member for St. Michael North East is our salvation. Woe be tide is the mantra, Madam Deputy Speaker. Madam Deputy Speaker, let us remember that there are members now recent removed from that organisation who do not share that view. As a matter of fact, the new Chairman of the Barbados Labour Party has not sat in this Honourable Chamber for me to see since that

elevation, so that I wait to see that exciting coming together which no doubt will be part of the show...

Asides.

Miss S. J. O. BRADSHAW: On a point of order. The Honourable Member is misleading this House. Ma'am, it is well-known within the rules of this Honourable Chamber that Honourable Members should not cast aspersions, in particular untruths and mislead this Honourable Chamber about other Honourable Members. Ma'am, it is untrue to say that any Honourable Member on this side has certainly been missing from this Honourable Chamber or from any sitting of this Honourable Chamber for an extended period of time.

Madam DEPUTY SPEAKER: The point of order is taken, the Honourable Member has been to this Honourable Chamber from time to time. Please continue, Honourable Member.

Hon. J.D.E. BOYCE: Madam Deputy Speaker, I understand the situation which they obviously face but those are the facts. Ma'am, the Barbados Labour Party over this period has been characterised by expelling members, more than bringing members onto them. I do not think you can dispute that, as that is a fact and so we wait to see that whole scenario being played out.

Asides.

Hon. J.D.E. BOYCE: Madam Deputy Speaker, I am not going to be sidetracked, there are going to be times to deal with this and we have dealt with it many times because the people of Barbados have long memories and when we go out there to speak with our people we will tell them everything, so that it would not just be about Cahill, it will be the Four Seasons. Ma'am, it will not be one or two or three seasons but Four Seasons, there will be four seasons to discuss this whole matter, there will be the Crab Hill Police Station and all the other wastage for which we are still paying. Ma'am, that is the only reason we are talking about it, because we are talking about a deficit as if it came about since 2013. It did not, the deficit and the kinds of monetary challenges that we face in this country are not new. Ma'am, not even the fortunes of the Governor of the Central Bank of Barbados is not new either because our former Prime Minister has made it clear that he has fired them too. It is there for you to read and so that is not new either and when that time comes we will talk about it in here too. Let the matter properly make its way. They are not new items, Madam Deputy Speaker.

Madam Deputy Speaker, we need to focus on the objectives of the legislation being entered into this House today. Ma'am, the fact that like so many other attempts that we make from time to time, this is a measure which when

enacted will allow the Barbados Revenue Authority to enjoy an oversight management position that will allow them to better effect control of the collection of taxes. As I have said, if there are any issues that have to be ironed out, they can be. The point is, Ma'am, we should not at every step of the way try to pretend that these Acts are so vile and that we are looking to disenfranchise poor black people, the fishermen, jet skis owners, water ski operators. I heard the Honourable Member for St. James Central ranting about jet ski owners, water ski operators and taxi operators being disenfranchised.

Ma'am, the point was already made from this side that taxi and mini bus operators have got to produce tax clearance certificate even now to get their permits renewed and to take advantage of the duty-free benefits to which they are allowed. Madam Deputy Speaker, these things will happen, these things will be proposed and they have to be managed.

5.01 p.m.

Yes, like almost every other institution we can do with some more bodies in the Barbados Revenue Authority to help do the work, of course. We can also do with a more efficient and effective carrying-out of the work as it exists today. I experience the queues at the BRA. I see them at Oistins. I know about the inefficiencies and ineffectiveness of when cameras are not working, and I do not condone the fact that Barbadians may have to move from pillar to post to complete the registration of their vehicles at any point in time. It is not to be condoned. The Honourable Minister of Finance will tell you how many times I have spoken with him and said it is a condition which has to be corrected. Like all the waiting periods at the hospital, we have to correct that too, when persons have to wait too long. That is why we are so busy at that institution examining our data and our records to try to improve our practices all the time, to make sure we better serve the people of Barbados. Therefore, the BRA too has to be allowed to carry out that efficiency check and reach the point where there can be a marriage between the expected revenue and the real derived revenue for the country. This legislation, to my mind, seeks to help us on that way, Madam Deputy Speaker. I therefore have no difficulty in supporting the legislation. I am obliged to you, Ma'am.

Madam DEPUTY SPEAKER: Honourable Member for St. Michael North East.

Hon. Miss M.A. MOTTLEY: Thank you very much, Madam Deputy Speaker. Ma'am, the longer this parliamentary term lasts, the clearer the differences become that exists between this Government and the Barbados Labour Party. Prior to this term many would have asked, "What are the fundamental differences between the two political parties in Barbados?" The truth is that both parties

would have pursued a form of democratic socialism which would have put the empowerment of people at the centre of what they were trying to achieve in a post-Independence Barbados. We go to the people whenever we go again with a very clear and stark difference in our positions on education, health care and, indeed now today, on a property-owning democracy as well as on the ease of doing business.

Ma'am, I say so conscious that the last two speeches, in particular, seemed preoccupied with playing the people rather than playing the ball. They seemed preoccupied with a political assault on an institution rather than addressing terms of a Bill which are before this Honourable Chamber. It would thus do us well, particularly since upon each of us is given a vote to cast that which comes before us into law, and in the casting of provisions into law to affect the lives of people the length and breadth of this country. It causes us, therefore, to have to pause to reflect on that to which we are agreeing and to ensure that that to which we are agreeing is not going to act as an instrument of oppression on Barbadians in this country. We can have good intentions. Indeed, it is often said that the road to Hell is paved with good intentions, but good intentions do not carry us there. When I listened to the Minister of Finance this morning, and I heard him try to root this Debate in the fact that there is now a single tax ID (identification) number, and that he used that as the basis to justify the need for tax clearance certificates cutting across taxes against assets --property -- with taxes against incomes -- persons, whether those persons are human beings or companies -- I then realised that we were in for a rough and long day, but worse than that; the people of Barbados would be in for a piece of legislation that would ruin and wreak havoc across this nation.

Let us be very clear. Land taxes are against property, and the requirement to clear taxes against land -- if not they become a charge on the land -- is an acceptable principle because it is within the genre of dealing with assets and property taxes. What this legislation tries to do now is to take the arrears of whatever taxes -- Land Tax, Income Tax, Corporation Tax, Value-Added Tax and Excise Tax -- and it says that if you do not get a tax clearance certificate in relation to the payment of these taxes, you will not be able to dispose of property. By disposal of property, under Section 2 of the Property Act, it means you cannot lease the property, you cannot mortgage the property, go and borrow money on the property, sell the property or give it away. It does not stop there. Then it goes to the Liquor Licences Act, and specifically in that Act it says that if you are applying for a liquor licence, for a general wholesale licence, for a hotel licence, for a restaurant licence, for a members' club licence and for a proprietary club licence, unless you can produce your tax clearance certificate, you cannot get your licence to conduct these businesses. Let us forget about the members' club, the proprietary club and

even the wholesale licence for now, and let us go to the hotel and the restaurant. It means that hotels and restaurants must now have tax clearance certificates on everything in order to function on an annual basis.

Ma'am, I understand and, believe you me, Government can only exist properly if people pay their taxes. We accept that the payment of taxes is important to the proper functioning of an economy. Equally, Ma'am, anybody who has even had a cursory glance at the Ease of Doing Business 2017 Report -- which I would have thought the Member for St. James South would have looked at in detail, certainly before he spoke in this Debate -- would have realised that there is a new category being assessed in that Report. That new category is the Assessment of Post-Filing Processes for the payment of taxes, because it recognises that when governments do not facilitate refunds, when governments do not have seamless and timely procedures for appeals for taxes, or when audits become difficult, all of these things make the doing of business more difficult. The Member for St. James North spoke today about the serious slippage which Barbados has had in the Ease of Doing Business Report, where it is easier to do business in other Caribbean countries with which you are familiar, Madam Deputy Speaker, than in Barbados. It is sad reflection on a country that prided itself as being ahead of others, of punching above its weight.

5.03 p.m.

This debate, therefore, is not about the Barbados Labour Party and the Democratic Labour Party and winning an election, this debate is about the passage of legislation that would come to act as an instrument of oppression on both the righteous and unrighteous in this country. What do I mean by that? I want to thank the Honourable Members for St. Joseph, St. James Central, St. James North and St. Michael North for speaking with utmost clarity and for not being distracted by the politics of the moment because the provisions of this legislation will come to have a serious impact on every household that owns its property and on every hotel, restaurant and wholesale dealer in this country. Why, Madam Deputy Speaker?

There can be no dispute that you have to pay taxes, we have said that, but when you introduce a provision that does not admit of mistake, that does not admit of error or that does not admit of hardship, then you are going to get people in trouble. I remember standing in this very position in 2009 and 2010 and hearing the former Honourable Member for St. John asking people to hold on to people in their employment at all costs. The Honourable Member made the point in that debate that people were incurring statutory liabilities and he said then in a sotto voce across the Floor that it would be a small price to pay so long as people could hold their jobs and that we would get through

this quickly, we do not forget that, and people took it in good faith.

Madam Deputy Speaker, whether we like it or not the accumulation of receivables has made it difficult for some enterprises to be fully compliant. When you therefore remove from them and impose a curtailment on their freedom to conduct business especially as it relates to a property, it is not that they do not pay but the provisions in this legislation are not fully adequate.

The Honourable Member for St. Michael North was absolutely correct, what do you do if there is a dispute with respect to the amount that has been assessed? You need to borrow the money urgently to deal with a medical emergency... Are we now a Gestapo State? Do we now deny people the protection of the law and the right to appeal and end up with the consequence that if a person wants to appeal they then have to deal with the fact that they cannot dispose of their property in a way that makes sense? We understand that land tax and water rates are attached to the land but when you start to attach income taxes and excise taxes and confuse it all all because you have a single tax ID number... A single tax ID number does not give you the right to mix oil and water, and that is what we are doing.

The Honourable Member for St. James Central has already stated the Barbados Labour Party's position. By all means, create an enforcement unit. By all means hire four or five lawyers and four or five accountants, and I am sure that you will recover more taxes than the money spent in the payment of those persons to recover the taxes. People will pay.

The reality is that when we seek to curtail the manner in which people deal with their property or when people will now have to go to the Minister of Tourism and tell the Minister of Tourism we cannot get an operating licence because we have a difference in opinion as to what is the amount that we owe in income taxes and value added taxes not to mention that the Government owes us value added refunds and that has affected our cash flow because the bank has refused to extend our overdraft and therefore the three quarters that you see us not paying VAT for was a direct result of the cash flow problems as a result of the Government not giving us back our refunds and of the bank not extending an overdraft to us...

I just came out of a meeting this afternoon where I was informed that one of the Canadian banks has further downgraded Barbados in terms of the internal processes so that however efficient an enterprise is in this country, the risk that the company carries means that the bank will only allow them so much room and will not give them the opportunity to be able to benefit from better terms and

conditions because the risks attaching to the country is too high.

Madam Deputy Speaker, when you have this debate against the background... As I said, this is not a sterile environment, this is after eight years of economic decline, this is after eight years of difficulties for households and for businesses, this is after people have had to draw down their savings and this is against the background of the uncertainty attaching itself to a Government and a Governor of the Central Bank of Barbados. The Governor on every occasion that he has spoken in the last two months has said that the Government must urgently cut its expenditures and stop him from having to print so much money to prop up the expenditure. All of these things are now affecting the conditions within which companies and average Barbadians are having to contend with.

I am saying to you, Madam Deputy Speaker, that this legislation at this time in our economy is ill-advised in the format in which it is. The Honourable Member for St. Joseph made a formal request that this be sent to a Select Committee. I have entered this debate to add my voice to that request because I believe that the officers of the Barbados Revenue Authority as well as the Solicitor-General ought to come to Parliament to a Select Committee and let us go through to ensure that in trying to do a good thing we do not end up becoming an instrument of oppression to the very thing that reduces Barbados' competitiveness and the ease of doing business in Barbados to the eyes of those who want to come and invest here making us less attractive at the very time when we need confidence and we need people investing in this economy more than ever.

Let me go to the same Report, Ma'am. Do you know that in respect to the registration of property, Barbados is at number 130 in the world in the Ease of Business 2017 out of 138 countries? In relation to enforcing contracts, we are 167 out of 189 countries. In relation to the paying of taxes, we are at number 85. I am saying to you, Ma'am, that we cannot continue to see our country slide down.

Madam Deputy Speaker, I want to speak to the issue of the Barbados Revenue Authority too because in a meeting I had today with a leading manufacturer they are now taking steps to have some of their production done outside of Barbados regrettably because they cannot get their raw materials out of the Barbados Port.

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Ma'am, the slowdown at the Port is killing them. Ma'am, what is the real issue? The real issue is that for the last three years this Government is unable to resolve the impasse between the Customs Department and the Barbados Revenue Authority. Madam Deputy Speaker, let

me say to this Honourable House with absolute clarity, the Barbados Labour Party, when it addressed the issue of the establishment of a Barbados Revenue Authority, was very clear that the Customs Department would not be part of the Barbados Revenue Authority. I want to repeat today for the absolute avoidance of doubt that a Barbados Labour Party Government will not be transferring Customs Officers to the Barbados Revenue Authority because we believe that Custom Officers are border security officials first and foremost, and that therefore will remove that which has become the biggest contributor to a slowdown at both the airport and the seaport but it is further compounded by the fact that Customs has more actors than Hollywood. Ma'am, everybody in the Customs Department is acting and there can be no security of tenure, there can be no sense of I am being looked after or that I am comfortable in my job when nobody is even prepared to ensure that the officers there are appropriately appointed to their positions. Ma'am, what does that lead us to? That leads us to the incapacity of the country to be able to get things done or for people to be able to get their goods out of the Port.

Madam Deputy Speaker, what do we want to do, to go add it to a Barbados Revenue Authority where scores of people are asking to go back to Central Government? Ma'am, that is what is happening, after two years people there who have been seconded are asking to be reverted to Central Government. Madam Deputy Speaker, now if that is the case, and the Honourable Member for St. James South at least had the honesty to admit that, you do not have the institutional capacity to get the tax clearance certificates processed and the very legislation which we are passing is going to lead to financial institutions, whether credit unions or non-bank institutions adding a new layer of questions and a new layer of processes before they agree to lend money to anybody in this country, whether they have to make a determination as to whether they can take a risk with you on the basis as to whether or not you can get a tax clearance certificate. Madam Deputy Speaker, Honourable Members on this side have already pointed out that it does not only relate to you as the individual but if you are married, to your spouse, if you have partners, to the other persons who are in partnership with you in the ownership of assets. Ma'am, this legislation will grind business in Barbados to a halt.

Madam Deputy Speaker, I say to this Honourable Chamber that before we allow this legislation to be a death knell on the doing of business in this country, before we allow this legislation to hurt small landowners, in a country that has the largest percentage of land owners any part of the Caribbean, let us pause, let us sent this Resolution to a Select Committee even if it is with a defined time period of two months. There can be injury done to the Government, to its collection of revenue and certainly we will stave off any deleterious consequences to the economic climate in which business is conducted in this country.

Ma'am, who are we talking about? We are talking about the land owner in Bayfield, St. Philip, who has a daughter who is studying medicine. We are talking about a fisherman but who has not file income tax returns from his revenue from his sale of fish because the fishing season was bad and he had to do repairs to the boat. Now that he wants to sell a piece of property that his mother has left him, so that this daughter can go to University of the West Indies, because of the fees which he now has to pay, he cannot sell that piece of property because he cannot get the tax clearance certificate. Ma'am, this is about a bodywork man in Carrington Village who has a bodywork shop located in St. James who because he had to move the shop from Carrington Village to St. James his cash flow was affected over the last two or three years and he may owe some income taxes or he may not have filed VAT returns. He may earn more than \$200 000 a year but his wife has got sick and so he needs to spend money on chemotherapy which is not available under the Drug Service and the price of that chemotherapy is \$40 000 and he needs to mortgage his house valued at \$250 000.

Madam Deputy Speaker, but here is the rob, because all on the other side have hidden behind the fact that you can go and make an arrangement with the Commissioner of Inland Revenue and pay down 10 per cent but it is 10 per cent of what you have to pay. Ma'am, it is 10 per cent of the tax, 10 per cent of the penalties and 10 per cent of the interest. Ma'am, were it that the interest was what the banks are paying now, that is, 0.1 per cent or 0.2 per cent that might not be a bad thing but the interest is compounded at 6 per cent or 8 per cent. Therefore, when you check it, that man who may have originally owed \$70 000, may now owe \$300-and-something-thousand dollars on a property that was valued at

\$250 000 in a fore sale.

Madam Deputy Speaker, I ask the Honourable Members of this Honourable Chamber... We have an election to fight at some point in the future, that does not affect this Bill but this Bill affects the ability of ordinary Barbadian families and companies to conduct business from the time the Governor-General accents to it. If it means that we have to agree to make our Members on this side available to take evidence from the Barbados Revenue Authority and from the Solicitor General and most importantly to hear from the Private Sector Associations of Barbados, I want to hear from the bankers of Barbados what this Bill means when it becomes legislation to their processes. I want to hear from the Small Business Association what this Bill will mean to their 11 000 members. I want to hear from the accountants of Barbados what their interpretation of this Bill will be to the conduct of their clients' practise. I want to hear from the Barbados Bar Association who not only deals with property matters but who have correctly drawn our attention to matrimonial

matters. Why? Ma'am, because if any in this Honourable Chamber who is married now goes for a mortgage, do you know that the banks make you get your wife or husband to sign off on the loan?

Asides.

Hon. Miss M. A. MOTTLEY: It has never always been the case.

Asides.

Hon. Miss M. A. MOTTLEY: Madam Deputy Speaker, perhaps to the Honourable Member who has only bought property 20 years ago but I have been practising law in this country for almost 30 years and it was not always the case, it became the case...

Asides.

5.29 p.m.

Hon. Miss M.A. MOTTLEY: ... Madam Deputy Speaker, I am not sure why the Member for St. James South is as agitated as he is. I suspect that it is because he is going to be assailed more than anybody else on that side, and all of a sudden his tears will come. Believe you me, that requirement from banks only came after one bank in this country was held liable as a result of the non-disclosure in relation to one of the spousal parties. Let us get it straight: Every time a new risk comes on the horizon, the banks have to make an assessment to the risk. That is why there is this whole concept of de-risking of correspondent banks. That is why it is called de-risking, because it is about assessment of risk. This legislation adds a new layer of risk to the conduct of banking in Barbados and to the conduct of the management of financial transactions in this country, in the same way that it also becomes a hindrance to the conduct of commerce in relation to hotels, restaurants and wholesale companies in this country. Ma'am, I have been in this Parliament long enough and I have been in public life long enough to know that what matters in here is not the words. I will pause for a minute, Ma'am.

Asides.

Hon. Miss M.A. MOTTLEY: Ma'am, what matters in here is not the words that we speak but the votes that we give, particularly when it comes to legislation. I have been in here long enough to know that all of the rhetoric in here means naught when the experience of the people from St. Lucy to St. Philip or the 11 000 small businesses or the banks that now have to take new instructions from Canada and Port-of-Spain, start to contend, as happened recently with Amendments to the Companies Act and annual returns. That is when people are going to realise, "Oh

shoot, what have we done? What have we brought into law?" I ask this Honourable Chamber, not because I have any feeling in my heart for the welfare of this Government -- I do not because I think this Government has brought unto itself all kinds of wrong -- but because I am aware of the precarious nature of where this economy finds itself today. I am aware of the unfortunate blow. I do not know of any Governor of the Central Bank any other part of the world who has ever been given an injunction against a Minister of Finance. It is new territory.

Madam DEPUTY SPEAKER: Honourable Member, you have two minutes left.

Hon. Miss M.A. MOTTLEY: I am saying that when you add all of the things which people have concern about, let us not add to the burden. If it means that in any break we can have a sensible conversation that would send the signal to the people of Barbados that the Government and the Opposition are putting the interests of the people and the country above the ad hominem attacks and the political attacks, then I stand here today to say to you that the Barbados Labour Party is ready to participate in a Select Committee which has a defined time period of no more than three months. If we come back with a report that says this is how best we can protect without adding encumbrances and additional risks to people, such that the righteous are not made to pay for the unrighteous, then we will stand here and support it. However, in its current form, it does not provide for error, it does not provide for dispute, it does not provide for circumstances of hardship that have accumulated over the last eight years, and I ask in the name of what is fair and what is right that we pause and do this in the interest of the people of this country, for this law affects not us in here but it affects every single Barbadian business or household in this country. I am obliged to you, Ma'am.

SUSPENSION

Hon. J.D.E. BOYCE: Madam Deputy Speaker, I beg to move that this Sitting be suspended until a quarter to six this evening.

Hon. R.D. JONES: I beg to second that.

The question that the Sitting do now suspend until 5.45 p.m. was put and resolved in the affirmative without division and MADAM DEPUTY SPEAKER suspended the Sitting accordingly.

H:No.D4 (34)

RESUMPTION

Mr. SPEAKER: Yes, Honourable Members, this Sitting is resumed. When the suspension was taken, we were on Order No. 15 and with that we shall continue.

ORDER No. 15 (Resumed)

Mr. SPEAKER: Yes, the Honourable Member for Christ Church East Central.

Hon. R. D. JONES: Thank you very much, Mr. Speaker. Mr. Speaker, I want to join my voice to those of the Honourable Members of this side who have spoken thus far. I think what is being made very clear in the essence of the debate to the amendment to the Barbados Revenue Authority Act is that currently we have a very inefficient and ineffective collection of taxes in Barbados, and this is over time. I believe I have heard the figure of \$500 million if not \$600 million in outstanding taxes but the Honourable Minister of Finance should be able to tell me if in fact this is accurate.

Mr. Speaker, even though we talk about between \$8.8 and \$9 billion of Gross Domestic Product, we are still a small economy and if one looks at the revenues of some of the large companies in the world, Apple, Samsung, or any of those, one would find that they earn so much more than us as an economy and therefore we would have to put in place some significant mechanisms to collect the taxes of the State. Now, those taxes are used to fuel all of what we do in Barbados including the payment of debt. I am sure if we were able to collect our taxes that the debt could possibly a little smaller than it currently is.

Mr. Speaker, I am not one who gets caught up in fights. The constant fights do not bring solutions because persons get distracted by these fights, they lose proprietary and they lose balance. All of these things happen as a result of fights. I know of political fights because when involved in a political party being in Government and in Opposition we get these fights from time to time. We also get exaggerated pronouncements. We also get this very enlarged view of a position and we are not able to narrow the divide, if there is one, real or perceived, among us.

This amendment to the Barbados Revenue Authority Bill is a sincere effort to urge, to persuade and to entice Barbadians whoever they are, whether it is corporation tax, whether it is for excise tax, whether it is for land tax or whatever it is, to pay your taxes. Over the last eight years and more recently as well, I believe that last year the Honourable Minister of Finance, the Honourable Member for St. Michael North West, brought to this House provisions where persons could have waivers of interest and penalties relative to taxes owed to the State, so it is always a clear intention by the Government acting through the offices of the Minister of Finance and Economic Affairs to ease the burden of Barbadians, ordinary as some people call them, business people and everybody essentially, to meet their commitments and for those persons to cause their businesses or within the domestic environment to be settled, so obviously this Bill to amend

the Barbados Revenue Authority is not one that is being set up to be punitive on taxpayers of Barbados. It is simply saying we are encouraging you to do the best you can in circumstances where there is still severe difficulties in the economy and the more and more you keep away from the national Treasury the less you will have to pay back, income tax, VAT and whatever else you have to be paid back, to the citizens of Barbados.

Sometimes it is not what is said, it is what is left unsaid that can create problems for the country and for people. A misunderstanding can arise as a result of what is left unsaid. Now, I hope that I am not getting the feeling or impression that those who have spoken from the other side might be subtly saying that you should not pay those taxes that are owed or due to the State by the arguments they have advanced because just as the State should and must pay back to the citizens funds that are owed, by the same token, as my grandmother would say, those who owe the State moneys or funds should also pay to the State.

We know that from time to time businesses and people run into a bit of difficulty but one of the weaknesses of Barbadians as a whole, those who are in business and those who are outside of business, is that they do not come upfront and say look I am encountering some difficulties, can I make an arrangement to deal with these matters. As a simple example, I am not going call names, but let us say company X deals in the retailing of fridges and stoves and all of these various consumer items and during the months leading up to Christmas you go and get a fridge and a stove and you are able to pay the first three months instalments on your bill and on month four you have some issues and on month four you prefer to miss the payment and month 5 you prefer to miss the payment and rather than go in to company X and sit down with one of the sale associates or the manager or whatever and have a sensible discussions on how you can with your resources meet some part of your commitments, you prefer to stay away from it... That is a weakness within the Barbadian society. The same thing happens if it comes to the Barbados Revenue Authority and the various entities under the Barbados Revenue Authority, land tax, excise tax, driver's licence fees or whatever else you have, you stay away. That does not lend to good governance or to good management of the resources that we have. We do not have and we never had, even though some persons would say that, that abundance of resources, we have managed, where we can simply say let them pass by. Ordinary citizens would not want the Government of Barbados to owe them for income tax or if you are a business to owe them for VAT et cetera, they want their money because it can be put to some purpose that they have and therefore in our search to find better solutions for the collection and management of the various taxes, I can see why we have gone this journey.

If there are imperfections in the legislation, and I am saying if, because Sir as you know I am not a lawyer, I have not had the bent to study law but there are lawyers in here and sometimes, if not all of the time, we rely on their guidance.

House D4 Sequence 35

Hon. R. D. JONES: Mr. Speaker, I am not saying that they are perfect, no man is, we are all filled with imperfections, both on this side and on that side of the House and so I question what I call the "lording over" by the other side this evening and the occasional ranting and ego displays, particularly of the Honourable Member for St. James North but I leave all of those alone, the good Lord one day will take charge of the levels of behaviours that the Honourable Member makes. Mr. Speaker, when I checked on his journey at school I was told that the Honourable Member behaved the same way even then but I will leave that alone. Mr. Speaker, all I am saying that we have always tried to do the best we can on the behalf of the citizens of Barbados.

Mr. Speaker, I remember very well in 2007 the Government of the day brought a piece of legislation to this Honourable House with hardly any debate and rammed it down the throats of each other. Mr. Speaker, at least we are debating this Bill but at that time there was hardly any debate. Sir, I am talking about the Public Service Act, an Act that is still like an albatross around the necks of public servants and around the of Government, where over time we have been trying to work through the challenges that that Act presented. Mr. Speaker, this debate is longer by hours than that debate at the time. Yes, it had some scrutiny from the Trade Union Movement who then within a matter of two months came back arguing that even though they had discussed and signed off on it, they did not see the severe implications of the Public Service Act and the associated regulations. I believe that was in early December, 2007.

Mr. Speaker, I am not saying that to say that if there are imperfections... Mr. Speaker, I have grown to realise that no Act is perfect because if you say that, Sir, you are saying that man is perfect in his thoughts and in his actions and I have not yet seen the perfect man. Even Jesus Christ who came to earth as an embodiment of God, when He was in the fleshly mode He was not a perfect being, but that is another discussion for another place.

Asides.

Hon. R. D. JONES: The Honourable Member for the City of Bridgetown is recognising a path that can be taken. I respect that, I am not going to take that path. Mr. Speaker, I think that we have to always remind our people that the country does not run on a dry engine, it will be broken or

damaged and cannot function but that it needs the resources of citizens, it needs the resources of businesses, small, medium and large, once these things are captured within the laws of the society in order for the country to function, in order for all of the promises in absentia.

Mr. Speaker, one of the things that I fear is the numbers and growing numbers of promises being made by the Opposition to the citizens of Barbados. Mr. Speaker, on the one hand they are saying that things are so dire, that we are in straightened circumstances, that there are severe difficulties, while on the other hand there are promises of providing for the University of the West Indies another \$36 million as soon as they get back to office. Mr. Speaker, I do not understand the balance. Is there a madness that is circulating in or around the Barbados Labour Party and those who want to speak? There are resources needed in this country for early childhood education that is being built out, that goes back to the recognition of 1961, that the Barbados Labour Party has also continued, so that it is a longer continuum, putting nursery-aged children into nursery and in primary schools, building out discrete and early childhood institutions and this continues.

Mr. Speaker, when you take such large amounts of money and place it at the top of the pyramid, then what is left for the base of that pyramid? Sir, it is easily recognised, as we have done, there is the need to place resources at the base of the pyramid, that is, early childhood education, primary education and strengthening secondary schools so that you now have more students entering the public school system and the private school system, but more in the public school system, children entering and taking examinations of CSSEC and also at CAPE.

Asides.

Hon. R. D. JONES: The statistics are factual, they do not lie, the reality is that the numbers are going up. Mr. Speaker, in response to the sotto voce comments coming from the Honourable Member for St. Thomas, getting qualifications does not guarantee you work, it gives you an ability to transform and to change your life and to have different and better perspectives about living. Sir, if you had to train or educate somebody simply for the marketplace, then we do not need these arrays of education institutions in Barbados or in any country for that matter, instead you can simply go out into the community where a man used to make a wheelwright and you teach him through an apprenticeship model how to do good round wheels and put them on a donkey cart. That is all you would need, they are good wheelwrights and you train them on the spot, so that you become a good wheelwright and you put them onto donkey carts, so they are satisfied with that level of development within the country Barbados, but Barbados as a democracy and as an emerging economy and through this Government sees

things in a different perspective. We are in for the transformational change and behaviour relative to our students and our schools and that is why, Mr. Speaker, Barbados is counted among the top nine education systems in the world.

Asides.

Hon. R. D. JONES: Mr. Speaker, I did not invent that, I did not create it, I do not even know the institution or the people who came up with it. I do not know, I did not coerce them, I did not manipulate them, I did not get on any telephone and called anybody in Washington D.C., in Perth or in Vancouver, I came across it like anybody else who does research, but in this instance somebody send it to me and I am glad that they did. Mr. Speaker, all I am saying is that within these structures or systems we have to take approaches which bear the best for Barbados.

Mr. Speaker, I have made the point about the Public Service Act and they have not yet got up in this Honourable House for one moment and said to the people of Barbados that they are sorry for rushing through such an awful Public Service Act, but it suited their purpose at the time as there were two or three items there that they wanted implemented, they did not care about anything else and so they rushed it through. They wanted to appoint persons who would have been working for three years by December 2007 so they had to rush that through.

Mr. Speaker, they are coming in this Honourable House when we spoke a few months ago about giving persons who had three years in the system they were totally disconnected because that segment was a terminal part of the legislation. They mobilised their sycophants and others to claim that this should have been happening ever since when they know that that is not true, so you get these contradictions and behaviors and then you get this litany of what you can call a banking or a scathing behaviour by the Honourable Member for St. James North and just repeating a list of items that we supposedly have not done, that noise that comes from him, surely a noise because the Honourable Member makes no sense, the Honourable Member makes no good reference, neither does he bring out the point to any given conclusion but sits back and smile as though he has scored a point.

Mr. Speaker, I am sure that the good intention of this Act will be seen by Barbadians, Barbadians want to see taxes collected and taxes paid.

6.11 p.m.

Persons get very angry when you collect the National Insurance Scheme (NIS) payments and do not pass them over to the NIS to deal with the quotient that the employee pays. The same thing should happen when you

collect Value-Added Tax (VAT) and do not pass that over. Of course, I am saying that on the other side when you do that and you are due your refund, you should get that as well; but you cannot get it because the flows are very uneven. There are persons who believe that they should hold onto the taxes of the State, but still want pristine roads. They do not want to feel a slight abrasion in the road. They still want water flowing 24/7; and water should flow 24/7, but it cannot flow 24/7 if you have damaged pipes or if you have pipes 120 years old, Mr. Speaker. You need taxes to pay for all of these things. You cannot maintain free education from cradle to grave; not only a first degree but a second degree as well. You cannot maintain it. It is totally impractical. There are persons who do not recognise this, including the Honourable Member who likes to tell you that he studied in Canada. He is the only one who studied overseas; the Honourable Member for St. James North.

There was a time when we also paid for a significant number of post-graduate degrees. Persons who got First Class Honours we used to pay for them to do a graduate degree. Persons who had Upper Second Class Honours we used to pay for them too. Persons who were in the Public Service and had other than those degrees and were doing a discipline in any area of their work, we used to pay for those too. Persons who had never studied or done a first degree in Barbados, we used to pay for those too. All of those used to be paid for, so that is what we were doing in Barbados. Now, because we have said in difficult times, very difficult times, in extremely difficult times.... The Barbados Labour Party, in 1995 led by the Honourable Member for St. Michael North East, commissioned a Study by Dr. Leonard Shorey, now departed, which recommended, after canvassing Barbadians, that the 15 per cent.... Hitherto 1995 there used to be something called an economic cost, and you ascribed it to the individual student, and the Government of Barbados paid that. In 1995 the University, looking for more money, decided it would charge 15 per cent of the economic cost, and that 15 per cent should have been paid by students. The Government of the day, when they calculated and it was \$6 million in 1995, decided they were going to pay it for Barbadians. The other major campus-based countries did not do it. Trinidad did not. Jamaica surely did not.

Mr. SPEAKER: Honourable Member.

Asides.

Mr. SPEAKER: You are going to get back on taxes? Very well. Just a reminder. Go on.

Hon. R.D. JONES: I am well conscious, Mr. Speaker. Everybody is calling for more and more. More and more cannot come from less and less. More and more can only come from more. It cannot come from less, so I

was making the point relative to education; an area in which I am pretty conversant. This was changed from 15 per cent to 20 per cent, and we went through about six years of paying around \$30 million, five times the amount of 1995. On top of that, we moved from \$97 million in economic costs to about \$146 million, and that was only agreed to because the bill from the University at one time reached \$188 million and was climbing. This is the reality. We cannot be penny-wise and pound-foolish. We have to eat the cou-cou for the sake of the sauce. We have to cut the cloth to suit our size, and therefore the Democratic Labour Party has really not changed the dynamic. The democratic socialist agenda that captured all of us is still very much within us, but at the same time we are realists. We have to ensure that the pillars on which we built this society are not chopped down or damaged by making some gentle arrangements to the house on top of it. We are lightening the load. There will come a time when, with further buildout of more pillars, we will put more on the house; but if you put more on that house with the pillars as they are, then you know the catastrophe that will face Barbados. The Barbados Labour Party is creating that catastrophe.

Mr. SPEAKER: Honourable Member, you have five minutes in which to conclude. Actually three.

Hon. R.D. JONES: I did not even realise I was speaking this long, but when you have the evangelical fervour, Sir, you have to let it out of your soul and celebrate the birth of a Christ. The point I am making is that, with revenues not flowing into the coffers of the State, you cannot meet the commitments which the State entered into. We have debt built up by successive Governments over time. We have to pay Income Taxes to those to whom Income Taxes are due. There are persons who call me and say, "Minister, I have a little issue. See if you can get my Income Taxes for me," but I cannot do that because they have to pay their way with the presence of resources. Let us look at the legislation and if it needs tweaking, it should be tweaked. I am not going to play around with that. If it does not, then it goes through 100 per cent, but I support the intention, I support the purpose of this piece of legislation, and I look forward for the best that can redound to the benefits of the State but more importantly, to the benefits of the people. Thank you, Sir.

Mr. SPEAKER: I am obliged. Yes, the Right Honourable Prime Minister.

Rt. Hon. F.J. STUART: Mr. Speaker, just a few words on this Amendment. I listened with very great interest to the contributions made to this Debate, and I could not help but be reminded that over the last eight years very few pieces of legislation, if any, brought by this Government to the House were able to secure the ready endorsement of Members on the other side of the aisle. It is

as though we brought, when we came into office, our own set of parliamentary draftsmen and women and that the very same people who had advised the previous Administration suddenly disappeared and never advised us, and that we came in with our own army of public officers to do all the things which were done previously by the public officers who worked for the Barbados Labour Party. Mr. Speaker, it just happens that that is not so, and that the same draftspersons who are at the Chief Parliamentary Counsel's Office today were there in the year 2008, and they were the people doing the drafting. Two persons, as far as I can recall, have retired, but the same outfit is there. There are trained lawyers, as our draftspersons should be, and they know how to draft, and how to draft in such a way that the provisions of Barbados' Constitution are not violated, but when I listened to the interventions on the other side, I got the impression that somehow the people at the Chief Parliamentary Counsel's Office know what to do when the Barbados Labour Party is in office but marvellous to relate do not know what to do when the Democratic Labour Party is in office.

H:No.D4 (37)

Mr. Speaker, I think this debate should answer a few questions. The very first question it should answer is: Why do we have a Barbados Revenue Authority? We have a Barbados Revenue Authority because the previous Barbados Labour Party Administration came to the conclusion that our tax collection systems were inefficient and that we needed to have our taxes collected at a central point. They therefore had recommendations made to them that a Central Revenue Authority should be established in Barbados, a CRA. The only change we made to that was to change it from a CRA to a BRA by calling it the Barbados Revenue Authority.

The Right Honourable Member for St. Peter had to stand up in this House and say that he could not be a hypocrite and oppose a piece of legislation that his Administration was responsible for conceiving and leaving in draft. When Honourable Members on the other side were trying to disassociate themselves from the Barbados Revenue Authority Bill, the Right Honourable Member for St. Peter got up in this House and said he could not understand what the Barbados Labour Party was trying to suggest because that Administration under his leadership was responsible for the legislation and therefore he could not when he was in Government support the legislation and because he is now an Independent Member oppose it.

We have a Barbados Revenue Authority Act because both sides of the House at different times acknowledged the fact that we had to make more efficient our tax collection in Barbados, that there was too much tax leakage in Barbados, the revenues were suffering as a result and therefore that we had to put a system in place that would

capture as many of the revenue defaulters as possible, and that is why we have a Barbados Revenue Authority Act on the statute books of Barbados.

There was no philosophical or conceptual difference beyond the name of the legislation between the Barbados Labour Party and the Democratic Labour Party on that issue. Both sides agreed at different times. When they were in Government they agreed and now we are in Government we agree that tax leakage has to be arrested in Barbados, that there are too many people who should be paying taxes who are evading the payment of taxes. The Barbados Labour Party believed that and that is why they proposed a Central Revenue Authority and the Democratic Labour Party believes that and that is why we have introduced a Barbados Revenue Authority. There is no mystery to the existence of the BRA as there would have been no mystery to the existence of the CRA.

Mr. Speaker, the second question that has to be answered in this debate is: Why are we having the present amendment? We are having the present amendment because when a piece of legislation is passed, and all attorneys-at-law who bother to read understand this, no matter how careful a draught person may be, he or she cannot contemplate all of the possibilities to which a piece of legislation would have to apply and therefore from time to time we have to amend legislation to make it respond to the exigencies of the situation to which that legislation should relate. We have seen it before. When I was in the Other Place a Financial Management and Audit Act was passed in this Parliament that was riddled with errors pointed out by me in the Other Place but still not amended because it was said that if the amendments were done up there, it would have reflected on the inefficiencies of the people down here, and when we came into office we had to do the amendments. Look, let us be very clear on these things.

The legislation that we passed obviously had some lacunae in it as all pieces of legislation will have and that is why we have to be constantly amending legislation to make sure that we always catch those persons who can escape the effects of the legislation and that is why we have this amendment.

The legislation has always contemplated the existence of a single tax payer with a single ID so that whenever application is made to the Barbados Revenue Authority for whatever reason as long as your name is given to the Revenue Commissioner the legislation contemplates that the Revenue Commissioner should be able in this digital age to press a button and be able to determine your status as a tax payer.

The concept of the single tax payer and the amendment before us therefore has been thought necessary

because there are a number of pieces of taxing legislation in this amendment called the Taxing Acts upon which the Government relies for revenue but that taxpayers are able to circumvent because the concept of the single tax payer has not yet fully caught root, there is still the concept of the disaggregated or atomistic type of taxpayer, so we had to do this amendment because the whole rationale, the *raison d'être*, for the existence of the Barbados Revenue Authority, so called by us, and the Central Revenue Authority, so called by the Honourable Members on the other side, was to catch those persons who were evading the tax net.

Reference has been made in this debate to the issue of the sale of land, and that is a very good example. I heard some very perverse and wrongheaded arguments coming from Honourable Members on the other side who know better, or I want to think so, about trying to interfere with people's property rights.

House D4 Sequence 38

Mr. Speaker, I have practised law for 25 years before we came to Government, I have lost count of the number of property transactions that I have done. Whenever you are working for a vendor, a person who is selling land, the vendor has to pay the State property transfer tax which used to be 5 per cent when the Act was introduced by Errol Barrow around 1969 and it continued to be that until some time under the last Administration when the vendor was asked to pay just 2.5 per cent of the purchase price as property transfer tax. Mr. Speaker, it used to be that if foreigners were buying land in Barbados, they had to pay 10 per cent property transfer tax, but that 10 per cent requirement was abolished so that foreigners could buy land more freely, because the concept behind all of that with the previous Administration was that the buying of land by foreigners would have brought foreign exchange into the country, so that barrier, that disincentive to buying land in Barbados was removed and therefore foreigners buying land in Barbados do not have to pay any property transfer tax.

Mr. Speaker, the person selling land also has, before he can convey a good and marketable title to the person who is buying the land, then had to show that he owes no taxes to the Land Tax Department, so he has to get land tax certificate. Sir, you can only get a land tax certificate if the land tax that he pays to the Land Tax Department covers the period up 31st March, the end of the financial year if he is buying it before the end of the financial year. If he is buying it after the end of the financial year he has to apply for a land tax certificate for the succeeding year and make sure that his tax status with the Land Tax Department is in order.

Mr. Speaker, that is not an attack on anybody's rights, that has always been the case.

Mr. Speaker, I have listened to all of the talk in here today, I was not going to say anything on this because I do not think that it is a big issue but my better judgment has prevailed. Mr. Speaker, there was a point at which - and it may still be so. I have not been in practise recently, practitioners will know -- the Land Tax Department stopped taking cheques from lawyers who applied for land tax certificates because what some lawyers were doing was that they were writing cheques that they knew would bounce and the Commissioner of Land Tax would rely on the cheque received from the lawyer, issue the land tax certificate and then discover after that that the taxes had not been paid.

Mr. Speaker, just before I left you had to send a Banker's Draft if you were paying land tax, or wait for 28 until it is cleared, so you cannot trick the Commissioner of Land Tax anymore with that, but they used to write cheques that they knew would be dishonored and in good faith when the Commissioner of Land Tax issued the land tax certificate, to his chagrin and acute disappointment when the cheque went to the bank it was dishonored.

Mr. Speaker, even when there was not the concept of the single taxpayer, there was still a species of attorneys-at-law who were prepared to circumvent the law and to basically trick the system by writing cheques that the lawyer knew would be dishonored in order to get a land tax certificate and the vendor of the land would be walking away with a huge sum of money, not having paid any land tax but having a land tax certificate, not having satisfied his tax obligations but still having a land tax certificate and still receiving the full purchase price, less property transfer tax and stamp duty. Mr. Speaker, it is not only like when we had the concept of the single taxpayer, without the concept of the single taxpayer the Commissioner of Land Tax still had to have eyes in front of him, behind him, on his shoulder and all over the place because of a species of attorneys-at-law with whom he had to deal. Mr. Speaker, the second question why the present amendment was thought necessary is because there are still leakages in the system that have to be taken care of and I have given a good example in the area of the sale of land.

Mr. Speaker, the third question is, what does this amendment now propose? The amendment is very straightforward, Mr. Speaker, it says that if an application is made to the Revenue Commissioner for a land tax certificate, one of three statuses is possible, either the person who is applying as payer of the taxes, in which case there is no problem, they can get a certificate; if they have not paid their taxes they cannot get a certificate; if they have not paid their taxes but have paid at least 10 per cent of the taxes that they owe under the various taxing statutes

and have entered into an arrangement for the repayment of the remainder of the other 90 per cent... It is not that the Revenue Commissioner is getting all, only 10 per cent needs to have been paid and an arrangement entered into with the Revenue Commissioner for the payment of the other 90 per cent, in those circumstances the Revenue Commissioner will issue a tax clearance certificate.

Mr. Speaker, the taxes referred to are set out in the legislation, there are Excise Tax under the Excise Tax Act; Income Tax under the Income Tax Act; Land Tax under the Land Tax Act, and VAT under the Valued-Added Tax Act. Schedules to the legislation have been amended to include the Liquor Licenses Act and the Property Transfer Tax Act. Mr. Speaker, what really can be wrong with a Revenue Commissioner trying to block loopholes in legislation to make sure that people live up to and discharge their tax obligations? This legislation can only be a source of concern for persons who are not interested in paying tax. To persons who are interested in being tax compliant and in circumstances where they cannot afford to pay all that they owe, for them to come forward and admit that they owe but cannot pay all, they would pay 10 per cent and would make an arrangement to pay the remaining 90 per cent over an agreed time period, what can be wrong with that, in circumstances where the Minister of Health and the Minister of Education, Science and Technology, and Innovation said that we still want the same services, we want proper roads, we want a proper healthcare system, and we want a proper educational system?

6.40 p.m.

We want all these things but we want a situation also where as few people as possible are paying taxes and tax dodgers are allowed to enjoy respite and a lot of comfort in Barbados. That cannot continue to be the case. I have said in this House before, "I have never heard applause break out in this House when a tax was imposed." Applause does not break out in any country when taxes are imposed, because people prefer not to pay taxes. People prefer if they did not have to pay taxes at all, but taxes are a fact of life. Let us become a little more level-headed than I have heard in this Debate. If you have paid all your taxes under the Excise Tax Act, the Income Tax Act, the Land Tax Act and the Value-Added Tax Act, you have no problem at all in getting a tax clearance certificate. If you have paid all of your taxes, your interests and your penalties which have accrued, you do not have any problem. If you have not done that, but you are prepared to account for ten per cent of what you owe and to enter into an arrangement with the Revenue Commissioner for the remaining 90 per cent, then you can still get a tax clearance certificate. How can that affect the doing of business in Barbados? How can it? How can asking people to obey the law and to live up to and discharge their tax obligations be a threat to doing business in Barbados? How can it be? On whose behalf are the

people in the Barbados Labour Party in this Honourable House speaking when they try to suggest that this legislation is going to slow down the doing of business in Barbados? Are they saying that public officers whose taxes are deducted at source, and the ordinary poor man and woman in Barbados who tries his or her best to pay taxes, should continue to carry the burden in this society while people who can afford to pay should get away on the excuse that they want to be facilitated in business? What are we hearing in here at all? What are we hearing? Therefore, Mr. Speaker, that argument does not recommend itself to me and I therefore reject it out of hand.

The fourth question that this Debate should answer is: What rights does the Amendment infringe? I heard a lot of talk about infringing rights. I should ask what privileges it infringes, not rights, because wherever there is a right jurisprudentially there is a correlative duty, so I should ask what privilege it infringes. The privilege it infringes is the privilege not to pay tax, and that is the privilege which is being defended by the Member for St. James Central and by other Members on the other side, the Member for St. Michael North East and the Member for St. Joseph; the privilege of not paying taxes. That is the privilege it infringes, and this Government will not leave its footprints down that unworthy path. Never. We all have to share the burden of paying taxes in Barbados. That is where we stand, so if the Honourable Member for St. Michael North East is going to get in here and say that there is now a philosophical divide between the two sides, that is the philosophical divide.

Mr. Speaker, I have asked four questions: Why do we have the central revenue authority? Why the present Amendment? What does the Amendment propose? What privileges does the Amendment infringe? The fifth question is: What does the future hold in the context of this Amendment? I do not subscribe to the apocalyptic forecast of the Leader of the Opposition that Barbados is going to fall apart once this legislation is passed. I do not subscribe to it. This legislation will summon the citizens of Barbados to rise to their responsibility as citizens. Mr. Speaker, citizenship is not just a status accorded by the Immigration Department to persons who apply for it. Those who are born here or who live here have to understand that good citizenship requires of them that they obey our laws -- whether you were born here or whether you have come here -- subscribe to our values, and unite with us in trying to make Barbados a better place. That is what this legislation is intended to do, and therefore I reject, for the clumsy forgery that it is, the arguments that I have heard coming from the other side.

I have despaired about any higher degree of wisdom ever coming from the lips of the Member for St. James North. I do not think that he is equal to any higher level of debate, and therefore we have to live with that. I have

already said, “That Honourable Member is one of the very high prices you have to pay for democracy.” I have already said too that when you hear the Member for St. James Central shouting, that is when you know that the speech is coming from up here. It does not reach down here at all. It comes from up here, the top of the throat. He means very little that he says but shouts to give authority to what he is saying. Of course, the Honourable Member for St. Michael North East we know what all of that is about. The time will come when all of that will be put to the test and we will see who is who. The time is not right for that yet. We will see who is who. This idea that Barbados is now the worst place in the western world in which people can live and that every piece of legislation passed by this Parliament is an attack on the citizens, is not true. That is not what you hear on the streets of Barbados or from people who visit Barbados when they come here, but that picture is being painted and the time will come when we are going to debate that issue. I do not want to anticipate that debate now. Mr. Speaker, all I want to say is that this piece of legislation is absolutely necessary in the context of the tax leakage which we have been experiencing in the country, agreed on by the Barbados Labour Party prior to 2008. That was when they conceptualised the Central Revenue Authority and, endorsed by us since 2008, that is why we have the Barbados Revenue Authority. That tax leakage has to be arrested.

H:No.D4 (40)

There has been talk about the unconstitutionality of the legislation. A judgement on unconstitutionality cannot be made by any Honourable Member of this House. The only persons entitled to declare any piece of legislation unconstitutional are judges of the Supreme Court of Barbados and those in the Court of Appeal and those at the Caribbean Court of Justice.

As the Honourable Member for Christ Church South has said, we have had situations in Barbados, a situation I should say, do not let me exaggerate, where a piece of legislation came to this House and was passed as constitutional under the Barbados Labour Party. It was certified by the Attorney-General, approved by the Cabinet, brought to the House and debated and certified as constitutional and then one of the same people who sat in the Cabinet, who certified it and who participated in the debate in this House, once he left the Cabinet, put another citizen in court and argued that the piece of legislation was unconstitutional and the court agreed with him.

We have had the other side in that when the legislation was amended to give effect to the 8 per cent pay cut, Members of the then Opposition, the Barbados Labour Party, said it was unconstitutional. They went to court, and the High Court Presided over by Sir Dennys Williams said it was constitutional. The Court of Appeal, presided over

by Sir Frederick Smith, the late Justice George Moe and the late Sir Clifford Husbands who did a dissenting judgment, by majority vote said it was constitutional. They went to the Judicial Committee of the Privy Council and the Judicial Committee of the Privy Council said it was constitutional.

No Member of Parliament can decide what is constitutional, not in here, that is for the courts, so if anybody has any problem with the legislation, go to court and test it. You may be right or you may be wrong. If you are right, we will have to do amendments and if you are wrong the legislation remains in force, but throwing around the word unconstitutional as some kind of weapon of mass destruction does not carry us very far.

Mr. Speaker, this piece of legislation in my respectful submission qualifies for the House's endorsement and that endorsement I unreservedly give it.

I am obliged to you, Sir.

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

Hon. C. P. SINCKLER: Mr. Speaker, Sir, after that very erudite presentation by the Right Honourable Member for St. Michael South, the Right Honourable Prime Minister, I think that all that we can add to that is to beg that this Bill be read a second time.

Hon. J. D. E. BOYCE: I beg to second that, Sir.

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

On the motion of Hon. C. P. SINCKLER, seconded by Hon. J. D. E. BOYCE, the House resolved itself into Committee, Mr. J. D. PAUL in the Chair.

COMMITTEE

Mr. CHAIRMAN: This House is in Committee.

Clauses 1 -- 5 inclusive were called and passed.

The Schedule was called and passed.

On the motion of Hon. C. P. SINCKLER, seconded by Hon. J. D. E. BOYCE, Mr. CHAIRMAN reported to His Honour the SPEAKER the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motion of Hon. C. P. SINCKLER, seconded by Hon. J. D. E. BOYCE, the Bill was read a

third time and passed and cited as the Barbados Revenue Authority (Amendment) Act, 2017.

ADJOURNMENT

Hon. J. D. E. BOYCE: Mr. Speaker, with that we have come to the end of Government Business for today and I beg to move that this House do now adjourn until Tuesday, February 28, 2017 at 10.00 a.m. in the morning.

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

The question that the House do now adjourn until Tuesday, February 28, 2017 at 10.00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

House D4 Sequence 41

6.53 p.m.

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INNISS, Hon. D.O'N. (St. James 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 preparing this report from the edited transcript. The text has not been altered except where stated.

Q1. Masthead. The session is not stated in the source, so no session line is printed.

Q2. Order No. 15, after the Minister's opening speech. Immediately after Hon. D. O'N. Inniss seconded the motion, the source has the note 'The question was put and was resolved in the affirmative without division', although the debate then continued for the rest of the day and the second reading was put again at the end of it. Printed as in the source.

Q3. Opening. The convening sentence says the House met 'at 10.00 a.m.', while a note after the ABSENT list reads 'Mr. Speaker took the Chair at 10.15 a.m.'. Printed as in the source.

Q4. Order No. 15, speech of Hon. J. D. E. Boyce. After a point of order by Hon. Miss M. A. Mottley, the Deputy Speaker's ruling and Mr. Boyce's withdrawal both show the word in question only as '...' ('If the Honourable Member indeed used the word ... please withdraw it'). Printed as in the source.

Q5. Order No. 15, speech of the Prime Minister. Two take-slip references, 'H:No.D4 (37)' and 'H:No.D4 (40)', are set as paragraphs within the Prime Minister's speech rather than as take-slips. Printed as in the source.

Q6. Order No. 15, speech labels. Mr. D. D. Marshall's labels vary between 'Mr. D. D. MARSHALL' and 'Hon. D.D. MARSHALL', and some of the Minister's labels read 'Hon. C. SINCKLER'. Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The House of Assembly met on Tuesday, 14th February, 2017, the Speaker, His Honour M. A. Carrington, taking the Chair at 10.15 a.m.; prayers were taken by Reverend Father Mark Harewood. The Minutes of 7th February were confirmed. Hon. C. P. Sinckler laid the Invest Barbados Annual Report, 2015, and Hon. J. D. E. Boyce withdrew a Regulation laid on 24th January, 2017 and laid new Health Services smoking regulations in its place. Standing Orders were suspended for the rest of the Sitting.

The day was given to Order No. 15, the second reading of the Barbados Revenue Authority (Amendment) Bill, 2017. The Minister of Finance and Economic Affairs, Hon. C. P. Sinckler, recalled that the Barbados Revenue Authority had been recommended under the previous Administration to give each taxpayer a single platform across tax categories, and said the Bill would close 'fissures' that let persons owing taxes escape by requiring tax clearance before property is transferred, including sales under court orders. He denied that it abridged any right or was unconstitutional, while accepting that all legislation is imperfect.

Mr. D. D. Marshall, the Member for St. Joseph, said the Bill would tie every liability to the Crown to an individual's property and that the Minister needed to be briefed by the people as well as by his technocrats; he withdrew a comment about a Member's absence after a caution from the Speaker. After the luncheon suspension Hon. D. O'N. Inniss supported the Bill as a measure of tax efficiency at a time of fiscal difficulty. With the Deputy Speaker, Her Honour Mrs. M-J. M. Thompson, in the Chair, Mr. E. G. Hinkson compared the Bill with the Municipal Solid Waste Tax Act of 2014, which had been withdrawn, said Barbados had fallen to No. 119 of 189 countries in the 2016 World Bank Doing Business Report, and called for the amendment to be withdrawn. Mr. K. D. Symmonds called it an assault on the rights of property owners and said the existing remedies should be used, and Mr. R. St. C. Toppin said each kind of tax defaulter should be pursued under the law already in place.

Mr. J. D. Paul said the Bill was meant to encourage people to pay their taxes. Hon. J. D. E. Boyce said the Opposition aimed to create confusion before the coming election; Hon. Miss M. A. Mottley rose on points of order over a word he had used, which he withdrew, and Miss S. J. O. Bradshaw raised a further point of order. Miss Mottley then argued that clearing land tax against land was an accepted principle, but that the Bill would make arrears of Income Tax, Corporation Tax, VAT and Excise Tax a bar to transferring property, and said what mattered was the votes Members cast.

After a suspension until 5.45 p.m., Hon. R. D. Jones said tax collection had long been inefficient and that more could not come from less. The Prime Minister, Rt. Hon. F. J. Stuart, said the Revenue Authority had been conceived by the Barbados Labour Party Administration, recalled the court rulings on the 8 per cent pay cut, and said only the courts could declare legislation unconstitutional. Mr. Sinckler moved the second reading, which was agreed to without division; clauses 1 to 5 and the Schedule passed in Committee, Mr. J. D. Paul in the Chair, and the Bill was

read a third time and passed as the Barbados Revenue Authority (Amendment) Act, 2017.

On the motion of Hon. J. D. E. Boyce, seconded by Hon. A. D. Brathwaite, the House was adjourned until Tuesday, 28th February, 2017 at 10.00 a.m.