
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

THE SENATE

Wednesday, June 16, 2004

The Senate met in the Senate Chamber, Parliament Buildings on Wednesday, June 16, 2004, at 11.15 a.m.

PRESENT

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

Her Honour Senator Dame Patricia SYMMONDS, D.B.E., G.C.M., B.A. (Deputy President)

Senator T. E. BARKER, B.A. (Hons.), M.A. (Econ.) (Parliamentary Secretary, Ministry of Finance and Economic Affairs), J.P.

Senator the Hon. J. E. D. WILLIAMS, B.Sc., M.B.A., J.P. (Minister of State, Prime Minister's Office and Ministry of the Civil Service)

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

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

Senator the Hon. 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 R. W. GRANT, (Parliamentary Secretary, Ministry of Tourism and International Transport)

Senator the Hon. Miss L. V. EASTMOND

Senator I. St. C. LINTON

Senator G. P. B. NICHOLLS

Senator Miss P. E. PARRIS, J.P.

Senator G. P. I. GOODING-EDGHILL

Senator Miss S. C. V. HUSBANDS

Senator F. J. STUART

Senator Dr. D. S. LOWE

Senator the Reverend H. E. CRICHLow, G.C.M.

Senator Dr. F. L. CHANDLER
Senator A. C. FIELDS

Prayers were led by Rev. Father Errington Massiah.

Mr. PRESIDENT: This Senate is in Session.

ANNOUNCEMENTS

Mr. PRESIDENT: I have received an apology for the absence of Senator Griffith, Leader of the Senate, who is out of the country on Government's Business. Today Senator Eastmond will lead the Senate.

I have also received an apology from Senator Sir Roy Trotman, who is attending the International Labour Organisation Conference as part of the Barbados delegation.

Honourable Senators, since the last Sitting of the Senate, it has been announced that Mr. Nigel Jones, Deputy Clerk of Parliament has been appointed to the Order of the British Empire in the recent Queen's Birthday Honours List.

I am sure that all Honourable Senators will join me in offering our warmest congratulations to Mr. Jones on his well deserved Honour.

PAPERS

SENATOR THE HON. Miss L. V. EASTMOND:
Mr. President, by command I beg to lay the following Bill:

Shipping (Incentives) (Future Trading Incorporation) Order, 2004.

SUSPENSION OF STANDING ORDERS

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, I beg to move that Standing Order No. 45(2) be suspended for the rest of this day's Sitting.

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

11.20 a.m.

FIRST READING OF BILLS

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, I beg to move that the following Bills be read a first time.

1. Securities (Validation and Functions) Bill, 2004.
2. Property Transfer Tax (Amendment) Bill, 2004.
3. Family Law (Amendment) Bill, 2004.
4. Barbados Accreditation Council Bill, 2004.

The question was put and agreed to.

PUBLIC BUSINESS

ORDER NO. 5 – BARBADOS ACCREDITATION COUNCIL BILL, 2004

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, I rise to move the second reading of this Bill. This Bill, the Barbados Accreditation Bill, 2004, brings before us essentially something that needed to be done within the Barbados legal framework. In the same way that we continue to improve our physical infrastructure in the country, it is important that we also improve the legislative framework. The real importance of this Bill has to do with ensuring that certain standards and administrative practices are put in place with respect to accreditation and certification.

Mr. President, in examining this piece of legislation we would see that the Barbados Accreditation Council will have responsibility for a number of matters. First, for the registration of institutions offering post-secondary and tertiary education and programmes of study. Secondly, the accreditation of qualifications offered in Barbados, the examination and verification of certificates of recognition of Caribbean community skills granted to community nationals by their own country for the purpose of giving effect to Article 46 of the Revised Treaty of Chaguaramas. Thirdly, for the granting of certificates of recognition of Caribbean community skills in accordance with the provisions of the Caribbean Community Movement of Skilled Nationals Act, 2004. Sir, there are a number of definitions provided in this piece of legislation. One that is important for us to pay attention to is the one which deals with accreditation.

Sir, "accreditation" means the process whereby the standard of an institution or programme of study is assessed by the Council to determine whether the institution or the programme of study should be given official recognition.

Sir, the function of the council is also set out in this piece of legislation. There are a number of activities that the council will engage in. If we look at them, we will see that the council has an important role to play. Currently, the *status quo* is that there is no comprehensive registration in place for post-secondary and tertiary institutions. Many of them register with the Ministry of Education and under the Education Act, all educational institutions are required to register with the Ministry of Education. The type of process which the council will be engaged in is far more comprehensive and rigorous than what currently happens within the Ministry of Education at the moment because of lack of resources.

Sir, the Ministry of Education also helps to determine equivalency and recognition for various qualifications. Equivalency means that the Ministry of Education would look to ensure that when individuals engage in a particular programme with an educational institution they would be able to make a determination as to the standard which the programme meets.

At the national level, we see that this piece of legislation would help to ensure a number of things for us. For example, we expect to see that we would be able to monitor the quality of education which individuals receive in Barbados. This is because the Council will now have the responsibility for ensuring that all educational institutions meet the standard required by the council. This will help to facilitate a number of things. For example, at the moment there are sometimes issues with respect to transferring from one institution to another in order to continue one's studies in the same area or to move into a different area where there might be overlapping modules. Sir, students face these problems because there is no accreditation for the two institutions where one can see the quality and weight of the two programmes which students are seeking to engage in. We believe that by having this council in place that we will be able to strengthen some of those requirements.

Mr. President, even though there had been a discussion for some period of time with respect to setting up an accreditation council within Barbados, the truth is that much of the impetus for it had originated out of the accelerated implementation of the Revised Treaty of Chaguaramas to create the Caribbean Single Market and Economy. In the discussions held, it was agreed that a regional body should be established but it was also agreed that national institutions should be given priority. This is why the emphasis has been placed on creating national institutions. It is expected that this is going to be done throughout the CARICOM region.

Sir, Jamaica, Trinidad and St. Kitts have a body in place which can be called an accreditation council but Barbados is now putting its own in place.
11.30 a.m.

Sir, one of the reasons that a national council would be given priority before seeking to put the regional one in place is obviously because the national views would have to be fed into the regional views. So it would be done in a bottom-up perspective instead of starting from the top and coming down. It is likely that the individuals that head the Councils would help to make up the regional council or have an input into the workings. It was considered to be essential to ensure that the national councils were established first.

Mr. President, the functions of the Council are set out at Clause 4 of the Bill. There are quite a few functions so that the Council would have a great deal of work to do.

Firstly, the Council is required to register local, regional and foreign-based institutions that offer education courses in Barbados. We know that with markets opening up around the world and because of the advances in information technology, more and more courses will be offered in Barbados by foreign institutions. Indeed, I am sure that at this time there are a number of students that are taking courses through distance learning. The Council hopes to be able to register all foreign-based institutions in Barbados.

Sir, one of the problems that some students encounter is that sometimes they may be interested in taking a course in a foreign institution but do not have a simple way of knowing whether or not the institutions attended and the programmes engaged in would be acceptable within the region or Barbados. The Council will ensure that there is a facility whereby foreign-based institutions that offer courses in Barbados can be accredited.

The Council will also maintain a record of all institutions and courses so that potential students and the public can gain access to this information. It will accredit and re-accredit programmes of study and institutions operating in Barbados. Therefore, there would be a need to review and analyse the institution that is putting on these courses in order to ensure that the teaching and facilities are appropriate and ensuring that in all circumstances the students in Barbados who are receiving education through these programmes of study, are receiving the best quality education for the money that they are putting into the particular programme.

Sir, we know that in many of the post-secondary institutions, it is sometimes quite expensive relative to their income, especially for persons who are trying to further their education in order to upgrade themselves. It is important for

them to be sure that after completing the particular programme of education that it would take them to the next level to which they wish to aspire.

I think that one of the most difficult and heartbreaking things must be to be engaged in a course of study where you put the commitment to learning, studying and maybe giving up activities, that one would consider more enjoyable, in order to further one's development, to find that the course is not accepted either by another institution in which you need to pursue further studies or that it is not recognised by an employer as an accredited course. Therefore, one would not be able to either further one's studies or be able to advance in an organisation, if that is what one wishes to do.

The Council will also provide for the validation of new educational courses and programmes of study being offered by institutions in Barbados. I believe that we will see a lot of this in the future. I believe that there are several courses that are becoming extremely important to the Barbados market that are not now being taught in Barbados and I sincerely hope that with the changing economic environment and focus, we will see a number of courses being put on stream that individuals would be able to access.

For example, the University of the West Indies is now putting in place a programme dealing with trade and that is at university level. I think that trade issues are very important because they touch and concern almost everything that we do in Barbados. We have to remember that the trade agreements that are now being negotiated are not simply dealing with trade in goods but they are dealing with a number of different issues. For example, they deal with services, intellectual property, government procurement, investments and a number of issues.

I believe that it would be very important if we could have courses in trade at all levels within the society. Everybody may not wish to do a university programme but everyone, we think, certainly wishes to be knowledgeable about what the new trading environment would be like.

The Council is also responsible for developing a system of credits for the institutions. This would mean that in determining whether or not an individual is entitled to a particular credit across the various institutions in Barbados, it would mean that one credit would mean exactly the same thing in another institution. It is important for weighting and ensuring that no student is disadvantaged in terms of the value of the work which that student has done.

The Council has the responsibility for providing information to the public and I think that is extremely important. It is said that we are living in the Information Age but I believe that many of us in Barbados have a concern about the lack of access to information in many instances. Therefore, I think that it is very positive that we

have written into the legislation that the Council is responsible for providing information to the public on the quality and recognition of programmes of study and institutions, including the annual publication of a list of accredited programmes and institutions in order to protect the interest of the public.

As Minister of Consumer Affairs and Business Development, we in the Ministry of Commerce have a particular interest ensuring that in matters of education as well and for the consumers of educational services, we are very interested in ensuring that the public is protected in this particular area.

The Council will also be responsible for receiving complaints, examining and verifying certificates of recognition and discharging any other functions that the Minister may assign to the Council. Obviously, there is also a sweep-up provision to do other matters relating to the Accreditation Council.

11.40 a.m.

Mr. President, those are the functions of the Council. As we can see, these are very important functions. We expect that when the Council is up and running, we would see an improvement in the management of the educational resources in Barbados at the post secondary level.

In discussing issues of accreditation, it is true to say that the catalyst for this piece of legislation was the acceleration of the implementation of the Treaty of Chaguaramas, in preparation for much of the trade liberalisation which we will have to deal with, and therefore, it is important to examine this Bill within a CARICOM context.

Article 45 of the Treaty of Chaguaramas states that the Member States of CARICOM commit themselves to the goal of free movement of nationals for the members of their country. Even though it is stated very simply at Article 45, it is obviously a commitment which one would have to be very cautious in its implementation. The establishment of this Accreditation Council is part of the management process that one needs to engage in, when making an attempt to meet that goal of free movement of nationals within the Caribbean community.

Article 46 of the Treaty of Chaguaramas provides specifically for certain nationals to seek employment in other Member States. It is limited to university graduates, media workers, artistes, sports persons and musicians. Barbados is implementing its legislation to ensure that Barbados meets that commitment set out in Section 46.

The Accreditation Council, in its role of granting certificates of recognition to members of the Caribbean community and in examining and verifying certificates of

recognition, is being consistent with what has been agreed to, under Article 46. Therefore, that specific provision, dealing with recognition of certificates of Member States of CARICOM, refers specifically to Article 46 of the Treaty of Chaguaramas, and those categories that we have already agreed that can move freely within the region, so that it is limited in scope.

Now, there is a limitation, I believe, because while one is of the view that the goal of free movement of people within the Caribbean region is a desirable one within CARICOM, it is our view at this time that the process must be managed. Therefore, a few categories of persons were identified in order to begin to facilitate the process.

In fact, if you look at the Treaty of Chaguaramas, you will see that the provision indicates that this is a first step in pursuing the goal of Article 45, in terms of these few categories of persons that have been granted the ability to move freely within the region, through the domestic legislation of countries. The recognition requirement in this particular piece of legislation refers to that matter. It is an important first step.

Barbados is being extremely meticulous in ensuring that it meets its obligations under the Treaty of Chaguaramas. Our view is that while the goal of free movement is one that we acknowledge and we accept fully, it must be managed, and this is why the Accreditation Council is so important.

Within Article 46 of the Treaty of Chaguaramas as well, there is a specific requirement that Governments must establish appropriate legislative, administrative and procedural arrangements for the establishment of mechanisms, certifying and establishing equivalency of degrees and accrediting institutions.

Therefore, when you look at this Bill, you will see that within the various Schedules there are application forms for Certification of Recognition by the Council, Fees for Application which are very low, and Certificate of Recognition of a Caribbean Community Skills Qualification.

You will also see in the Schedule, Applications for Recognition of Qualifications and Applications for the Certification of Recognition of individuals who make this application, consistent with the movement of skilled nationals under our domestic legislation. The procedural framework is there, and the Council will be established in order to make sure that this process is executed as efficiently as possible. With respect to matters like these, I believe that it is always extremely important that they are viewed within their international context.

In Barbados, we know that our concern with standards of protection for the Barbados market, has a heightened

significance because of the agreements that we have signed on to, both at the level of the World Trade Organisation (WTO), through bilateral arrangement and by 2005, the Free Trade Area of the Americas.

Most CARICOM countries and especially Barbados, signed on to the World Trade Organisation agreements in 1995. Surprisingly, it will be ten years that we have done that, and one of the agreements in particular was the general agreement on trade in services. Therefore, our educational institutions, programmes and services will fall under the general agreement in trade and services. These issues are dealt with very broadly, under what is termed as domestic regulation, under the general agreement on trade and services. Domestic regulation is really the key to much of what will be done in the future, with respect to trade in services. Domestic regulation is important because there is the potential for it to hinder access by service providers into foreign markets.

What I mean is that if you take, for example, the fact that within the context of Barbados and, not only Barbados but I think in all small States around the world, we recognise that much of our competitive advantage will lie in services. We also know that within Barbados, the individuals who are probably best able, and have the best potential to be able to provide their services abroad, are those in the professional services. Another area of possibility is in the construction industry where quite a great deal of expertise is being developed in Barbados and in the region.
11.50 a.m.

Mr. President, if one takes professional services, the issue of domestic regulation and the issue of accreditation, one would see that if a Barbadian professional or a professional based in Barbados cannot argue that his or her certification reaches the appropriate standard as having been accredited by an institution of substance such as the Barbados Accreditation Council, there would be difficulties in terms of accessing the foreign markets primarily outside of CARICOM, because within CARICOM, as we discussed earlier, there will be a regional accreditation body established, as it is highly likely that there would be some resistance from the professionals in those markets. The obvious issue they would raise is, would their qualifications be equivalent to the qualifications we require in our jurisdiction. Therefore, Barbados and other CARICOM countries must of necessity put themselves and their professionals in a position where they would be able to argue that yes, their qualifications do meet the standard required within your jurisdiction.

Mr. President, in order to do that we have to be able to show that we have a process in place which is transparent and that can be recognised and accepted by other

jurisdictions as being consistent with international best practice and international standards. So within the context of what we have already agreed to, for example, at the level of the World Trade Organisation, the issue of standards and the issue of accreditation within the context of what is called domestic regulations are going to be some of the very critical issues.

Mr. President, one of the circumstances that has often made it easy for Barbadian professionals to travel abroad and to carry out their work is that they received their qualifications from universities abroad. For example, the accounting designation such as the CGA, the ACCA and the CPA are internationally recognised qualifications. So without questioning their qualifications those persons in the accounting profession are able to say that they qualify. Therefore, they are able to move much more freely than some others from one international organisation such as an international accounting firm in Barbados to one in the United Kingdom or one in the United States of America.

Mr. President, this leads me to what we would really wish to achieve within the context of the international hemispheric framework. So we need to be able to put in place an international regime, and at the level of the Free Trade Area of the Americas, a hemispheric regime whereby we can see the recognition of institutions, programmes and qualifications in such a way that would make it easier for Barbados nationals to move from one place to the next within the hemisphere to provide their services. That is very important for us because if we do not go to that level we would find that even though we negotiate agreements which on the face says that we have access to markets, when the secondary question is asked about the qualifications and we are not able to say that yes our qualifications are equivalent, we would find that our service providers would still have a problem. So on the face of it, even though countries may give market access in a number of service areas, they still retain the right to regulate their own markets domestically. That is really the crux of the issue. So at the World Trade Organisation and the Free Trade Area of the Americas level the issue of domestic regulation is going to be extremely important for us. Those are issues which we must negotiate very carefully to ensure that our qualifications are recognised in those jurisdictions.

Mr. President, with respect to the Barbados Accreditation Council and in terms of the fact that Barbados wants to be recognised as a country and a jurisdiction which provides quality goods and services, it is very important that we put standards in place in Barbados as well. There is no attempt whatsoever to take the position that any programme of study is not important. The important issue is a recognition and acceptance of the level at which the programme lies and what the programme is actually preparing the students to do.

Mr. President, there are programmes that are puppetry in nature where it is understood that you do this particular programme before you go on to another level. Those programmes are extremely important as well. So there is no issue of preventing anyone from developing a programme that is useful to any segment of the society because I believe that the more teaching you have in the society, the better it is for the society. For example, looking at Barbados as a country and a jurisdiction where people can come to and expect to receive quality service not just in the tourism industry but in business or to come, do courses within the University of the West Indies, the Barbados Community College, the proposed University College of Barbados or at our Samuel Jackman Prescod Polytechnic, there would be some independent transfer body within Barbados where persons coming from abroad to study in Barbados would be able to see what the standard and the quality of education is that they are receiving. I believe that is very important.

Mr. President, from what I understand, Barbados has a long history of receiving foreign students for educational purposes. Unfortunately, I believe that we have not capitalised on it in the way that many of the developed countries have. This is only my view, but I believe that sometimes we do not see the clear distinction between providing education for economic trade purposes or business purposes and providing education to satisfy our population. It may be the same course of study or the same institutions that would be engaged in this but there are two distinct processes. Mr. President, many of the developed countries do it quite well.

12.00 noon

Mr. President, when I studied at the University of London, my fees were significantly higher than those for English students and for students of the European Union (EU), despite the fact that some of the students from the European Union (EU) probably have never contributed to the British economy in the way that my foreparents and I, as Barbadians, would have contributed. Nevertheless, as a foreign student, I was required to pay more than British or European Union (EU) students. Of course, my money was then used to subsidise the domestic education within the United Kingdom.

Mr. President, I have no problem with that within the United Kingdom's context because if they are saying that if an individual thinks that he or she needs to come to the United Kingdom to study, then there will be a charge attached to it. Sir, the classes were filled, nobody seemed to be deterred by the extremely high fees that the University of London was charging.

Mr. President, I do not see why we could not do that. I believe that Barbados is a nicer place to study than the United Kingdom was in those months of October through to

March. Barbados has a friendlier climate. Therefore, in terms of educational services, I think that while putting this Barbados Accreditation Council in place, that Barbados should now see itself well positioned to take advantage of our obvious natural ability in the teaching field. The reason why other countries would want our teachers is because we are naturally good at teaching.

Mr. President, I believe that we should try to exploit that opportunity and that we should add more courses, so that students from every part of the world would see coming to Barbados as an opportunity, not only to get a strictly-technical educational experience but to get a life experience as well, in terms of coming to operate within a small country and economy.

Mr. President, I believe that for Barbados there is no end of opportunities in the area of services, especially educational services. I also believe that this piece of legislation and what we are seeking to do here, will further help to establish Barbados as a country which produces graduates of a very high quality.

Mr. President, many of us do not acknowledge the fact that graduates from Barbadian institutions are recognised throughout the world as being students who have reached a very high standard because of the education that is provided in Barbados. Now that we propose to put it in a more legislative framework and context, I believe that it will stand us in very good stead and that it will help to promote Barbados even further, as a country which provides high quality education.

Mr. President, on that note of reviewing the international context of this Bill, I would wish to commend this Bill to my Honourable colleagues and would beg to move that this Bill be read a second time. I thank you.

SENATOR Dr. D. S. LOWE: Mr. President, I am very pleased to have the opportunity to participate in this debate today because I do recognise that education is one of our nation's most formidable resources. Indeed, it is the garden where we grow so many competent professionals who constantly make contributions, not only to national development but to regional and international development.

Mr. President, I believe that the protection of our educational systems and products is a most necessary undertaking and that if we understand the role of an accreditation body, we would, therefore, wish to endorse any attempt to put a system such as this in place, through legislation that would ensure certain standards are being observed and certain practices are being undertaken by those persons involved in giving education through teaching and the like, and those who are involved in receiving an education that is ensured to be a credible education.

Mr. President, as I have been pondering this Bill, I certainly have been elated in some points and distressed in others because I believe that this body should relieve many persons from some of the burdens and prejudices that are being imposed on them by individuals who might be ambitious in their thinking but irresponsible in their practices.

Mr. President, I would, therefore, like to begin my presentation by talking about the fact that an accreditation council is geared towards assembling a structure of standards by which institutions measure themselves against other institutional practices; to ensure that they are competitive in what they do, to ensure that they give their students the best possible opportunities to be competitive individuals, once they have graduated from those institutions.

Sir, accreditation is more than the examination of programmes. I have had the opportunity some years ago to be involved in an accreditation exercise with an American institution with which I was associated. Sir, when one looks at what was required and when one studies this Bill carefully, one would have to ease on some issues that might not have been covered in the presentation of this particular Bill.

As I recall, accreditation begins with the examination of the physical infrastructure of an institution; with ensuring the standards and protocols of the housing of students, whether they are resident students or visiting students; it examines the life of a library system to ensure that the programmes it purports to offer can be properly researched within the bowels of that institution. Therefore, the number of volumes, the staff of the library, *et cetera*, are all examined as part of the important process of accreditation.

The process also looks at the quality of the instructional staff. In other words, it looks at the degree levels of individuals who are teaching; at the institutions from whence the teachers came; at their ranking within their classes as they graduated; at their research activities to see whether or not these individuals are involved constantly in research to sharpen their own intellectual skills; and to provide the students with a broad base of knowledge, not restricted to the text being used by the institution for a particular course.

It also looks at the number of international instructors in the institution, to see how far the reach of the institution is, in terms of its influence in bringing intellectual capital to its borders and, indeed, to its campus.

Mr. President, it goes further than that, it looks at the graduating record of the institution. It looks to see over a course of time how many persons have graduated and the programmes from which they were graduated. Sir, from time to time, the accrediting body may ask the institution to do

research on the placement of some of its students, to see where they have gone on to because this all becomes part of the institution's record of the substance and power of its programme.

12.10 p.m.

Sir, accreditation is more than just the examination of courses and the certification of programmes, it is a major infrastructural process intended to enhance the quality of education and promote the national, regional and international reputation of the institutions involved.

Mr. President, most accreditation bodies are non-governmental and the role of the State is to have a Minister or someone to examine the credentials of the accreditation body. Sir, I am not saying that our approach is a bad one but in some places governmental institutions are involved in the process. Sir, Barbados has gone beyond the cutting edge and we must be at the leading edge of whatever we do. It is profitable to institutionalise the process of accrediting institutions based on their educational standards.

Sir, the Honourable Member who led the debate for Government talked about standards and the legal framework and I want to take it further and speak about educational institutions and the standards they impose on themselves.

Sir, institutions of higher leaning should not wait on an accreditation body to tell them what they should do in terms of establishing standards. As a matter of fact, the journey of an institution is about building upon its standards because of its own research to see what is going on in other institutions in particular fields.

Sir, for example in North America there is a ranking of institutions in certain areas. In economics, medicine and psychology there are ten schools at the top. The reason why they are listed this way is because they are constantly ranked against each other based on some of the rubrics I suggested earlier, to make sure they are keeping ahead of the pace in terms of the strength, power and development of the field.

Sir, this body must go beyond policing the institution and must become involved in establishing these standards and also have an enabling environment that allows national institutions to be able to bring on board those systems and standards it speaks about.

The accreditation council is about pushing the system further and protecting our system of education. It not only protects the system of education in terms of its products but this body must work to protect individuals in the process.

Mr. President, I am sure you are aware that many citizens of this country who, sometimes because the institutions where they studied are not well-known, are

looked upon with scorn. In other words, there are persons if you have not graduated from a well-known named institution, will look at your qualification with some hesitation.

Sir, not that the institution is not an accredited institution but because it may not be well-known by those persons or for some reason they many choose not to want to promote your educational qualification because to do such may disadvantage people, systems or other things.

Mr. President, in 1992, I was still living in the United States of America but wanted to come home to practise psychology in Barbados. I stumbled across a body called the Paramedical Professional Council and was told that it was the body duly designated to examine individuals coming from abroad who wanted to practise in Barbados and, therefore, I would have to submit to them a catalogue of documents. At the time the council was headed by Dr. Beverley Miller, one of the members of the council was Albert Selby one of my colleagues in the field of psychology and Heather Payne-Drakes was the Secretary to the body.

Sir, when we talk about standards, examination and matters of equivalency, I went through that system and had to present copies of my bachelor, masters and doctorate, copies of the document where I went through my clinical training at the University of Cincinnati, letters from professors to vouch for my attendance at the institution and the quality of the programme and whether it was a competitive and nationally recognised one.

Mr. President, I shall never forget at the end of the process, I felt like burning everything I had earned because I discovered that persons who were seeking to examine you were themselves not totally familiar with the content of the course.

I spoke about the prejudices earlier and saw some faces but it is the reality that when you have duly earned your academic qualifications, it is a disservice to this country when you have to walk through it and justify what you have earned, this is why the Council now being introduced through this legislation is timely and is a good thing. Hopefully, it will save those who may not have the money to go to London or the wherewithal to attend Cornell, Harvard, Yale, the University of Cincinnati or Ohio State University and that wherever they have attended, once the council has examined the record of that institution that those persons will be able to access any job opportunity in this country.

I wish to make this point because it is dear to my heart. It is not a good feeling when you have gone overseas as a poor Barbadian, scratched through snow and dirt and earn a degree and have persons with their own subjective agendas try to discredit you as a Barbadian citizen.

Mr. President, it is a disservice to this country when you have to walk through this country and justify what you have earned only because the system is subjective and individuals try to snatch from you the reputation you have worked hard to build. This is why the legislation is a good thing. Sir, it is not only me but other people go through some of the same hurdles.

Sir, I like to read history and I went back and discovered that Charles Duncan O'Neale went overseas and earned his right to be a physician, came back to this country and was pelted by some who were not as duly qualified.

Mr. President, do you understand what that does to the psyche of a Barbadian? There are persons who know your record and follow your journey but have to listen to these persons who try to discredit other citizens and then, Sir, we try to rescue people on the block but to tell them what? To tell them that when you try to advance yourself and return to Barbados that there are people who would try to tear you down?
12.20 p.m.

Mr. President, a Council like this is critical because it creates a protection zone where the examination of people's credentials can be done within a sterile environment, where once examined and found suitable to practise your craft, no person, regardless of where they sit, can try to tear you down.

Sir, the end of the story of my experience with the Paramedical Professional Council is that after going through rigorous examination, pelting questions and answers given, those who pelted the question did not even understand them.

Sir, I am going to get at the membership of the Council because I find that sometimes we have wonderful systems which are supported by the State but the selection of members to those systems is a real problem. Finally, unless somebody throws up their hands and say, almost in a facetious tone, "But if so and so could practise and do not have half of what this gentleman has, why are we interrogating him?"

Asides.

SENATOR Dr. D. S. LOWE: Mr. President, a society is a journey of reality. We have to be sure that when we come to the public, those of us who are part of the legislative process, and make our arguments in these Chambers that the public gets the feeling of authenticity of genuineness and illumination. It is important that we huddle ourselves around these principles so that the protection that this system is intended to offer becomes reality.

Sir, I heard in another place of a gentleman who, perhaps, has gone through the same struggle but thank God today people have become enlightened and the Government

is now creating the environment. I applaud the Government on starting this course to ensure that the right systems are put in place so that the protection of our people, who will soon include people from other territories in the Caribbean, can have a safe passage once they have duly received what it is that they claim. It is important. It is not only the protection of the educational systems, programmes and institutions, it is the protection of people.

Mr. President, I am sure that as you look across your own journey in this country, one of the statutes that illuminates the international world about this country is its educational standard. As a matter of fact, many of our citizens, even in terms of enrolling in international institutions, are looked upon by examination committees as having more quality academically than students from other territories. I have had the opportunity to compete with students from around the world in classes and professors would always remark at how a little nation could produce such outstanding students, students not only in terms of their intellectual prowess but students in terms of their academic discipline and their commitment to their studies.

Sir, sometimes you would go to the library at 2 o'clock in the morning and if you find 10 people, a Barbadian is in there, once they are on the campus. Then there is the tidiness of work. It has to be a product of what it is that we nurture here as one of the chief pillars of our national pride, which is the educational system. Anything to protect it from the virulent effects of subjectivity is, indeed, relevant to the passage of our national development.

Sir, I am impassioned by the idea that a system could be created, that is on the books of this nation, whose business is to ensure that not only strong and towering educational standards but also a protection zone for those who sometimes neglect their own visceral needs in order to attain a high level of education.

Mr. President, sometimes you have to turn to fasting in order to pay your bills and you are not fasting because you are praying, you are fasting because you cannot spend the money, all because the academic pursuit is of such importance to a Barbadian and the level of pride that he or she attached to him/herself is so wrapped up within the bowels of their educational experience and attainment, that when they come back to these shores, please, let no one despise them because you may not know what you ought to know. Do the homework before you offer your statement of condemnation because it can injure, not only that individual but that individual's family, friends and community.

Once upon a time, and, perhaps, still is, when you passed for a certain school it was a community celebration. When you earned a degree from the university or anyplace else it became a celebration of that community. Could you

imagine how that celebration could be dashed when people try to marginalise and belittle you on that basis? The protection of the people is equally as important as protection of the systems of education.

Sir, the public has to be protected and this Council is set up in such a way where it guards the integrity of the educational attainments and declaration of those attainments, that it protects the public from people who are not qualified and who would want to invade the integrity of our community both as institutions and consumers. So the private sector must be a part of helping to establish what standards obtain in the practise of certain fields. Mr. President, that is why it goes back to the selection of the Council.

Honourable Minister, please, elucidate that for us when you have your turn. How will these people be selected? What will be the criteria? It cannot be exclusively the Minister's right to make such selections. We have to be able to be all-inclusive relative to the persons who involve themselves by selection in the whole accreditation standards process.

Mr. President, the public must be protected because when someone hires an engineer they must be assured that they are getting a highly qualified engineer. When someone wants to see a medical doctor, a dentist, a lawyer or a psychologist, they must have some assurance other than just a piece of paper on the wall. May I suggest to you that process of accreditation or even the examination of one's qualifications goes beyond the Queen's designations and their symbols.

Sir, the most critical document is the examination of the transcripts of those individuals. It is easier to create a counterfeit degree designation than it is to create a counterfeit transcript. The transcripts of the individuals must become a part of the evaluation because the transcripts not only tell you what courses were taken, they tell you the level at which they were passed. It tells you the sequencing of those courses that led to a point that you can say that you have actually maximised that programme process to have covered those areas that would lead to the earning of the degree that you pursued. The transcripts are important and they can be authenticated very easily. Therefore, when you protect the public, you want to make sure that the system delivers into the hands of the business community and the public sector, persons who are duly qualified.
12.30 p.m.

Mr. President, we know that there are persons occupying important positions in both the public sector and private sector, who have not been duly examined. They have robbed deserving individuals out of positions, mostly because of nepotism, some fancy thing we call supersession, and those kinds of virulent animals that rob the labour force out of its integrity.

We have to examine them. We have to know the persons who are called upon to review. An individual who has not attained a certain level of academic qualifications, should not be asked to review a process that involves academic qualifications beyond. It makes no sense, that is, at least to me. The selection of those persons is a thing that I believe the public wants to know how they will be selected, not who they will be but how they will be, and the standard used for that purpose.

Therefore, the Accreditation Council, Sir, is one that seeks to set standards, and to create a kind of an institutional climate that is set on high standards. It will be responsible for the protection of educational standards, products and programmes, and the protection of the people who go through the process of earning these distinctions. The public should know what is going on and it must also involve the protection of the public.

Sir, the other point I want to raise on this piece of legislation is the whole matter of the free movement of people, whether or not an accreditation body has as part of its scope of power, the imposition of standards on other jurisdictions, even within this single notion environment.

Now, just by way of asking, what if a student who graduates from St. Georges University based in Grenada, comes to Barbados to fill a position, who is the critical person or persons that must examine that person for compatibility, between what they have earned at the institution and what is required for the job? Is it the Accreditation Council or is it the receiving body's internal system of standards, through its HR department that determines whether or not there is a suitable plain of compatibility between what the person brings to the job and what the person has to do?

Some people in this debate may not have had the privilege of working in a country outside of Barbados but I will say this to you, I remember sometime ago applying for permission to work in the United States through the Department of Labour. The institution had to advertise the job statewide, before it could even make an offer to someone who was out of State, though in the country, and then someone who was out of country.

Once, it came to a point where permission was granted by the department to pursue the individual that they claimed had qualifications unique to the position that was being offered, then the whole process of examination occurred. No Accreditation Council was involved. The internal systems of the institution, in addition to what the State Department set out as the parameters for hiring, based on the job description, went into motion and a selection was made. In some cases, rejections were made, based on the fact that no compatibility could have been struck among the variables.

I would like to hope that this Council will help to ease the movement of people, but remember that the Barbados Council has no regional jurisdiction, as far as I understand. It is the forerunner of a regional body to be created. I ask myself, is this the case where the horse is behind the cart? Or where the horse is inside the cart? I do not know.

The Honourable Minister will help me because what if when we have gone through this process, which not only has an educational facet but will also have an economic facet, when all is said and done and this regional body which must account for several States is being created, they find significant inconsistencies with what obtains here in Barbados through this Council, and what is required for the regional council? I am not making any assumptions. I am just enquiring and I am sure that the Minister, the Honourable Senator Eastmond will enlighten us in that regard.

Sir, all I am saying is that we cannot say that we are moving towards the Caribbean Single Market and Economy, creating a single space and yet still we are setting up a system like this that has the potential to be so indigenous to the state of Barbados, that it becomes a hindrance to persons who try to get in here to work?

In truth and in fact, the Council has the right to say that you do not qualify, but that person may be well qualified, not only in the eyes of the person himself but in the eyes of the body that seeks to hire them. What happens then? Who resolves it out? Who works it out? If the system says, no, based on our standard but the other players know that it can work, are we creating a situation where we are depriving someone who could come and offer their expertise to us, because there is a difference between the expectation of standards of system and the suitability of that person who is coming in? This is another question, Mr. President, that I hope the Honourable Minister will address for us.

Sir, let me say that you know we have been very forthright in our approach, as the Opposition in this Chamber, about supporting efforts that deserve support. This is another one that will do nothing but to advance our country and to protect our educational system. What I have tried to do, Sir, is to simply query those things that queried me. I hope that in turn we would get the response from the Honourable Minister.

I thank you, Sir.

HER HONOUR SENATOR Dame Patricia SYMMONDS: Mr. President, first of all, I wish to congratulate Minister Eastmond on her clear, comprehensive and very intelligent presentation. It was comprehensive without being diffuse.

Mr. President, I welcome the advent of this Council and we should have had one a long time ago and, in this regard, we are behind the major countries. I am always

praising our educational system so this is not in any way to decry the merits of our good system but, just to emphasize that we are behind the major countries and therefore it is opportune.

Any college or university in the United States of America will tell you where their Accreditation Certificate is from and I am not a historian, although I did history at higher certificate level, what is now A-Level. I remember as a child seeing Dr. O'Neal and hearing about him with pride. He lived in Bank Hall where I grew up. I do not recall ever hearing any problem about his registration. As far as I understand, he was educated at Edinburgh University which is one of the finest universities in the United Kingdom. Perhaps I can be enlightened further about that.

12.40 p.m.

Presently, as the Minister stated, the Ministry has an Equivalency Committee but we need something far more organised than that. About three years ago the Ministry of Education, Youth Affairs and Sports began to make plans for the Barbados Accreditation Council. There are a great many institutions registered but they cannot be accredited. In the first instance tertiary institutions can register and then they can apply to receive an accreditation, but it would be a long process. The Barbados Accreditation Council will employ people to carry out the process. This will result, as has been indicated, in quality assurance of programmes to ascertain that an institution has proper systems, staffing, room, *et cetera*. In that regard, Dr. Lowe expanded in an interesting fashion about the various processes which have to be gone through by an accreditation body.

Mr. President, in Barbados it will be a three-fold process. There will be registration, then accreditation of the institution and then accreditation of the programme. At this time, the Barbados Community College and the Samuel Jackman Prescod Polytechnic are not yet included in the process.

Mr. President, the Equivalency Committee cannot investigate. I am not trying to belittle their role or efforts but in this regard they would lack the expertise, training and personnel for that purpose. So the purpose of the Barbados Accreditation Council, as Senator Eastmond explained, is to set standards, and I would add, and to see that standards are maintained. It would also feed information into the proposed regional accreditation council.

Mr. President, the Barbados Accreditation Council will also work through existing bodies to certify that qualifications are *bona fide*. We already know that there are certain professions where their peers have to recognise them, for instance the Bar and the medical profession. Therefore, they will assist the Accreditation Council. In addition, the Accreditation Council will verify corresponding courses, online learning and distance learning. Mr. President, I was

particularly interested, and here I am being personal and subjective, when I read that there must provide information for the public.

Mr. President, in the 1950s when I wanted to go to a university in England – and incidentally Minister Eastmond may be interested to know that after graduating from the University of Reading, I went to the London University – I had a British passport and as a British subject, as we were called in those days, my fees, fortunately for me because I went up on the Shoestring, were no higher than those of the English students.

Mr. President, sometimes students want to go and study a certain subject but they are not sure where to go and study. I say this because when I wanted to go I asked for an appointment with the then Director of Education and sought his advice as to what universities I could go to that were reputable and reasonable. I always remember him telling me that he would give me the same advice that he would have given his daughter, and so he recommended Reading University, Bristol University and Southampton University in that order. Since I got acceptance from Reading University first and I liked the sound of it, I accepted that and I have never ever regretted it. So it is good to have a council that would be able to provide information.

Mr. President, there are students who have come down, even in these times, from institutions, I am not going to call the names of those institutions, but there is one in particular where students who have studied dentistry have at times had trouble with registration. One or two have been past students of mine who spoke to me and came to me for advice. So there are areas like that beside the other important things like the Caribbean Single Market and Economy and the World Trade Organisation which I am not going to go into since Senator Eastmond has, in her usual brilliant and insightful fashion, dealt with them perhaps even better than I would have been able to, not from an educational point of view, but certainly its her role with her portfolio.

Mr. President, with those few words, I support this Bill wholeheartedly.

Thank you, Mr. President.

SUSPENSION OF SITTING

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, I beg to move that this Sitting be suspended until 2.00 p.m. today.

The question that the Sitting do now suspend until 2.00 p.m. today was put and resolved in the affirmative without division and Mr. PRESIDENT suspended the Sitting accordingly.

12.50 p.m.

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed. Senator Eastmond.

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, first I would like to thank all Honourable Senators who have spoken on this Bill for their overwhelming support and endorsement of this initiative by the Government.

Mr. President, there are a number of matters that were raised by Senator Lowe during his intervention and I would wish to respond to them. The first issue is whether or not it is appropriate for the national bodies to be established and then the regional body.

Sir, in my thinking, it would very much be akin to if we were to agree that we would have a Caribbean Community without first having countries to make up the CARICOM. It would seem to me that it would be necessary to establish the national organisation before one seeks to establish a regional organisation.

Mr. President, perhaps what would make Senator Lowe more comfortable would be that the CARICOM Secretariat did have a number of studies conducted on the strengthening and establishment of accreditation bodies at the national level, so that there would be some guidance for all national bodies within CARICOM. Therefore, we would hope that there would be a great deal of harmonisation of the law, the administration and the procedure for all of these bodies. In fact, I believe this would very much be the case.

Sir, when the Barbados Accreditation Council is established, it will be working with the CARICOM Secretariat and the relevant bodies responsible for this area in continuing to work on those aspects that are directly relevant to the CARICOM Single Market and Economy. Sir, in my view, I do not believe we have to worry too much about that issue.

Mr. President, the second issue relates to the recognition of individuals and their qualifications with respect to those individuals who have received status under the legislation dealing with the Caribbean Community (Free Movement of Skilled Nationals) Act, 2003.

Mr. President, this particular piece of legislation would create a benefit with respect to individuals coming into Barbados and similarly for Barbadians going into other CARICOM countries. It gives a right to work if these individuals are recognised as being qualified under that particular piece of legislation.

Mr. President, however, if it is put that way, it would be important to recognise that what, in effect, one would have, would be two systems working in parallel. There still exists the ordinary immigration legislation, the Immigration Act, where, through a work permit, individuals come to Barbados to work. Therefore, if there was an individual who came to Barbados and was not successful in terms of being recognised by the Council, but that individual's employer believed this person to be an asset to his organisation, the employer could still seek a work permit on the behalf of the individual and through that mechanism, that individual would still be able to work in Barbados.

Mr. President, if an individual does not qualify under the Act, there is still facility in the ordinary way that CARICOM nationals can come to Barbados and can work, which is by seeking a work permit through the normal immigration law if they do not qualify. Therefore, the business that would still require that individual to work because he or she has some special skills, even though not recognised under the legislation with regards to the free movement of individuals, that employer would still be able to have access to that labour, provided that the immigration authorities agree.

Mr. President, another issue was raised about the appointment of the Council itself and, in effect, the role of the Minister in making the appointments. The Schedule to the Act does indicate the persons who would make up the Council. In the First schedule, Clause one deals with the constitution, function and procedure of the Board of Directors.

1. (1) The Board of the Council shall comprise
 - (a) Seven persons appointed by the Minister by instrument in writing as follows:
 - (i) Two representatives of the Ministry of Education with at least 10 years experience in tertiary education;
 - (ii) One human resource management professional;
 - (iii) One representative from the employers' organisation; and
 - (iv) Two persons, at the Minister's discretion.
 - (b) The Head of the Public Service and the Executive Director *ex officio*;
 - (c) A secretary, who shall be chosen by the Directors from amongst themselves.
- (2) The Minister shall appoint a Chairman and a Deputy Chairman from among the Directors.

Mr. President, in terms of setting out the constitution of the Board, what we are seeking to achieve is a certain balance, even though all of the individuals constituting the Board might not have the qualifications as was referred to earlier.

I believe that Senator Lowe also indicated very clearly that in these circumstances when we are talking about accreditation, that we are doing more than simply looking to accredit programmes and institutions. Senator Lowe spoke of the physical plant of the institution and reviewing the teaching staff and their qualifications. Therefore, there are a wide range of issues which would have to be examined, in determining whether or not one would be accrediting an institution or a particular programme. Therefore, the members of the Council and the constitution of the Board is meant to reflect that.

Mr. President, I should also point out that under the legislation, the Board can also set up additional committees, so that if one is seeking particular expertise in any given area, then we can establish committees in order to seek a particular objective. Those are the main issues raised. Mr. President, since there are no further issues on this particular Bill, there is a consensus among Members that the legislation is worthy and necessary at this point and I ask that this Bill be read a second time.
2.10 p.m.

The question was put to the Senate and agreed to.

On the motion of SENATOR the Hon. Miss L. V. EASTMOND, 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.

Clauses 1 – 5 were called and passed.

Clauses 6 – 10 were called and passed.

Clauses 11– 15 were called and passed.

Clauses 16 – 20 were called and passed.

Clauses 21 – 25 were called and passed.

Clauses 26 – 28 were called and passed.

The First Schedule became the Schedule to the Bill.

SENATOR F. J. STUART: Madam, the Minister said that the Board is to be composed of seven persons. One who

represents the Ministry of Education with at least ten years in tertiary education, one human resource management professional, one representative of the employer's organisation and two persons at the Minister's discretion. I am wondering if the Minister could explain why in spite of the fact that the labour movement, and more particularly the Barbados Workers' Union, has been involved in education for thirty years at a formal level in this country, why it is thought that the labour movement should not be represented on the Board of the accreditation council.

SENATOR THE HON. Miss L. V. EASTMOND: It is an interesting issue that has been raised in view of the fact that there is a representative from the employer's organisation. I know that the thinking in respect of the employers organisation would be that we tend to focus on ensuring that students are ready for the workplace and business environment. I know there is a concern to make sure that students are trainable and effective in the business environment and hence representatives from the employers organisation on the Board. There could be good argument as to why labour should be represented as well.

Sir, this is a matter that I will take back as having been raised here in the Senate.

SENATOR THE HON. Mrs. V. E. NEWTON: Madam, I would like to draw the attention of the Honourable Minister to the First Schedule, Clause 1c which says that the Secretary to the council shall be chosen from among the Directors. I wondered whether this is not setting up a potential conflict of interest situation in case there has to be a vote on any matter. Since the Secretary is recording the Minutes of the council and is also a Director, I am wondering if this is the best that could be envisaged for the Bill.

SENATOR THE HON. Miss L. V. EASTMOND: We can take another look at this issue and see if, under those circumstances, there is any conflict. Possibly there is another way of approaching this issue and it will be considered.
2.20 p.m.

Asides.

SENATOR THE HON. Miss L. V. EASTMOND: In reviewing it, certainly, because of the questions that have been raised here, there is an issue with the interpretation even if it is correct. In terms of the interpretation, we would review it. My view is that, in terms of the passage, we certainly have to continue with the passage of the Bill. I do not think that this particular issue would prevent us from doing that but we would refer it to the drafters to see if they have another interpretation which would put us on a sound footing on that matter. I would undertake to raise the issue with the drafters.

Thank you.

SENATOR the Very Rev. H. E. CRICHLAW: Mr. President, on the same matter, the Board of Directors is different from the Council and the Secretary is to be chosen from the Board of Directors, from among themselves and that is a different body.

Asides.

SENATOR THE HON. Miss L. V. EASTMOND: Yes. There is a Board of Directors. I believe that on this particular issue we will have to take this back in order to simply make any adjustments from a drafting perspective and the correction will be made there, if necessary. I give that undertaking to the Senate to do that.

Thank you.

Madam DEPUTY PRESIDENT: Shall we accept that and proceed?

Asides.

SENATOR THE HON. Miss L. V. EASTMOND: I beg to move that the First Schedule be the Schedule to the Bill.

The First, Second and Third Schedules became the Schedules to the Bill.

On the motion of SENATOR THE HON. Miss L. V. EASTMOND, Madam DEPUTY PRESIDENT 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 motion of SENATOR THE HON. Miss L. V. EASTMOND, the Bill was read a third time and passed and cited as the Barbados Accreditation Council Act, 2004.

ORDER NO. 2 – SECURITIES (VALIDATION OF FUNCTIONS) BILL, 2004

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, the Securities (Validation of Functions) Bill is a simple proposal that is before us. Sir, this matter concerns the correction of an administrative error in the Instrument of Appointment of the Members of the Securities Commission.

As you will recall, the Securities Act was passed in 2001 and gave the Minister of Finance the power to appoint Commissioners. Unfortunately, there was an error made in the Instrument of Appointment when the individuals were appointed to those positions. Out of an abundance of caution, we are seeking to ensure that any acts done by those individuals are, indeed, lawful. When we look at the specific provision in the Bill we will see at Clause 2 that there is

reference to the fact that everything done in good faith by the Securities Commission or a member of the Commission in the exercise of the powers conferred on them by the Securities Act prior to their appointment to be Members of the Commission should be deemed to be lawful and vowed to be done and to be of full effect. This is what we are requesting that should be done at this time before this Honourable Chamber.

Sir, the matters that were dealt with by the Securities Commission at that time had to do with share transfers and payments of stamp duty under the Stamp Duty Act and the assessment, collection and remittances of property transfer tax under the Property Transfer Tax Act. Also, the adjudication of share transfers and indemnities in relation to lost shares. All of these are meant to be lawful and validly performed.

Mr. President, we are simply requesting at this time that what was an administrative error be corrected in order to validate certain actions by the Securities Commission.

I do not believe that there should be much debate on that particular issue. These are actions that were taken in good faith and I do not believe that any of us wish to question the Securities Commission as to its wish to act appropriately. We believe that it did act appropriately in all of those circumstances and the Instrument of Appointment was an Instrument drafted by one of our officials and, therefore, it was not within their hands to question the validity of the appointment at anytime. I would wish to request that Honourable Senators support our request for the passage of this particular Bill in this Honourable Chamber. 2.30 p.m.

Mr. President, I therefore move that the Bill be read a second time.

SENATOR F. J. STUART: Mr. President, very briefly, the Honourable Minister volunteered her very winning smile when she used the word, error. I look forward to the day when the word, error, becomes unparliamentary language.

We do not have any particular problems with the intention of the Bill. Whenever I hear the word validation, Mr. President, it triggers a recollection of the year 1990, I believe when the then Government of the Democratic Labour Party brought a validation Bill to Parliament, the Government having exceeded the Ways and Means limit at the Central Bank. There was a grand horror that the Government was disrespecting the law and then coming to put a respectable face on its breaches.

There was a very energetic debate around that time, Mr. President. You would have got the impression that, as a result of bringing the Bill to Parliament, the City was

presenting scenes of blood, and that funerals were darkening all the streets. We were given the assurance then that once the Barbados Labour Party was elected to office, validations would be frowned upon, and would be a thing of the past. Of course, we were told that supplementaries would be a thing of the past as well, but what a difference a decade makes. This is the second validation since the 2003 general election, we had to deal with in the Senate.

Since the Democratic Labour Party has never tried to compete with the Barbados Labour Party in the realm of political pettiness, it cannot be expected that I will stand here today and try to put any unnecessary obstacle in the way of the Government, but just to draw attention to the fact, that we are all human, and the same way that in the past, the Democratic Labour Party in Government had to validate its actions, so too today and twice since the last General Election, this Government had to do the same.

I understand very well what the Minister has said. I understand the explanation for the validation and the Bill therefore has my support.

I am obliged to you, Sir.

SENATOR THE HON. Mrs. V. E. NEWTON:
Mr. President, I rise to support this Bill. I would like to take the opportunity to say a few words about the securities industry and the Securities Commission in Barbados, in particular.

The Securities Commission was established in 2002. It was envisaged and it still is, that it will play a pivotal role in the economy of Barbados and the confidence of Barbadians, in purchasing shares in companies and that it will lead both the private sector and public sector to invest more in the economy.

It is also envisaged that the Government's role in the securities industry will be one mainly of creating the framework and the environment in which investment will take place. Therefore, the Securities Commission, like the Fair Trading Commission is of utmost importance to the way forward for Barbados.

Sir, the Commission has not to date played a major role in educating the public about securities, what they mean, how and why Barbadians should take more interest in securities as a way of investment, and the way Barbadians look at land. The plan this year and the next, as far as I am aware, is to do something about that, in conjunction with the Stock Exchange of Barbados.

In fact, I think that next week, there is a plan to have a function in Heroes Square at which both the Stock Exchange

of Barbados, and the Securities Commission will take part. It is hoped that literature will be handed out and there will be discussions on what the securities industry means to Barbados. I believe there is also a plan to target schools so that from a very early age, youngsters will learn about securities and see them as a viable alternative for investment.

Recently, the securities legislation has been under examination. There is a Committee set up, headed by Sir Henry Forde and they started to look at one aspect of the legislation which deals with takeovers. Eventually, the plan is to reexamine all of the securities legislation because it is one thing to draft and put legislation in place when you are starting in a new environment. Once you start to use the legislation, there are certain cracks that might appear in the armour, and therefore, there is always the need to fix them. It is envisaged that this Committee will look at all of the securities legislation, including the Securities Act.

One of the issues that they are concerned with at this point, Mr. President, is whether there can be a takeover of a private company and, if it should come under the Securities Act or the Companies Act. Another issue is what happens when a company acquires 25 per cent shares of another. The Securities Act would seem to suggest that after 25 per cent shares are acquired, the company ought to or must go on to acquire at least a controlling interest in the company, but that is not clear. This was one of the issues that came to light in the recent matter involving Brydens, and the Securities Commission is actively considering what has to be done.

One of the problems though is that the Securities Commission does not yet have a research officer on board, who can look at these matters on an ongoing basis. The hope is that this will soon be a thing of the past, and they will be able to recruit a person with knowledge of the industry, who will be able to guide the Commission when problems like that occur.

Another issue that the Committee will be looking at has to do with mutual funds. The Mutual Funds Act gives the Securities Commission power to regulate that industry, but only for companies registered in Barbados. Companies registered elsewhere have to comply with the Companies Act requirements and certain Central Bank regulations. Some of them have been complaining that if they also have to comply with Securities Commission regulations that it is a matter of over regulation. This is one of the matters that the Committee is looking at, at this time.

Then, there is the treatment of unclaimed shares and dividends which is also very important. We are hoping that by the time this Committee gets around to the main piece of legislation, they would have come up with some answers to deal with that area.

2.40 p.m.

As I said earlier, the Commission's staff is small. There is a need for a research officer. There is also a need for an information technology specialist who would monitor activity on the Stock Exchange and update the Commission's website. So on when companies are listed on the Commission it would all be done electronically, so we would certainly need someone who can keep that area of its activities current.

Mr. President, the Commission, having only been established two years ago, has been faced with some major challenges. We all remember the situation with the Life of Barbados and A. S. Brydens. The Commission learnt several lessons from these occurrences such as that there is a need for enforcement procedures to be put in place to deal with the parting of shares, insider trading and other types of market manipulation. To that end the Commission has been sending its staff to training courses overseas so that when the time comes we would be in a good position to learn from mistakes that other jurisdictions have made and to see what challenges they have had to overcome.

Mr. President, there is also a need for the Commission to be firm in carrying out its mandate but not in a hostile or confrontational manner because after all it has to regulate the industry and it has to get along with the major players. Therefore, while being firm in doing what it has to do, it has to do it in a way that would not antagonise the market players so that they will see the need to comply with the various regulations that have to be put in place.

Mr. President, the Securities Commission has a very important role to play in the economy of Barbados, and it is cognisant of its role. In recent times a legal officer with bright ideas in relation to the way forward joined the Commission. I believe that once the legislative review is over and the Commission has settled on the type of public awareness programme that it must undertake, that Barbadians will have a good opportunity to see what the Commission is, what it stands for and how it proposes to tackle the problems involved in raising the level of confidence in investment in this island both among locals and expatriates.

Thank you, Mr. President.

SENATOR R. W. GRANT: Mr. President, I rise to give my support to this Bill. I think that one cannot equate this with what the Honourable Senator from the Democratic Labour Party sought to do with respect to what a previous government would have done in 1990.

Mr. President, what we are seeking by this Bill is to ensure that the actions taken in good faith by members of the Securities Commission, before the person's valid appointment, would be lawful as well as the duties performed by the Commission from January 2, 2003.

Mr. President, for the Honourable Senator to suggest that is somewhat like what the Democratic Labour Party Government of 1990 did with respect to Ways and Means when the law at the time required that the Ways and Means be no more than 10 per cent of Government's estimated revenue, but the central Government at that time, not the Commission, knowingly went above and beyond that 10 per cent. Mr. President, there is more to that because the Honourable Senator in his submission should have said that that Government also increased the amount to 17.5 per cent and subsequent at that time also went above that amount as well.

I do not think, Mr. President, that you can evaluate the two aspects in the same way. Mr. President, I think it is very important that we make this point because this Honourable Senate must not be misled.

Asides.

SENATOR R. W. GRANT: This Securities (Validation of Functions) Bill must not be confused with any previous Securities (Validation of Functions) Bill of 1990 because there is a fundamental difference as I have pointed out.

Therefore, Mr. President, I give my support to this Bill.

SENATOR G. P. B. NICHOLLS: Mr. President, I too rise to give my support to the Securities (Validation of Functions) Bill because I believe that the kind of society which we are trying to create, as I have made a contribution previously in this Honourable Senate, is one in which we can see some parallels in terms of equity and fairness within the political system as we could also see in the financial system in this country.

Sir, previously the Securities Exchange of Barbados has had the job to regulate its own affairs. I recall in the days when I was learning the law in respect to corporate finance and company law at the university there was an ongoing debate as to whether or not people should give the Securities Exchange of Barbados sufficient time to operate within the market before government could intervene and bring regulations to regulate a very new phenomenon. There was a debate going on at that time where some felt that if you did not regulate the market people would not have confidence in the ability of the market to render its own business decisions and deal with its own affairs in a way that was transparent so people could properly predict and have a fair share in dealing with the market. Sir, I am glad that the proponents of the view that we should have a regulatory market, although it is not developed to the extent of the big capital markets that exist in the world, has won out in that debate.

Sir, it is my belief that a government, in a post-colonial society as is ours, must play a fundamental role in mapping out the clear strategies toward national economic

development and ascent. I have said in my contribution to the Estimates that I do not believe that process is one which is evolutionary. I do not believe that there can be any piecemeal efforts towards our own development. It has to be a situation where there is a transformation of the human values, production technologies and the way in which we see ourselves as a people in order for us to succeed in these challenging and unpredictable economic times that exist today.

This Bill, as the last Honourable Senator and the Minister who introduced the Bill said, seeks to validate the acts done by the members of Securities Commission. Those acts are presumed to be the acts done by those persons in good faith.

Mr. President, I am very concerned that there is within this country a lack of understanding as to what the Securities Exchange represents. It seems that only when there is a pending merger or take-over of a corporation that Barbadians tend to be concerned with the functions of the Securities Commission.

2.50 p.m.

Mr. President, there is also the belief that trading in stocks or shares has value only when people file their income tax returns, so that if there is an initial public offering in any company, people would rush to buy these shares in the hope that they can declare them so as to receive the deductions at the end of the fiscal year.

Mr. President, we have to go beyond that, and I am glad that the Honourable Senator who spoke is a member of the Securities Commission and has seen the need for the Securities Commission to go out into the wide society and seek to explain the role and function of the Securities Exchange of Barbados and the Securities Commission.

Unfortunately in this country we have a situation where there is not a market of willing buyers or willing sellers. There is no trading activity going on at any significant rate. Therefore, it is within that context that Government must play the leading role in nurturing both the Securities Commission and the Securities Exchange, by creating an environment in which Barbadians can become more comfortable in how the business of securing financing through equity purchases within corporations is done, as opposed to debt financing.

I think we have to go beyond the view that we are spreading the wealth by giving a Barbadian a share in a corporate entity so that share represents some form of ownership and with that share certificate, one can know that he or she owns something that is tangible. We have to go beyond that.

I have had the opportunity to read the last edition of the *Broad Street Journal* and the Business Edition of the *Barbados Advocate* for Monday 14th June. I was heartened to see the directors of companies such as SAGICOR and the Barbados National Bank, which trade on the Barbados Stock Exchange, on record as saying that they have received record profit levels in the last financial year.

Mr. President, I have no brief for any of those companies but the story must be told that while SAGICOR represents the volume leader in the Barbados Securities Exchange, that company has shown that it has a clear vision for where it is going. It has shown that it understands the exigencies of the time, in a period in which globalisation of the provision of financial services is becoming more and more difficult to predict.

Mr. President, these companies have thus taken the step of a cross-regional synergy in terms of merging as far north as the Bahamas and are going into the Jamaican market to create a product which evolves out of a company which was formed in the 19th Century as a response to the changes in the economy, which Barbados underwent at that time. Therefore, SAGICOR has a particular history of operating within the financial sector of this country in a very proactive way.

Mr. President, the challenge that lies ahead is for the securities market to meet the need to spread more opportunities of assets and wealth accumulation in this country, and it is within that context that Government must play a particular role.

Mr. President, there is the risk of loss of control of one's company, that is why many corporate institutions and private companies which do very well, make profits yearly, which would employ a significant number of Barbadians and would be doing the correct thing in terms of their overall business and development but there is a fear that if these companies were to become listed on the Barbados Stock Exchange, because of the ability of traders to buy shares, they might lose control over their companies. Therefore, this reluctance and diffidence is something that we have to confront as a society and as a whole.

Mr. President, Government has taken the lead in the past of filling the vacuum created by the failure of the private sector to get into economic activities in which the risks are too great and the returns are not large enough to ensure or to justify the decision for investment in those kinds of portfolios, with which a shareholder would be happy.

Mr. President, because of that dynamism that exists, there is an over-reliance on Government to take up the slack, hence the creation of institutions such as the Barbados National Bank and the Insurance Corporation of Barbados in the 1970s.

Sir, our economy in Barbados cannot progress to the level to which I believe it ought to progress unless there is a strong private sector in this country. Again, I say that because I have no brief for the private sector but because it is my belief that the private sector is more adaptable to leading the charge for the diversification of the Barbadian economy because of its limited concerns. The private sector is not a Government and, therefore, does not have the social obligations as a Government.

The private sector would have more opportunities at its disposal to create opportunities for Barbadians to save and to invest in corporate activities more than a Government statutory corporation or a Government public company would have. They have more scope for innovation and using creativity and can take more risks.

Mr. President, there is a need in this country for the private sector to step up and to perform its role in terms of advancing the cause of the corporate financial services sectors in this country.

Mr. President, I am, indeed, heartened that the credit unions in Barbados have been going out on their own and are seeking to find ways in which they would play a role in the future development of the Barbadian economy. I know the Honourable Minister has taken the credit unions under her bosom as she should because she is Minister responsible for Cooperatives but in our debates as colleagues, I often whisper in the ear of the Honourable Senator that I do not believe that the credit union movement in Barbados is addressing the fundamental issues which would impact on its ability to survive in the context in which the financial services sector would be more and more liberalised, especially when we enter into arrangements with the Free Trade Area of the Americas.

Mr. President, that would be important because one cannot preach to the choir every Sunday. The credit union movement must move beyond looking towards the immediate concerns of its members in terms of disbursing commercial loans, *et cetera*, by creating a cadre of services to benefit its members in areas in which it might not immediately find itself wanting to go into.

Sir, I support the creation of a co-operative bank by the credit union movement in this country, not as a means...

Mr. PRESIDENT: Senator Nicholls, I think that you are moving somewhat beyond the validation functions of the Securities Exchange into the credit union. Could you please come back to the Bill before the Honourable Senate.

SENATOR G. P. B. NICHOLLS: I am guided by Your Honour but I support the move by those institutions such as the credit unions to address those concerns of a financial

nature that would affect the ability of the average Barbadian to share in the wealth of the country.

Sir, essentially the point that I am making is that the credit unions boast of massive amounts of wealth but the portfolio of the Barbados Stock Exchange is not performing as if that amount of wealth existed within Barbados. Sir, I say that because I believe that they must find more creative ways of deploying the resources that they have.
3.00 p.m.

Mr. President, I am happy to support the work done by the Securities Commission in Barbados. I believe that more corporate companies in this country should do more research as to the equity financing of their own operations as opposed to the traditional means of financing in the context where we want to see a more level playing field in the redistribution of the wealth in this country.

Mr. President, I am obliged to you.

SENATOR A. C. FIELDS: Mr. President, I rise to support this Bill and to thank Senator Newton for her contribution which was an eyeopener for me because I was not aware that the Securities Commission had embarked on the areas which she spoke.

Sir, I would like to add to what the Senator said. I do not think that the private sector is as well understood as it could be in this country. To begin, shares in Barbados are very thinly traded because institutions in Barbados who are unable to invest outside and are constrained largely to investing inside of Barbados quickly buy up the 10 per cent of their portfolio which, by and large, is a self-imposed limit on the companies listed on the exchange. They hold those shares and, therefore, there are not many shares available to be traded on the Stock Market.

We are also faced with the problem of cross-listing in the other markets. It is a huge effort and duplication of many things to go into another market and list shares. I feel strongly that these regulations should be looked at carefully so that there are of a reciprocal nature and so that companies and firms issuing prospectuses and registering securities in different islands should not have to go through the whole re-registration process again in each territory. There should be a minimum standard required and once that is met in one territory, they should be able to list in the other territories.

The other things worthy of note are the differences in the rules and regulations of different stock markets. For instance, in Barbados there is the 25 per cent rule where if one reaches 25 per cent equity in a company, one is obliged to offer all the shareholders the same consideration for the shares that shareholders want to sell. Sir, in Jamaica it is 40 per cent, in Trinidad it is 30 per cent and there is no

commonality of regulations in the various stock markets which make it difficult for companies. It poses the question, can someone in Trinidad buy more than 25 per cent of the shares of a Barbadian company listed on the stock market in Trinidad without affecting the takeover code. Sir, no one seems to have the answer.

More important, as we go forward with the Caribbean Single Market and Economy, this is one area that lends itself to be easily and quickly spread across the Caribbean. There needs to be a regional stock exchange in these countries before there is meaningful trading. We need to expose our citizens to easy access of shares in a wide cross-section of companies throughout the Caribbean.

Sir, people may not appreciate that Trinidad, Jamaica and Barbados share the same electronic platform that lends itself easily to cross-listing and cross-trading and brokers in any country can go on the computer and trade electronically when markets are opened across borders. Sir, it is going to happen and it would be better if we have commonality of regulations and speed up the issue of cross-listing and trading across the borders.

I hope the commission would look at suspending the trading of shares when takeovers are in progress as this is the only part of the world where this happens. Sir, when information is in the public forum, shareholders should be able to use their best judgement whether they want to trade or not. We could have a situation where shares are suspended from trading, the deal goes sour and those shareholders who have traded their shares on their own recognisance at a profit to themselves are left with shares worth the original price. I see no merit whatsoever in stopping the trading of shares while there is a takeover bid in process once the information is out in the public domain and everybody is aware of what is happening, the shareholders should be free to sell their shares during the process or wait until the end of the process and take what they might get.

With those few words, I am obliged to you and I support the Bill.

HER HONOUR SENATOR Dame Patricia SYMMONDS: Mr. President, when Senator Newton spoke, one of the points she made struck me forcibly. It is a point which I have made before in this Honourable Chamber, it bears repeating and I wish to reiterate and expand on it. Sir, it was the question of public education and the intention of the commission to target children.

Honourable Members have already stressed the importance of public education to a citizenry that is still not quite accustomed to investment and perhaps a bit wary of it. I wish to look at our examination system in the nation to educating our students particularly about investment, stocks

and shares because they are the ones who in the future would be more easily convinced and amenable to change.

Mr. President, I remember when there were questions about stocks and shares in the London Chamber of Commerce advanced and intermediate examinations. However, there are none in the CXC Basic or General and in the commercial streams there is just some mention of it. Sir, you only find it in CXC syllabuses in Principles of Accounts and Business. In business it comes under the heading Money Capital and Financial sectors and indicates that students should be able to define and identify various types of long-term and short-term capital.

Sir, it refers to the money markets, commercial banks, credit unions, capital markets, insurance companies, stock exchange, the development bank and building societies. I know of one school at which a teacher of business has actually taken students to visit the bank and stock exchange but this is as far as it goes. There are also building societies which people who have visited or lived in England would know about. Mr. President, neither of these syllabuses require students to do a calculation of interest gained or dividends earned on shares. They are just asked to identify means of raising capital. Generally speaking, there is no emphasis placed on stocks and shares. These are just mentioned, as I said, as a means of raising capital and any relevant questions would not require any detailed answers in the examination.

3.10 p.m.

I think Senator Nicholls emphasised that we are being more business oriented and, therefore, we need to become more aware of the areas that relate to business that the average person has to deal with in today's world.

Sir, the problem is, in an overloaded curriculum, if a subject is not being tested, it is most unlikely to receive much attention, if any, from teacher or student and that can be a problem. Some teachers feel that in order for teachers to focus on this area of investment in stocks and shares, it will have to be included on the national curriculum and greater emphasis to be placed on the CXC exam in Principles of Accounts and Principles of Business.

Mr. President, a curriculum cannot be static, hence the introduction of a national curriculum. It has to be a dynamic entity dealing with those things which currently relate to the needs of the society so that the inclusion of stocks and shares could also assist in teaching students to be independent business people and investors when they become adults.

Mr. President, with those few words I support the Bill. Thank you, Mr. President.

SENATOR G. P. I. GOODING-EDGHILL: Mr. President, I rise to support the Securities (Validation of Functions) Bill which is before this Chamber and I will be very brief, Sir.

Mr. President, in supporting the Bill I want to make a call for more local companies to go public and be listed on the Stock Exchange of Barbados. I recognise that it is an expensive undertaking but we should also look at the benefits of such an undertaking within a society. It increases the capital base of those companies that are listed on the Stock Exchange. It creates increased wealth for those companies that have participated and are listed and it also reduces a reliance on loans from the commercial banking sector for funding requirements for various projects. Sir, it also improves trading results.

Mr. President, it is absolutely necessary that we also recognise that consistent with going public, that there is a need for more public education. Other Senators made reference to the work of the Commission going forward. I would like to make the call not only for potential investors but also for business persons and directors of companies. Some understand this very well and they obviously would exploit it to their company's benefit and if they are shareholders, for their personal benefit.

There are some companies and businessmen who I believe should be informed of the required steps that are necessary, for example, in developing a prospectus in preparing a company to go public. I think that it would definitely help medium-sized businesses who are interested in going this route in terms of ensuring that their business can increase their capital base, reduce their reliance on commercial banks for loans, thus improving the bottom line where necessary, and create expansion.

Mr. President, wealth expansion is very important and I believe that the successful local companies that are already listed on the Stock Exchange should, perhaps, focus on the dual market listing, not only within the region but on the international market. It is absolutely necessary that we look at listing Barbados-based companies on the London Stock Exchange or even going to the United States and certain selective markets because this creates additional wealth for the locally based companies. It increases their foreign exchange earning capacity and helps to build a global business. We recognise that we have been in a global environment for sometime and if we are to proceed and ensure that we also get a fair take of the market, there is absolutely nothing wrong with strong well-managed and successful Barbadian companies entering the international market as listed companies and competing with those companies in the marketplace for a share of their business as well. So, it is absolutely necessary that we recognise this.

Sir, we have several examples across the world, particularly the United States and the United Kingdom. I know a gentleman who started off as a carpenter and today he is worth millions of dollars. He has been successful because he understood the stock market and obviously was given advice. He was educated about the role of the stock market and he used the stock market to his benefit and some other locals benefitted substantially from the listing of a local company on the United Kingdom Stock Exchange.

I also think one day we should come full circle and I look forward to the day when, perhaps, we can have a financial services authority working together in the regulation of the securities market. I would leave it there at this point in time, Sir.

Mr. President, disclosure requirement is something that we should broaden. It is absolutely necessary particularly in these times in the interest of transparency and protecting the shareholders. I also believe that it might be necessary for us to have stiffer penalties for insider trading. This is something that we have to view very carefully, particularly in a small society. We have to be very careful on how we proceed. I think that it is necessary and I believe that stiffer penalties are relevant.

Sir, I can go on and on but I said that I am going to be brief. As I support the Securities (Validation and Functions) Bill, it is absolutely necessary that we pay greater attention to public education, not only here but throughout the various institutions and agencies, not only from the investors' point of view but for those businesses that we believe can make a mark on the international scene.

With those few words I am much obliged.

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, let me thank all Honourable Senators for their contributions of substance. Clearly, we need to bring some financial services legislation to this Honourable Chamber as soon as possible. Let me thank Senator Grant in particular for his most vigorous defense of the Barbados Labour Party. Senator Grant has saved me from compromising the completely cordial relationship that I have with my colleague from St. Philip.

Asides.

SENATOR THE HON. Miss L. V. EASTMOND: I would not wish to do anything to damage that. So, I am quite pleased with his intervention. As they say in the Law Reports, I have nothing further to add.

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

The question was put to the Senate and agreed to.

COMMITTEE

On the motion of SENATOR THE HON. Miss L. V. EASTMOND, Mr. PRESIDENT left the Chair and the Senate went into Committee on the Bill, Her Honour SENATOR Dame Patricia SYMMONDS in the Chair.
3.20 p.m.

Madam CHAIRMAN: The Senate is now in Committee.

Clauses 1 and 2 were called and passed.

On the motion of SENATOR THE HON. Miss L. V. EASTMOND, 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 motion of Senator the Hon. Miss L. V. EASTMOND, the Bill was read a third time and passed and cited as the Securities Validation of Functions Act, 2004.

ORDER NO. 3 – PROPERTY TRANSFER TAX
(AMENDMENT) BILL, 2004

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, I rise to speak on the matter of the Property Transfer Tax (Amendment) Bill, 2004. This is a very simple matter. When the Securities Act was passed in 2001, there was no consequential amendment made to the Property Transfer Tax Act to provide that the adjudication of share transfers which before, were carried out by the Securities Exchange, should now be carried out by the Securities Commission.

Therefore, there is a need to amend the Property Transfer Tax Act, in order to facilitate the existence of the Securities Commission and the role that it plays with respect to Property Transfer Tax matters. If we examine the Bill, we would see that we are making some minor amendments to change the reference to the Securities Exchange to the Securities Commission.

Secondly, the opportunity was taken to delete some definitions to make them more relevant to current circumstances. The definition of the Caribbean community has been amended to make it consistent with the revised Treaty of Chaguaramas, the definition of a public company to make it consistent with the definition under the Securities Act and, thirdly, the inclusion of the Securities Commission in the definition section.

I wish to recommend this Bill to this Honourable Chamber as suitable for passing in this Senate and I beg to 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. Miss L. V. EASTMOND, the Senate resolved itself into Committee on the Bill, HER HONOUR SENATOR Dame Patricia SYMMONDS in the Chair.

COMMITTEE

Madam CHAIRMAN: The Senate is now in Committee.

Clauses 1 and 2 were called and passed.

On the motion of SENATOR THE HON. Miss L. V. EASTMOND, 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 motion of SENATOR THE HON. Miss L. V. EASTMOND, the Bill was read a third time and passed and cited as the Property Transfer Tax (Amendment) Act, 2004.

ORDER NO. 4 – THE FAMILY LAW (AMENDMENT)
BILL, 2004

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, I rise to speak on the Family Law (Amendment) Bill, 2004. The purpose of this Bill is fairly simple. It is to increase the number of members of this Committee from seven persons to nine persons and, consequentially, to increase the number of persons necessary to form a quorum.

Mr. President, as you are no doubt aware, the Family Law Council is one that advises the Attorney-General and makes recommendations about the operations of the Family Law Act and the legislation relating to family law. It also meets to discuss matters concerning the provision of Legal Aid, with respect to matters relating to family law and any other matters relating to family law generally.

In order to carry out its functions more effectively, a decision was made that the number of members should be increased from seven to nine, and for that reason, I am recommending this Bill to this Honourable Chamber. I also wish to recommend this Bill to my colleagues and beg that the Bill be read a second time.

SENATOR THE HON. Mrs. V. E. NEWTON: Mr. President, about six months ago, I think a comprehensive family law Bill was debated in the Lower House and it was not actually brought to the Senate because of furore over one of its provisions.
3.30 p.m.

Therefore, Mr. President, I was of the firm view, and I am sure there were others too who thought that the Bill could have been a shaving of the offending provision and brought back to the legislature because there were some matters in the Bill which the members of the Family Law Council, minus the two members who are now being added, who are all reputable people with lots of experience in their field, consider important and pressing.

Mr. President, while I support this Bill, because I presume that it is going to be bringing additional expertise to the Council, and one cannot really quarrel with that, I am very disappointed to see that pressing provisions that ought to have been provided for have not been brought to the Senate and to the Parliament at the same time, and I need to say what those provisions are.

Mr. President, the first of those provisions deals with the issue of the death of one party while there are matrimonial proceedings in progress. If one party dies during this time the matter rests there. It may be a spouse who has been in a marriage for 30 or 40 years and there are property rights to be settled, but nothing can happen if the other party dies. This brings a lot of hardship to families and individuals when this happens. I would have thought that this was a matter that would have been considered important enough to be brought to the House as soon as possible after the other fuller Bill was looked at again and any offending provisions were removed.

Mr. President, another provision of that Bill has to do with counselling. The Family Law Act provides that wherever possible marriages should be saved. One of the mechanisms that was considered likely to do this was to have the parties go to counselling before considering a divorce or separation. Mr. President, one of the very excellent provisions of that Bill, if I remember correctly, was that it provided for an expansion of the number of persons who would deal with marital counselling and to have them registered. The Attorney-General Chambers would set up a list of registered counsellors. There are very few people now and I think that they may not be registered and the qualifications are not necessarily set out and so on. One provision was that that would have been done.

Mr. President, the other major amendment was to deal with the definition of a union other than marriage. It is in the Act of five years or more of living together. The Family Law Act provides that if a party in a union other than a marriage

wants to bring an action against the other, the claim must come within one year of the separation. If you go to court one year and a day later or one day after a year, your action is statute barred and there is nothing you can do. What the amendment has proposed was that the court be given some discretion to look at cases where the claim is brought late to see whether there was good cause and whether there was no *mala fide* in so doing.

Mr. President, the last provision that amendment would have dealt with was for maintenance. At present when a maintenance order is given in the high court there can be no attachment of salaries to ensure that better order is made effective unless there is a default. Of course it then takes a few months after that to put things in place whereas in a magistrate court as soon as the order is given there can be an attachment of wages. The Family Law Council had recommended that the position in the high court be brought in line with the situation in the magistrates' court so that wages could be attached as soon as there is a maintenance order.

Mr. President, while I give this amendment wholehearted support, I am surprised and disappointed that the other pressing and important matters that should be dealt with in connection with family law were not brought to Parliament at this time. Therefore, I am hoping that the Parliamentary Counsel's Chambers, because I imagine that is where the delay might be because of the pressing number of issues they have to deal with, can look at the original Bill and make the necessary amendments and have them come to Parliament as soon as possible so that these urgent family matters would be resolved.

Thank you.

SENATOR Miss S. C. V. HUSBANDS: Mr. President, I rise to give my support to increasing the number of members on the Family Law Council and to add my support to what Senator Newton has stated.

Mr. President, when I examine what is happening in our country, I recognise that there is definitely a very strong need for us to strengthen family law and to strengthen the implementation of any regulations that would help support good, strong family life. Mr. President, I view with grave displeasure the trend we are noticing in the newspapers where there is a great deal of abuse by sons and daughters of their parents in the home. So I want to urge the Government to develop some plan of action that would aid in helping our people in terms of conflict resolution. We urgently need methods to help us re-engage our population in building the right values and learning how to live together within their family homes and within their communities and to seek to build. I am not sure what the exact composition of the Family Law Council is, but I am hoping that as part of their deliberations, the various players who have anything to do

with family life, would be thrashing out these types of issues and looking at the things that need to be done in order to change the type of behaviour that we are seeing in families today.

Mr. President, I trust that every aspect of the society, whether it is the church, school, the law or whatever elements in our society, would seek to come together to address these very critical issues in the matter of family life and the conduct of persons within family life.

I am obliged to you, Mr. President.

SENATOR THE HON. Miss L. V. EASTMOND:
Mr. President, I have noted the concerns raised by the Honourable Senators who have spoken especially Senator Newton and I hope that the newly constituted Family Law Council would use its good offices to ensure that the Family Law Act and its amendments are brought to this Chamber as soon as possible.

Mr. President, I beg to 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. Miss L. V. EASTMOND, the Senate resolved itself into Committee, HER HONOUR SENATOR Dame Patricia SYMMONDS in the Chair

COMMITTEE

Madam CHAIRMAN: The Senate is now in Committee.

Clauses 1 to 2 inclusive were called and passed.

On the motion SENATOR THE HON. Miss L. V. EASTMOND, Madam CHAIRMAN reported to His Honour, the PRESIDENT the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.
3.40 p.m.

On the separate motion of SENATOR THE HON. Miss L. V. EASTMOND, the Bill was read a third time and passed and cited as the Family Law (Amendment) Act, 2004.

ADJOURNMENT

SENATOR THE HON. Miss L. V. EASTMOND:
Mr. President, we have concluded Government's Business for today and I would like to thank all Honourable Senators for their contributions which have been greatly appreciated.

Mr. President, there is a possibility that we will have to meet next week in order to conduct business. I now 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.
3.42 p.m.

CONTENTS

MINUTES

The Senate met in the Senate Chamber, Parliament Building on Wednesday, June 16, 2004 at 11.15 a.m.

ANNOUNCEMENTS BY HIS HONOUR
THE PRESIDENT

Mr. President noted that Mr. Nigel Jones, Deputy Clerk of Parliament had been appointed to the Order of Officer of the British Empire. The Senate extended congratulations to Mr. Jones.

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Shipping (Incentives) (Future Trading Incorporation) Order, 2004.

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INTRODUCTION OF BILLS

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- (b) Securities (Validation and Functions) Bill, 2004.
- (c) Property Transfer Tax (Amendment) Bill, 2004.
- (d) Family Law (Amendment) Bill, 2004.
- (e) Barbados Accreditation Council Bill, 2004.

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PROVIDE FOR THE ESTABLISHMENT OF A
BODY TO BE KNOWN AS THE BARBADOS
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Senator Dr. D. S. Lowe, 6; Her Honour Senator

Dame Patricia Symmonds, 10; Senator F. J. Stuart, 13; Senator the Hon. Mrs. V. E. Newton, 13; Senator the Very Reverend H. E. Crichlow, 14.

ORDER NO. 2 – BILL ENTITLED AN ACT TO
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BY THE SECURITIES COMMISSION IN
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EASTMOND, Senator the Hon. Miss L. V.
FIELDS, Senator A. C.
GOLLOP, His Hon. Senator Sir Fred
GOODING-EDGHILL, Senator G. P. I.
GRANT, Senator R. W.
HUSBANDS, Senator Miss S. C. V.
LOWE, Senator Dr. D. S.
NEWTON, Senator the Hon. Mrs. V. E.
NICHOLLS, Senator G. P. B.
STUART, Senator F. J.