

THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1999 – 2004

THE SENATE

Wednesday, February 21, 2001

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, February 21, 2001, at 11.06 a.m.

PRESENT

His Honour Senator Sir Fred GOLLOP, K.A. (President)

His Honour Senator C. L. BOLDEN, C.B.E., LL.B. (Hons.) (Lond.) (Deputy President)

Senator the Hon. P. C. GODDARD (Minister of Health) (Leader of the Senate)

Senator the Hon. G. S. H. MURRAY, B.A. (Hons.) J.P. (Minister of State, Prime Minister's Office and the Civil Service)

Senator T. E. BARKER, B.A. (Hons.), M.A. (Econ.) (Parliamentary Secretary, Ministry of the Environment, Energy and Natural Resources)

Senator the Hon. Dame Patricia SYMMONDS, D.B.E., G.C.M., B.A. (Hons.), P.G.C.E., J.P.

Senator Miss J. C. ODLE, J.P.

Senator J. E. D. WILLIAMS, B.Sc., M.B.A., J.P.

Senator G. E. N. BROME

Senator C. A. MASCOLL, B.Sc. (Econ.) (Hons.), M.A. (Public Finance)

Senator C. LeR. TROTMAN, M.A.

Senator Mrs. P. E. RICKINSON, B.A. (Hons.), M.P.H. (Harvard), S.R.N.

Senator C. K. LAURIE, D.I.C.T.A. (S.T.), FBSTA

Senator Sir John Stanley GODDARD, K.A., B.Com., C.A., Hon. LL.D. (U.W.I.)

Senator B. R. COLLYMORE, C.M.G.

Senator the Rev. L. W. B. ROCK, M.Div.

Senator Mrs. V. E. NEWTON, S.C.M., B.A. (Spec. Hons.), M.A., LL.B. (Hons.) (U.W.I.), F.L.A. (Gt. Brit.), L.E.C.

Senator LeR. H. McCLEAN, B.Sc. (Hons.)

Prayers were led by Rev. Father Errington Massiah.

Mr. PRESIDENT: This Senate is now in Session. The Leader of the Senate has advised me of his intention to move a Motion to end today's proceedings at approximately 12.30 p.m. to permit a number of Members to attend a funeral at 2.00 p.m.

ORDER NO. 4 – POLICE (AMENDMENT) BILL, 2001

SENATOR THE HON. P. C. GODDARD: Mr. President, in rising to proceed with the second reading of the Police (Amendment) Bill, 2001, the purpose of amending the Bill is to remove certain anomalies or archaic conditions to the existing Police Act and to provide a more realistic variation of the functions between the Governor-General and the Minister responsible for Police Administration, as well as to provide a more modern framework for the Police Association, in which it is viewed as the general interest.

The Police (Amendment) Bill, 2001, today is to vest, *de jure*, the authority that the Police Act which is being amended; that is to vest *de jure* authority in the Governor-General to make adequate provision for the *de facto* situation, having regard to Section 72 of the Constitution of Barbados, which provides for matters to be referred to the Minister to allow the Police Association to make representation to the entity in the Government responsible for settling terms and conditions.

This Amendment to the Bill will allow for the Police Association to interact more meaningfully with other associations in order to get technical assistance from them in areas of Personnel Management, Human Resources Development and issues in relation to Labour Relations and the like.

I might say that modern industrial relations no longer hold the view, as was held when the original Police Legislation was passed, that trade unions are undesirable elements in the development of industrial relations in any organisation, and though the Police Association does not seek to secure the rights to strike, it is of the view that it should be allowed to associate with other trade unions, certainly for limited purposes. As I mentioned before:

- (a) obtain advice with respect to negotiating improved terms and conditions;
- (b) improve the general welfare of members of the Police Force; and
- (c) receive training in any such matters.

Clause No. 8 therefore seeks to allow the Police Association to associate with trade unions, but for the three purposes as set out in the proceedings. The Draft Bill is now before us and I think that this Bill will go a long way in improving the management and the industrial relations within the Police Force.

Mr. President, this is but one of the long series of measures that has been introduced by this Government to improve the lot of the Police Force. As you know we are also going through an extensive regrading programme, and prior to that regrading programme we have introduced a new, flexible responsibility allowance for non-gazetted uniformed members of the Royal Barbados Police Force.

Prior to that, Mr. President, we had upgraded many of the police stations across the island; provided new and enhanced facilities; expanded and developed the Training Centre; we are expanding our training programme and recognise that a modern-day police force is one that is knowledge-based, where new, technical skills have to be developed in the fight against crime. Quite often, Mr. President, we see crime in the streets and other areas of violent crime, but there is also the issue of white-collar crime, the issue of money laundering and the issue of fraud in financial institutions. This means that we now have to develop a police force with accountancy skills, forensic skills and investigatory skills to be able to assist us in the development of a modern economy that is truly international in flavour.

Therefore, Mr. President, we must see this legislation as but one of a series of measures that this Government has embarked upon to bring better detection skills, better interaction between the community and the Police Force, and to harmonise many of the industrial practices to adequately reward members of the Police Force for the work that they do.

Mr. President, the reward of the work is as much about job satisfaction as it is about remuneration and you cannot just focus on remuneration, any more than you can focus on job satisfaction. But you must see other things. I think that, in the development of a modern-day police force, we are moving on many different fronts to ensure that the Police Force is the best equipped and most modern, certainly in the Caribbean but probably more so than in many other countries around the world. You will note Mr. President, that we have had a significant increase in the rolling stock of the Police Force; additional automobiles and motorcycles have been purchased. You will see much more patrolling on our highways, which is an important aspect. We have made significant steps in the area of narcotics trafficking and, with the recent successes that the Police Force has had in conjunction with the Barbados Defence Force, we have seen that there has been a significant improvement in the interdiction of narcotics in many diverse places – in St. Philip, Christ Church, St. John, St. Andrew and St. Michael. It is around the country and we are obviously beginning to reap the fruits of our investment in our early years.

Mr. President, you will also recognise that we have started construction of one of the most modern forensic facilities at the Government Forensic Laboratory, Culloden Road, St. Michael which will, no doubt, assist the Police Force in the detection or apprehension of those persons who are responsible for criminal activities.

So, Mr. President, you will see that the overall investment in time and in money for the Police Force, the improvement of their facilities, which is an on-going thing, and the improvement in their quality of life are of great concern to this Government. Bringing this modern piece of legislation will allow for much-improved industrial relations and that is being welcomed very much by the Police Association. I have no hesitation in moving that this Police (Amendment) Bill, 2001, be now read a second time. I thank you.

Mr. PRESIDENT: Senator McClean.

SENATOR LeR. H. McCLEAN: Mr. President, I was giving the trade unionist the opportunity to respond on this matter, hence my delay.

I think, Mr. President, that the whole matter of the Police (Amendment) Bill, 2001, which gives the Minister greater control over and involvement in the Police Force, in

a sense, seems as though it is a response to a call from the Police Force itself, or it appears to be a solution which has arisen in the Royal Barbados Police Force as a result of the inability to enter into meaningful dialogue between the Police Officers and the Governor-General, who has direct responsibility for the Police Force. However, Sir, this solution, well-meaning as it is, in my view could also be some cause for concern as something of an urgent reaction and, in my view, the door has been opened for direct political involvement into the administration of the Police Force.
11.20 a.m.

I am not saying that this is necessarily the case, nor am I implying that the present Minister would engage in any such interference, but what I would say is that the door has been opened. We have seen from time to time, even though we talk about the independence of the public service and the fact that public servants cannot be told by politicians what to do, political interference with the public sector where the Chief Personnel Officer even hints as to whom should be employed in certain positions. We have seen where politicians, from time to time, would go to statutory bodies and determine who is employed.

Also, Sir, I agree that the 1974 amendments did open the door because I do not think that, at the time when those amendments were made, the persons responsible anticipated that one day those responsibilities would fall into the hands of people who now hold those responsibilities.

This is why I say that we must not only examine situations as they are but we must always anticipate a worst case scenario. What could be the worst thing that could happen in the event that these powers fall into the hands of the wrong person?

Quite frankly, I feel safer with the Governor-General having direct responsibility for any form of security forces, except in the point of the ability of the officers to enter into negotiations with the Commissioner of Police.

You do not have to go totally black or totally white. You do not have to go from one extreme to the other. I think that, even though there are parts of the legislation which make reference to the administrative responsibilities falling to the Commissioner of Police, and the final authority being the Minister, we have, similarly, other aspects where the Governor-General is responsible for the Force. Also, it seems as though the authority now for the Force is divided into several different fragments. One is not quite clear as to where the final authority rests, because in one regard the final authority could rest with the Minister and in another regard the final authority could rest with the Governor-General.

Now, the main concern is the possibility of our police force being manipulated for political reasons, regardless of whom that politician may be or when it could be. Even though persons might want to believe that that could be far-fetched, the possibility does exist. I would hope that any measures pertaining to the Police Force, and brought to Parliament at this time, would be measures which we could say contribute significantly to the improvement in the fight against the crime and violence, which at this time, are ravishing this country.

It is true that we could be bringing some comfort to the Police Association and I have no difficulty with that. I think that the police officers deserve to have a means by which they can voice their grievances. They deserve to be able to negotiate better conditions of service and they deserve to be able to operate in a climate which is more conducive to their specific functioning.

However, the provision of vehicles, about which there has been much hurrah unfortunately, what we have is not an addition of vehicles, but merely a replacement of vehicles so that the Police Force, in effect, is not really much better off as a result of the acquisition of these new vehicles. It is not really an increase in vehicles, it is a replacement for vehicles which have been taken out of service, so I do not see why people should be making such a big fuss about these new vehicles which the Police have acquired. They should have had them long ago; in fact, the Police Force badly needs additional vehicles in order to perform their duties. They have had several cases where they have been unable to respond in a timely manner to criminal acts because there were no vehicles available to them.

They have also had the situation, Sir, where there was an increase in the number of officers who were appointed in the force, but this did not result in any really significant increase in the number of policemen. What was done was that special constables, who were already part of the force, were made policemen so there was no significant increase. You had people appointed but it is unfortunate that we have a climate existing in this country right now where the Police Force is unable to recruit additional members.

We have heard the advertisements. There are a lot of questions to be asked about the type of advertisements that they are using, depicting the Police Force with all these big guns and the Star Wars-type advertisement, which is now being used to encourage young men and women to get involved in the Police Force. But the fact of the matter is that when you speak to many young people who are eligible to be part of the Police Force, what they tell you is that they are not prepared to become policemen now for anybody to shoot them.

When you can have a society in which people are afraid to be a part of their police force, then you have very serious problems existing. We have been talking about the levels of crime and violence but what is even more worrying is the perception that there is a breakdown of law and order in Barbados.

Only recently, I was talking to a person who is involved in bringing investments to Barbados, people who invest significant amounts of money in this country, and he said that he is finding it more and more difficult to get people to invest in Barbados or to encourage people to invest in Barbados. He said that he had an experience with one person who raised questions after another person was seen breaking a traffic law. When they commented on it, the person said, "Man, we do not care about any police."

Sir, he said that immediately the man's reaction was that there must be a serious problem when people will tell you that they do not care about the Police because it is not only a case now of crime. It goes deeper now, that the people have disregard for the law. Whether you want to say that this is only one case, it is one example of what is happening in this country now, where we have people at all levels showing blatant disregard for police officers.
11.30 a.m.

I have seen it. People are firing gun shots in the precincts of our Magistrate's Court and at police stations. We have seen cases of people taking criminals out of the hands of policemen and then people are going to believe that we do not have a problem of crime. It is a very serious problem. It is unfortunate that we have a situation where politicians, for their own reasons, were ridiculing persons who were drawing to the attention of this country and to the attention of all and sundry that we have a problem of crime and violence, and that people are also attempting to make a mockery of the persons who raise the problem.

If we want to deal effectively with the matter of crime and violence in this country, and to help the Police Force to be more effective and get all Barbadians on board to deal with the matter of crime and support for the Police, the first thing that has to happen is that the Government, or more precisely the Barbados Labour Party, needs to, first and foremost, apologize to the people of this country for the stance they took when they gave the impression that crime was not a problem.

If they would at least say that they, the Barbados Labour Party, were wrong in their approach, then they would open the door for several well-meaning Barbadians to come on board, knowing that there is not at least one political party out there that seems to be giving comfort to criminals. Because when one group of persons says that crime is a problem ...

SENATOR THE HON. P. C. GODDARD: On a point of order. Mr. President, I sincerely hope that the Honourable Senator is not suggesting that the Government is giving comfort to criminals. That certainly is a most damaging statement and very unparliamentary, as far as I am concerned.

SENATOR LeR. H. McCLEAN: Mr. President, when I said the Government, I said precisely the Barbados Labour Party because I do not want to say that the Government of Barbados, which would comprise several other entities....

SENATOR THE HON. G. S. H. MURRAY: On a point of order. Mr. President, to me the Honourable Senator intends to split hairs because the Barbados Labour Party is the Government of Barbados. I do not understand how he could separate one from the other. I myself, Sir, think it is a most scurrilous and reprehensible remark.

SENATOR LeR. H. McCLEAN: Mr. President, I want to reiterate that the Barbados Labour Party gave the impression If you have a scenario where one party is saying that crime is a problem and another party is going to say crime is not a problem and will go to the extent ...

SENATOR Miss J. C. ODLE: On a point of order. I do not believe that the Barbados Labour Party has ever stated that crime was not a problem. I believe that the Attorney General, who is a member of the Barbados Labour Party, stated that there was crime but it was isolated in certain sectors in particular. Mr. President, I therefore ask you to ask the Honourable Senator to withdraw the comments that he has made.

Mr. PRESIDENT: It seems to me that the substance of your point of order is that the Honourable Member is misleading the Senate. That seems to me to be the point of order, except you can give good reasons, Senator, which is the basis of your contention.

SENATOR LeR. H. McCLEAN: Mr. President, if I am allowed to continue I will elaborate on the point I am making. I am saying that you have one entity that is saying that crime is a problem, but another entity goes so far as to have advertisements on our television and radio stations, ridiculing the person or persons who said that crime is a problem.

SENATOR THE HON. G. S. H. MURRAY: On a point of order. To allow the Honourable Senator to go on on that approach without interrupting him, really, would be to condone and associate myself with his misleading the Chamber because the Barbados Labour Party, in that campaign, did not say that crime was not a problem. They did not agree that crime was the only or the biggest problem as was propounded by Jennifer Laszlo for the

Democratic Labour Party. We said it was not the major problem facing Barbados at that time, nor was it the only problem. We never said that it was not a problem. Check with Jennifer Laszlo!

Mr. PRESIDENT: Senator, I think, the debate is going off on the wrong course. An objection has been made and I have given you an opportunity to explain the sense in which you use the term. I do not think you have satisfactorily explained it. I do rule it is a valid point of order. Please proceed, omitting such references which seem to me not to be clearly established.

SENATOR LeR. H. McCLEAN: Thank you, Mr. President. We saw, in the last general election, one political party which used as a major plank of its campaign the fact that there was a problem of crime in Barbados. Another political party, the Barbados Labour Party, carried advertisements which poked fun at those persons who said that crime was a problem in Barbados. I guess, Sir, that one is left to form conclusions ...

HIS HONOUR SENATOR C. L. BOLDEN: On a point of order. Mr. President, throughout my twenty-something years in this House, it has always been a tradition that political statements made outside in the hustings are not to be brought into the Chamber and read into the Chamber.

I am a member of the Barbados Labour Party and I have no shame in saying so but the Honourable Senator constantly seeks to brand the Barbados Labour Party with crime. He is accusing me of supporting criminal activities. I am an Attorney-at-Law and I take great objection to the way the Honourable Senator is trying to express himself while at the same time casting a smear over all of us who belong to the Barbados Labour Party. I take grave objection to the way he is doing it.

There is a method of delivering himself but he must not smear people in this way. If he wants to do that, when he sits down I will get up and smear a lot of them and talk about what I know, and they would not like it.

Mr. PRESIDENT: Senator McClean, please proceed. Honourable Senators have objected to the tone of your remarks and I think that out of respect to this Honourable Chamber and courtesy to all Honourable Senators, you should take the point which has been made.

SENATOR LeR. H. McCLEAN: Mr. President, I do take the point. I appreciate, Sir, that persons would feel uncomfortable with some of the remarks I made because very often the truth is very uncomfortable for persons to deal with but...

Mr. PRESIDENT: Senator, I think you are compounding the offence and I will not allow you to proceed along those lines. You have been warned. Please proceed and let us conduct the debate at the usual high level on which you are capable, Senator.

SENATOR LeR. H. McCLEAN: Mr. President, I will proceed along a different line. I would like to continue, Sir, by saying that there is an impression in this country that not enough has been done by the Government of Barbados to deal with the problems of crime, which at present cause great discomfort to the people of this country. If Honourable Senators are uncomfortable with the points that I made before, I think they should be more uncomfortable

SENATOR Miss J. C. ODLE: On a point of order. Mr. President, the Honourable Senator continues to reference points that you have already asked that he should reconsider

Mr. PRESIDENT: Senator Odle, I am conducting these proceedings. Senator McClean, please continue.

SENATOR LeR. H. McCLEAN: I think that all of us as Barbadians, Honourable Senators and all well-meaning Barbadians, should be very uncomfortable with the fact that across this country people are very, very worried and concerned about the level of crime that pervades Barbados at this time. It is not only Barbadians who are voicing concern. We have persons in the travel business, international travel agents, who have been calling on the Government of Barbados to do something about the level of crime in this country. This is not mere politics. This is something that affects the livelihood and the welfare of everything Barbadian. Everyone who is within the shores of this country, whether they be a Barbadian or a visitor, needs to be protected, needs to feel a sense of safety, that they can walk the streets of this country and that they can visit or attend public functions without fear. We are behaving like the proverbial ostrich, burying our heads in the sand, if we want to believe that there is not a problem of crime in this country. 11.40 a.m.

We are hearing it coming from every sector and we have heard the Barbados Hotel Association making the point that unless something is done about crime then tourism will suffer. We have heard community leaders, people at every level, even the Police Force, talking about the level of crime. I am saying that crime can only be effectively tackled if the Police are given, not only a few vehicles to replace those which have gone out of service, but they must be provided with the resources to deal with the problem as it is now and not only to be reactive. The Police need to have the kind of human and physical resources which would permit them to be proactive and put programmes in place to stem the tide of crime that is sweeping across this country at this time.

I do not think, Sir, that you can talk to 10 per cent of Barbadians who will not say that there is a problem, that crime is probably the greatest problem that this country faces at this time. Regardless of what we do with an economy – we can boast about how many years of continued growth we have had in an economy, if people do not feel safe, if they do not feel that they can go about their lawful business in a safe manner, then the state of the economy makes no sense. With regard to this idea I have heard, from time to time, that we need to make this country safe because we need to attract visitors. If we give the impression that the visitors are safe, and that we are going to put all the Police Force in the Gap and along the West Coast and put armed guards around hotels and have escorts for tourists to make sure that they are safe in Barbados ... Would you, Sir, visit a country or a home if you know that the people in the house chop up one another and cause all kinds of physical harm to people living in that house? They may tell you that you do not live there so you are safe to come and that they will not trouble you, but you cannot feel safe in that environment.

Barbados needs to be made safe for Barbadians first. When Barbadians feel safe then there will be no problem because visitors will not believe that there is a climate of fear. There are more Barbadians affected by crime than visitors, but one visitor who is affected sends shock waves across the country and internationally, because now it is hitting at our economic livelihood, at tourism. Regardless of what angle we look at it, Sir, crime is indeed a serious problem that has to be addressed.

I believe, Sir, that the Attorney General, well-meaning as he may be, has talked a lot about solutions for the problem of crime in this country and it has remained just like that. There has been talk and more talk and the people of this country are fed up with the talk that they are hearing. This kind of legislation which is to the benefit of the Police Force, in one regard, does nothing about dealing with the main problem that the Police themselves have to deal with.

The fact that the Police Association can now negotiate and form alliances with other trade unions does not make the policeman feel any safer when he goes out on duty. I hope that the Police will use this legislation in an effective way – by bringing greater pressure to bear now on the authorities to ensure that better conditions of service are provided for them; that they can go into workplaces which are not rat-infested, which are not rundown; and that they can have adequate numbers of vehicles, so that they can go about performing their duties, knowing that there is firm support from the public, because that is one of the problems that we have. The people of this country have lost confidence in Government's ability to tackle crime and, therefore, whether they are right or wrong in their approach, they are not giving the Police the kind of support that they should give them.

One of the reasons for the lack of support is that when persons call on the Police, they are unable to respond in a timely manner. They say that it makes no sense calling the Police because they are not going to do anything. So, people are not cooperating with the Police now, but it is not the fault of the Police. It is the fact that the Police are not given the resources with which to work.

Mr. President, I would hope that something is done as quickly as possible and, as I said, that we should start at the beginning, and have all political parties in this country and all politicians say with one voice that they are fed up with the level of crime in this country, and that they are prepared to do whatever is possible to ensure that the criminals in this country do not divide the politicians so that they do not feel that they can find a safe haven with any particular group, or that there is sympathy on the part of one group but the other group would cause them problems.

We have to ensure that the criminal element in this country does not cause a division between the people and the judiciary, because every now and then we also hear certain comments being made which would give the impression that the judiciary is not doing what it should do. You get politicians now who are saying that the judges are slapping criminals on the wrist. So, that creates a divide. If the criminals feel that there is division between the politicians and the judiciary, between the people and the politicians and the people and the judiciary, then the only persons that stand to benefit from such confusion are the criminals themselves.

We have to speak with one voice in this country, all well-meaning persons, the Church, all of the civic organisations, the NGOs, the trade unions, everyone. We need to come out with one voice and say that we are not satisfied with the level of crime in this country.

Sir, in closing, I would also like to say that whereas parents have a right to be concerned if they believe that their children are ill-treated by any teacher, it is more important, I think, that parents come out, particularly the women of this country, and show their abhorrence of the level of crime rather than coming out so strongly against an individual teacher. Because we will have a greater problem if discipline is not enforced at every level when the children are young. Then we will have those same children being nurtured to become criminals. This is the connection that I am making between the children in the classroom and the criminals on the street and the parents' approach to discipline in schools. It makes no sense parents going into the Courtyard and, in the proverbial Barbadian sense, 'holding their bellies' and crying for their children when they have allowed them to go down the wrong path and become criminals. We have to nip it in the bud.

There is one experience that it would do us well to examine. There is a particular county in Florida where the mayor turned the judicial system upside down. He said he wanted the best lawyers and the best judges dealing with juvenile crime because if he dealt with them at that level then he would not have to deal with them when they became adults, and that programme has been a tremendous success in at least one part of the United States.

11.50 a.m.

Mr. President, as parents, as teachers, as community leaders, whatever we may be, we have to get the message over to young people and instil that level of discipline which Barbados was known for. Nowadays, we are hearing all the things that are happening in the United States about the approaches to discipline, and other imported methods for dealing with problems of this nature; but we have systems in this country that the whole world looks at with respect. We are now throwing out our systems and adopting things that are coming from people who have always had serious problems in running their own affairs.

Mr. President, I think that we should look back at the values that we held as a country. We insisted that our children went to Sunday school, that they showed respect for their elders, that they went to school and we checked to make sure they did what they were supposed to do at school. When children complained that teachers did something, parents did not immediately get an antagonistic attitude towards the teacher, but instead went and found out what the problem was, and very often would administer further punishment to those children in the presence of the teacher. Children grew up knowing that they needed to respect their teachers and their elders and that they needed to have respect generally. This was the basis on which this country grew and developed, to become one of the most law-abiding and peaceful countries in the western hemisphere.

Today, we have gone in the other direction. I think that we have to come back to those principles which we, as Barbadians, held dearly. We have to again elevate the church to a place of great value in the lives of people, so that people would give due reverence to the church and what it stands for, and that the people of this country would once again know that there is a supreme being that they need to be more faithful to, rather than being faithful to a politician. We will then return to a level of discipline which would make all Barbadians again feel that they are living in a safe environment.

Mr. President, we have heard about violence in other places and we used to say that things which happened in Jamaica cannot happen in Barbados or that things which happened in Trinidad cannot happen in Barbados. Once upon a time, if you heard that a pickpocket was on Broad Street, people said he had to be from somewhere else.

Nowadays, people are looking at Barbados as probably the crime centre of the Caribbean. We are now running close behind Jamaica in terms of criminal activities.

Sir, people need to feel safe. We have situations here where people are firing gunshots in Bridgetown in crowded streets. We have cases where people are saying that they are not leaving their homes after certain hours to drive on the road because they do not know what they will encounter. Sir, all these things are happening in Barbados. This is not something happening somewhere else in the world that we do not know of. It has gone beyond cheap politics. It has gone beyond a tit for tat situation.

Sir, I hope that those persons on the Government side will take the opportunity today, now that we are debating this matter on the Police, to send this message to the people. Forget about the Democratic Labour Party. Forget what we have said about crime. Forget that we have ever mentioned anything about crime – because we are not the Government so we cannot exercise any control over the Police Force or any of the security forces. The Democratic Labour Party is not an issue in crime in this country. You are dealing with the people of this country, you are dealing with Barbados and the fact that women and children do not feel safe because children at bus stops are being injured by gunfire from criminals. How can they feel safe?

This is a situation where the criminals have now elevated themselves to the point where they believe that they are the controlling forces in Barbados. It seems as if the criminals believe that they can run free in Barbados. They can inflict injury on other criminals, innocent citizens, the Police or whomever they choose to, because they believe that they are a law unto themselves. If we have this belief that the Police Force can no longer deal with these kinds of elements, Mr. President, we will continue to slip further and further into this quagmire of crime.

Sir, I am sure that no Honourable Member of this Chamber or no well-meaning Barbadian wants to believe that their child is going into an unsafe situation when it enters a school, is on its way to school or on its way back home. Sir, none of us want to feel that is the case.

Sir, if I can take this opportunity to say that I do not believe that crime is a political matter, even though, as a political party, when we raised the matter of crime and violence in this country, we did so because we believed genuinely that there was a problem of crime and violence in this country. We still believe that there is a problem. The majority of Barbadians, whether there are scientific or unscientific polls, have agreed that there is a problem with crime in this country.

The Democratic Labour Party, therefore, is offering its assistance in whatever way it can to the Government and people of this country in dealing with the matter of crime.

Mr. President, this is not an election. There are no votes to be gained at this point in time by dealing with this issue in a political manner. This is about the livelihood and the welfare of a country. This is about preserving our way of life and ensuring that we attract persons to this country where they can feel safe. This is to ensure that people who spend their hard-earned money are safe when they come to Barbados, which they believe is a paradise. You cannot say to people that Barbados is a paradise, and then those people are exposed to crime. I have heard the point being made that there is a higher level of crime in some of the places that visitors come from. The fact is that when those people come here, they come here because they believe that the problems that they left behind do not exist here. We cannot just bring them here and expose them to the same things that they have spent their money to escape. Whether they are visitors to our country or are Barbadians, it is in our interest to ensure that we all feel safe in this environment.

12.00 noon

We do not have any far-off resort that we can run to. We are here and crime in Barbados is more intense than it would be in several other countries, because when a person becomes a victim of crime it touches each and every Barbadian. We cannot escape it.

Mr. President, I lived in Jamaica for four years and have never encountered one incident of crime.

Asides.

SENATOR LeR. H. McCLEAN: Sir, for four years I lived in Jamaica and never experienced an incident of crime.

Asides.

SENATOR LeR. H. McCLEAN: Mr. President, during the time I lived in Jamaica I never encountered one personal incident of crime.

Asides.

Mr. PRESIDENT: Order please. Senator, you are a very fortunate man.

Asides.

SENATOR LeR. H. McCLEAN: The point that I am making, Mr. President, is that while living on the Mona Campus, very often I have heard about incidences of crime in Jamaica from Barbadian newspapers because of the size of the place.

Asides.

Mr. PRESIDENT: Order, please.

SENATOR LeR. H. McCLEAN: Sir, things could happen that you did not know anything about. It did not touch you personally. In Barbados that is not the case. If somebody is shot in St. Lucy now, by 12.30 p.m. every Barbadian who has a radio would hear. You can have a situation in other countries where 10 people are killed and nobody knows about it.

The point that I am making is that, being such a small community, we have to be even more concerned with incidences of crime because they can touch us or someone very dear to us very easily. All of us stand to be victims of crime, either directly or indirectly.

Mr. PRESIDENT: Senator McCLEAN, as usual I hate to interrupt you but it would help if you will establish the relevance between your discourse and the specifics of the Bill before the Senate today.

SENATOR LeR. H. McCLEAN: Mr. President, the connection is that the Police are the agents for fighting crime in the country. Therefore, we need to ensure that the job of the Police is less difficult; we need to ensure that the people of this country would feel that they have a responsibility to assist the Police in the fight against crime; and we need to make sure that the Government provides all of the resources, whether physical, human or just the voice of the Government which indicates to the people of this country that we care, and that they can feel genuinely that something is being done. The people need to feel that something is being done to make them feel safe again in their environment.

I close by saying that the Democratic Labour Party stands prepared. We have submitted a document to the Commissioner of Police which he said contained some very useful recommendations for dealing with crime. We are prepared to sit down with any person, group or groups of persons to deal with this matter of crime in this country. We are not seeking cheap political gain, Mr. President, in this matter. We are Barbadians. We are first and foremost Barbadians and we want to feel that we have a safe environment in which we can live. We want to feel that people, regardless of where they are in the world, can say that there is a place on earth called Barbados, that the people are proud people and that they believe that little rock that they have is a piece of paradise.

Thank you.

SENATOR C. LeR. TROTMAN: Mr. President, I have a sense of satisfaction on rising to support the Bill before us because it reconfirms, in my own mind, a certain set of values. One is the value of dialogue; secondly, the value of perseverance; and thirdly, the value of forthrightness.

I say the value of dialogue because this matter has been one which was discussed by the Congress of Trade Unions and Staff Associations since October 4, 1994 when we had the first of a series of discussions with the Government, and when the Attorney General gave a commitment regarding the subject of the association possibilities, rights and demands of the disciplined forces. I refer not to the army; I refer to the Police Force, prison Officers and Fire Officers. The marshals are already exercising that freedom.

Regrettably, the matter took far too long. Therefore, there had to be the question of perseverance and then, from time to time, members of that disciplined group thought that they would give up. The Congress of Trade Unions and Staff Associations solidly maintained the need which there was for persevering with the matter, and for believing that, although there was a time lapse involved, the matter would be brought to a level of fruition which today we are speaking to and which, therefore, we can accept, although we do have some recommendations for amendments.

It speaks to the matter of forthrightness because we were challenged to speak freely, and to indicate those moments when we were dissatisfied with the pace at which the Government was moving, and where we had to insist that something had to be done. The Police Association, itself, had to be forthright in the matter and had to speak its mind very freely and frankly, even though from time to time, for doing so, they were accused of being political, and of being not progressive, not constructive but, far to the contrary, being destructive. It is that forthrightness which characterizes much of what is good about Barbados, our capacity to agree to disagree without necessarily being disagreeable.

I will argue, Mr. President, that it is vital that we maintain that forthrightness and that capacity to disagree, that willingness to express that disagreement without concerning ourselves unduly with the view that those words of disagreement that we may have, those expressions of disagreement that we may have will cause some levels of worry to others, providing we are expressing that disagreement without ourselves interfering with the rights and privileges of other persons. In speaking to this matter Mr. President, I wish, at the same time, to note that some of the important elements within the provision for greater freedom for these police persons must be recognised as being matters which the complete disciplined forces must have, and in the same way that there are now Amendments being made to the Police Act, we want to urge that there be some speed in treating the matters of fire officers, prisons officers and other disciplined forces which may have some changes that need to be brought about. I include within that group the Marshals of the Supreme Court, who have the need for some urgent corrections to the conditions under which they work.

12.10 p.m.

Policemen and women, Mr. President, have been subjected to some changes, carefully crafted overtime, so much so that the question of age at which they enter the Police Force has been modified through time. The question of size...you may not believe it Mr. President, but when I was a very young person I had hopes of becoming a policeman. Too short and my chest was not of the right measurement. If they had measured my girth, perhaps I might have qualified, and that is only now, not then, so I did not qualify. Now, I am pleased to see that some changes have been made, and it is a little too late for me now, Sir, but it is good to see that the measurement of a man or woman does not seem to lie only in the like of the person, from sole of foot to crown of head, but that the measurement of a person is found more in the capacity to function adequately and efficiently within the society in which he or she finds himself or herself. Unfortunately, in the days when I competed for such a position, it was my diminutiveness of stature which denied me what might have been a much more fulfilling career, but I am alive and well and I do not look back with too much fear or worry at the fact that we were measured because of size.

Academic qualifications have been modified in some way, as well, although we have to be careful in our society not to move too far away from the need there is for ensuring that the qualifications we use are qualifications consistent with the requirements of our society as those qualifications are reviewed from time to time, as we attempt to make our society more sophisticated.

So, the Police (Amendment) Bill, 2001, which is taking place today in this Chamber, Mr. President, is part of that progression; the change that seeks to move the controls from the Office of the Governor-General into the correct hands of the Commissioner of Police, who, himself would be subject to the dictates of the Minister.

Mr. President, I would believe that this is something which we have to respect because what it does is give the Police Association, and therefore the policemen and women, an opportunity to deal with employer/employee relationships in a manner which is far different from the position in which they previously found themselves, where they stood before an Appellate Bar – if I may use that term – and they made a request and had to accept whatever was handed down to them.

May I remind you, Mr. President, that though this is what was written, it was not necessarily the practice because, for many years, the Police Association did, in fact, enter into some discussions with the Ministry of the Civil Service, but it did so from the point of view of the discretion of the Officer and not really from a position of right. Now the right is being conferred and the Police Association and the policemen are quite satisfied with that particular change.

In much the same way as in Section 25(1) the removal of the word "forthwith" from that section is very important and should be seen as an indication that another body of persons is being granted their democratic freedom as workers to express themselves at work and to have the benefit of due process.

The old text reads, Sir:

"During the first two years after his enlistment..." and you must forgive the text because, in those days the 'man' embraced the 'woman', but nowadays a 'woman' may embrace 'herself' as she stands by 'herself' and the new text would have to be 'himself' or 'herself'.

"During the first two years of his enlistment every Constable shall be on probation, and if during such period he is found wanting in any such qualities as are likely to render him a useful member of the Force, his services may forthwith be dispensed with by the Governor-General; at the end of such period, if his services have not been dispensed with his enlistment shall be deemed to have been duly confirmed, but the Governor-General may confirm the enlistment of a constable at any time before the end of such period."

What this Amendment seeks to do is to remove the word 'forthwith', thereby allowing his services to be dispensed with – 'his services may be dispensed with' will be the new language – and what I envisage that to mean is that the Commissioner, who is now the Officer responsible, does not need to act on his thoughts right away, but that he is allowed, by this modification, to allow the individual constable the benefit of due process. He was not previously entitled to any such due process. If the Commissioner were of the view that the person was lacking in the qualities, the Commissioner took it upon himself to make an appropriate recommendation and then the Governor-General would remove that person without that person's opportunity to speak on his or her own behalf. In the year 2001 we surely would see this as a significant advancement in the working terms and conditions of any person in any set of circumstances. The Leader of the Senate was very correct in arguing that it is not only the wages that one works for – although the Police have assured me that the wages are far too inadequate; it is not only the wages that the police work for that would cause them to want to maintain their jobs, but rather it has to do with the overall level of workers' satisfaction. An important part of the satisfaction of any worker has to be the level of security which that worker, man or woman, believes that he or she enjoy in that job, and if that individual is in a job and understands that he or she may be fired overnight, without the benefit of due process, then that person can never be happy in that job, whatever money you pay that person. The only person who could satisfactorily remain in such a position is a Minister of the Crown or a Prime Minister because, by the very hazards of

their occupation, they understand that they are liable to those kinds of vicissitudes of fortune or vagaries of fortune, as someone else would want me to say. That is fine with them, but not even a trade union leader would be able to function in such circumstances; he might be fired without the benefit of due process.

So Mr. President, it is very important that it be recognised that this particular matter be addressed, and addressed in a manner which properly seeks to take into consideration the humanity of the individual; and to recognise that a policeman or a constable may have been very good in many different areas, but may have failed in an area which may not relate to policing but to interpersonal relationships, and that area of interpersonal relationships may have caused that person to be put down from office. Now, that is no longer possible, because that individual will have, as anyone else would have, the opportunity of due process.

So I feel, Mr. President, that there is much to compliment within the preparation and the submission of these Amendments.

I do, however, have some areas of concern, and two of them present themselves to me. One has to do with Section 45(3):

"The Police Association shall be entirely independent of and unassociated with any body outside the force, other than a Police Association within the West Indies, Guyana or British Honduras." That is the original Act.

The modification that we are asked to approve today says to remove that and to replace it by the words –

"Nothing in this Part shall preclude the Police Association from associating with similar Police Associations or bodies within the Commonwealth..."

I have two concerns, Sir; one is that this limits the Association, merely to the Commonwealth, and it seems to me that that cannot be reasonable because there is much that can be gained by association outside of what we used to call the British Commonwealth. Indeed, if we were to look at what happens with the fire officers and the prison officers, these persons associate very freely with other similar groups in the United States of America, for the sake of argument, and there will be other similar bodies outside of the United States of America where the association may take place.
12.20 p.m.

The second point I have relates not only to Section 45(3) but to Section 44(a) as well; that, in our interpretation of this particular section, we must understand a trade union

to be defined by the Trade Unions Act, whether or not the union is registered or incorporated, and that this particular action limits the freedom of association of the Police Association, to other Police Associations only.

That was not the understanding that the Congress of Trade Unions had arrived at and therefore, if one reads this the way I read it, the entire question arises as to whether the Police Association is able to associate and exercise the freedoms of association, consistent with our Constitution, and whether that is being properly satisfied.

I understand that Section 8 speaks partly to the subject.

Asides.

SENATOR C. LeR. TROTMAN: Oh, I am sorry. Clause 8 of the Amendment says,

“(b) the removal of the restriction against the Police Force having association with trade unions and staff associations.”

And, it addresses section 47, and I am obliged to my colleagues for drawing Section 47 to our attention.

Then, it would seem to me that if we are intending this for the properness of form, we will have to recognise the importance of association, not only locally but internationally, with international trade union organisations. That is not to say that international organisations would cause a police force, in its relationship with the Commissioner, to be anything other than at the lofty levels where the agreement was reached before.

We understand the Police have given their commitment, and we believe that should be as it is, where there will be no question of the Police going on strike. That is one freedom that we are not allowing to be exercised and that is not a problem. But it seems to me that the freedom of association ought properly to be covered in those two areas, notwithstanding Section 47 although, Mr. President, I am obliged to my colleagues for drawing that part to my attention.

Then, because of the interest in time, Sir, I have some very quick comments. I would wish to commend the view that speaks to the importance of seeing crime in non-political terms. It is very important that we recognise the role the Police Force is called upon to play in crime prevention; in the establishment and maintenance of public order; in having to develop role models; and in trying to maintain family units and family relationships.

I subscribe to the view, articulated by the previous Senator, that that is not a matter for politics, cheap or expensive.

In those circumstances, I believe that all of us have to recognise that there has to be an ongoing reassessment of the conditions under which the police work, the conditions under which marshals work as well, and we have to keep underscoring this. The marshals have a very difficult task in having to arrest the same criminals; and they are being shot at in much the same way that the Police are being shot at. So the problem comes as to how do we seek to address their peculiar concerns.

We have to be in a position to address all of those areas and elements of persons who are assisting us, citizens of this country, in our desire to build a better and more just society. We have to endeavour to remove crime and the criminals in whatever ways that we can. We must, by very strong tones and terms, get across to the country as a whole, that those who perpetrate crimes will feel the full weight of the law.

We need therefore to put measures in place, first of all, to seek to discourage and limit the extent of crime; but when there are criminals who are ferreted out, we have to bring the full force of the law to bear against them. In doing this, we have to be able to supply appropriate facilities for the Police, the Marshals and the Prison Officers. We are hearing commitments in that area. The Congress of Trade Unions and Staff Associations remains convinced that we have to move very speedily in the direction of societal correction and reformation because if we are not to do that, as a matter of urgency, then we run the risk of finding out, when the moment truly comes, that we will be too far gone to be able to effectively establish the measures which we desire.

I am obliged to you, Sir.

HIS HONOUR SENATOR C. L. BOLDEN: Mr. President, I rise to support the amendment to the Bill but, at the same time, I want to draw to the attention of the Government certain concerns which are at present engaging the attention of senior officers of the Royal Barbados Police Force.

The current Act before the Chamber amends certain sections of the Police Act to give the policemen the rights of association with established trade unions. In that way, it is going to create a little problem which already exists in the Police Force.

Quite recently, I have had cause to deal with senior officers of the Police Force in a very personal matter and we were discussing the role of policemen and policing. I practise in the court probably every day and sometimes we hear magistrates turn to prosecutors and ask, “How long has he been in the force?” That is referring to a policeman who

has just given evidence from the stand and the reply would come, "I have only been in the force 10 years, 12 years," *et cetera*. The magistrate would say to the prosecutor, "You better send him back to the Training School because he needs to be trained."

This matter was raised in our discussion, that is between myself and the senior officers, and they expressed the view that they have problems with persons being recruited into the Police Force. It takes approximately nine months to interview and check out a person to enter the Police Force and I doubt very many people know that you cannot go to the Police Training School until you are a policeman. So from the time you are approved and you sign on the dotted line, you are a policeman with all rights and privileges of a policeman.

The senior officer said to me that this is where the problem lies. The interview goes well, they come in very well for the first three or four months because, as soon as they come in, they learn the law. But after the three months, you cannot get rid of them and, he said, "That is what is bothering the Police Force at the moment."

There are good policemen and there are bad policemen. There are good special constables and there are some very bad ones. I said in here before that I think we should look at recruitment at two levels. The man who wants to be a policeman, who is prepared to walk the beat, *et cetera*, and you want the officer type person who comes in the force at that level; but you must not place any stumbling blocks between the policeman who comes in and his elevation up the line.

12.30 p.m.

This is what is happening. You have a number of people who have four, five, or six O' level certificates joining the Police Force and they tell you straight and plain that they are only there to make use of the opportunities before moving on. This is what is worrying in the police force. One has no problem with a person moving on, but I think you must give great due to your job while you are moving up the line, and that is not what is happening in the force today.

As I have said, senior officers are very worried. The amendments of Sections 24, 25, and 26 of the Police Act should, therefore, be looked at because Section 24 removes, as my colleague has said, the requirements to become a policeman. Years ago, anyone wanting to join the force had to be not less than five feet eight inches tall and have a chest measurement of a certain number of inches to get in. That is gone.

Section 25 of the Act says, during the first two years of enlistment, the Governor-General now has certain privileges and rights to dispense with the service of anyone who did not come up to the standard of a policeman. Now that you are removing that right when you remove the word 'forthwith', you give any person under suspicion – I will use the word – the right to be heard; but after the two years when they know that they are now entrenched in the Police Force, this is where the problem begins.

I think, now that they have amended Section 47 to give the Police the right of association with a trade union *et cetera*, that we should write into the Act, the method of dealing with those policemen who come into the force but really do not want to do policing. I will give you an example. A few years ago, I had to cross-examine a police officer in court and he was atrocious. At the end of the case, the Magistrate asked him how long he had been a policeman and he said, 'About eight years now, Sir'. Case dismissed. While walking out of the court, he said to me, 'I am only in here to play cricket. They tell me I do not make any reports. I made one. They cannot say that I do not report anybody now.' That is what is happening.

We have to look at it realistically. We cannot keep saying that the Police are in need of more manpower and more vehicles, *et cetera*, when you have people in the Police Force who are policemen who are really not doing policing. They are more interested in the extra-curricular activities that they want to do than in policing. I have no problem with people enjoying extra-curricular activities.

It is the leadership in the force that goes through these pressures as to how they must get the work done, because they have workmen who are not producing. I would hope that the Government would take the opportunity to look at that aspect of the Police Force, have discussions with those in authority, find out the problem and come up with a method of remedying this.

I thank you.

SUSPENSION

SENATOR THE HON. P. C. GODDARD: Mr. President, I beg to move that the Senate do now suspend until Wednesday, February 28, 2001 at 11.00 a.m.

The question that the Senate do now suspend until Wednesday, February 28, 2001 at 11.00 a.m. was put to the Senate and agreed to and Mr. PRESIDENT suspended the Senate accordingly.

12.35 p.m.

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed.

SENATOR THE HON. DAME PATRICIA SYMMONDS: Mr. President, this Police (Amendment) Act will allow the Police Association, as our Leader has stated, to associate with other trade unions for a clearly defined purpose.

I think it shows an enlightened approach in the context of modern industrial practices. As has been pointed out, it allows association for obtaining advice, improving the general welfare of the Police Force and receiving training. I understand that the police are very pleased about it.

The Bill also states, and I quote:

"The Commissioner shall be responsible to the Minister for the due execution of the functions of the Force and for the proper expenditure of all public monies appropriated for the service of the Force."

I think, too, that this is in harmony with constitutional practicality. It is also in keeping with the concept of public service reform. We cannot have services operating as if we are still in the 1930s or the 1940s. We have moved beyond that to a ministerial government and to a Ministry of the Civil Service, so this legislation is sensible and right.

I think that there is no need for limitations when it comes to associating with other similar bodies. I think there is merit in the contention that the Commonwealth countries are too limited. We are already, as far as I know, members of Interpol Association. There are good forces such as in Sweden and Switzerland for instance. Therefore, I think that the suggestion that it be extended beyond the Commonwealth, since already there is an association with countries other than the Commonwealth, should be looked at.

When it comes to the questions raised about crime and violence, some of the variables are so complex that I do not propose to spend time on it. Suffice it to say that we are aware of some of the things which were mentioned by another Senator. They are not novel, and they are being dealt with at various levels by the church and other bodies.

The Ministry of Education, Youth Affairs and Culture is doing a wonderful job when it comes to things like conflict resolution because those things do not start overnight. When it was mentioned that there were gangs in Barbados it was brushed aside by people saying that there were no gangs, so it started then too. These things happen over a period of time and when they are not nipped in the bud, that is where the problem starts. Therefore, instead of apportioning blame where it should not be apportioned, we should try to do all we can in whatever service clubs we belong to, in our

churches and in our Parent/Teachers Associations (PTAs) and things like that to stop the rot that has crept in.

There are problems with parents and the extended family. There again, the Ministry of Education, Youth Affairs and Culture has started a parenting programme and we have social workers. As a whole, we cannot say that the community is sitting down and doing nothing about it. We cannot say that the Government is doing nothing about it.

There are many things being done already to boost the morale of the Police Force and this is another step in the right direction.

Therefore, Mr. President, I have much pleasure in supporting this Bill. Thank you very much. Sir.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I rise to support this Bill and to endorse the comments made by Senator Trotman and Senator Symmonds. I do feel, like them, that the Commonwealth countries are very limited. In the context of the New World Order we cannot really limit the association of the police or any other organisation if we are to move forward. The Bill, in my opinion, has started the upgrading of the Royal Barbados Police Force.

Therefore, I would like to talk very briefly on the forensic facilities which are lacking. I would like to suggest to Government that when they construct the modern forensic facility that they must not forget the training and education of nurses in forensic medicine. That has been lacking over the years. There have been several promises over the years but persons have not been sent overseas to be trained.

In other words, while the Police Force is being upgraded, we still have that aspect of forensic medicine where we require specialization by the nurses at the Psychiatric Hospital. There are modern courses in England to which they can be sent. Some have been sent there before but I think they have since retired.

It has been my view, and I have said it on several occasions, that the police need a voice. This Police (Amendment) Bill will give them that voice. It has always been my belief that if persons are given a voice you will have an idea of what they are thinking and it will open up avenues for discussions, negotiations and improvement of working conditions. They might not get everything that they ask for but at least you will have an idea of what is going on. It is not a wise strategy to try to silence any group in the society because one will be asking for trouble. I think that if we give the police a voice we will be able to know how they are really and truly feeling.

I would also like, like Senator Trotman, to call for a voice to be given to the firemen and the prison officers as

well. That is the only way we can hold negotiations and discussions legally with them to see how we can move these essential services forward, and move they must, if we are going to address some of the problems in our society.

I would also like to say that the time has come for the Royal Barbados Police Force to attract certain types of people, including nurses, Mr. President, to be working in the Police Force and in various areas, especially when you have people in rape cases, who are brought to the Police Force. We know that nurses have loving, tender hands and approaches. The relationship between the nurses and individuals is of such that we have been taught how to deal with human relationships and very delicate and technical matters.

I would also like to see the time come when the information on rape cases is taken in camera and that we do not see pictures in the various media about someone charged for rape and then they are acquitted because once the picture has been published it means that the person's life has been ruined. It will be to everyone's benefit if the exposure does not happen until the person has been convicted because people are presumed innocent until proven guilty.

Much has been said about this Bill which I support. I do not think that I can add anything more worthwhile to it other than to say that I support it wholeheartedly.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, I wish at the outset to make it clear and to set out a response which will indicate beyond any shadow of doubt that it is totally unjustified, inaccurate and untrue, as the Opposition's Senator, Senator McClean, did the last time in his presentation, to try to establish that this Government is soft in any form, shape or fashion on crime.

Senator McClean went so far as to say that this Bill before the Senate represents a Government knee-jerk reaction to the crime situation. First of all, that is untrue because this whole question of bringing this measure to book whereby the Police Association can now have a justifiable voice at the negotiating level, except and apart from going on strike, the talks and calls for this and the promise to do something about this, began way back on October 4, 1994.

Therefore, it is untrue and unfair to try to establish that what Government is doing now is a knee-jerk reaction in some sort of form, shape or fashion to what the police has called for.

As a matter of fact, I would like to compliment the Attorney General, to start with, for keeping his pledge to the Police Association to bring this about. I think it reflects his whole humane and sincere effort in seeking not only to fight

crime and violence but also to make life better for all members of the Royal Barbados Police Force.
11.10 a.m.

Senator McClean also sought to make it seem as though this Government was getting its own comeuppance on this issue because Government had tried to pooh-pooh the idea of crime in the last general election, that we had acted as though there was no crime. Sir, we did not seek to say that there was no crime, what we sought to establish, which the polls will show that the public agreed with us, is that crime was not the only or the biggest issue facing Barbados. That is the difference.

The Democratic Labour Party of which Senator McClean is a high-ranking member now as he was then, and a very influential member, undertook a policy where they imported wholesale the Jennifer Laszlo's technique where they copied down the infamous ad used in the 1998 election presidential campaign in the United States, the Willie Horton ad where even the clanging of jail doors was imitated. There is a very well known principle in American politics that – if one watches Crossfire and you watch how persons operate there, particularly people like James Garfield – you stick to your topic and no matter what you are asked you say what you want to say.

In the last election, during the debate, when the Leader of the Democratic Labour Party was being asked about the economy, education, health, the weather, everything was crime and violence and that is what the public responded to. Every answer was crime and violence. If we remember carefully, that was the key to it. That is in keeping with Jennifer Laszlo's technique where you stick to your agenda no matter how relevant it is to the question asked or the topic being discussed. That is why the people repudiated it, laughed at it, because the technique was farcical and it was not representing the full extent of the situation in Barbados.

Sir, we in Barbados have proven that we are not soft on crime beyond any shadow of a doubt and, therefore, we do not have to do like the other Party has done and seek to criticise the judiciary, talk about foolish magistrates and that sort of thing. We put substantive measures in place to ensure that our policy is serious.

Therefore, the Attorney General did not just talk about crime and violence. Sir, if you remember the genesis of this whole problem, the truth and the fact is that Barbados is battling against a species of crime, so to speak, which is far different from what it was in the past. These are not the simplistic, laid-back, virtually naive days where people were largely involved in a little robbery here, a little break-in there, stealing a fowl cock there or stealing some breadfruits. We are in an era where crime has been internationalised and we are part of an international situation where a lot of the

crime is being fuelled either by sale of drugs or people trying to repay debts or get money to buy drugs. The international drug trade really is the engine that drives this whole process so therefore we have to see it in that context and this Government has not tried to pretend that we do not have a problem, that drugs do not exist, that crime and violence do not exist. We are not trying to dismiss it out of hand, as our predecessors did, when the embryo of this problem started in the late eighties with the youth gangs, when people said there were no gangs in Barbados.

The rationale for that, Sir, was not that it was based on any empirical evidence. It was not based on what the policemen were reporting. It was not even based on hearsay or anecdotal evidence. It was based on the fact that, according to that spokesman for the Democratic Labour Party, nobody was being bludgeoned to death. Therefore, if nobody was being bludgeoned to death there were no gangs. That is the background in which we have to see this whole thing.

Government recognised this and this Government, led by the Attorney General, whom I am proud to say and I make no bones about it, has to be the most productive, energetic, progressive, humane Attorney General that we have had in Barbados, particularly where it applies to fighting crime and violence.

We did not just seek to engage in a lick and lock up mode where you just beat somebody, locked them up or just bludgeoned them to death and that was supposed to be the end of the crime. We have sought to take a progressive, humane, scientific approach to the fighting of crime because it was necessary in order to be compatible with the type of crime that we are dealing with today.

You could not adopt the tried, true and tested but irrelevant techniques and approaches which no longer reflect the current situation in Barbados where crime is concerned. We have, therefore, gone a long way in seeking to rise to the occasion. If I can speak about this Bill in particular, this Bill fulfils a pledge by the Government and I am glad to see it come to fruition. As Senator Symmonds said, it will give a meaningful voice to the Barbados Police Association at the highest level to represent its own interests in its own way and time and seek therefore to promote its own cause.

Sir, I look forward to welcoming it to the sub-committee of the social partnership where I have the good fortune and the honour to serve along with Senator Trotman on a sub-committee of the social partnership representing labour, the private sector and Government. We meet regularly where we seek to thrash out issues at that level before they become national issues. Sir, if the full story were told, there are maybe hundreds of issues which if they had

been left unattended in the traditional way would have mushroomed and created severe national issues which were dampened and extinguished before they could reach that critical level.

I am sure that the Barbados Police Association will rise to the challenge and will participate in future discussions of the sub-committee of the social partnership as meaningful and responsible partners and I am sure that they will feel very welcome. Sir, we all look forward to their contribution in time to come.

Sir, this legislation has to be seen, not just as catering to the justifiable requests, requirements and demands of the Barbados Police Association, demands which are totally in keeping with modern industrial practices that people should represent themselves in their best interests. We have also sought to make sure that this legislation gives further teeth to a whole list of measures that this Government has taken since we have come to power. Nobody can deny that we sought to understand and treat crime in a scientific manner. The first thing that we did as a government was to seek to understand crime in a way that no other government in the history of Barbados had ever done, by seeking to undertake a scientific study of crime in Barbados.

In 1995, Government established, therefore, the National Task Force on Crime Prevention which produced a report which identified criminal risk factors at work in Barbados. Many of its recommendations have already been implemented and some are still being implemented. We sought to understand what were the causal factors of crime and not just seek to arrest people, imprison them and think that would be the end of the issue.

In addition, Sir, as part of Government's comprehensive approach to the battling of crime we have enlisted the work of some 34 youth commissioners in Barbados who have undertaken very useful work in a wide variety of community based programmes directed at young people, aimed at reviving community activities, whether it be in sports, cultural or training activities. They have undertaken to provide the Ministry of Youth Affairs with the very valuable information as to what is happening at the youth level in Barbados. They have undertaken youth-at-risk projects and therefore they have been a very effective force.

In addition, the Royal Barbados Police Force has established a number of programmes which have sought to divert the attention of vulnerable youth from crime including the much welcomed and popular juvenile liaison scheme and the drug awareness programme, properly known as DARE.

From all reports, Sir, it is felt that these programmes have begun to bear fruit among the youth of Barbados.

In addition, Government has gone beyond that and by seeking to understand the cause of crime has sought to improve the social context from which potential criminals come. Therefore, in that context, one has to see and link the whole question of fighting crime with the creation of the Urban and Rural Development Commissions which have sought to improve the quality of life for persons in depressed areas of Barbados by modernising those communities, providing the necessary facilities and amenities and, in addition, providing economic opportunities because we do not only seek to improve the physical infrastructure and the physical conditions in which persons live, but we also make it possible for persons who have entrepreneurial skills, because it does not mean that because one might have been from a traditionally regarded depressed area of Barbados that one is bereft of abilities, skills and ideas. Therefore, we have sought to identify persons from those very depressed communities which would have been written off in the past only on the basis of their address alone. We have given them a new meaning in life by creating a varied set of facilities, whether it be Fund Access, and even these committees have provided means whereby they can help persons finance small businesses within their societies, have provided them with opportunities not only to provide for day-to-day living but to seek to live a meaningful life in the years ahead.

Sir, Government has worked to improve the criminal justice system by improving the conditions at several magistrates' courts in Barbados and the Supreme Court in order to improve the working environment for the judiciary and staff. Two additional high courts were built to provide for an increased Judiciary with a view to reducing the backlog that has been incurred in the past where the administration of justice has been concerned.
11.20 a.m.

Sir, the Royal Barbados Police Force has been the recipient of much attention from Government. They have been computerised, there has been infrastructural improvement at virtually all the police stations around Barbados, there has been increased training for police officers and last year alone, some four hundred police officers have been abroad for training. In 1995, one hundred and forty-five special constables were recruited. Government has also reduced unemployment because it is felt that the existence of unemployment, particularly where it is chronic, can be a contributor to crime.

Sir, we have worked assiduously and with some success to reduce crime from the horrendous level of 24.7 per cent in 1990 to 7 per cent in 1999 and that momentum still continues. Sir, added to that, Government has set up a Steering Committee on Penal Reform to report on the appropriate way of providing a new penal system for Barbados. This Committee reported in 1997 and legislation

has already been enacted. This is only a smattering of some of the steps that Government has taken.

Sir, we have not only provided the police force with more manpower and training but we are working hard to reduce the demand for drugs. The National Council on Substance Abuse is seeking to reduce the demand for drugs. We are fighting the supply through the police force, through collaboration with the Defence Force and with regional and international agencies.

Sir, we have strengthened the capabilities of the Royal Barbados Police Force providing them with \$5 million in equipment. This includes 40 new cars, 25 motorcycles, 3 mobile police stations and a variety of other vehicles and equipment to improve their response time and to give them greater mobility to cover the country.

Already people are commenting that they are seeing a greater police presence on the highway and the streets. The police are on the combat and are seeking to take back Barbados from the hard-core criminal element that is seeking to take over the running of this country.

Sir, although Senator McClean said that these were only replacements, even if it were so, this Government has put Barbados in a position to replace vehicles. The only replacement the Democratic Labour Party did to the police force, when they were last in office, was seeking to replace their salaries by reducing them. They provided run-down equipment and they neglected police stations. They were trying to replace good conditions by worse conditions.

Sir, we make no apology for the fact that we are a Government who have improved the economy of Barbados and that we can afford to provide equipment for the police, the Defence Force, the Fire Service, repay the 8 per cent that was taken away from the nurses, give them productivity bonus and a pay increase every year so far.

Sir, we have also given the Defence Force, who work in collaboration with the Royal Barbados Police Force in fighting crime, equipment to the tune of \$7.1 million. They conduct joint patrols and exercises around the country from time to time in order to fight crime.

We have also asked the private sector to become involved in the fight against crime because we know that fighting crime is not the duty of the police or the Government but is the duty of all sectors of the community. Therefore, that is why we have to welcome the call by the Royal Barbados Police Force on the private sector and commercial sector that they have a responsibility to protect their property because it is impossible for the police to protect every business establishment in Barbados.

Sir, we are also proud that we were able to provide some two hundred additional persons to the Royal Barbados Police Force. We first called on the special constables because it takes six months to train a policeman. You cannot recruit a policeman in the same way you would recruit a stenographer because it takes six months to properly train a recruit into the Force. Therefore, we have gone into the ranks of the special constables first because they would have had some training. We have, therefore, made them full constables rather than just special constables; and that is only the beginning, Sir.

We must commend Government for the provision of the new flexibility allowance that will seek to match the reward of policemen to those who work beyond the call of duty. They will no longer have to do it for the love of their country but in that regard they will be recompensed for it.

Sir, I remember when we took this route the Opposition laughed and said it could not be done, that it was just an empty promise by the Government who were in a sticky situation and we were trying to extricate ourselves from the problems and pressures of the police force by taking this route.

I want to commend the Attorney General and Prime Minister for holding their own on this matter and not overreacting to the situation but doing it in a measured way at a time when the country can best afford it.

Government has also established a Rapid Response Unit within the police force, specially equipped with special facilities which allows them to respond quickly to situations. Therefore, this measure is performing well and is already beginning to make its presence felt in the community.

11.30 a.m.

Sir, we have had a whole spectrum of activities down for legislation. We have passed legislation that will penalise harassment and we have enacted a Firearms Act of 1998 which provides for stiffer penalties for the illegal possession and use of firearms. In addition to that, Sir, we have amended the Bail Act which has taken away the discretion of Magistrates to grant bail to persons who are charged for using a gun. Sir, only a Judge of the High Court may grant such bail to a person charged with using a gun. Essentially, the intent of this legislation is that as long as you are charged with using a gun illegally, no bail will be granted to you. In addition to that, we seek to reform the way of penalising persons who run afoul of the law.

Prior to the year 2000, such penalties consisted mainly of imprisonment, fines and probations. However, through the enactment of the Penal System Reform Act 1998, which came into force last year, the Government has invested in the

courts additional sentencing powers for non-custodial sentences. Thus, offenders may now be given absolute or conditional discharges, suspended sentences and may be asked to perform community service or curfews may be imposed on them.

Sir, we have a wide and varied approach to crime which we make no apology about. We believe that fighting crime, especially in this day and age is like fighting a disease; you have to do it every day. You cannot relax. If it is suppressed in one area, it emerges in another. It is like the battle that is being constantly waged between science and various organisms. I am sure that Senator Rickinson will tell you more about this. There is always a constant battle between how man attempts to provide medication or cures for various diseases and affliction and how nature battles it. The same applies with mosquitoes. Once an immunity develops, you have to go back to the drawing board and come up with a fresh approach. It is a similar approach to crime. Therefore, we are maintaining our programme and we are maintaining a consistency of crime. These are the mere highlights of our programme. If I had more time allotted to me I would be able to go into further detail to show that.

This Government, Sir, can be widely regarded as having done more to fight crime than any other single entity at any other time in Barbados. We have attacked it from a wide variety of fronts, not only through sentencing, not only through legislation, increasing penalties, improving the lot of the crime fighters, but it has been the most comprehensive approach to a battle against crime that the country has ever seen. As far as we are concerned, the battle has only begun. We are not resting on our laurels nor are we seeking to do that.

The Royal Barbados Police Force has often been criticised, especially in the days before they had the new vehicles, for lack of responses, tardy responses or no responses at all. Very few people are willing to commend them for the great successes that they have been reaping in the battle against crime, especially in their battle against illegal drugs. Virtually every week, Sir, we hear of their successes and I am sure that this Bill would improve the morale of the Police Force, let them know that the Government of the country is behind them and that they will attack crime more professionally and assiduously in the time ahead. It is with pleasure, Sir, that I give my support to this Bill.

SENATOR C. A. MASCOLL: Mr. President, I wish to bring this debate back in line because the issue that is at hand here is the question of allowing policemen to be involved in the trade unions. As I understand it, trade union's job is to try to fight for better terms and conditions for workers. It is in this context, therefore, that I need to address this debate.

It is a fact that policemen are presently underpaid. It is a fact that the terms and conditions for policemen need to be improved. The question that we need to ask is, are we seeking to improve the terms and conditions of the policemen because of the escalation in crime and violence across the country or are we recognising, as a result of that, the increasing role that policemen need to play in effectively reducing crime.

If we are seeking to answer those questions, is it that a policeman has become a more recognised member of the society from the point of view of his work or is it, as in the past, that he is merely recognised because of his height? As one would say, because of his brawn and not the brain.

I wish to suggest in this debate that a policeman has not become important only because of the increase in crime but within the context of his job, even the academic requirements have increased. I am going to debate today from that standpoint. How do I do that?

We were told about three years ago that 70 per cent of all students leaving school are uncertified, that is, they do not have even one CXC subject. That is what we were told about three years ago. The obvious upside of that is that at least 30 per cent of all students leaving school in any given year have at least one CXC. That is a fact.

In this new society a policeman is no longer required to be taller than 5'7" in height. He is now required to possess, like any other clerical officer or technician across the public service, at least three CXCs to qualify as a policeman. That means that a policeman is now part of the privileged group of persons who happen to be certified after attending secondary school. They are in the top 30 percentile and they are even beyond the top percentile because I said that the definition of certification is to have at least one CXC and we are requiring a policeman to have at least 3 CXCs.

Now that fact alone elevates a policeman as an academic or a qualified intellectual or whatever we wish to classify him as. In short, he is no longer regarded as simply a tall, black man capable of enforcing the law. He is now required to bring additional qualities to his job and these qualities demand a certain level of academic achievement. That fact alone must be seen as the reason why policemen need to be regraded. It has nothing to do with whether they can fight crime. If you use the argument to justify a regrading of a policeman, then five years later, if we are successful in reducing crime, we can then say that we can reduce the requirement because we have brought down crime. I am saying that the requirement of CXCs will remain irrespective of how the crime rate or crime level moves in Barbados and that, therefore, constitutes a far more effective measure of the quality of a policeman than whether or not we are solving crime.

The solving of crime is a very funny thing as it relates to statistical information. Unlike an economy which can grow this year and decline the next year and grow the following year, there is no real relationship between those three periods. When a person commits a crime in year one, that person is still a nuisance to society in year two and year three.

11.40 a.m.

Therefore, if you have 100 crimes committed in year one and you happen to reduce crime from 100 in year one to 90 in year two you cannot say that you have effectively reduced crime because, I am suggesting to you that the process of trials, the process of bringing those persons to justice would take some time and in effect, rather than having ten less persons in the society, you now have 190 persons who have committed crimes. Therefore, it is useless to use information like that to suggest whether or not crime has increased or decreased. It is an accumulative analysis that you have to do, and not a yearly and distinct analysis of crime. I have argued this before and I am arguing it now that it is not like the retail price industry, it is not like economic growth, it is not like salaries. One hundred persons committing crime in year one and it is reduced to 90 in year two, you still have 190 persons that you have to deal with, not 10 less than the year before; and the Attorney General of Barbados must understand that point. It is not like cricket and innings where I make 50 in the first innings and 10 in the second innings. It is the accumulative amount that matters because you would have 190 criminals to deal with, not 90 less than before. And in any case, that point is not major because it really does not matter how we seek to debate the reporting of crimes and the statistical analysis that we seek to bring in on crime information. What matters is the feeling among the people as to whether there is a degree of safety or not, whether or not Barbados is now a safer place to live in than years ago, whether or not you now feel more comfortable as a Barbadian and as a tourist in Barbados today than last year. And the truth about that is that Barbadians do not feel as safe as they used to, but you do not need any major statistics to recognize that.

Years ago in my village, people slept with their windows opened. People went to Bridgetown and left their houses unlocked so their neighbour would keep watch. There was then a community spirit within the village, and that is a fact. So you do not need any major statistical analysis in Barbados to determine whether or not the society is now safer. You never felt uncomfortable going anywhere, feeling as though you could not walk the streets at night. We do not need the statistics, it is reality, but even if we appeal to the statistics, the thing that we have to appeal to is the kinds of crimes and not the overall total, because there is no way in which a murder can be the same as a rape, or serious bodily harm, or possession of illegal drugs. So when you sum those unlike things together and arrive at the total, you are really

adding apples and oranges together and therefore, the simple accumulation of the amount of crime in accordance with the classifications which are not homogeneous would give you a misleading interpretation of what is happening in Barbados because you cannot sum crimes together. They are so vastly different, the motives for doing them are so very different that it is impossible or unnecessary to use that form of analysis to arrive at the total crime in society, and then do an analysis of whether it has increased or decreased.

You see, in an economy, even though you have a newspaper business, a manufacturing business and tourism, you find a common denominator to bring them back where you can sum them together and get an overall picture of the economy. You have to find a common denominator and you can use many different indicators, but normally you go to a real dollar as the measure of value, but you cannot use that sort of analysis.

Mr. President, if we took simple information like those people who have been going to Community Legal Services, the amount of persons who have gone to the Community Legal Services for help in one year has moved from 2 in the 1997/98 Fiscal Year to 11 in 1998/99. Now, that is a dramatic increase however you look at it. What I am doing there is that I am comparing like with like. I am comparing what happened in relation to those persons who do not have the resources to acquire legal help, who now have to go to the Community Legal Services for help, and that increase from 2 to 11 constitutes a major increase in those persons who have had to appeal to that form of assistance.

Then, when you look at murders at the Magistrate's level, they have increased from 15 in the year 1998/99. Now that sort of analysis, and I would not bore you with that analysis because I am not here this morning to determine whether or not there has been an escalation in crime but I am merely saying that we all, as Barbadians, are feeling it and it is a worrying trend, and cannot be debated at this level, or any level to convince anyone in Barbados that things are better in the area of crime than they were four or five years ago. It is simply not true. But there is a major folly of analysis that is allowed to penetrate the public's ears and that relates to the fact that for years in the early 1990's the now Government suggested that the increased crime then was directly correlated to the high unemployment rate obtaining at that point in the economy and that was then the basis upon which all form of conviction were fuelled to Barbadians and, in fact, the conviction was so powerful that it resulted in the outcome of the Election in 1994.

Now the same individuals who suggested that the high crime rate was in direct relation to high unemployment are now saying that there is really no correlation because according to the official data unemployment has reduced

dramatically. But crime has increased dramatically, and we have a reversal where there is now low unemployment, but we have even higher crime.

Now, how do we explain that? But it was always madness from the start. To have suggested that would have been madness, because all we needed to do was to go to the United States of America and look at Miami, Washington and New York and recognize that the crime level in those cities are very, very high despite the so-called affluence of those cities, so you never could have used that, but that was wonderful political strategy that worked because, as we all know, politics is really the art of deception: your capacity to reason and then to strategize and you produce a particular strategy to produce the outcome, and you do that. It is the art of deception.

This debate really would not carry me in any direction as it relates to whether or not there is higher or lower crime in Barbados. I live in Barbados like all the other Senators, and I know as well as all of the other Senators that they do not feel comfortable any longer, and the organisation responsible for tourism has in fact been saying loudly that it is concerned, that if the crime rate continues to escalate and the nature of the crime which we are experiencing continues, then there would be a damaging impact on tourism. I understand that only too well, and I am not insulated from this process.

11.50 a.m.

In fact, I live in a gated community but my gate happens to be the Maynards Housing Area. You have to pass through the Maynards Housing Area to get to my community. It is gated but it is not gated in the same way in which Royal Westmoreland and the others are, so I have a major problem in understanding what really is the purpose of this debate.

I sat and listened to the debate and I never quite understood where it was being taken because this really is not about the crime rate. This debate is about improving the terms and conditions of policemen. Any crime policy must have at its core, a strategy to increase and improve the terms and conditions of the policemen, and that is straightforward.

Aside.

SENATOR C. A. MASCOLL: ...Where was I? I know only too well.

I am suggesting, Mr. President, that we have experienced all forms of increased wealth in this country. We have all forms of increased prosperity in this country. We have the lowest unemployment. We have the highest growth, we have the lowest deficits, we have the best foreign

reserves but yet the social sectors are all chaotic: in health, in education, in the police sector.

How do you explain it, Mr. President, that we boast of increased wealth and we boast of reduced unemployment but all the social sectors are in chaos. I am saying that a crime policy must have at its core, a policy to improve the terms and conditions. How I would do that is the crux of the matter...

Aside.

SENATOR C. A. MASCOLL: How will it be done? It has to be done. There cannot be the degree of squander that we are seeing. This Government was privileged to collect in excess of \$300 million more from VAT than was anticipated and never once sought to increase the lot of the policemen, the nurses, the teachers and other public sector workers in Barbados.

Asides.

SENATOR C. A. MASCOLL: They did it with the politicians. The politicians were given a very healthy allowance before elections of \$22 350. They were given that but you see how it works in Barbados, they strategise to ensure that it did not become a major issue but they were given a major allowance under the guise that it would go towards community work.

Mr. President, there is no doubt that policemen, like nurses and teachers need to be regraded. How would I know it? It can be done in several ways. First of all, there was a degree of squandermania, just prior to elections. In September of 1999, nine months after the general election, I made a statement about money creation because I detected from my station that the Government had, in fact, increased its level of expenditure substantially in the previous fiscal year to accommodate the elections.

In fact, recent data suggests that it happened and happened in a very handsome way because when you check the itemised capital expenditure of the Government, in 1996/1997, itemised capital expenditure on projects was a mere \$2.3 million overall. Then that figure increased to \$4.5 million in the fiscal year, 1997/1998. Note this, in the fiscal year of 1998/1999, remembering that the fiscal year would have ended on March 31, 1999, capital expenditure increased to \$23 million, from a mere \$2 million and a \$4 million in the previous two years, a dramatic increase, because we were told previously that there was a deliberate strategy having had the request of prominent businessmen in this country that Government should reduce its Capital Works Programme to allow the private sector to embark on a major Capital Works Programme. Therefore, there was a public

request by several businessmen that such should occur and that it would stop overheating in the economy.

The policemen did not get one red cent and I am saying that they deserved and should have been given, as a result of the excess money that was knocking around, some kind of compensation for their hard work. So the terms and conditions need to ensure that they have better insurance policies which they really do not have at this stage.

Sir, some policemen have died on the job without any major compensation going to their families. I can recall some. One lived in my area and died in the New Orleans area when he was shot years ago. Then, there was one who conducted major projects in the Farm area. He was a Farm boy. To this day, the family has not received any compensation. I am saying that is not fair. You cannot put them in such a hazardous job and then expect that you would not put appropriate insurance policies in place.

In all fairness, a gun was something we bought at Christmas and put in the holster and then we went all through the village, in the grass and around the trees, shooting like Roy Rogers; but now a real gun is as available as a drink. Therefore, you must understand that as a result of that, the environment within which the policemen now work is hazardous and it deserves a hazard allowance and not an allowance for working extra time which they are not guaranteed. Then the folly of it is that the entire Force felt that they were going to be entitled, after the comments made by the Prime Minister, to an increase in allowance the month after, not recognising that there was a further clause. This is really saying, if you go beyond your 40-hour work week, you are entitled to a special allowance.

It is a bonus and other people get bonuses in this country. It is overtime then and they are being compensated for overtime. What is different about that? All kinds of private sector people do it. They work overtime and are fully compensated and you are telling me now that what you are giving to a policeman is a special allowance, when in fact he should be working a 40-hour week and can only come into contact with that overtime, if he goes beyond that. That is a typical thing. There is not anything special about that. All you are doing is compensating him fairly for what he has given out, that is his labour. So that is not a special thing, but again politics is really the capacity for marketing. Once you can market a product and do your public relations appropriately, you can sell almost anything. They are both the same.

In marketing, you can put a female on top of a car to sell it. That is deception. In marketing you can get a female to smoke a cigarette when she is really not the target. That is deception. To compare politics with the deception of marketing is the same thing. That is what I am saying. There

is no inconsistency in that. The capacity to use public relations effectively is in itself a deception. That really is a very high standard that has been set in this country in recent times.

12 noon

This debate is not about whether or not crime has increased or has not increased. This debate is about increasing and improving the terms and conditions of the policemen. Policemen are the ones who fight crime. A crime policy, however cleverly devised, cannot escape the fact that they are the ones who are out there fighting crime.

Therefore, the terms and conditions of the policemen must be improved to reflect the increased work. It is really about increasing productivity. It is really about using new technology to increase the productivity of the Police Force. It is about training to re-tool and re-equip the policeman for the appropriate environment that he is confronting. It is about giving him the opportunity to understand white collar crime and understanding how computers can be used to manipulate and inveigle all kinds of wrongdoing in the society.

That is what this debate should be about and not about whether there is an increase in crime. We know that there has been an increase in crime. As I said before, crime is not discrete, it is cumulative. You cannot see 100 crimes this year and then next year see 90 and say that crime has decreased by 10. That is foolishness.

Mr. PRESIDENT: Senator, you have one minute to wind up.

SENATOR C. A. MASCOLL: Well, I have enjoyed whining.

Asides.

SENATOR C. A. MASCOLL: I will conclude by saying that a policeman is now a person who is required to have three CXC certificates which give him a special place in Barbados because only 30 per cent of our school leaving population becomes certified after leaving school. Therefore, there is a need for regrading. I will conclude by saying that his job is now more hazardous because of the kinds of crimes that we have. Therefore, we have to cater to that. I will conclude by saying also that he is no longer a 'bronze man' but he is also required to understand white collar crime.

Therefore, the use of technology, computers and all these other systems that are in place and in vogue at this point in time should be recognised by the authorities to promote the policeman to a point that he was not at before. He is no longer simply about five feet seven inches tall. He

is now required to be equally intellectual as any other clerical officer within the public service of Barbados. As a result, and on that note alone, he should be given special treatment and not as a result of any perceived or real increase in crime in Barbados.

Mr. President, I thank you.

SENATOR T. E. BARKER: Mr. President, I rise to support this Bill which is – I am reading from the Bill – an Act to provide for:

- (a) the allocation of responsibilities respecting the government of the Force between the Governor-General and the Minister responsible for Police Administration and the Preservation of Public Order; and
- (b) the removal of the restriction against the Police Force having association with trade unions and staff associations.

This Bill is timely. Some may even argue that it is a bit late in coming. It seeks to empower the Police Association so that they are in a better position to argue for better terms and conditions for its members.

Sir, it is no accident that this present Administration sought to bring this piece of legislation to this Honourable Chamber. Sir, despite the whining of the Opposition, to use the last Senator's own words, they were in a position for a long time where if they cared so much about the Police Force, as they would have us believe, they could have brought in proper legislation to do what this Bill is doing.

When they are talking now, they must not give the impression that all the time since Independence they were never in a position to seek amelioration of the conditions under which the Force works. We are not going to accept their tears. We are not going to accept them because they are false.

Sir, in relation to the talk about regrading, at present, this Government has committed itself to a regrading exercise for the whole of the public service including the Royal Barbados Police Force where the Prime Minister is on record as saying that the Police Force has a strong case but it must be seen in the context of the wider public service. That exercise is ongoing as we speak but if we listen to the last Senator we would not get the impression at all that anything is being done to improve the conditions of the Police Force. He said that this Government is just sitting down doing nothing but the record is there and it is clear for all to see.

There was a regrading exercise in 1989 and the Democratic Labour Party, of which the Senator was a

leading advisor, said that the police did not have a special case. That is what was said in the last regrading exercise. Senator Mascoll is talking now but under his administration they were the ones who told the country that after their exercise, they went through and looked at the pros and cons and that the police did not have a special case. Now the same Senator Mascoll who was advising the last Administration is going to make a strong impassioned plea for improvements in the Police Force, but when he had the opportunity, he came to the sad conclusion that they did not have a special case. All of a sudden now, we are hearing them getting up in here pontificating as though they have now discovered the Royal Barbados Police Force. That is empty talk, vacuous reasoning and totally illogical.

Sir, this Government will seek and will do what is necessary to ensure that we have a properly functioning Force where morale is high and where they are given the tools in order to carry out an effective job in fighting crime. When we came into power in 1994, we saw police stations, District 'B', District 'C', all of them, in terrible run-down conditions and our first task was to rehabilitate all of the police stations. That was our first order of business because we felt that the policemen in Barbados must not be operating under those conditions. We had a complete rebuilding programme from 1994. Sir, it is not finished yet because the neglect under the Democratic Labour Party was so tremendous that we could not undo in two years the eight years of neglect under them. We even had to demolish a police station.

Our record in looking after the police can stand scrutiny and this Bill is yet another example of this administration seeking to put wrong things right. We on this Side should be commended and not condemned because we found a situation which was intolerable. I remember, Sir, sitting in that said chair that Senator Mascoll is sitting in now in the 1990 to 1994 term where I had to speak, because the police had to come to my house concerning a matter and I saw the aerial on his car. The aerial on his car was an old clothes hanger. I came here in this Honourable Chamber and spoke about the police car having as its aerial an old clothes hanger.
12.10 p.m.

Sir, if they are talking about the condition of the Police Force, they must not give the impression that up until 1994 all was rosy. That is to the contrary. The physical conditions under which the police work are ten times better now than they were in 1994 when we took over the reins of Government. Their accommodations are much better. Their transport is much better. We have worked on some of their allowances and we have even in advance of the regrading exercise done work in giving them the allowances that were due to them. We thought that it was unfair that other sectors of the work force could get allowances and our primary

crime fighting unit was denied basic trade union rights. So we sought to make all of that right.

Sir, there is a term that we use in my line of work called "spurious correlation" and we have been hearing a lot of spurious correlations this morning from Senator Mascoll in trying to link crime and unemployment. But the fact remains that the reasons for crime are myriad and the economy is just one factor. It may not even be the most important factor, but there are lots of factors which are responsible for crime. Even if we had zero unemployment, I still believe that there are certain people who would be predisposed to crime because the monetary rewards can be tremendous. Unfortunately, sometimes the rewards do not compare with the rewards for gainful employment. People with weak minds would be tempted to see the gloss put into the rewards for crime and ignore the risk and damage that they are doing to the society as a whole.

Sir, the reasons for crime are manifold and hence the solution must be manifold. Social, economic, educational and all sorts of factors must come into play. Therefore, the Police Force must be so well equipped in terms of physical and human resource elements that they can tackle the attempts at crime that we are now seeing such as white collar crime and all types of crime that are becoming a problem. The Police Force must move with the times.

Sir, there was a time when the typical criminal required a certain response from the Force. Now the Force has to respond in a different manner because the manifestations of the criminal activities are different. We have to ensure that the Police Force keeps retraining to meet the demands. That is why, Sir, the Police Force now requires applicants to have more formal education. That is a fact. Do not forget, Sir, that we have given so many educational opportunities in this country. I believe that any enterprising young man or woman, even though in their formal education they may not have done well, if they are so minded, and we have examples all across the country of people who left school without a single "O" Level but they achieved because their minds and attitudes were such that they went after school and brought themselves up... Sir, I do not believe that this is a barrier to any enterprising young man. The opportunities are there. I do not think that it is a barrier.

Sir, I do not want to keep the Senate back. But the point was made last week by Senator McClean that we should depoliticize crime and I agree with that. The call is coming from the right source because they were the ones who sought to politicize for their own gain the high instance of crime in this country. In 1999, that unfortunate Manifesto produced by the Other Side had in it every other word speaking of crime and violence. I had the misfortune of reading it, Sir, and every paragraph was crime and violence.

If that is not politicizing crime, I do not know what is. If you talked about the economy, it was crime and violence. If you talked about the offshore sector, it was crime and violence. Whatever you talked about, it was crime and violence. Every activity was brought down to one common denominator of crime and violence. Now they have the gall to say that we should depoliticize crime when they were the ones who sought to make crime and violence a political issue. It backfired because the people of this country understand the reality of the situation and they understand that the present Government was doing what it could to reduce the incidence of crime.

Sir, our response to crime was well thought out because we did not feel that panic solutions would ever work. We put a lot of measures in place and I have no doubt, Sir, that they will bear fruit because the attitudes did not come about in a year. It was a gradual thing over time. Hence, the reverse process will also take time. We are confident that with the necessary measures that we have put in place we are going to get a change in the attitude of people which will be reflected in a decrease in criminal activity.

Sir, while I am on this score about politicizing crime, one of the worst statements that I heard probably in my life was when an aspiring politician sought to equate a gun with a hammer and he called a gun a tool of trade. I did not hear the Leader of that Party get up in strong words and sought to disassociate himself from that unfortunate statement. The Leader of that Party did not see it as his civic duty to publicly disassociate himself from that unfortunate comparison. If that is not politicizing crime, tell me what is. That was a very unfortunate statement.

12.20 p.m.

I will support this measure because I believe that the police have rights which must be respected by all and sundry. I take the point about the associations outside the Commonwealth but do not think that that is a major problem because we feel that the Commonwealth has a wide enough membership, every continent, almost every type of society and so on. We feel that the police force when allowed to associate with the Commonwealth will come into contact with almost every major type of society and every major type of economic system, and I do not see it as a big hindrance, but it is something that we could probably look at in the future. Sir, we look forward to the results of this Bill.

I believe, Sir, that this Bill will result in a Police Force with a better morale and better spirit because they now know that they have an avenue through which they can channel all of their concerns, and concerns will come in any group or organisation. They now have the mechanism for solving any problems that will arise from time to time.

Sir, with those few words I want to support this legislation.

SENATOR THE HON. P. C. GODDARD: Mr. President, in wrapping up the debate on this Bill, there has certainly been a wide ranging discussion that tried to address the issue of crime in Barbados. I think that the objectives of this Bill very clearly are being addressed by improving the industrial relations within the Police Force, by streamlining the authorities that govern the Force and creating an environment of enhanced morale and providing an environment which will improve the quality of policing in Barbados and also improve the professionalism of the Force.

Much has been said about the monetary rewards to the police, but people must recognise that the Association is about improving the professionalism of the Police Force as well as negotiating terms and conditions, so that one must look at the overall aspect of the Association and recognise that as important as adequate remuneration is, the importance of improved professionalism, improved skills and improved productivity within the Force.

With that, Mr. President, I move that this Bill be now read a second time.

The question was put and agreed to.

On the motion of SENATOR THE HON. P. C. GODDARD, the Senate resolved itself into Committee on the Bill, HIS HONOUR SENATOR C. L. BOLDEN in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clauses 1 to 9 inclusive were called and passed.

On the motion of SENATOR THE HON. P. C. GODDARD, Mr. CHAIRMAN reported to HIS HONOUR THE PRESIDENT the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. P. C. GODDARD the Bill was read a third time and passed and cited as the Police (Amendment) Act, 2001.

SUSPENSION

SENATOR THE HON. P. C. GODDARD: Mr. President, I beg to move that this Sitting be suspended until 1.35 p.m. today.

The question that the Sitting be suspended until 1.35 p.m. was put to the Senate and agreed to, and Mr. PRESIDENT suspended the Sitting accordingly. 12.30 p.m.

RESUMPTION

Mr. PRESIDENT: This Sitting is now resumed.

SENATOR THE HON. P. C. GODDARD: Mr. President, under Standing Order No. 11, I would like to recommit Presentation of Papers and First Reading of Bills.

PRESENTATION OF PAPERS

SENATOR THE HON. P. C. GODDARD: Mr. President, I am commanded to lay the following documents:

- (a) Report of the Social Investment Fund for the Financial Quarter ended December, 2000.
- (b) Annual Report and Financial Statements of the Barbados National Standards Institution for the period April 1, 1999 to March 31, 2000.

FIRST READING OF BILLS

SENATOR THE HON. P. C. GODDARD: I beg to move the following:

Fiscal Incentives (Amendment) Bill, 2001.

The question was put and agreed to.

ORDER NO. 3 – ELECTRONIC TRANSACTIONS BILL, 2001

SENATOR THE HON. P. C. GODDARD: Mr. President, I beg to move the second reading of the Electronic Transactions Bill, 2001. This Bill makes provision for the establishment of a legal environment for the conduct of electronic commerce, the processing of electronic transactions and the use and adoption of electronic communication as an alternative means of transacting business.

Mr. President, as we all know, the Internet has created a new economic environment, a new trading environment and a new communication environment which is rapidly altering the world, reshaping the geography of the world and reshaping business processes. As we move into an age where information becomes the true product, electronic commerce will become more and more important.

Mr. President, people see electronic commerce in relatively narrow and limited parameters, through their own experience and through the medium of purchasing particular items through the Internet. What is happening here is the beginning of a new business paradigm that will redefine business activities over the next century. It will redefine business products over the next century, the way we access information, consumer items and the way businesses themselves transact business. It will also redefine the distribution process for goods and services. It has created the word 'disintermediation' which means that the intermediate steps of a process will disappear and the consumer will directly deal with the primary producer of the product. These intermediate processes all add to the cost of a transaction. Economists have come to recognise that transaction cost is one of the critical factors that can make a process uncompetitive. In other words, the more transaction costs you have the more uncompetitive you become.

I will put it in a way that some would understand. This was largely the reason for the creation of the Euro because you can have products moving from Italy to France to Germany to the United States and each one of them attracting an exchange rate of transaction and this could add as much as 20 per cent to 30 per cent to the cost over a period of time. If you bought a product and sent it to New York you would be dealing in dollars and there is no transaction cost in terms of currency conversion. The European Union has eliminated that element of transaction cost by creating the Euro. In the same way, you will find that there are entities that will deal directly with primary producers and ship those products directly into Barbados for sale in a retail environment.

If you consider that many of the products that you are going to buy come in a digital format, you can get that product from the supplier to you without going through a store, wholesaler or regional distributor and having to ship the goods physically.

Most recently, Barnes and Noble have introduced the e-book section in their offerings to the public. Mr. Ken Folett has written four short novels which are available for US\$2.50 each which can be directly downloaded to your computer in a very pleasing format and you can read them on the screen. The cost of this book is US\$2.50 but the cost of the printed book is US\$20.00. The other thing is that wherever you are in the globe, you can buy the book, download it and read it.

For example, I bought the first book when I was on a recent trip to Brazil. I downloaded it and read it one night. It is a fabulous story for US\$2.50. I bought it at 9 o'clock and read it by 2 o'clock in the morning and I did it when I wanted.

Mr. President, we are talking about the consumer element of electronic business but the business element is much more important. It is estimated that by the year 2002, the business element of e-commerce will be \$1.3 trillion US dollars. It is notable today that we are now talking about trillions when we used to talk about millions just a few years ago.

This is a staggering sum of money but for Barbados to participate in the global economy we have to have legislation such as this to facilitate and develop our capacity for engaging in electronic commerce and more important than being consumers, it is important for us to be developing electronic business products for Barbadians to sell to the global community. It is in this context that legislation has been developed.

Sir, when it comes to the area of the hospitality industry, I see that as the low-hanging fruit of opportunity for Barbadians to participate in marketing Barbados globally, reaching a select marketplace, not being limited to one country and where Barbadians can go all over the globe.

I have mentioned in speeches here before that there are hotels which have increased their occupancy rate in summer from 15 per cent to 70 per cent. They have done so without going through a tour operator who often charges a fee of 25 to 35 per cent. Therefore, they can offer a lower price and make more money and reach a wider marketplace. They become more efficient.
1.45 p.m.

They can then offer a multitude of other services. At the same time they can allow people to book tours, restaurants and access a whole range of services here in Barbados. They can market a wide array of services which will not only benefit the hotel that they are staying at but the many support services ancillary to the hospitality industry here in Barbados. This is a very great opportunity for us, Sir.

There are now difficulties that we will have to overcome. This Bill will go a long way to provide the security and the opportunity for banking to become involved in the conduct of electronic commerce with local banking support facilities and also in providing security through the various mechanisms that are offered in this piece of legislation.

Mr. President, as I talk about security, you will have to understand that this is such a moving target that what may be true six months ago may not necessarily be true today. It is very interesting to note that with all the concerns about people being able to break into computer systems and being able to access other people's credit cards and so on, a recent mathematical break through in the United States has created

what so far has been proved to be a foolproof encryption system where the key to the encryption disappears as you access the code so that it is impossible for anyone else to obtain that key. It provides a totally secured system.

We had thought that we would have had to wait for the advent of the quantum computer before we could have an absolutely secured system of encryption. However, apparently this mathematical breakthrough has preempted the ability of the quantum computer to deliver that system for mankind.

I just highlighted this to show that the technology is moving rapidly. Technology in software, technology in algorithms, technology in cryptology and so on are moving so rapidly, that you can only make broad legislative provisions to encourage and facilitate the conduct of electronic companies.

Mr. President, while I am on that matter, I think that you also have to see this Bill in the context of other pieces of legislation that support it, such as consumer legislation which will put in place the systems that will provide the trust and confidence in companies in Barbados engaging in this electronic business activity.

Mr. President, Barbados has been active in the FTAA and Barbados was key to the establishment of an electronic commerce discussion group within the Free Trade in the Americas Initiative. The first chair of that Electronic Commerce Group is here with us today in the Chamber, Senator Dale Marshall. He chaired that group in a very distinguished manner, did great credit to this country and did a tremendous amount of work in understanding the processes of electronic commerce and understanding the need for certain types of legislation. That skill was developed and stood us in good stead and he drafted a large part of this legislation and was instrumental in assisting the Honourable Attorney General's Chambers in bringing this to this Chamber.

Asides.

SENATOR THE HON. P. C. GODDARD: For that, we do owe Senator Marshall a great deal of gratitude.

This Bill is relatively comprehensive. It covers the legal requirements with respect to electronic records; it covers the communication of electronic records; the certification and accreditation of electronic signatures and accredited certificates; certification and ramification of certification. It talks about encryption in Part V and The Protection of Data Privacy in Part VI which focuses on the restrictions of the disclosure of information and Part VII deals with the liability of the intermediary and the procedure in dealing with defamatory information and so on. In addition to this,

additional information would have to be brought about computer crime where individuals attack data bases and can cause significant economic loss or in extreme cases, endanger the life and health of individuals. Hopefully, with the advent of more secure systems, that type of activity will decline.

Mr. President, the importance of this legislation cannot be overstated for Barbados. This is the future economy. This legislation will allow Barbadians to participate fully in electronic commerce. On the other side, Mr. President, we will also have to have the physical infrastructure to allow us to participate in electronic commerce. That infrastructure, of necessity, would have to be a broadband activity and it means that we will have to have the physical technology in place to allow our citizens to utilise this activity. We also need to promote as wide a dissemination as possible of the equipment or access to every single Barbadian.

The Ministry of Education has moved a long way in that regard. As you will well recognise, our EduTech programme is aimed at putting every student in touch with the Internet. This is part and parcel of moving us towards a digitally literate society to participate in the new economy. The new raw material; the new fundamental resource is going to be an educated digitally literate citizen that will be able to participate in any kind of business through the use of digital communication. That will be true for medicine, distribution, editing, video and the media. There will not be a media person that will not be filing their stories via the Internet.

Mr. President, this is going to revolutionise our society. While we talk about electronic commerce and the aspect of business, there is also the element of electronic government and the way Governments will relate and communicate with its citizens.

All of us well recognize the tremendous number of forms that we are obliged to go and pick up and obtain to get one sort of Government service or another, or to fill out information.

1.55 p.m.

Mr. President, through this legislation and other pieces of legislation yet to come, the average citizen will be able to download any form they want or fill out that form electronically and send it to the Government. They can get that form through 10.00 p.m. to 3.00 a.m. or 12.00 noon when everybody is at lunch and not have to depend on a Government office or Officer to give them the form or provide them with the form. They will not have to leave St. Lucy and come to Bridgetown for it; they will be able to get it in St. Lucy and send it back to Bridgetown. That will mean that we will have a reduction in the use of the automobile,

that we will have energy saving and we will have a cleaner atmosphere. There are many positives to e-commerce.

Undoubtedly, Mr. President, as with any revolutionary change, there are going to be those in our society who will find that their present types of jobs will disappear. Those individuals will have to be retrained and retooled to come back into society, utilizing their business or organizational skills that they have developed and will not be necessarily useful, but to do new jobs at a higher function with greater efficiency.

We in Barbados, Mr. President, are very lucky in that our forefathers so valued education for generations, that we have invested heavily in that education, and that, as an educated public we are poised to take the advantage that is being offered us through our capacity to adapt to the new e-commerce environment. We will now be able to produce products for the globe: Music and Art will all be available on the Internet. And, Mr. President, when I talk about this intermediation I talk about music being downloaded straight onto a hard drive at a very low cost. I think that what you will find is that business processes will disappear and will be replaced by new business processes, but that the artistes themselves will still be able to get their royalties, their performing rights, and probably have a much more enhanced income because they are tapping a global marketplace with the greater surety of getting their royalties paid through electronic means than through intermediaries who might collect the royalties but not pass them onto the artists. The accounting function will become more verifiable and there will be much greater transparency to the various processes that will develop.

Mr. President, the importance of e-commerce and e-government is that the Barbadian society can make good that promise of the Prime Minister for us to become the smallest developed country in the world.

Now, there is much debate about people working anywhere at any time and therefore geography does not matter. I tend to disagree with that, Mr. President. What will be constant that will control our opportunities is time-zone management, and we as human beings are very much socialized and programmed to work much better in the day than we are at night and therefore our geographical position that aligns us with the East Coast of the United States of America, Brazil and Argentina positions us beautifully to provide services for the Western Hemisphere.

What this means is that Barbados will have to create the infrastructural environment and the environmental aspect to be able to attract the best brains and to hold the best brains in our society. It means that people will not have to travel to the metropolitan areas to achieve their full potential. It means

that they will be able to come to Barbados and because of our educational, cultural, social and security aspects, create a new business environment which does not have to be near a Port. It does not have to have vast raw materials, it does not have to have any of the other things that created the centre of the industrial economy.

In this regard, Mr. President, Barbados really has to work assiduously to create a new, safe, law-abiding society. In that regard, we have taken the forefront in developing our intellectual property legislation, in respecting our intellectual property legislation and respecting the Rule of Law and by developing our legal system. All of these things have to come together to be able to prepare Barbados for entry into the global marketplace.

We are talking in terms of the things that we know today, we are talking about industry. We have talked about books, we have talked about medical equipment. We can talk about any of the other tangible goods you may want to trade, but there are also many other new products coming on line, many new services, and it is very easy to note that 35 per cent of the new products that were announced last year could only be found on the Internet. You would not have seen it in a book, you would not have seen it in a newspaper, you would not have seen it in a periodical; it can only be accessed through the Internet, and that was 35 per cent last year. We must all understand that this process is very much in its infancy. We must all understand that computers are still very much in their infancy and therefore the capacity of this equipment to create new business processes, new business products, new consumer products, and new informational paradigm is tremendous and Barbados has to start at the ground now and work itself upwards. This piece of legislation, Mr. President, will give Barbados that platform from where we should move.

Mr. President, I know that there are other issues surrounding the issue of e-commerce which approach the physical sides of the telecommunication paradigm and there is much debate going on in the Caribbean at the present time about this issue. What I would say, Mr. President, is that the cost of telecommunication and the technology of telecommunication have to alter radically in this region. I see the day where every home has broad-band, wireless or direct-fibre communication.

Now we talk about fibre-coaxial connection, and we have to recognize that many homes will become centres of large information transaction businesses. Many people will have home offices which demand large exchange of information. We have people who are writing books, people who are editing instruction documentation, people who are editing course content material for universities, for specialist courses, for highly technical programmes. Those jobs are

being done today in Barbados in somebody's home office. We are talking about moving gigabytes of information per day. We are talking about moving vast quantities of text and graphics.

2.05 p.m.

Very shortly, we will be talking about moving video content and at video content you will have massive gigabyte transactions going on day in and day out. The new formats that we will use are yet to be designed but we have to position ourselves where our people can engage themselves in this type of business activity. We have the human resources. We have the creativity. We have the technical capacity and we are building that, day in and day out. The primary school child today that comes out, nine out of ten of them will be doing jobs that do not exist today and we have to prepare our society to capture the opportunity for those jobs. Part and parcel of that is this legislation. We have to bring everybody along on this.

So, Mr. President, the opportunity is great, the potential is enormous and we would be foolish if we were to ignore it and pooh-poo it. I am not saying there are not real dangers in the digital world. I am not saying that there will not be many failures because we have seen the recent rash of dot(.)com problems in the United States. We have seen the euphoria and we now see the depression, not depression in the economic sense but mental depression. In every new endeavour there are going to be lots of start ups that just do not work. People are going to experiment. We should not be afraid of failure. We should be afraid of not trying.

This legislation will provide us with that platform to try to develop the entrepreneurial skills and to enter into a new economy which will free people's minds, free people's creativity and also allow people to work for themselves. It will define new ways of working, new partnerships. You will find people collaborating with North Carolina, Hong Kong, Singapore and Barbados to develop a single product. You will find those people cooperating this month and competing two months from now. You will find those people cooperating this month and then cooperating with Berlin, London and Moscow two months from now. You will find that this brings a whole new mindset, a whole new paradigm of how we see people working and socialising.

This is no pie in the sky dream. This is reality. This is happening today. This legislation, as welcome as it is, has come a little bit late but 'better late than never'. This puts us ahead of many other locations in the world but we should not be proud of that. We need to move on to the next step.

Mr. President, the whole issue of electronic commerce transaction, all of what is happening around the globe, Barbadians are now going to be able to participate in fully.

We need that physical connection. We need that connectivity and we do need to have a new view of what a telecommunications company is all about.

This is being redefined. You will recall, Mr. President, that just a few short months ago, the Telco companies were scrambling to buy up all sorts of bandwidths on the airwaves. AT&T's debt skyrocketed and their bonds are considered now just to be a little bit more than jump-ons.

It is estimated that the world's telecommunication companies invested \$250 billion in buying bandwidths in the air. It was estimated at one time that it would reach \$300 billion but because of a recent decline in the marketplace and reconsideration of the value of that bandwidth, they expect that that figure would stabilise at about \$250 billion.

We have to understand that in order to understand how rapidly these things change. What looks good today, may look bad tomorrow but, Mr. President, this Bill sends the clear message that it is no longer 'business as usual'. Companies that ignore the Internet, do so at their peril. They could become the next dinosaurs.

Mr. President, this is probably the most exciting piece of legislation to come to this Chamber since I have been here. I really do feel that this will redefine business in Barbados. It will redefine the relationship between Government and its citizens and it will redefine the opportunities that our young children have.

It will mean that no one will need to have a passport to work anywhere on this globe. They can do so from Barbados. This Bill is their passport to the world. This is the opportunity of the future and this Bill, Mr. President, will go a long way to transforming our society from an insular, introspective, narrowly trading country to a true global participant in the area of international business, in the area of promoting Barbados and in bringing us to the status of a developed country.

Mr. President, it is with great pleasure that I move that this Bill be now read a second time.

SENATOR LeR. H. McCLEAN: Mr. President, I must say that I do have to give some support to the Government in this regard on this Bill and I would like to compliment Senator Marshall, now that I have heard that he has played some significant role in the drafting of this legislation. I would also like to say that, given the excitement spoken of by Senator Goddard, the Leader of Government Business, though my colleague does not feel that the excitement is coming through in his voice, I know that he does feel a passion for this area and perhaps he is in the wrong place in terms of his role and function in the Government. I would

say, Mr. President, that one has to wonder why he was deprived of the opportunity to be more directly involved in these issues.
2.15 p.m.

Mr. President, in terms of the legislation, section 11 dealing with the admissibility and evidential weight of electronic records at subsection (2) says:

"Information in the form of electronic record shall be given due evidential weight and in assessing the evidential weight of an electronic record, regard shall be had to:

- (a) the reliability of the manner in which the electronic record was generated, stored or communicated;
- (b) the reliability of the manner in which the integrity of the information was maintained;
- (c) the manner in which that originator was identified; and
- (d) any other relevant factor."

Sir, one of the elements missing from this section, in my view, is the manner in which the electronic record was retrieved. I do not think the manner in which the record is retrieved should just be covered by a general term like 'any other relevant factor' because retrieval of information is very important when you are looking at electronic data because of the possibility of corruption of that data or the possibility of data being deliberately intercepted and altered by some other party. The matter of retrievable must bear some significance.

When we tie this in with section 15 (5) you will see the relevance of retrieval. It is recognised in the legislation itself because it says here that:

"Where the originator receives the addressee's acknowledgement of receipt, it is presumed that the related electronic record was received by the addressee, but that presumption does not imply that the electronic record corresponds to the record received."

I believe that, given as Senator Goddard said and as he referred to it as a moving target, the whole matter of electronic data could be manipulated if persons have the necessary technology. There are persons who dedicate their lives to finding means of interfering with electronic transactions and breaking into people's computers and all of that. There are people who do this for a living and as a hobby. There are hackers who are trying to see who could

outdo each other and who could make the biggest hit or break into the largest facility. Certainly, if we are going to use electronic records for evidence then obviously there must be some clear guideline as to how these records are generated, stored, retrieved, *et cetera*.

Mr. President, Senator Goddard also made the point that people see e-commerce in a narrow way and that it will introduce a new business paradigm that will redefine business in the manner in which business is transacted. I quite agree with him in this regard. If businesses in Barbados do not wake up to what is happening quickly, I am sure, as he said, they could be the next dinosaurs.

Only recently, the Chairman of Cave Shepherd and Company Limited made the point that business at that establishment was being affected by a number of factors, one of which was the people's ability to shop on the Internet. I think that business persons in Barbados who have traditionally charged what they can get and not necessarily what the item is worth, would have to take a new look at how they are charging people for items because anybody can go on the computer and find similar items at a much cheaper cost and even when they pay the cost for shipping they can still get it into Barbados much cheaper than what they may have to buy it for here.

Therefore, the tradition of gouging in Barbados which we have come to know would certainly have to be looked at because business people will discover that if they maintain that practice they certainly would not be able to maintain their place in the market.

I believe that the whole matter of e-commerce opens an opportunity for a small country like Barbados to beat the negative impact of globalisation. There are a lot of things that would have to be done in order for us to be so positioned. As has been mentioned earlier, we have seen in the United States of America, for example, the emergence of the dot(.com) companies.

The benefits derived from e-commerce so far have been confined to the developed industrialized countries because small countries like ours have not been able to get the infrastructure and indeed we are now getting the legislation which would make this possible. In fact, there are certain encryption programmes which can only be made available in the United States of America.

Small developing countries like ours have got many constraints to overcome if we are going to get our share of these new opportunities for creating wealth. We, therefore, have the opportunity to carve out our own niche in the world economy. I believe that e-commerce offers the opportunity for Barbados to have a totally different kind of economy. In

fact, if the necessary things are put in place, I believe that e-commerce can earn a considerable amount of revenue, more than all of our present economic sectors such as tourism and manufacturing combined. E-commerce has the potential to outstrip all of them probably tenfold. The beauty of it is that we can do it without putting up an additional factory or without building another hotel.

What we have seen happening in the United States of America is the emergence of a lot of new millionaires who have come from non-traditional backgrounds such as young college graduates or students in many cases. I have heard of a case of a youngster at 12 years of age who wrote a computer programme and was paid \$1 million for it. We have the possibilities there for the development of a considerable amount of business but we need to have certain things in place which I would look at later on. The prospect for Barbados is great. For example, a company in Barbados with the correct infrastructure can sell items that are manufactured anywhere in the world.
2.25 p.m.

If you want to sell French perfume, wine, or silk from China, you can do so from right here in Barbados without one piece of that material landing in Barbados, simply by offering the items, having a relationship with the manufacturers where you can offer their items for sale on the Internet, the person places the order with you and it is so programmed that the order is placed directly with the manufacturer, the money comes to you, you pay the manufacturer and keep the rest. The possibilities are there.

It might sound simplistic but that is what is happening. I can sell books sold by Amazon, Barnes and Noble or E-Bay on the Internet through my own website. Anybody can do it. As long as the person buys the item, as long as they click to Amazon from your website and they purchase something from Amazon, Amazon can pay you a commission. It has happened and I know that it has.

All of these are the possibilities that exist and this is why I am saying that Barbados stands to benefit significantly if we do what we are required to do. If we consider the role of Government in this whole exercise, when Barbados took the decision to go into the field of tourism in a bigger way, we did not have the investors who were prepared to put up the kind of hotel plant that would be required to propel the industry forward. The Democratic Labour Party Government at that time took a pioneering role in the establishment of the Hilton Hotel as one of the early brand-name hotels in this country. I believe that Government would need to take a similar pioneering role if necessary in order for this country to benefit significantly from the business opportunities that are available through e-commerce.

The reason why I am saying that, Sir, is that one of the things required by a business in order to transact business on the internet, or to sell goods on the internet since, as was pointed out before, many of the transactions would be in terms of services, but for you to sell anything on the internet as a business you need what is referred to as a merchant's account. The problem is that the banks in Barbados were very ready and willing to issue credit cards to the public which give them the opportunity to shop on the Internet. However, they have been less willing to establish merchant accounts for Barbadian businesses so that the same people who are issued with the credit cards in Barbados can shop with Barbadian businesses.

Whereas Barbadians can shop all over the world via the Internet using credit cards, Barbadian businesses do not have the opportunity to capitalize on this new form of business transaction because they do not have the merchant accounts. A few businesses in Barbados have been able to do it and I think Super Centre and one or two other companies have been able to offer their goods via internet where you can go on and shop. The companies in Barbados which can do that, to the best of my knowledge, have merchant accounts through U.S.A. banks and, interestingly enough, in some cases, the local banks have assisted the companies here in getting those merchant accounts established in the United States of America.

What does this mean for the Barbadian economy? It means that if a company sets up a merchant account with an American bank and sells any item, whether it is produced locally or somewhere else in the world, the proceeds from the sale of those goods and services will not land in a Barbadian bank but in a foreign bank. It is now left to the owner of that money to decide whether any of that money will in fact get into the Barbadian economy.

Right now, Sir, Barbadian businesses can, if they have the means of doing so, establish merchant accounts with foreign banks, transact business on the Internet but the money will not necessarily come into Barbados. This has serious implications for the sale of goods manufactured here because we would expect that if goods are manufactured here in most cases it will require foreign inputs in terms of raw material and, therefore, we expect that when we sell those goods, particularly if we export them, that the foreign exchange would come back to Barbados. If, however, a company can sell the goods without the money coming back to Barbados then this would be one serious source of foreign exchange drain. So it has implications for a drain on foreign exchange in that way.

Therefore, we need to establish a means by which local companies can have the opportunity to sell their goods and services and the money comes back to Barbados. I think that

this is where Government will have to play some role in intervening in some way in order to provide these opportunities.

I do not get the impression that the foreign owned banks in Barbados are willing to facilitate Barbadian businesses in this way because a company in England can get a merchant account to sell items on the internet through Barclays Bank but a Barbadian company dealing with Barclays Bank in Barbados cannot get the same facility. Similarly, a company in Canada dealing with the Bank of Nova Scotia or CIBC or Royal Bank can get the same facility in Canada but you cannot get it if you are operating from Barbados.

It is not that they do not have the technology. So what is the hindrance? I have heard one or two people suggest it is because they did not have the necessary legislation in place. I do not buy that, because these institutions, in my view, seem to believe that small developing countries like Barbados do not deserve to have the opportunity to get into things in a big way in the same way that the large developed countries can.

It seems to me that they believe that we must forever be small and underdeveloped and that we should not be allowed to move into the new age where business can be transacted easily and therefore this country gets its share of the new wealth which is being created as a result of e-commerce.

Sir, I would like to send out a plea to the commercial banks in Barbados to move with haste. They have no excuse. The legislation is now in place and I would add that the technology is available. They do not have to look for the technology, they know the technology. By tomorrow morning, if they needed to, merchant accounts could be made available to businesses in Barbados. It is nothing that they have to invent. It is there. They provide the service already for their customers in other places and therefore it is time that they offer Barbadians the same benefits.

For years the foreign owned banks have been milking small countries like ours where you have to repatriate all kinds of management fees, even the system of queuing in the banks. Foreign banks have a patent for which local banks have to pay them. Every form that they send out and you use, you have to pay them some sort of fee for it. Yet it seems to me that they are not prepared to play the kind of developmental role that is required if they have a genuine interest in this country.
2.35 p.m.

Sir, this is why I have some reservations about the great desire to privatise everything that is commercial such as the Insurance Corporation of Barbados and the Barbados National Bank. I believe that Government should use its

interest in the Barbados National Bank to ensure that the first step is taken in this regard because we cannot necessarily influence the foreign owned banks, but I am sure that we can influence them in this regard to get something done. Sir, it is important that Government gets involved in this matter as quickly as possible.

Also, as the Senator indicated, the infrastructure required for e-commerce to be successful has implications for telecommunications companies. This is why I am sure that Barbadians are watching with interest what is going to happen with Cable & Wireless. The ability to go on the Internet and spend time as a consumer is one matter. Another matter is the ability of companies to transact their business via the Internet. If for any reason Cable & Wireless is allowed to operate in a manner which could inhibit easy access to the Internet at a reasonable cost, you can see the potential damage which this can cause, not only to private individuals who want to go on the Internet and get information but also to businesses and the way that they transact business.

A few years ago, Cable & Wireless was granted an increase for certain transmission of data. We have to keep a close eye on what is happening to this telecommunications giant in Barbados and throughout the Caribbean to ensure that they do not do anything which can cause undue harm to our developmental process. Sir, I am sure you will hear a lot more about that as time goes on.

The Leader of the Senate also mentioned the role of Government. I think he referred to it as electronic government. I think we are way behind in this regard. For example, you can go on the Internet and get any Bill that has passed the House of Commons and download it free. If you want the entire Bill, it can be downloaded for six pounds. If you do not want to download you can have free access to a lot of it. I would suggest that some of our Members make use of it so that they can bring a more enlightened approach to some of the debates.

There is a lot of information which is available for the average person that can be easily accessed. If you look at what is happening for example in Malaysia, a customs broker can clear goods from the port without leaving his office. He can sit at his computer, carry out all of the transactions that are required and in half of an hour he can clear his goods from the port. In Barbados you are lucky if you can clear an item from the port in two weeks because of the amount of bureaucracy and paper work that is required and the time you have to go to the port and wait.

Asides.

SENATOR LeR. H. McCLEAN: You can go into the port and spend hours trying to clear an item. In fact, for

the port itself you can spend an inordinately long time for them to identify where the goods are. This is one area that we can benefit from significantly if the necessary infrastructure is put in place.

The Senator also spoke of the ability to download music from the Internet. Mr. President, there is a big demand across the world for Caribbean produced commodities – music, art, food, rum and sugar. Whereas you can go on the Internet and download music from other parts of the world, we cannot find very much Caribbean music and certainly little or no Barbadian music on the Internet. I know of one company which was willing to sell Barbadian music via the Internet but they could not find persons in Barbados who were willing to supply the music to the company.

Mr. President, the opportunities are there to improve the way in which we do business and to improve the commodities that we can offer across the world without the constraints of the traditional forms of business. I think it is time that we make every effort to capitalise on it.

Sir, this also requires that we educate our people. I am always worried when people think that EduTech 2000 will solve the problem with respect to the new information technology and e-commerce. This is a very narrow way of looking at what education for the future is all about.

There is a big demand across the world, particularly in the United States, for programmers. There are companies in America that are trying to recruit programmers from all over the world. India has capitalised on this demand and they are training and turning out computer programmers. The Minister of Government responsible for that programme is a businessman himself who recognises the need and has put programmes in place to make sure that their people are trained. We have a high level of literacy and access to education and educational institutions which are amongst the best in the world.

Unfortunately, we have not gone the next step of educating people for specific purposes. We educate people – full stop. I have met people who have gone through secondary school and are now in a tertiary institution and cannot tell you exactly what they want to do. All they would tell you is that I am studying this or that but for what purpose? We have not yet instilled in the minds of our people that we need to be educated for a specific purpose. As George Lamming is known to have said, Barbadians see education as something to have, not something to use.
2.45 p.m.

Someone would say that he has five CXC's and enquire how much are you going to pay him for that. He is not concerned with what he can do with the five CXC's. This is

a result of the manner in which we have indoctrinated our people. If we know what our developmental goals are, this is one of the problems that we constantly face, no one has spelt out clearly so that every Barbadian can understand what our developmental goals are. If we understand what the developmental goals are then we can educate people to deliver what we aspire towards.

Dr. Webster is known to tell a story of an experience which he had in Singapore where a person who worked in a hotel recited to him what the goals of Singapore were. He said that the hotel employee said that Singapore would be located where Sweden was in the year 2000. They said that it took Sweden 200 years to get there but they are going to do it in 70 years.

Asides.

SENATOR LeR. H. McCLEAN: Every person at every level in Singapore understood what the goals were. He said that when he went to a function which was addressed by the Prime Minister, the Prime Minister rattled off the same story in the same words that the taxi driver and the hotel employee rattled off.

Asides.

SENATOR LeR. H. McCLEAN: The issue is that we must set goals and let our people know what those goals are. I am not suggesting that we do it in any form of brainwashing. How many people in Barbados, including politicians, have ever seen the five-year Development Plan which is usually put out by Government? There are a lot of people who are in important positions in this country who do not know of the existence of a developmental plan or can tell what is in it.

When people are going to talk about indoctrination and brainwashing, they are missing the point. The point is that we need to know exactly where we are going; we need to communicate this to our people and we can then structure our education and all other services towards the achievement of the goals which we have set.

If people believe EduTech as it stands will do this, I think that we are going to get a rude awakening. EduTech in itself is so bogged down in confusion, apparently misguided and lacking direction, that one is not sure where that programme is and where it will be in another few months. I do not hold out much hope for EduTech to do what is required. If we are serious about educating our people to take advantage of the opportunities that are available through e-commerce and the new technologies that are out there, if we are really serious about educating our people, we certainly cannot limit ourselves to what is offered or what may be achieved through EduTech.

Therefore, Mr. President, I do welcome this legislation as a first step towards the opportunities for Barbadians to get involved in electronic commerce. I would suggest that all Barbadians pay closer attention to what is happening in the world around them, particularly those of us who are in any way associated with any form of leadership, that they seek to understand the dynamics of the situation so that we will not be always trying to play catch-up. This thing is moving at a very rapid rate. It is happening at a rate, if we are not careful, which will leave us in what would be the dark ages.

Mr. President, the whole matter of electronic commerce is one which is of tremendous importance to this country at this time. Those of us who do not understand it must seek to grasp it as quickly as possible and ensure that our institutions can offer the services via the same technology. For example, if a doctor wants to have access to a patient's notes over the weekend, chances are he would have to go through a considerable amount of difficulty to access those notes.

Asides.

SENATOR LeR. H. McCLEAN: Mr. President, a doctor would find it virtually impossible to access the notes for a patient outside normal working hours. With the available technology, as the Minister said about electronic government, that can be remedied by having that information available on a computer in a secure way so that it is not accessed by all and sundry.

I know that at the university there are certain lecturers who have their notes available on the Internet and it is happening in biological science. I do not know if all of the faculties are as up to date. You can go on the Internet and access course outlines and lecture notes. Those of us who have been to university would know that if you missed a lecture you had to find somebody to get notes from. It is possible not only utilising notes from the University of the West Indies but it is possible for persons to study complete courses via the Internet whether they are first degree or graduate programmes. If you are studying, you can also access information from other universities across the world. Very often when you are looking for information, you would see that information is coming directly from a university. You can go into websites and access information easily.
2.55 p.m.

Anybody now is able to access information more readily, therefore we are dealing with a different kind of person now. We are going to have a different type of citizen to deal with. You are going to be dealing with people who have access to information and we see problems arising that the Chinese Government, for example, are facing right now. They are facing the problem now, whereas they are restricting the information that was available to their people

over the years, their people are now able to access this information, via the Internet, and recently an internet provider was brought before the court. I think that he was imprisoned because he allowed access to certain web sites that the Chinese Government thought were against their particular ideology. So we are not dealing now with citizens who are confined to the information that we feed them; people can access ideas from all over the world. When we tell things to people they can check to determine whether what we are saying makes sense or not; they can go on the Internet and see just about anything that they want to know about. Unfortunately, you can also find terrorist activity on the Internet. There are all sorts of internet sites out there and therefore, it is important that parents are in a position to monitor what is happening on the Internet because you have heard recently of persons receiving telephone bills and when they made inquiries they then discovered that their children were accessing certain sites on the Internet which they did not realize carry a charge. So people contact certain sites without realizing that there is a charge and recently, Cable and Wireless warned Barbadians of this possibility. People have put on their card numbers only to find out later that they receive a telephone bill that they knew nothing about, and this is because of the ability of hackers to access, and there are some sites that will tell you that it is not a secured site, or if you have the correct type of programme on your computer it will actually warn you that you are about to access an internet site which is not secured.

So there are a lot of issues which arise out of the whole matter of e-commerce, Sir, and all of them we have to be mindful of. We have to look at the positive aspect, we have to look at the negative aspect, so I believe that if we carefully examine what is happening and we sift out those things which we believe can be useful to us, then Barbados certainly has the opportunity to advance significantly in the world of the new technology, using e-commerce as a significant vehicle. I thank you.

Mr. PRESIDENT: Senator Marshall.

SENATOR D. D. MARSHALL: Thank you very much, Mr. President. I am heartened at the fact that a Bill such as the Electronic Transactions Bill, 2001, can safely be expected to receive very strong support on all sides.

Mr. President, when Marshal McLuhan, perhaps thirty or forty years ago spoke about the world becoming a global village, I am really quite sure that at that time he did not even contemplate that such a thing as the Internet would come into being, but it is here and it is really perhaps the best example of how the world in which we live has begun to 'shrink' through technology...

Aside.

SENATOR D. D. MARSHALL: ...has begun to shrink...and if I see that in the stenographer's minutes I will know that it is my fault.

Mr President, when electricity first became a commodity there was a headline in a New York newspaper which claimed that electricity is here, it is a novelty, it is a superb automotive power, it is excellent as a source of heating. At that time the electricity seemed very new, only very few persons in society had it, it was owned by businesses. I have a fear, Mr. President, that in terms of e-commerce now, perhaps it still holds the novelty for us today as electricity did 100 years ago, and I think that that is one of the major difficulties that we have to overcome with e-commerce and the technology that is the very bedrock of e-commerce, computer technology which is still in many societies, not just in the Caribbean but many societies in the world, seen as a novelty.

My own research indicates to me that within Barbados we are doing far better than many, or perhaps all of the other Caribbean territories, but there are still some realities that we have to confront, and I would like to address this in the early because Government, as always, can only set a platform, it can only set the playing ground and then it has to leave it to the players to actually take us to the next level. I do not dispute, and let me say that now, I do not dispute that Government has a very strong role to play in e-commerce. What I do wish to reiterate is that by putting this piece of legislation in place Government is establishing the framework, but the rest is really going to be up to us.

Internet, Mr. President, has formed a whole new vocabulary. It seems as though we are now able to create a whole new variety of words simply by adding the letter "e" in front of it, so Government is now e-government, Commerce is now e-commerce, and of course, there is e-tailing, we are now talking about e-location and that boggles us, because the whole point of the Internet was that location did not matter but there is e-location. Words that are not "e" words in terms of distance are concepts and terms that have come to the fore in the last 20 or so years.

To give an example, Mr. President, of the growth of e-commerce, statistics showed that it took television 34 years to reach 50 million people in the United States of America. It took the Internet four years to reach that same 50 million people. It is, indeed, a moving target, the rate of growth has been exponential and, quite frankly, we have little idea of where it is going to take us, but we can be sure of a few things. We can be sure that in the same way that Barbados is expressing its very active interest in e-commerce, the rest of the world is not sitting by as a spectator. So it is important that we seize this opportunity that is presented to us and make the most of it.

I am going to get to the legislation a little later on in my presentation, but I would like to say at this point in time that I am not one of the people who believe that Barbados and Barbadians can become filthy rich through e-commerce. In fact, my colleague on the Other Side spoke about the dot(.com) boom, but I believe that if he has been watching carefully, he would have noticed that we are now talking about the dot(.com) bust, because Amazon dot(.com) has never made a profit, Barnes and Noble has never made a profit with e-commerce, and really and truly, most of the dot(.com)s that have suddenly been established have, in fact gone out of business. So really, there is a tremendous shake-up in that area of the business and I do not think that that is the kind of thing that Barbados will make its mark on.

It would be wonderful, if out of our 1/4 million people we could come up with one or two geniuses who could come up with, make software and sell it across the world. That would be a wonderful thing and I look forward to seeing that happen, but my own caution would have to be that they are not really the kinds of areas in which I think that Barbados will make its mark. In fact, my personal view is that e-commerce will represent its greatest benefit to us if we start to look within and not without. What do I mean by this? Both of the people who spoke before me have looked at the role of Government.

Now, Government is the single, largest engine in the Barbadian economy. In fact, it is perhaps the single largest engine in any economy anywhere that you might go in the world, so we cannot expect to make any serious strides in e-commerce unless Government gets on board. Our Government has the responsibility for doing what we have just done and we are putting that legislative framework in place, but Government has to come up to the plate and put those other things in place. I feel that Government has a strong role to play in terms of setting the example and creating a sort of legitimacy in terms of our e-commerce efforts.

I am happy to note that there is a Committee in Barbados which is dealing with how we are using e-commerce to bring innovation to our Government processes and that I believe is headed by Senator Goddard, but to give you an idea of some of the ways in which Government has been using e-commerce: tendering and procurement of goods and services in every Governmental service, and I am forced, but happy to commend my colleague on the Other Side who spoke about using Government for these kinds of things. I believe the time has come when all of our legislation should be on-line. I believe the time has come when our Hansard should be published on-line. I believe the time has come when our Gazettes should be on-line. I am embarrassed to admit that every week or so I get a tightly-wrapped roll of Government Notices in the Gazette, and you get them so quickly, and there are so many things that you really cannot go through them at your

leisure, and then you have of course to store them. I believe that we have tremendous efficiency and we can certainly achieve tremendous cost-savings by distributing these things on-line, or simply having them available on-line. I understand that it is being worked on and it is the kind of thing that the central Government needs to use e-commerce for. But of course, if we can use it in the Gazettes, think of how the Government Information Service (GIS) can use it, how we can give our information out to our citizens on-line; the many forms that we have spoken about, access to our various registries, and so on. Also important is the linking of Government Departments.

In a conversation with a civil servant recently, I got an insight into how – I must not use the word ‘peculiar’ – but sometimes how ‘unusual’ the thought processes are. It appears as though the concept of a registry is a very important thing within ministerial government, and my understanding of a registry is a central clearing house where all correspondence and papers come in and are physically put on a file, signed off and sent to the various departments; that is how the information gets disseminated. I am told that on one occasion a particular Ministry received an e-mail correspondence and the particular officer in the registry called the individual up and said ‘I got your letter, but do me a favour, print it out and sign it and send it down tomorrow’. Now, that is the kind of mindset that is in existence. We cannot apologize for it, it has been in existence for 300 years. In fact, it has taken me, as someone who is deep into e-commerce, quite a lot of effort to get away from that physical mindset where we actually need to have paper. I am embarrassed to admit that very often when I get electronic documents I still do like to print them out. But we need to streamline our Government systems to ensure that our Government Departments can make use of the many efficiencies that are available in e-commerce.

Mr. President, you will not be surprised if I tell you that the delivery of justice in our society is something very close to my heart. It is something that I feel benefits from an important foray into the field of e-commerce, and we would not be alone in these kinds of efforts. In Brazil, in the City of Bahia, the courts are on-line. Now when I say on-line, I do not mean that they can send you e-mail. What I want to tell you is that the courts in Bahia receive court processes in an on-line format. If I am suing someone else, my court documents can actually be filed on-line. It is then distributed on-line to the particular Judge, the other lawyer gets his and that Judge makes a decision without seeing the parties, purely on the basis of the paperwork; and a decision is given on the matter within three to four weeks.

Now, granted that may not be of complete application to our environment, the reality is that every day a clerk has to physically leave my law office and walk to the Registry to

file documents and he has to walk to the Corporate Affairs Registry to file documents and all of these are things that we can do away with.

We have legislation like the Stamp Duties Act which said that you have to put a stamp on an actual document. There are people who believe that only a receipt is good if it comes in a little book and marked 'Brydens' on the front, and it has to have a carbon copy, because they cannot conceptualize, they cannot get their minds around the fact that you are entirely able to give a receipt that does not have to be store-bought, and many of these things are now capable of being done electronically. It is a brave, new world before us and it is always difficult to accept these things. I am reminded of the fact that when the spinning-jenny, the first automotive way of weaving was first invented, people thought that it would put all the spinners and weavers out of work and their solution was to storm the mills and destroy this spinning-jenny. Mankind has always been cautious when it comes to new technologies and how we use these things.

I am reminded of the fact, however, that as a boy going to Combermere School, computers were just coming in and there was a debate up and down Barbados, up and down the globe, how computers would put whole sets of people out of employment: computers would do this, that and the other; computers would put all the filing clerks and so on out of a job. In fact, what we have seen is that instead of this new technology causing considerable unemployment, it has opened up many new industries and many opportunities for employment. So I for one welcome the technology and the fact that e-commerce has really reached this stage. But there are other ways in which we have to use e-commerce. I believe our businesses are well poised to make use of these efficiencies. It may not necessarily yield greater profits. In fact, my emphasis in thinking about e-commerce is not the money at all. I find that my ability to make decisions is only now optimized because of the Internet. Just about anything that I choose to buy I have the opportunity to research it first and to research many different options before I make that choice, and I believe that these are the kinds of things that will allow businesses to give greater value to the consumer.

With the greatest of respect, I would say that businesses now have to go on-line to sell more products. I would say that businesses now have to go on-line to give the consumer greater value-added, and I believe that if you give the consumer greater value-added, there will be a greater bond in the relationship, and the business will be better. So, again, we must move away from this mindset where we will make millions and millions of dollars with e-commerce. I believe that the real value of e-commerce to our society is the ability to do things better, and that perhaps, will be translated into millions of dollars in savings, and perhaps into millions of dollars in investment. But always we have to remember

that we are not the only ones who are moving in this direction.

E-commerce is also important for the international financial services sector and I am happy to say that because of the fact that our international financial services sector legislation is relatively recent, we do not have a situation where there is any clash between the e-commerce legislation and the legislation in the international financial services sector.

However, I have to add my voice to the call by Senator McClean to the commercial banks. It is with great sadness that I have to say that we actually have e-commerce clients who have set up their businesses in Barbados, but in order to do their e-commerce transactions they have to go to the Bank of Bermuda. Now, perhaps that is something that we would want to say that this is not a Government issue, this is a situation where the private sector has a responsibility to put its shoulder to the wheel. The Government of Barbados puts legislation in place, it sets the platform, but you cannot walk if you keep putting your left foot or your right foot in front of you all the time. It has to be a process that combines the private sector, the Government and the individual citizen. So what do we tell people when we say come to Barbados, that we have an excellent suite of financial services here, we have a hot-off-the-press piece of e-commerce legislation, and you can come to Barbados because of our Treaties and good network and good marketing agencies, but then these persons have to go to Bermuda, one of our competitors to settle their bank rates.

So I would like to add my voice to those people who were calling for the commercial banks in Barbados to join with us and not to stand apart from us. They are still a part of the society. At least one of these banks is now regionally owned and they have an obligation to the people of Barbados. This is not just a Barbadian thing. The same thing is happening in St. Lucia, Grenada and throughout the Caribbean. When they say legislation, they also say privacy and we do know that these things are in a large measure solved, so I would like to support the call to the commercial banks.

3.15 p.m.

There are many issues surrounding electronic commerce, Mr. President, which are being discussed in many fora. There is the issue of taxation: how do we tax electronic commerce, do we tax bits and bytes or do we tax the end product. Another important issue is jurisdiction, and I must say that many of these issues have not been settled. It is important that we recognise this because they are no longer domestic issues. Legislation is a national product. It is the product of a National Parliament but Barbados' legislation has never bound Jamaica. It cannot bind Trinidad and it cannot bind England...

Asides.

SENATOR D. D. MARSHALL: Sir, because our legislation is parochial in nature, its effect rests entirely within our shores, so when we start to talk about settling the issue of jurisdiction in the e-commerce transaction, we can only pass laws which determine how we deal with it within Barbados. These laws will not be effective if the person with whom you are doing business is found in another jurisdiction. In the same way e-commerce is a global phenomenon, we now need to look for global solutions.

We have to be very careful how we put our legislation in place because we may well find that a selection that sounds attractive does not mesh with the prevailing international approach. So to some extent while we in Barbados want to rush ahead, we still have to watch and observe what is happening. The issue of privacy is one that benefits from this kind of analysis. Barbadians have never had a right to privacy. There is a comment in our Constitution, I believe it is section 11 which says that every person in Barbados enjoys fundamental rights and freedoms and these include the right to privacy, obviously home and other property. It does not go any further than that. It is not one of the human rights provisions in our Constitution.

Yet still, Barbados has maintained a very civil and orderly society for the last 300 years and longer. I certainly had never heard of my medical information being bandied about anywhere. I have never heard of my banking information, what little there is, being bandied about in other places. We respect privacy. Perhaps it is a measure really of the sophistication of our society that we have been able to function as we have, without putting privacy legislation in place.

Fortunately for us, many of the societies with which we do business, do have privacy legislation. In fact, if you speak to the average American about privacy, you know Americans are very paranoid, they will say, "Oh no, no, I do not want to do business on the Internet because I am worried about my security. I am worried about my privacy." It has not stopped us from doing business but what it does mean is that we now have to start thinking about what the other side of the market needs.

Sir, throughout the EU there is privacy legislation in place. Also, in Canada, the UK and the US there is privacy legislation so when our main trade partners have privacy legislation, we have to recognise that the people with whom we will be doing business in those territories have a legitimate expectation that certain privacy standards will be met.

The private issue is again, not settled and we expect that technology will make that entire discussion academic

because of the strong encryption that is now available. But the point is that we are now for the first time being forced to look at what our trading partners want in terms of their own domestic requirements but the issue of privacy is not settled either.

Consumer protection is one that is very dear to my heart and if this Honourable House would like to hear of my own experience with a company: I was sent on an errand to purchase a book. I bought two books from Barnes and Noble and one of them arrived in Barbados within two days. Two days later the second book had not arrived. This book costs US\$20 and the cost of shipping was more than the cost of the book. Therefore, I have a personal interest in the consumers' protection issue. How am I to recover my US\$20 from the vendor? Then I have to recognise that even to call an American attorney to ask him about my US\$20, apart from the cost of the phone call and the consultation fee, this is an exercise in futility.

We have to remember that because of the way e-commerce is and because it now covers millions and millions of people and enterprises, this is something that is going to happen more and more often and we therefore have to consider how we are going to deal with issues of consumer protection. That bad experience has not stopped me. I continue to make purchases on line, just not from that particular company.

Sir, there has been a lot happening in e-commerce. I have talked about the special importance to the Government, the special importance to business and I would like to mention briefly, education. I am firmly of the view that the programme formerly called EduTech, I understand that its name has now been changed to Educational Sector Enhancement...

Aside.

SENATOR D. D. MARSHALL: ...something or the other. It is almost the same thing, right, but I still like EduTech. I believe that that programme is really what is going to allow us to make use of this e-commerce framework in the immediate and distant future.

When I was in Third Form at Combermere School, we reached that very important stage in our educational lives, and believe when I tell you it was nothing more than it was in Third Form when you would get a slide rule. You were a big boy when you had a slide rule in your pocket. We had no pocket calculators. It was just that slide rule and those students who did not have it, did without. Who could not afford it, did without.

I would venture that the computer and access to that technology is now so pivotal that we have gone past the stage

where we can say, if you have it, you have it, if you do not have it, you will still learn anyway. We have gone past that stage. The rest of the world has gone past that stage. The developing countries with whom we are now seeking to compete have gone past that stage, so we have to ensure that all of our students, as they go through the process of education, have direct and frequent access to this technology.

As I travel and speak on electronic commerce, I do not fail to talk about the EduTech Programme and afterwards people are always coming around saying, "I want to know more. I want to hear about this." We have to recognise that this kind of programme is almost unheard of anywhere else in the world. It is truly a novel programme and when you consider that Barbados has a population of a quarter of a million people, that really gives you an indication of the seriousness with which this Government is approaching our long-term education.

Asides.

SENATOR D. D. MARSHALL: Senator McClean spoke quite eloquently on the situation in India which has a population of nearly one billion people. India can turn out of University two hundred thousand computer programmers a year and then find jobs for them quite easily in the USA and so on.

That, you recognise immediately, is just slightly under the population of Barbados, so when we talk about these things, we have to remember that critical mass is still a very important term in terms of our projection and what we do and where we go in the future. That is why I say that we have to look for the areas that e-commerce will work best for us and put aside for a little time the grandiose ideas.

Mr. President, having had some role to play in the actual drafting of the legislation, it would be remiss of me if I did not mention a few of its highlights. I want to say at the beginning that our legal system and most of the legal systems in the world were designed for paper-based environments. As simple as that, nothing more. Many of our pieces of legislation were developed at a time when the telephone had just been created. Our Sale of Goods Act was passed in 1895. Our Bills of Exchange Act was passed in 1907. Our Bills of Sales Act was passed in 1893 and our Bills of Lading Act was passed in 1892. These are major pieces of commercial legislation and they were passed at a time when the only technological advance we had was a very primitive form of the telephone, so everything was paper-based.
3.25 p.m.

Now, that has served us well. Our Courts have been very flexible in terms of interpreting the various legislative pieces, recognising that everything cannot be and will not be

in writing. That is the environment that we are faced with today.

Electronic Commerce represents a paradigm shift really. The entire bedrock has now been changed, but because it is such a major departure from that which is normal, drafting the legislation meant that we had to follow closely the concept of functional equivalency. This means nothing more than that paper-based transactions should be treated the same way as electronic transactions and *vice versa*. The purchase of a book whether it is on-line or whether I walk into Courts should be treated in exactly the same way. There is no reason why one should be valid and the other one should be invalid, or why the outcome of one arrangement should be certain and the other one should be uncertain.

The basic idea is that we should develop a piece of legislation which would give us functional equivalency. So a signature in a paper-based environment is to be of equal effect as a signature in an electronic environment. Those are the kinds of things that we have to achieve.

Now, the United Nations Commission on International Trade Law (UNCITRAL) has been working on electronic transactions legislation for many years. Essentially, we look to see what was happening with UNCITRAL in Singapore and in Bermuda, one of our main competitors in the international financial services sector, and try to come up with a piece of legislation that will work well for us and understands our domestic environment. It would not surprise you that we have followed in some measure fairly closely the UNCITRAL work.

Now, to give an idea as to how advanced we are today, there are only about ten countries in the world that have e-commerce legislation of this kind. There are some countries in the world that have little pieces of legislation dealing with e-commerce. Instead of looking at the global picture, they have looked at just a little piece of it. There are only about ten countries that actually have this kind of legislation. So Barbados today is again, I am proud to say, right up there with the rest of them. Of course, we have to do the rest.

This legislation takes into account the importance of certain types of documents to our psyche. It therefore, excludes from its operations certain things like Wills, Deeds, Mortgages and so on. Now, you may ask why on earth would you hold back when it comes to things like that. If you are going electronic, then go electronic. We have to recognise the society that we live in. Certainly, there are few things more prized to my own father than his wife, his three children and his title deeds, hopefully in that order, because Deeds and Wills and so on represent the essence of all that you are worth. Therefore, to substitute those kinds of important documents with an electronic form is not

something that would sit well with many Barbadians. Of course, we have to do the reality check and recognise that the vast majority of our citizens are not on-line anyway. So the legislation specifically excludes Wills and other testamentary instruments, conveyances and so on.

Mr. PRESIDENT: Senator Marshall, you have one minute left.

SENATOR D. D. MARSHALL: In conclusion, I know that Senator Newton has studied the legislation in great detail and with my time having passed, I should therefore have to pass the baton to her to discuss in some detail the actual sections in the legislation.

In my view, it is a good piece of legislation but I must reiterate that it does nothing more than set the framework. Barbadian businesses and Barbadians now have to take it to the next level. We have to ensure that Barbados is, in fact, up there with the rest of them. It is one thing to have the legislation but it is another thing to make it work. I am, as always, confident that we as Barbadians are able to make it work.

Thank you.

SENATOR Mrs. P. E. RICKINSON: Mr. President, it gives me great pleasure to make my simple contribution to this e-commerce Bill. Senator Marshall said that the Government has set the playing ground and has left the players to take the next step. In my humble opinion, the players that I see in this Bill are the service providers, the originator, the addressee, the intermediary, the creation and verification of signatures, the creation of signatures which are private and the verification of the signatures which are public and the data to control them.

Mr. President, in order to bring sense to me as an ordinary lay person who is trying to understand e-commerce, I searched for a definition of e-commerce and I found one in the Green Paper on Telecommunications at page 5 where it said:

"The World Trade Organisation (WTO) defines e-commerce as the production, advertising, sale and distribution of products via telecommunications network".

With that in mind, I read this Bill. I feel that we need to revisit this Bill because it has left out certain aspects of the definition of e-commerce. To me it tends to regulate everyday transactions, but it is not comprehensive enough to regulate the e-commerce sector because it does not deal in a comprehensive way with business to business transactions or with the concept of importing or exporting but it is a start

and I think that the other players will also have to assist us in carrying it a bit further.

Mr. President, I would like to say a few words about encryption which is Part 5 on pages 15 and 16 of the Bill. The Bill itself does not define encryption. In my humble opinion and from my reading I feel that encryption codes e-mail, putting it into a type of envelope around the message and it guarantees that the persons will receive the e-mail. In other words, it would not be tampered with.

As we have been told by the Leader of Government Business, there has been a mathematical system developed which has made it quite secure and safe. However, from my reading and I am now referring to a book called "Offshore Finance of Canada" on page 52, it talks about where Government stands on encryption and it says:

"The position of many governments on the issue of encryption is guided by the Wassenaar Agreement, signed by 33 countries, including Canada in 1995. The Arrangement deals with munitions and "dual use" technologies (technologies and products that can be used for legitimate and illegal activities)."

It goes on to say that:

"Domestically, countries can deal with the issue of encryption at their discretion, but as part of the Arrangement, member countries set a limit on the strength of the encryption products that can be exported."

It goes on further to say that:

"The Agreement allows for the export of mass market hardware and software encryption products of up to 64-bits beyond which, the exporter must apply for an export licence."

3.35 p.m.

Canada adheres to a 64-bits limit and the U.S. sets its limit at 56 citing national security concerns. My question is, if Barbados becomes signatory to this arrangement, what will be its limit, because according to the Bill it does not set any amount. It seems as though it allows for unlimited amount of bits, and seeing that it can be used for legal and illegal purposes, one wonders if Barbados would not want to obtain some measure of control to a number and put it in the legislation. If one uses beyond that number, one has to apply for it.

Sir, this also brings in what Senator Marshall was talking about. He talked a lot about the paper trail. The Bill does not really cover the electronic trail which will be the parallel to the paper trail that we now use. I feel that it needs to be a bit more comprehensive to follow the electronic trail in the financial sector, in fact, what the OECS have been

talking about over the last couple of weeks and months where they have had Government Conferences. I feel this is an opportunity for us to try and create an electronic trail not for investigation but for monitoring what is happening.

Sir, my comments now go to Part 1, Section 2, Interpretation. However, what I want to talk about is the signature. It is used via the electronic media. The definition of facsimile includes a copy whereas the Bill talks about a symbol or mark. In other words, what I am saying is that a better term that could be used in the Bill may be facsimile and you can look at that to see what can be done in that area.

Sir, another query that I would like to know about is on page 5, Part 2, Section 6(1) where one talks about requirement for written information about the electronic record which is accessible and is subject to correction. I would like to know accessible to whom and where one can get the information.

Sir, Senator McClean touched a little on the area of integrity of information. I myself would also like to speak about it and ask what criteria would be used for integrity. I am talking about Section 9, page 6 where one talks about if there exists the reliable assurance as to the integrity of the information from the time it was first generated to its final form as an electronic record.

I would also like to make a comment regarding Section 2, page 6 and Section 3(a) about the criteria for assessing integrity, whether the information has been made complete and unaltered apart from the addition of any endorsement and any change which arises from the normal course of the communication and storage. This is very vague. If you read it carefully, you would see that there is a conflict between Section 9(3)(a) and 11(2)(a) and 11(2)(b).

I now turn to Part 2, Section 10(3) in which it says a person may satisfy the requirement referred to in Section 1 by using the service of any other person if the conditions set out in paragraphs a, b, and c are met. Senator McClean touched lightly on this but I would like to suggest that some form of a log is kept so that one could get access to this information.

Sir, Part 2, Section 14 was touched on lightly in a general way by Senator McClean. I have a note here about the hackers. The Leader of Government Business said that additional legislation will be brought. I think that it is very important to bring legislation because there are hackers that can get into the computer and take out information.

Sir, I now go to Part 3, Section 6, page 11. This part seems to deal with the concept of entering the system. If something enters the system, it does not necessarily mean that it will go forward. It might enter the system but the

person that it is sent to might not receive the information. I think that one needs to talk in terms of verifying that one has received the information, not just that it entered the system, because it takes it for granted that once it enters the system it is sent to the person.

Sir, another area that I would like to mention is Part 6, Section 22 on page 18. I would like to find out, when we talk about data controller, if that person is a broker of information collected from the Internet either inside or outside of Barbados. That is not very clear.

Finally, on Part 7, Section 23, Sub-section 1 (b) it states that it has no actual knowledge that the information gives rise to civil or criminal liability.

In my opinion, it should read better if it read:

"That it has no actual knowledge that the information gives rise to civil disobedience or criminal activity."

The way it is put is very broad and if you talk in terms of civil disobedience and criminal activity it narrows it down a bit.

3.45 p.m.

With this little contribution, I think it is a very good start. I feel that we all need to be educated more about e-commerce, what it means and where it will take Barbados. We know that we cannot get anywhere without it so we have to take everyone along with us, and the only way you can take people along with you is if they understand what it is all about. The only way they can understand what it is about is to have massive educational programmes because the word e-commerce has been thrown around by people and you really do not have a concept of what it all means and what it means for Barbados. It is only the people who are in the technical field who have come to grips with it, because it took me many nights and a lot of research in order to read the Bill and try to understand it, so I am speaking not from a technician's point of view but from the ordinary layman's in the street who will take up this Bill and read it. That is why I am making queries for explanations.

Thank you, Mr. President.

SENATOR Mrs. V. E. NEWTON: Mr. President, I rise to give my wholehearted support to this Bill which I read fairly closely on several occasions. I have to say that there was very little that was wrong that I could find with it, either in terms of the way the sections were drafted or in terms of the content of the Bill. I have to give congratulations to Senator Marshall and his team who were responsible for drafting the Bill and for preparing the explanatory memorandum which, like the Bill, was of a very high standard.

Mr. President, there are just a couple of things that I need to say and one is that in today's world of e-commerce, the consumer can participate in international commerce in a way that he never could before. Without going into all of the details and the ways in which he can do it, because these were covered before by Senator McClean, Senator Mascoll and others, I wish to say that while this Act provides a framework for the operation of e-commerce, we have to realise that other pieces of legislation would of necessity have to follow as the Act is put into operation and as we see where there are loopholes.

For instance, in terms of computer hacking and in terms of some of the issues mentioned by Senator Rickinson which she saw as sections that needed explaining, there is not everything that could be put in this Bill which, as Senator Marshall said, was concerned with providing a broad framework for the operation of electronic commerce. We have to remember too that under this and any other major piece of legislation, subsidiary legislation, spelling out the details of how sections of the Act will work, would have to be made.

I wish to speak, Mr. President, on the impact that e-commerce will have on other commercial activities in Barbados. For instance, previously to order goods from overseas you needed Central Bank approval because there are exchange controls. At present, there is no need for exchange control approval in relation to the purchase and the sale of goods, but there is in terms of services. To some extent, Government can recover revenue from some of these transactions when the goods arrive in Barbados. Those of you who might use courier services will know that whereas before a package came and you took it and signed for it and that was it, nowadays, you are being hit with a bill which represents the tax that you would have to pay on the particular product. I was in for some good surprises recently because there are some things which I ordered from overseas.

Even so, we have to remember that the Comptroller of Customs recently was saying that even in relation to e-commerce the prices of materials can be manipulated so that Government will lose some revenue. Additional legislation looking at the position in relation to loss of revenue, taxes and VAT will have to follow this piece of legislation which is an excellent beginning, to my way of thinking.

I was going to speak on jurisdictional issues but I had a conversation with Senator Marshall previous to this meeting and I realise that it is a ticklish one and, as he said, we can only look at jurisdictions from our point of view, from the Barbadian situation. It is a matter that is fraught with difficulties and depends very much on what is happening in the international arena. Therefore, the way in

which the concept of where an e-commerce contract takes place that is provided in the Bill is the best that can be done at present.

With those comments, I lend my wholehearted support to the Bill and again I congratulate the framers. Thank you.

SENATOR C. A. MASCOLL: Mr. President, I rise in this debate not intending to be contentious, but nevertheless to provide an insight not from the legal side but more from the operational side of things.

The question of e-commerce and the significance of it to the future of the Barbados economy must be assessed from the point of view of critical mass. If everyone in Barbados is able to go on internet and access whatever product he or she wishes and then proceed to import it, then it has implications for transportation and serious transportation as it relates to the frequency with which one would have to be toing and froing in order to move the real product from its source to the end user.

As has been explained in the Chamber, I want to say that a book purchased may cost less than the actual transportation cost. If it is the case that you are talking about standard items like clothing or footwear, while it may appear attractive to an individual to go on the Internet and access a pair of shoes that may appear at the time of purchase on internet to be cheaper, that person may eventually find out that to bring that one pair of shoes to Barbados would eventually be at a higher price. In essence, I am saying that while it appears exceedingly attractive because it is a novelty and something that we would wish to play with because it is a novelty, the fact that you are not going to have the critical mass to make that thing less costly at the end of the day means that the use of e-commerce within the shores of Barbados would have to be considered from the point of view of the eventual unit cost to the individual.

In fact, in assessing the future of e-commerce we need to assess in a very simple model four outcomes, that is, a business to business transaction, a business to consumer, a consumer to business and a consumer to consumer. There are going to be different implications for those transactions.

I always become very hesitant about the implications of such change to a future Barbados and a future Caribbean because whatever we do, we cannot get around the constraint of small size. Even as it relates to e-commerce we are still not going to have the kind of economies of scale to make that route as attractive as it may appear to be on the basis of the apparent price that can be offered to the potential consumer, because the consumer has not fully calculated the extent to which transportation costs and other transaction costs would impact on the final price to him or to her.

3.55 p.m.

We are very much caught up in the use of technology without looking at the traditional characteristics and constraints to our growth and development which we can never deny in the final analysis of any such thing.

There is a deeper matter to be resolved in this whole process. The future is really about efficiency and how do we become more efficient. Efficiency can be achieved in the short term by attempting to be more productive with the existing resources that you have or, in the more medium to long term, it can occur as a result of the use of technology to enhance whatever process you may be involved in. To believe that Barbados is just a private sector without a Government, is to deny reality and to believe that we can simply pursue this course of efficiency, that is, promoting everything that we can in the interest of the private sector without recognising the pivotal role of Government in a future Barbados, is to misrepresent what the future is really about.

At present and in the past, a fair assessment of the increasing size of the public sector in Barbados and in the Caribbean would take into consideration the existing difference between productivity in the public service and productivity in the private sector, that is, it is an existing gap. This gap is largely responsible for the reason why Governments, not only here in the Caribbean but all over the world, have to extract increasing amounts of resources from the private sector in order to sustain and increase the size of Government. The strategy of built-in difference in productivity across two sectors is referred to as "unbalanced productivity growth".

Mr. President, if we are saying that the future is about how to become more competitive, which when quantified means how to reduce average costs, which when quantified really means how do we increase productivity, then we are asking for greater emphasis to be placed on the public sector of regional economies in even the private sector. If we are talking about e-commerce, a discussion of this nature must really begin to understand what e-government will be about in the future because that is the only way in which the productivity gap can be narrowed between the two sectors.

Mr. President, we are between a rock and a hard place because not only do we have to increase productivity in the public service with the use of available technology and other things, but we have to increase productivity at a faster pace than in the private sector in order to narrow the gap, because in the absence of narrowing that gap we are still going to be inefficient when we look at the overall economy. The question is not only about the adoption of new technology in private sector businesses or in private sector output, but it is even more critical in the public service.

We have not reached that stage where we are contemplating fully the coming of e-government but there have been writings on it. The Economist entitled "The World in 2001" offers four legs upon which we can truly begin to talk about e-government. It speaks to a secured government internet and central database that reach across all departments. When you begin to speak about that you are talking about coming back to basics, and how do we truly develop databases that can provide the sort of information that we would need to be able to make good decisions in the future. In fact, the future is about how we put good rules in place. It is not about simply optimising economic resources because we are really speaking to the making of good decisions. That is what the future is going to be about for Barbados and the rest of the Caribbean. It is not simply a physical question any longer. It is predominately a managerial thing.

Mr. President, I should not have to struggle to get information on things in Barbados. The most current event – whether there is a shortage of chicken parts in Barbados is a case in point. We should not have to be toing and froing on this matter. There should be information available as to whether or not there is in fact a chicken shortage and that information should be available to us. We should not have to rely on the Chief Executive Officer of Barbados Agricultural Society and some other supermarket quota to have a debate over whether or not there is a shortage of chicken.

Mr. President, it even goes further. There is something called the ASYCODA system, the automated customs database system that has been in place in Barbados for the last ten years or so. You could not wish for a better source of information on imports and exports into Barbados. It gives the material, weighting system and content of the commodity. The ASYCODA system at the Customs Department is a wealth of information sitting to be used. In today's world you already have a start. It is similar in nature, Mr. President, to the information that is collected for decision-making by a value-added tax system.

VAT is so being utilised as a powerful tool in decision making that it is amazing. The amount of information that you collect on inputs and outputs at the various departments of Government, the private sector and the service industries, gives a wealth of information that can be skillfully utilised, and that is amazing. In fact, if you are speaking about productivity, productivity simply defines an output/input relationship. VAT, simply defined, is an output/input relationship. Therefore, it means that information that you retrieve from a value-added tax system across the various sectors of Barbados can be effectively used to determine and build productivity measures in the various sectors.

Mr. President, I know that observation would be lost on most people and it is not out of ignorance. It is simply that

we are trapped into believing that the only good that a value-added tax system serves is the degree of revenue that it generates for Government whereas value-added, by its very name, is the basis upon which you can seek to determine productivity measures. It does not stop there. The use of data bases is absolutely necessary.

4.05 p.m.

We talk here about electronic delivery of services by Government to people by means of a one-stop worker. We have been trying this in other areas, especially in manufacturing. We have been told for a long time that the BIDC would be able to give you all forms of information to make good investment decisions about various aspects of products that we produce in Barbados. They can even send you to areas where there may be reasonable rates of return on investment.

The reality is that the BIDC is as useful to commerce and trade as the Barbados Tourism Authority is to tourism. I repeat, the BIDC is as useful to commerce and trade as the BTA is to tourism. Time will show in the not-so-distant future that the BTA has hardly been useful particularly in light of the fact that you have changed six Ministers in the last six years and that the staff at the BTA has not shown the level of competence.

Mr. PRESIDENT: Senator Mascoll, I do not see how that is relevant to what we are discussing.

SENATOR C. A. MASCOLL: I am speaking to the issue, Mr. President, of e-government as it relates to the whole question of e-commerce and the use of electronics to the development of an economy and, for that matter, a sector of the economy.

The third factor says here that a Government e-market is a place where the departments can advertise their requirements as suppliers bid. The fourth factor, pillar or leg, is one of digital democracy. That is, Government may use the web to make their actions more transparent and themselves more accountable.

There is no discounting that technology has a major part to play in the future of any economy. In fact, time has really shown that the labour component in a production process can only be carried to a limit. There is only so much that you can get out of a worker in terms of the physical labour that the person would be able to give. It is really about the combination of being smart and the use of technology.

It is high time that we do not access and evaluate a public sector worker on the basis of when he or she gets to work or whether or not he or she turns up for 8 o'clock and leaves at 4 o'clock. What relevance is this? This is extremely

irrelevant because I am suggesting that a future economy that is based on technology must have a different kind of public sector and we are talking about public sector reform.

The same way in which we heard earlier in this debate that it would be possible for people not having to leave home and make an abundance of money by way of logging onto the Internet and being able to source, trade and being able to do all kinds of things without having left home, I am suggesting that in future the public sector would have to revisit whether or not it is optimum for that individual to have to come to work in the traditional sense and have to get to work at 8 o'clock, then be forced to take lunch at 12 o'clock, return at 1 o'clock and leave at 4.00 p.m. I am saying that if that is the model that presently obtains, and I have no doubt that it is, then we have to revisit the question of how do we effectively and skillfully use our workers in the future.

This is a Bill that seeks to facilitate that it does. It makes provision for the legal environment for the conduct of electronic commerce, but that is a legal thing. The legal cannot be separated from the operational side. To what extent can it be applied and be made effective, forceful and meaningful in the new Barbados?

In fact, the Leader of the Other Side hailed this piece of legislation as the most profound and far-reaching he has come into contact with during his short tenure or stay in this Honourable Chamber. It has potential to allow us to develop another area of activity that can redound to the benefit of the wider Barbados economy by being able to earn foreign exchange; being able to employ individuals; being able to bring in taxes for Government and, hopefully and most importantly, being able to reduce prices and make the Barbados economy far more competitive in a future CARICOM and even in a worldwide economy.

I have no doubt in my mind, that it has a role to play, but you also have to caution that we cannot continue to over-emphasise the contribution that this kind of legislation would make to a future Barbados. I am not convinced that in the not-too-distant future nine out of 10 children will have different kinds of jobs that currently exist in our economic system unless there is a remarkable shift in the economic resources of Barbados. I am not convinced that any major attempt has been made by this Government to restructure the Barbados economy to even facilitate the use of technology in a way that should have been done six or seven years ago. I am not convinced that the area in which this kind of legislature might have had its greatest effect on the international business sector, that this sector has taken any major initiatives in the past two to four years to advance the cause of the international business sector.

Indeed, I am convinced that this Government has presided over the decline of the international business sector

and that is very evident in the areas of CDS; it is very evident in the flagship firm, BRT, and that particular firm was supposed to be a firm that would have used the information and the knowledge-based workers in Barbados where computer technology and the use of such skills were supposed to be a major flagship for Barbados in which if we could have had success, we could have attracted other firms of a similar ilk from around the world. But, in fact, what we have seen, is a failure on the part of this Administration to tell us the process for it, and perhaps that is explained by the fact that they took away the Minister of Industry and International Business and put him as Minister of Health and therefore slowed down any progress that might have been forthcoming in that sector.

I think too that the change of Minister could have been responsible for it, because as was illustrated by the Leader on the Other Side he still has a familiarity in this area that must be respected. But this area where the use of technology was supposed to be of major importance in certain sectors has not materialized. Not because it is not considered important in the future of Barbados, but because we have been too slow to respond, and we have been far too slow to the extent where we have lost many opportunities in such areas, so that now other Caricom countries have become more increasingly competitive than Barbados in these areas. And we cannot separate the use of this legislation from what is happening to the cost of doing business by way of foreign transactions; we cannot separate this information from that and it is okay to put this legislation in place, but we also have still to facilitate the other kinds of costs that will be incurred in business that can emerge as a result of the legislative framework being put in place. So, this is one-sided. This approach is fine and dandy, this is good to have it there, but it is a framework.

The question is, "what else is being done that can assist us in carrying this process forward? What else is being done? Are we supplying? Are we in the process of supplying the necessary human resources? Are we really in the process of doing so? Can we say that EduTech, for whatever it is worth will in due course make a meaningful contribution to the emergence of businesses that should be involved in this new area? Can we really say that? I do not think that we can say it because I do not think that we are quite sure of what we are seeking to achieve as it relates to EduTech, and I am not saying that not only should this sort of legislation be seen as being capable of making the quantum leap if necessary, but we have to be able to supply the areas that will emerge from this kind of new endeavour by way of the human resources, by way of the skills that are required and I am really not convinced that it is happening.
4.15 p.m.

I see education as critical today as it was in the 1960's when it was revolutionized. It is as critical. All that is different is the kind of education that is required, but we are no less in need of a sound educational basis than we were in

the 1960's. In short, it can be said in that area, that the systems that carried us forward have now outlived their usefulness. In fact, to the extent that we are even boasting now that only 30 per cent of the persons leaving school are certified, it means that even that system...

Asides.

SENATOR C. A. MASCOLL: Yes, we are boasting. It is so frequently said, and you never hear a corresponding strategy to deal with it, that it must be a boast. It was said four years ago and it has remained. So that, in fact, if I were to assess the current Minister of Education in her capacity as to whether she is delivering or changing the system in concert with the expectations that we have of the system to fulfill future needs, I would have to say that the Minister of Education, Youth Affairs and Culture has failed, because when the Minister observed that only 30 per cent of the persons leaving school were certified, that was four years ago, and it is now almost five years later, and not one percentage point in reduction has been achieved. If I want to be technical and critical of the Minister of Education, Youth Affairs and Culture, I can simply cite the fact that there has not been a reduction in the amount of people leaving school without one certificate. I am saying that that should be the acid test. I am saying that if there has been an effective change in the creation of a different human resource in Barbados, by now, four years after, we should have seen some reduction in the level of persons leaving school uncertified. So I do not mind all the talk. I do not mind whether or not there are rats running about schools, I do not mind whether or not there has been an EduTech programme implemented, I am not interested in whether or not we stop children from catching certain buses for school. What I am interested in is the output, and when you evaluate the output, the Minister has really failed, because there has been no major change in what we are producing, the final good that we are producing, and that good happens to be an educated person.

More importantly, it is not that I am faulting her on that basis; I am simply saying that by now we should have seen a change in the kind of students that we are seeking to produce for the future because they have already had seven years to do so and I understand how it is to attack the other set.

Mr. PRESIDENT: Senator Mascoll, you have one minute in which to wind up.

SENATOR C. A. MASCOLL: That is unfortunate, but all I am saying, Mr. President, is that there is no doubt at all that we have to accommodate this new legislation, but that this new legislation does not exist on its own. This new legislation is just but a facilitating framework, but it has taken us so long, and I am saying that if we had a comprehensive programme for future Barbados where the human resource element was at the core of that strategy, by

now we would really have seen evidence in terms of the creation of that human resource to satisfy whatever it is we are seeking to satisfy in the form of a new economy. Right now, all that we are hearing is e-commerce and e-government, e-education and all kinds of "e's". The truth is that if I were to evaluate the Minister of Education, Youth Affairs and Culture at this stage, I would have to give her an "E" as well. I thank you, Mr. President.

Mr. PRESIDENT: Senator Laurie.

SENATOR C. K. LAURIE: Mr. President, as a simple farmer trying to find his way through this legislation, there is just one small thing in the definition that I thought a little bit confusing. The definition of 'person' which appeared like forty times in the legislation, yet it is defined here as 'person' and not 'natural person', there are 'person' and 'artificial person', but several ways during the legislation they talk about 'person' and you are not too sure they are talking about 'natural person' or 'artificial person', so I just thought it might be a little bit confusing.

One other little concern is the question that Government does not have to get itself on-line and that is a very serious problem, because I know that the other day I had to go to the Post Office to get a small package worth £2.00 or so, and I was told I had to go into Bridgetown to a Bank and get the exchange rate for the pound for the day put on this thing and certified. I said to them that I was prepared to pay if the pound was worth \$5.00 to save me the trip. I was told, 'No, no, it does not work like that, you have to go into Bridgetown', and I thought that this was nonsense. Why would anybody go into any Post Office in Barbados to do this nonsense when they could go by simple electronic means by picking up a telephone and calling the Post Office which sells postal orders so they will have the exchange rate, and this would save many people from going into Bridgetown.

Whenever you go to the Value Added Tax (VAT) office you have first to find a parking place, then go upstairs to drop in the envelope. I asked them if they could put a box downstairs so that persons can drive by and drop the envelopes into the box, or any person walking can drop the envelope into the box. They said they cannot do it. This sounds like it would be discouraging Government Departments. We should be encouraging Government Departments. I thank you.

Mr. PRESIDENT: Senator Goddard.

SENATOR THE HON. P. C. GODDARD: Mr. President, in rising to wrap up this debate, several very interesting points were made and I must respond to some of them.

First of all, we talked about tampering with digital documents. I would like to make it very clear that documents can be encrypted and sensitized to any tampering. When the document comes to you on the screen, if one letter has been changed, it will say in big red letters across the screen "tampered" and it will flash at you. And these mechanisms are so sensitive and so accurate that it is more difficult to tamper with a digital document than it is to tamper or alter a paper document, and in fact, the digital documents and digital signatures are more secured than the traditional paper document and signature which is accepted by our courts today. So, the science and technology of protecting digital documents have developed quite substantially.

The comments made by the Honourable Senator McClean about the gouging by local merchants was really, uncalled for comment. Local merchants do charge higher prices, but that is because their cost of business is high, and if you look at the profitability of many of these people that you call gougers, you will find that their profits are not enough to sustain their businesses from generation to generation and, therefore, what you really have to attack is the transaction cost and the cost of maintaining a bricks and motor business in an electronic world, and that, therefore, is the difference or the defining difference of the different costs of electronic business places.

On education and the fact that EduTech is not contributing, I would really have to say that we have made a fundamental change in the type of education that we are delivering to our children. We are creating a digitally literate society. You do not do that in a year, but, believe you me, the next generation of Barbadians will be totally digitally literate, and that does not mean that it will just be about working a computer, or being on the Internet, it will change their perspective of the world that they work in. They will not have the limitation of the boulders that we had as children and young adults. The beaches of Barbados will no longer define the world that they live in; the globe will be their world. And their mindset and their perspective will be totally different and totally altered. However, I can quite understand the lack of comprehension of that on the Other Side. We must also develop our own identities, the human resource development. We must not just copy India or Singapore, or the United States of America; we must take the best of the experiences that they have and put them to the Barbadian context and create the Barbadian opportunity. Therefore, we should not just be mindlessly turning out programmers to fill the need of somebody else. What we should be doing is creating a digitally literate, creative, entrepreneurial class that will be in the Arts, Science, Research; knowledge-based people creating knowledge for the world...

Asides.

SENATOR THE HON. P. C. GODDARD: ... And if you want passion you will get passion now. We have digital artists, recording technicians, cinematography, researchers – this is the new business that will create the wealth of this country on the global network system of the future, and I am not just talking about the Internet, because the Internet is just but a transitory phase to other networks that will be created.

Where are we going? What Development Plan? Let me just make one quotation about where we are going.

“The Smallest Developed Country in the World”, Owen Seymour Arthur, 1994.

That is the development plan, that is the objective. It has been said time and time again in this Chamber, it has been said across the length and breadth of this country, and it is time that people start to understand that is what the issue is.

Mr. Dale Marshall had an unfortunate experience with Barnes and Noble...

Mr. PRESIDENT: Senator Marshall.

SENATOR THE HON. P. C. GODDARD: Sorry, Mr. President, Senator Dale Marshall had an unfortunate experience with Barnes and Noble. However, let me just say that you do not have to get a lawyer to have a redress in e-commerce, and I will give you an experience that I had with another company where I ordered two books and they sent me two books of the same title.

I e-mailed them and I said that I will pay them for the second book because I am going to give it as a gift to my son, but please send me the other one. They came back and said to keep the other book and the other book was coming free of cost.

I am pointing that out to show that the e-business environment is about creating good customer relations, and I think that you will find that the transaction cost of my getting a redress is absolutely just about zero, apart from the two minutes of time that I used in composing the e-mail.

On the issue of encryption, Senator Rickinson's information was a little out of date and as of last year the United States of America allowed Barbados to have 1.8 billion encryption which is powerful enough to transact practically any commercial transaction.

However, as I said at the beginning, this whole issue of encryption is a very fluid one and with that recent breakthrough that has just been announced last week, it will

appear that very shortly, commercial applications of totally secured encrypting will be available around the globe.

Also in discussing the legislation all Honourable Senators should recognize that the legislation is technology-neutral, in other words, it is not written for any type of software, computer or telephone system. It has to be for all systems. It has to be for all types of software and when one determines a digital signature, there are different types of digital signatures and therefore, the language of the legislation has to be purposely all-encompassing and cannot be so specific as to deny the application for any future type of digital signature that may evolve. In other words, it is conceivable that a digital signature could be a holographic digital composition of your face, of your fingerprints, or whatever else. So this deals with some of the issues.

On the issue of jurisdiction quite a considerable advancement has been made in determining this, but Senator Marshall rightly said that this is a global issue and the issue of domain names is one of those issues that comes to mind, where each individual country issues domain names, but we recognize that there could be intellectual property violation or considerations of some of the domain names that are being sought for.

More and more it is being seen that the ITU and the Intellectual Property Organization in Geneva would probably develop the global domain main registry which will take into account the issue as to domain names. This is in recognition of the fact that we do not have global institutions to manage global business, and I think that these things will evolve over time. This has to be evolutionary and not just done suddenly all one day, but you see that the international institutions are very seriously thinking about it.
4.35 p.m.

Finally, I come to the issue of the limitation of size and the constraint of size. This is a classic industrial age mindset. It is unfortunate because small size is an advantage and not a limitation. Small size allows us to change rapidly and to manoeuvre quickly. It allows us to adapt quickly and therefore small size gives us a competitive advantage if we seize the opportunity and if we use it with vigour, and that is what we have to do.

It was pointed out that a book could cost less than transportation costs and we talked about the critical mass and so on. It is true that a book can cost less than transportation costs but that if only I want the book tomorrow and I am willing to fly it in, not that transportation cost is irrelevant in the event that I need that information quickly. If I have to get something tomorrow for a case that I may win the day after tomorrow, that transportation cost is totally irrelevant so you must see cost of transportation in terms of time factor. It is quite the opposite where books purchased on the Internet can

arrive here by surface mail within about six weeks at a substantial saving to a local retail cost. You have to look at transportation, time and value.

Efficiency, lower cost – not necessarily so. Efficiency can mean greater value added and Senator McClean spoke to this and he understood that value added was a critical, competitive factor in the distribution chain of items. So while we hammer at lower cost, let us look more strongly at the value-added services that you can supply with that product and the ongoing services that may flow from it.

When we talk about developing Barbados as an international business centre and as a centre for electronic commerce, we must look at the quality of life. That is the deciding factor that will determine whether people locate to do business here and invest here or not and it is the quality of life that is important and not the cheapness of life.

In Fresno, California, with a low tax rate, lots of land mass with the low cost of buildings, there are hardly any high-tech industries. You go to San Francisco where the rents are astronomical, taxes are high but the quality of life is substantially different from that in Fresno and the place is crowded with high-tech, knowledge-based industries. Draw your own conclusion!

E-government. We are doing something about e-government and perhaps some care to ignore it, but we have the EEPSI project in place which now currently connects nineteen departments and ministries of Government with a common data basis. Now, I will have to say common data base because there is no more the concept of a central data base and I do not have to go into 'The Economist' to read about this. Data bases can be sited wherever they are developed and once they are put on the network, you have equal access to them. So when you talk about a central database, once again that is an industrial mindset that thinks of a central steel mill manufacturing steel.

Sir, the EEPSI project is alive and well and, in fact, I talked to one of the officers today. This has about 30 computers connected to these various Ministries and ultimately this programme will have in excess of one thousand terminals where the whole Government will be sharing information as it is rolled out.

Now once again, you have to implement these things in a measured and controlled manner so that you start slowly and then you expand it out and you test the system to make sure that it is working, that it is robust, that people do not gain unauthorised entry. All of those things we have to do so it is not something that you can just do in your backyard quickly or with a few friends where it does not matter if you have a security problem. Government has to take things

a lot more seriously and professionally and we are in that process.

Yes, the ASYCODA System has been around for ten years. Yes, it is very valuable but today's ASYCODA System bears absolutely no resemblance to the one that was first implemented ten years ago. It has evolved, it has changed and become more sophisticated and we have tested it in some real-life situations where an aircraft will take off from Miami, down-load the Manifest into our ASYCODA System, the customs duty is calculated and paid before the aircraft lands in Barbados. It then off-loads the cargo, all the duty has been paid, the cargo is checked, it is distributed to customers and the company bringing that cargo in, recovers their tax cost from their customers when they deliver the product.

Now that is the value of the ASYCODA System and we are putting that in place eventually so that ships' cargo and all air cargo will be handled in that manner. This will speed up the whole process, cut the transaction time and improve the integrity of the system in collecting taxation. Sir, yes, we have it and, yes, we are moving and that is this Government, so there is a constant improvement on these things.

Finally, I come back to the educational needs. Senator Mascoll did say something about the education revolution of the 1960s and now we are here in the year 2001 and he does not see much change and we have to determine what kind of education we need. I have already described the fact that our technical education and our mindset education have dramatically changed. However, we do need something that we did have in the 1950s which was a strong ethical education, strong grounding in scripture. Apparently that has been overlooked in recent years in many places. I do feel that we need to reinforce the issues of ethics, of civil behaviour, of good manners and that has to be done both in the home and at school.

To my mind, when I was disciplined at school and I came home and said I had been disciplined, the greater discipline was at home. Today, I see instances of parents taking umbrage about their children being disciplined in schools. That really sends the wrong signal. If we are to become a developed society and if we are to advance our economy and develop our society, we do need to reassess and re-evaluate the values that we have in this society and the good ethics that we need to follow.
4.45 p.m.

We have seen the results of it in the workplace. We have seen it in terms of time keeping. We have seen it in terms of the lack of communication with people and so on. So, yes, we have to come back to education but there are many things that we have to do.

Mr. President, as was stated, this legislation is a framework. It prepares the way for us to engage in electronic commerce. This is the tool and people must now get on with the job. Government is doing its part and I would expect the private sector and private citizens to do theirs.

With that, Mr. President, I now move that this Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of SENATOR THE HON. P. C. GODDARD, the Senate resolved itself into Committee on the Bill, SENATOR THE HON. DAME PATRICIA SYMMONDS in the Chair.

COMMITTEE

MADAM CHAIRMAN: The Senate is in Committee.

Part I, Clauses 1 – 4 inclusive, was called and passed.

Part II, Clauses 5 – 11 inclusive, was called and passed.

Part III, Clauses 12 – 16 inclusive, was called and passed.

Part IV, Clauses 17 – 20 inclusive, was called and passed.

Part V, Clause 21 was called and passed.

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Part VII, Clauses 23 – 24 inclusive, was called and passed.

Part VII, Clause 25 – 29 inclusive, was called and passed.

Part VIII, Clauses 25 – 29 inclusive, was called and passed.

The Schedule was called and passed.

On the motion of SENATOR THE HON. P. C. GODDARD, MADAM CHAIRMAN reported to His Honour, the PRESIDENT, the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. P. C. GODDARD, the Bill was read a third time and passed and cited as the Electronic Transactions Act, 2001.

ADJOURNMENT

SENATOR THE HON. P. C. GODDARD: Mr. President, I beg to move that the Senate do now adjourn *sine die*.

The question that the Senate do now adjourn sine die was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly.
4.55 p.m.

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