
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

THE SENATE

Wednesday, March 10, 2004

The Senate met in the Senate Chamber, Parliament Buildings on Wednesday, March 10, 2004, at 11.00 a.m.

PRESENT

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

Senator the Hon. E. R. GRIFFITH, G.C.M., J.P. (Minister of Agriculture and Rural Development (Leader of the Senate))

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 ROY TROTMAN, K.A., M.A.

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 Dr. F. L. CHANDLER

Prayers were led by Father E. Massiah.

Mr. PRESIDENT: This Senate is in Session.

PAPERS

SENATOR THE HON. E. R. GRIFFITH:
Mr. President, I wish to lay the following document:

Value Added Tax (Refund) (Gloria Mendes) Order, 2004.

INTRODUCTION OF BILLS

SENATOR THE HON. E. R. GRIFFITH:
Mr. President, I crave the indulgence of the Honourable Senate to introduce the following Resolution of Condolence:

THE SENATE

WHEREAS The Honourable Sir Harold St. John, Knight of St. Andrew, Privy Councillor and one of Her Majesty's Counsel, passed this life on 29th day of February, 2004;

AND WHEREAS Sir Harold was a Member of the Honourable the Senate from 1964 to 1966 and from 1971 to 1976, a Member of the Honourable House of Assembly from 1966 to 1971, from 1976 to 1986 and from 1991 to 2003, a Minister of Government from 1976 to 1986, Leader of Government Business in the House of Assembly from 1976 to 1981, Deputy Prime Minister from 1976 to 1985 and Prime Minister of Barbados from 1985 to 1986;

AND WHEREAS Sir Harold, during his long and distinguished career, served the developing world as President of the ACP Group in the Lomé Regime and served Barbados latterly as Ambassador Extraordinaire and Envoy on Special Missions, Chief Negotiator in bilateral discussions on maritime and territorial boundaries affairs and in divers other ways;

AND WHEREAS his service was motivated and founded on a sincere desire for the development of his native Barbados, the Barbadian people, the integration of the West Indian people, the social upliftment of the region and a belief in democracy and its finer conventions as the premiere vehicle for development;

AND WHEREAS the nature of Sir Harold's service in his several endeavours was characterised by the generous employment of his prodigious gifts in advocacy, by humility and by probity;

BE IT RESOLVED that this Honourable Senate extends its deepest sympathies to the widow, Lady St. John, children Charmaine, Nicole and Bryte and relatives of the late Sir Harold St. John, and expresses its wish that they be comforted by the memory of a life lived selflessly and in the service of his nation and his people.

Dated this 10th day of March, 2004.

President.

OBITUARY SPEECHES

SENATOR THE HON. E. R. GRIFFITH:
Mr. President, all of us were saddened by the news of the passing of Sir Harold St. John, a person well-known to us for his outstanding contribution and well-beloved by all who have met him.

I first had the privilege of meeting Sir Harold when I was a member of the Crusaders Youth Group which, in those days, met at the St. Patrick Boys' School, Christ Church. Whenever we invited Sir Harold to be the guest speaker and to address us on one of the topical issues of the day or to be a judge in one of the many debates which we were sponsoring, he was always willing and eager to come, to share his expertise and knowledge with us.

Mr. President, in later years I had further dealings with him when I was in the Ministry of Finance and he was the Minister of Trade, as well as the Minister of Tourism and subsequently as Minister of International Transport.
11.20 a.m.

He frequently telephoned me towards the end of the month to enquire how the revenue was holding up and to

give his assurance that I could expect to receive a substantial amount of money from the airport operations. We spoke at length on the performance of the tourism sector and what could be expected from it during the year.

Mr. President, I also had the good fortune of being the Permanent Secretary of Finance at the time when Sir Harold was Prime Minister and Minister of Finance. Those were interesting days as he was an extraordinary person to work with. It was a pleasure to sit with him on evenings after work because it was his habit to telephone me at the close of the official day for a talk and I would go to his office and speak for hours on all sorts of matters. Out of our several discussions, he then held a number of meetings periodically with the respective Ministers and their advisors to hear from them what were their plans to deal with the issues confronting us and to provide guidance as to the direction he felt they should go.

During my seventeen years in the Ministry of Finance, I have worked with many Ministers of Finance but he stands out in many respects and it was easy to work with him once you had gained his confidence. I have worked with Ministers who were always suspicious about the actions of public servants but I never had any difficulty with Sir Harold because there was an easiness when dealing with him.

Recently, I watched a programme on television where they interviewed Sir Harold about his stint as Minister of Finance and he spoke about his first encounter with a team from the IMF. I remember it well because I was present at that meeting and he handled himself skillfully. At the end of that meeting, a member of the IMF team came to me and expressed amazement at the depth of his knowledge and the ease with which he discussed international issues and challenged them to the point where they had to give in. Sir, that is testimony to the ability of Sir Harold.

When Sir Harold was no longer a Minister, we kept in contact because during our many efforts to improve the tax system of Barbados, he served on Committees assisting the Minister of Finance in developing the amendments and when he was not on those Committees, he called and freely offered his advice.

Mr. President, since I became Minister of Agriculture, he called me several times as well. We spoke a few weeks before he died, when he was on one of his few visits to Oistins Town. We had a long discussion about the things he felt should be done to improve the quality of life of the people of Oistins and of those who use the facilities there. He ended our conversation by asking me if I had received his note which he sent me about a book he had come across dealing with food safety and which he felt I should read. I thanked him in the usual manner and he wished me well.

I will certainly miss his wise counsel. I extend to his sorrowing wife, children and relatives my deepest sympathy.

May he rest in peace.

SENATOR F. J. STUART: Mr. President, on Sunday, February 29th, 2004 at 6.30 p.m., I was made aware, once I had emerged from an extraordinary conference of the Democratic Labour Party, that Sir Harold St. John had died. My grief was deep but my surprise slight, aware that I was that the titanic struggle which he had been for some time waging against a terminal illness and which had not only softened his resonance but had also virtually curbed his mobility.

I became aware of the existence of Sir Harold St. John as long ago as 1964 in the class rooms of what was then called the Boys' Foundation School. Those were the days when a teacher like the late Irwin Jerome King set aside a period at least once every two weeks to discuss current affairs. It was around that time that Sir Harold was appointed to the Senate and the late Irwin Jerome King was telling us about his promise and discussing with us the various configurations of the then evolving politics of Barbados.

I remember that distinctly because, as school boys, when we were unprepared for a geography test, all we had to do was to waylay Mr. King as he entered the classroom, ask him a question on current affairs, and you would be sure that the balance of the period would be taken up discussing that and we would avoid the perils of examination.

I followed the career of Sir Harold St. John since 1964 and particularly in 1966 when he came to Six Roads, St. Philip, no more than about 400 metres from where I grew up, on the platform of the under 40's who were an active group then pushing the case against Barbados going independent alone but within the context of some kind of small federal arrangements.

His performances on the platform in those early days were energetic and impassioned and he claimed the attention and admiration of most of the young men around St. Philip at that time. Sir, who could be surprised then that in the general election of that year when he appeared on the platform of the Barbados Labour Party as a candidate for the parish of Christ Church that he would sweep the polls. As I seem to recall, he got 5 572 votes to emerge as the senior member for the parish of Christ Church in that election. 11.30 a.m.

Mr. President, it was a very interesting election because that election also sent to the Honourable House the late J. M. G. M. Tom Adams and it also marked the re-election of the late Right Excellent Sir Grantley Herbert Adams. They

constituted a formidable Opposition to the then Democratic Labour Party in government who at that time had its greats as well in the person of the late E. W. Barrow and the late James Tudor.

Sir, I visited Parliament as a school boy and in my immediate post-school life to savour some of the intellectual fireworks of that period and to listen to various debates of the late Right Excellent Sir Grantley Adams and the late Right Excellent Errol Barrow exchanging wit, wisdom and as the young Adams and St. John shone and promised much for the future.

Mr. President, I remember with a certain amount of delight the debate on the famous Public Order Act of 1970 when the Barbados Labour Party had in the forefront of that debate the late Tom Adams and Sir Harold St. John who both acquitted with distinction and energy in Parliament.

Therefore, it would come as a surprise in 1971 that in the first election under single-member constituencies that Sir Harold would lose his seat in the constituency which was then called Christ Church South Central. Sir, a man who had resoundingly defeated his opponents in 1966 was now being set aside in 1971, five years later. In the constituency of Christ Church South Central, in that election, the slogan of the Democratic Labour Party, as I recalled it, was "The small man will beat the big man". Sir, as far back as then Sir Harold was seen as a big man of Barbadian politics although he only had at that time five years of parliamentary experience. History now records that Mr. Anderson Morrison won that election to the shock of people across the country but to the enduring delight of the supporters and members of the Democratic Labour Party.

Sir, it bears questioning why a man of that promise at a critical time in his political career would have withheld from him by the people whom he loved so much the unction of political endorsement. He was to suffer a similar defeat in 1986 as Prime Minister, where again he was sent to the wilderness of electoral politics.

Mr. President, it is not a bad place to be sometimes because those of us who think beyond the surface in these things know that from the wilderness one can see many things. It is from the wilderness that one sees the valleys that must be exalted, the mountains and hills that must be brought low, the rough paths that are to be made smooth and the crooked paths that are to be made straight if the salvation of those, whose interest we promote, are to be secure.

Therefore, it surprises none that whenever he emerged from the political wilderness he emerged energised, enlightened and to put the case for his party with all the vigour at his command. Business journals, financial newspapers and law reports were the diet on which he fed his

vast and devouring intellectual appetite. Sir, when he spoke on these matters, he spoke as one having authority and not as the scribes.

Sir Harold had a daunting reverence for facts and an enviable patience, I would say, with the minuteness of details. Mr. President, when one listened to him one was inclined to identify, I think, with Oliver Goldsmith's teacher and still their gaze and still the wonder group that one small head could carry all he knew.

Mr. President, in the animal farm, which party politics can sometimes become, Sir Harold was never the plotting, scheming, bad-mouthing, backstabbing, manipulating Snowball nor Napoleon. While these physiologically deficient individuals pursued their manoeuvres in torturing persons, it seemed to be, of personal validation. Sir Harold was in part the quintessential Boxer of George Alwin's Animal Farm. Sir, Boxer's enduring words were "I will work harder." He has come to be identified with hard work and I have known no Government Minister who has warmed to the task with more enthusiasm to face the challenges as much as Sir Harold.

Mr. President, to the symphony of democratic practice, Sir Harold St. John lent a unique, distinctive and at times melodious voice. He took defeat when it came and he relished victory when that came.

Sir, I said that he was in part George Alwin's Boxer because Boxer also had other orators, not only "I will work harder" but he also had one that said, "Napoleon is always right." The circumstances of Sir Harold's birth and upbringing equipped him with a fierce sense of independence and an uncompromising intellectual confidence that did not permit him ever to say that any Napoleon was always right. He was not the fawning type spoken about, I believe, by the same Goldsmith who said of the village parson:

"Unpractis'd, he to fawn and seek for power by
doctrines fashioned to the varying hour;
Far other aims his heart had learned to prize,
More skilled to raise the wretched than to rise."

11.40 a.m.

Sir, the testimony, earthy, authentic and eloquent, of fishermen and fisherwomen at Oistins Town, is indicative of that readiness to raise the wretched, rather than to rise.

Mr. President, if all of this is true, why is it that at two critical junctures in Sir Harold's life, once when he was Opposition Leader, and the other when he was Prime Minister, the people of Barbados in general, and the people of Christ Church in particular, withheld their endorsement for him.

Sir, when Sir Harold entered politics, Barbados was a colony. The better part of his political career was spent in post colonial and lived in post colonial Barbados. If one knows anything about colonialism, one comes to grips immediately with the fact that colonialism bequeaths social and economic contradictions, which it is the task of public figures to try to resolve.

It bequeaths cleavages in the society which it is the task of public officials to try to resolve. There are cleavages of a racial kind in post colonial society. It is necessary. There are cleavages of a class kind in post colonial societies. There are cleavages between employers and employees. There are cleavages, dear I say, Mr. President, between men and women.

These are some of the cleavages that post colonial society bequeaths or that colonial society bequeaths to those who have to administer the post colonial environment. The singular failing in my view, of Sir Harold's politics, is that he never took sufficient cognizance of the cleavages in the society in which he was a political practitioner. He never gave any clear indication as to which side of the cleavage he was on.

The late Grantley Herbert Adams was forced to do it. The late Errol Walton Barrow was forced to do it. The late Wynter Algernon Crawford was forced to do it. The late Charles Duncan O'Neal was forced to do it, but of that stellar triumvirate of the Barbados Labour Party between 1971 and very recently, the triumvirate of the late Rt. Excellent J. M. G. M. Tom Adams, the late Bernard St. John and Henry Forde.

It has to be frankly said that the only triumvirate that came to grips with the one of the cleavages in the society and that left his imprint by taking a side, was Sir Henry Forde who understood that, a cause of winning in Barbados was an idea whose time had come and who pushed women's issues to the forefront between 1971 and when he emitted office as Attorney General in 1981.

A vast panoply of legislation promoting the rights of women came in that period, because of Sir Henry's acknowledgment of the importance of that cleavage. Of course, that legislation followed hard on the heels of the Democratic Labour Party's passage of the Succession Act which opened the door, basically, to the rights of women, particularly women whose common law status and the children whose illegitimate status as it was then called, was at last recognised by the law.

Sir, as one listens to the tributes and the appreciations to the like of Sir Harold, it was not possible to hear him identified, on any side of the great cleavages of a post colonial society where he was one of the most forth frontal

political practitioners. This is a deficit. His reputation as a corporate lawyer resonated across the Caribbean, but unfortunately, Mr. President, corporate lawyers for all their stardom are seldom embraced willingly by the masses of the people, who basically intuit that corporate causes are seldom consistent with popular interest.

Although some of the finest human beings to be found anywhere on the planet or western world, are corporate lawyers, when it came to being embraced by the masses in politics, the masses usually approach them with circumspection. I think that Sir Harold, unfortunately fell victim to that perception. That is why as long ago as 1971, he was regarded as the big man, fighting a small man and, of course again in 1986, the same thing.

Sir, for all that he was a Barbadian who made a great contribution to this country's public life. As I said, he did not embrace the cleavages of the society, he kind of located himself behind what I would call political universalism. He talked about the economy and about the country, universalism which never said, on whose side of the fence he was, and whose cause he was really promoting. The sacrifices he would have made of his time, and his energy and his intellect to the public life of Barbados, entitles him to our enduring gratitude.

Sir, people in this country and I suppose in other parts of the Caribbean and, perhaps, the world do not fully understand the nature of the sacrifices which public figures have to make. They do not fully appreciate the sacrifices that the families of public figures have to make. This is no new problem. I believe as long ago as the days of William Shakespeare this was an issue which caught his attention. I seem to recall, you have to pardon me, Mr. President, I now rely on a memory dying dim by the onset of old age, that somewhere in Shakespeare's King Henry V, he put it in the mouth of King Henry, while dealing with the issue of leadership that the slave, a member of the country's peace enjoys it, but in gross brain, little watch what watch the king keeps to maintain that peace, whose hours the peasant best advantages. This issue of people not being able to appreciate the nature of the sacrifices which public figures have to make was one that caught the attention of writers and observers from as long ago as the 16th century.

11.50 a.m.

Sir, always at Sir Harold's side and a source of continuing sustenance for him was his wife Lady St. John, an indefatigable and incorrigible collaborator in all of his efforts. She was there with him when it mattered. I believe that were it within his competence now to speak to her from the embrace of Him whose glory the Heaven's declare he might well echo those immortal words from the book of Proverbs, many daughters have done virtuously but thou excellest them all. She was a faithful and dutiful wife to him in all the vicissitudes of his political career, and her loyalty

to him has placed us as a nation in her and her family's debt. Mr. President, now Sir Harold St. John lies dead. His life would have enriched the political landscape of Barbados. His death now leaves desolate that part of it that he so confidently and so combatively occupied.

To his wife Lady St. John, his children, Charmaine, Nicole and Bryte and to all those countless others who were gladdened by his life and who are now saddened by his death, I take this opportunity to extend heartfelt condolences.

Mr. President, I fully identify with the content of the Resolution before the Senate and it is entitled to my endorsement.

I am obliged to you, Sir.

SENATOR Sir ROY TROTMAN: Mr. President, the poetry of the previous speaker in his masterly critique of the life and times of Sir Harold leaves me in this tribute in which I endorse the Resolution to say just a very few simple words, on the one hand in deference to the occasion and on the other hand for the poetry of the previous speaker.

Mr. President, a songwriter said sometime ago that if he could help somebody as he passed along, then his living would not be in vain. I believe, Mr. President, that it is the wish of everyone who reason that people will be able to say when they have passed on that they have contributed. I have been impressed by the number of tributes which have been made to Sir Harold based on his greatness but particularly those tributes based on the people's perception that he was a man willing always to help even at the level of personal sacrifice. It must be a good thing when people can say that of us because we are tempted ever so often to catch what we can and grab what we have, so that when we see somebody willing to share of their substance, whether it is financial or intellectual, then it is always worthy to take note.

Mr. President, the sentiments I express, though they cannot speak to the closeness of the relationship that the Leader of the Senate referred to, are still made by me based on the few occasions in which we have been able to share views and are based on my instructions from the public role that I have as the President of the Congress of Trade Unions and Staff Associations of Barbados. Sir Harold brought a studied approach to whatever he did. He was resourceful. He was generous. Indeed, he would have made a great trade union leader. The Congress of Trade Unions and Staff Associations of Barbados and the Barbados Workers' Union remember those occasions when we had to meet with him either when he was acting as Prime Minister or when he was Prime Minister in his own right. We were very respectful of the statesmanship he brought to bear in those deliberations even though those meetings were held, as such meetings are

held when Prime Ministers are involved, when the country is narrowly balanced and the knife edged on whether to have industrial action or to proceed on another course which was not full of industrial dislocation.

Mr. President, I am pleased that Senator Stuart referred to Sir Harold's sojourn at the Foundation School. I am not one of those people who will want to say that one school is better than the other but it does give us a sense of purpose when we are able to refer to his earlier nurturing at the Foundation School. All of us who went there, and I am proud to be numbered among them, followed the career of persons like himself very closely because since it was a school away in the country we were always anxious to follow the successes of those people we consider to be our heroes. So we were very pleased to see the strides which he was able to make and be able to confirm that we thought that he was an excellent role model for other pupils who entered the school and tried to rise to some prominence out of the school. On those limited occasions where I met him either as a member of the Prime Minister's advisory committee or where he dealt as a member of the committees that were dealing with international trade and liberalisation which has followed in recent times, I found him to be quite incisive and visionary. I think it is regrettable that many other persons were not able to get to understand the breadth of his vision and to be able to meet, to hear and to benefit from discussions with him. I think this may very well have got to do with the shyness which was coming through him and out of him.

I would wish, Mr. President, on behalf of the organisations I refer to and on my personal behalf to say that I believe that this man's living was not in vain and that he has served very well. Therefore, I would wish, if you would permit me, Sir, to convey to his sorrowing widow and her family, our sincerest expressions of condolences on the occasion.

Her HONOUR SENATOR Dame PATRICIA SYMMONDS: Mr. President, Sir Harold was a gentleman for whom I had the greatest admiration and liking.
12.00 noon

Mr. President, I have known both Sir Harold and his family, as well as Lady St. John and her family since childhood.

Mr. President, although generally having an air of gravitas, St. Harold had a pleasing wit and a delightful sense of humour. He has always exhibited the same outspokenness, moral uprightness and straightforwardness in both private and public life, which earned him widespread respect. Moreover, as others have indicated, he was kind and

possessed a liberality of spirit which so endeared him to young lawyers whom he befriended and to many others who he has helped unobtrusively.

Mr. President, in 1986, I was the second female General Secretary of the Barbados Labour Party when Sir Harold was party Chairman and Prime Minister and I was treated with all the respect and appreciation with which the Barbados Labour Party treats its female members.

Mr. President, working with him in that capacity was an illuminating experience. I learnt much about his character at a time when the Elections of 1986 were due. I was present at a historic critical time after he had been backraised, when he said with emphatic and irrevocable determination that he would not have backraised and plunged Barbados into an economic morass. Mr. President, Sir Harold also had to face the task of the Barbados Labour Party having to chose a candidate for St. Michael East but he acted swiftly and with equanimity.

Many have spoken elsewhere about his brilliance as a lawyer, about his enormous achievements as Deputy Prime Minister, about when he was Minister of Trade and Industry, and about when he was President of CARICOM. As Barbados' representative at the Lomé Conventions, he has distinguished himself in the Office of Chairman of the ACP Countries in the complex and difficult negotiations for the Third Lomé Convention.

Mr. President, when Sir Harold became Prime Minister, his easy succession to that Office was the subject of much favourable comment in Barbados. His first-class brain, his memory which I prefer to describe as eidetic, and his demand for the highest standards, were also further assets. Sir, few persons could have come into contact with him without becoming better informed, yet he was entirely without hubris, which lesser men and women sometimes develop after they have achieved. In addition, his absolute loyalty and sincerity, along with his transformation of Oistins Town, have been praised by many, time and time again.

Mr. President, his speeches are also revelatory, for instance, he said at a meeting in Miami, November 1985:

"When we discuss esoteric matters of finance and economics at international conferences, it is important that we never forget that we are talking about people. Again, we must continue peacefully to encourage the consolidation and expansion of democracy in the region, and democracy flourishes best in an environment of economic prosperity".

Mr. President, so deep was Sir Harold's love for politics and for Parliament that since his retirement, he would seek to find out what was on the Order Paper. Indeed, every week, up to about ten days before his passing, he would have shared it with Sir Henry and they would have privately exchanged ideas concerning the business of Barbados.

Mr. President, during Sir Harold's fatal illness, on the occasions that we have spoken on the telephone or when I had visited his home, I was struck by his fortitude and his determination to carry on normally for as long as possible. He would ask: "Pat, what's happening?", and he would proceed to engage me in conversation about politics, sports or some current event.

Mr. President, throughout, Sir Harold had the care and support of a beloved family and friends. Stella, a very talented, imaginative lady, possessing style, good taste and spiritous strength, has been a wonderful helpmate and a strong ballast in the ups and downs of his political career.

Mr. President, I trust that all who knew, admired, and loved Sir Harold, would find solace in fond memories and in the monumental lasting good that he has done.

Mr. President, to Lady St. John and family, on the behalf of my family and me, I express deep regrets. Sir, in a world in which oftentimes the misdeeds of persons would make us cynical, men like Sir Harold Bernard St. John have reassured and reminded us that we have our models of excellence yet. May he sleep peacefully.

Mr. President, I thank you.

SENATOR T. E. BARKER: Mr. President, I thank you and would want to associate myself with this Resolution before us, especially as it relates to a man for whom I have total admiration and whose life was well spent in the service of his beloved Barbados.

Mr. President, we have worked together on a number of projects, especially in negotiations relating to the closure of the Mobil Oil Refinery. It was a very intricate and meticulous set of negotiations and Sir Harold was a source of great strength on the negotiating subcommittee. Indeed, I have learnt a lot from him.

Sir, history would show that we have gotten a very good deal out of it and the result is that in a few years' time, that prime real estate property would be opened up for the development of the tourism sector in this country, which would add to our physical plant.

Mr. President, what I have also learnt is that there are two aspects of politics. There is the important aspect which

requires the skill of getting political votes, *et cetera*, and there is the administrative side, a side in which Sir Harold's has excelled. Sir, it is one thing to gain the confidence of the people but another to articulate their concerns and to use public policy in order to address these concerns.

Mr. President, I was always amazed, especially when we had Parliamentary Group meetings, of Sir Harold's breadth of knowledge. He obviously read a lot on almost every topic because whatever the discussion, one could be certain that he would have an informed position on the matter and could have given the history of it. Indeed, he could have gone as far back as the early 1960's or further.

Mr. President, as young politicians, we could have seen how that particular issue would have developed at that time. 12.10 p.m.

Sir, I know that aspect of his life has already been missed because we know he retired from active politics last May but his contributions were invaluable. At every parliamentary group meeting he was the first person there and if he were not there it was because he was out of the island or because of ill health. Sir, the younger ones learnt a lot from being in the same room as Sir Harold when he discussed certain issues.

What I liked the most about the late Sir Harold was his humanity. He did not have one streak of arrogance about him and he always respected the wishes of the people. Not many politicians, especially persons who have risen to the heights of Leader of the Opposition or Prime Ministers have taken defeats easily but if you listened to Sir Harold, especially in his hour of defeat, you could hear his humanity when he said "It is the will of the people". Sir, this allowed him to come back.

We know of many occasions when a prominent politician got defeated that his bitterness was so evident that he was unable to go back to the people but, Sir Harold was always able to go back because he understood that people had the right to choose and the fact that he was not chosen on that occasion did not mean that they loved him less. It simply meant that they had a better choice and that in the process of time they would see what he represented and would respond in a positive way again. Sir, this is a lesson that all of us should learn, that the will of the people must take preeminence because in the final analysis we are the servants of the people.

Mr. President, I am reminded of the saying by a famous philosopher. He said that no man is strong unless he bears within himself character that is strongly marked. In that context Sir Harold exhibited a tough mind and a tender heart. Sir, the tough mind allowed him to make tough decision. In 1986 when there was pressure on him not to be back-raised,

he was tough enough to say that he would not sacrifice the people on the altar of expedience. The toughness allowed him to see politics as a desire to serve and to be of service to his people. At the same time, his tender heart allowed him to embrace even his foes. I have never heard any politician on either Side who had an ill word to speak about Sir Harold.

Sir, it reminds me of the words of Shakespeare in Henry V:

“In peace man
when the blast of war sound the air
with the action of a tiger
conjure up with blood
with heart fervoured rage”

Sir, those are the qualities that Sir Harold had. He knew when to be tough and when to be tender-hearted. I associate myself totally with all the tributes paid to him. I recognised that they were sincere because he was a man that touched people in a positive way.

Mr. President, in closing I want to say that while we have undoubtedly been made poorer by his passing, with equal vigour, we can say that we were thoroughly enriched by his sojourn here among us.

Sir, I am obliged to you.

SENATOR THE HON. J. E. D. WILLIAMS:
Mr. President, I rise first and foremost to associate myself totally with the Resolution but also to pay tribute to a man who has left a legacy of service to country, region, family and to the Party that he loved so dearly.

Sir Harold St. John had all the outstanding qualities of someone who was simply special and he was a man of integrity, honesty. The Senator who spoke previously said that when Sir Harold led the Barbados Labour Party he felt there was no way he could involve himself in anything to do with back-raising anyone. I was a candidate at that time and it was a difficult period for us but I saw a man who was resolute and felt he had to do the right thing. As far as he was concerned, it would bring nothing but havoc to the country he loved so dearly.

Mr. President, you would recall that at that time we were going into an election and there was the question of salary increases for public servants. Again, I saw the strength and honesty of Sir Harold when he told the country that there would only be a 10 per cent increase in salary and that he would not go beyond that amount even if he lost the Government. Sir, he felt a certain pain after he lost the Government when the union accepted 9 per cent rather than the 10 per cent he had put on the table. Sir, that was the

nature of the man. He believed in his country and in doing the right thing.

He was a man with integrity who helped to shape Barbados' trade negotiations within the negotiating theaters and subsequently gained the respect of the international community. He was also an unrepentant regionalist. He believed in the Caribbean and regionalism and he would have loved to see the fruition of the Caribbean Single Market and Economy. Mr. President, he remained humble to the end, even during his last days he remained in tune with the things that were happening around him.

I recall the recent meeting of Prime Minister Arthur and Prime Minister Manning. Sir, before we left to attend the meeting, Sir Harold reminded us of things that had taken place and those that had already been agreed on while referring to documents, times, places and so on. His mind was sharp until the end.

Mr. President, he always accepted the wishes of the people. Mr. President, I recall in 1986 leaving my campaign headquarters, after we had lost, and going to the Barbados Labour Party headquarters. I met Sir Harold St. John, and he said to me that the future of the party will be in the hands of people like yourself and many of the young people in the Barbados Labour Party.
12.20 p.m.

Sir, the reason why I remember that incident is because the Press turned up just as he was about to leave and he turned around, went back into the headquarters and spoke to the Press. He said that he was a true democrat and that he believed in democracy. Sir Harold said that the people had spoken and he respected the wishes of the people.

Sir, as other Honourable Members have said, taking the tough things of life allowed him to be able to go back into politics and to serve his country. It did not matter whether he served the Lower House or the Senate. He was prepared to serve and to give of his best.

Mr. President, as a young politician at the time, in the 1980's, Sir Harold was always there for us. Sir, we always felt that whenever Sir Harold spoke there was something we could learn by way of understanding why things were the way they were. Sir, whenever Sir Harold Bernard St. John was around, he was able to put things in context. He had a sense of history and it is true we are more the poorer for his passing.

Sir, I benefitted from his mentorship in 1985 when Tom Adams died, the late Prime Minister of Barbados. Sir Harold St. John was always there to give leadership. I believe that Barbados was fortunate at the time to

have had someone like Sir Harold St. John, in 1985, to take over the mantle of leadership of this country. It is true that he lost his seat in 1986 but I believe that by 1991 people would have recognised what he was trying to achieve and it is no wonder that the history of Barbados is what it is today.

I had subsequent experience of benefitting from his guidance when I was Chairman of the Barbados Training Board. I must say that a lot of legislation that passed to set up the Barbados Training Board and subsequent legislation as it relates to training have his stamp on it. Sir Harold was always there to offer advice when I was Chairman.

Sir Harold was a man of tremendous integrity. I was particularly touched by his mentorship, not only myself but all of us within the Barbados Labour Party. I wish to extend deepest sympathies to Stella Lady St. John, children and his extended family and friends on behalf of my family and I. May he rest in peace.

I thank you.

SENATOR Dr. D. S. LOWE: Mr. President, I rise to associate myself with the content of the Resolution before the Senate. Perhaps, unlike most of those who have or will speak to this Resolution, I have not had the privilege of knowing Sir Harold Bernard St. John at a personal level. However, over the last several days, like most Barbadians, I have been gripped by the sentiments expressed by all and sundry on the life, times and journey of this great man, a man who by all accounts has made an indelible imprint on the political consciousness of this country and the region.

Sir, I supposed that any time one of our fellow humans has fallen, particularly one who has influence in one way or the other the craft that we now practise as politicians and as law makers, that it is only our moral duty to pause, as we are pausing at this moment, to pay our tributes to our fallen comrade. Therefore, I stand amazed at the things that I have heard and, perhaps, somewhere in the secret chambers of my heart tell myself that at the end of my journey I hope that they would be those who speak of my contribution to this country in the way that they spoke about the contributions of Sir Harold.

Sir, I am not one for quotations but I seem to recall a conversation that occurred between Jesus and some of his followers. They seemed to have made the observation that because of the greatness of the personage of this man called Christ, they posed a question which was, "What manner of man is this that even the wind and the waves observed his voice." I have asked myself over the last few days, what manner of man was Sir Harold?

Sir, my summation of the man we now pay homage to is that the man was clothed in a certain kind of humanity, as

one of our fellow Senators noted, a humanity that demonstrated itself in his commitment to his family, a humanity that demonstrated itself in his commitment to his friends, a humanity that demonstrated itself to his constituents.

Mr. President, as you are aware I happen to express and live a daily interest in part of the Christ Church that Sir Harold is noted for as the vanguard for the political lineage and heritage of the Christ Church parish. My closest encounter with Sir Harold would have been during the last election when he paid a courtesy call to make a contribution to the electoral process and it could be described as awe, it could be described as unfathomable, it could be described as simple amazement that by the end of his contribution to that process, they were those who felt compelled to take another look.

Asides.

12.30 p.m.

SENATOR Dr. D. S. LOWE: Sir, I have since been able to walk, and be asked to consider that the contribution was not so much a personal thing. It was the duty of a man who had fathered a parish for so many years, and felt it important to make a contribution to continue the interest of his political party.

I suppose, like any other human being, the soreness from such a moment lingered. Perhaps, Sir, still lingers but at the end of the day, what strikes me the most is that a man could have so served the people, that they could feel so indebted to that service that they were prepared to take his advice. The lesson I learned from that moment is that in this journey of politics, you must always be prepared to lay yourself transparent before the people, so that they could learn from that transparency, that behind the harsh toughness of the political battle, there is a quiet, perhaps a sincere soul, that seeks only to put the people in contact with what is considered to be the best path. Sir, I see his humanity as one where he sought to serve and by most accounts, he did so extremely effectively.

I also see Sir Harold, based on what has been said over the last several days, in terms of his hard work. They talked very much about his legal prowess and the contributions he made to the legal profession, and the practice of that profession. I remember one said that he tackled the tough issues, and many issues that lawyers shied away from, Sir Harold was always willing to delve into, to the extent where he was able to provide the necessary clarifications through his counsel for those fellow practitioners in the legal profession.

I suppose, I am most enamoured by his political work, and if there is one lesson that Sir Harold has left me, it is this, that where once you have cast your lots for a

political organisation, you have a responsibility to defend its honour going and coming. This is a lesson that I wish to embrace, though our interests politically are different, a lesson that I wish those who are in the practice of politics would embrace. If a man like Sir Harold could have lived for his Party and died with his Party, then there is something to be counted for when it comes to your political loyalty. This is a lesson he has left for me. He has treated his colleagues with Honour at all times. He defended them even perhaps when he knew that to defend them was a reach, he stood firmly with his group and he died firmly with his group.

Sir, because of his sterling work and contributions, today we stand examining his Honour. We Honour him for his contribution to national life. We Honour him for his contribution to regional life, and certainly, from all accounts his political work both in this Chamber and in the Other Place. It was on the streets, on the corners, in Oistins Town, out of Oistins Town, perhaps wherever he went, he told the story of what he believed about politics, about service and the like.

Sir, as one would have said, there is a destiny that makes us brothers. No man goes his way alone. What you send out into the lives of others, comes back into your own and if that is true, then all that has been said and all that has been showered on this great Barbadian is so well deserving.

I am so much obliged.

SENATOR R. W. GRANT: Mr. President, I would wish to join with all those Honourable Senators who have spoken, in giving my support to this Resolution. Since the death of Sir Harold Bernard St. John, many persons have spoken about his kindness, his commitment, his loyalty but when I reflect on this great man, I ask myself this simple question. Why is it that a person of a privileged upbringing, a person in a profession which would have provided him with great financial reward, would engage in the trials and tribulations of politics?

Sir, the answer to that is quite simple. Sir Harold was an individual who believed in service to country, service to Party, and service to family. He was an individual who had a deep love and respect for people. As other Senators have said, he has always accepted the decision of the people. It never caused him to lose the love here, and the desire to ensure that by his actions, he is able to enhance the lives of people and to make Barbados a better place.

I say to you, Mr. President, in essence that is what politics is about. I also say that Sir Harold St. John well understood politics, because he well understood the need to give service to people, not for his own benefit but for the benefit of those people whom he served.

Other Senators, Sir, spoke about 1971 and 1986 when Sir Harold suffered electoral defeat, and at those times, he did not walk away from politics. At those times, he did not walk away from those whom he loved or those whom he wished to serve, and in whose interest it was his desire always to be there for, at those times, Mr. President, he held strong and firm to his commitment to those persons and to the institution which he served.

12.40 p.m.

Sir, Julius Caesar made a comment about firmness which came from a William Shakespeare play. I believe that his quote can more be attributed to Sir Harold than it could even be attributed to Shakespeare's Julius Caesar. That quote is:

"I am as constant as the northern star, of whose true-fixed and resting quality there is no fellow in the firmament."

Sir Harold was firm in his commitment to Barbadians. That is why in 1986 when many persons spoke about him, Sir Harold stood firm in his commitment to ensure that he would not compromise the future development and growth of our country.

Mr. President, there are some Barbadian politicians that I hold in very high esteem. The two national heroes, the late Right Excellent Sir Grantley Herbert Adams and the late Right Excellent Errol Walton Barrow and also the late Winter Crawford. I hold the late Sir Harold Bernard St. John in the same high esteem in which I hold those politicians. I say to you, Mr. President, and to other Honourable Senators that the quantity of life lived by Sir Harold is an example which all of us should seek to emulate. I am reminded of the quote by Samuel Johnson, I believe he was a literary great of the 18th century, who said that great works are not performed by strength but by perseverance. Throughout the trials and the tribulations Sir Harold St. John persevered.

Sir, it seems that there was not a subject of governance that Sir Harold did not have a wealth of knowledge about. Sir Harold had a clear understanding for every aspect of governance, whether it be matters relating to trade, tourism, international business or civil aviation. His life is certainly an example for us to follow. I had the privilege of seeing Sir Harold at times not only in his political setting. I was fortunate to be very close to one of his nephews. I saw him as an individual who at times was very soft-spoken, an individual who had some degree of shyness but an individual who was committed to service and to work for the benefit of others.

I believe that it was Cecil Rhodes, who provided the Rhodes scholarships through Oxford University, who on his

dying bed said, so little done, so much to do.” That certainly cannot be said of Sir Harold because for the time he spent on this earth, he did so much not for himself but for others. Last year in chatting to Sir Harold at our party’s annual conference he told me that we needed to sit and talk. In November I had the privilege of having lunch with Sir Harold and one of the first things I asked of him was how he was doing and he said to me, Rudy, not well. I said well, Sir, you must hang in there. He said he would fight and fight to the end. That, Sir, characterises the type of individual that Sir Harold was. We sat down and Sir Harold spoke to me with respect to those areas within the Ministry of Tourism and International Transport and gave me his perspective indicating for instance that he felt that civil aviation was an area that greater emphasis needed to be placed on by politicians and that I should seek to focus in that area informing that civil aviation was an area that he had great love for. He also took the opportunity to share with me his concept as to how I could ensure that sometime in the future I would be able to speak in Another Place. He told me that I must not give up, that I must go again. He then offered me very good advice in that regard as to how I should proceed.

Mr. President, I am very grateful to him for the support he gave me during the last general election campaign. Many days he would pass by the constituency office just to find out how things were going. Many days he would give a word of advice. Many days he would give words of encouragement. That was the type of individual Sir Harold was.
12.50 p.m.

Mr. President, there is a saying that behind every great man there is a woman, and so was it with Sir Harold, for there with him always, throughout all the trials and tribulations, was Stella St. John, giving him support and encouragement.

Mr. President, I wish to join with other Honourable Senators in taking this opportunity to extend my deepest condolences and that of my family, to Lady St. John, to his children Nicole, Charmaine and Bryte, and to those other relatives. Sir, I would like to say to them that be comforted in the fact that Sir Harold was a good man, who has lived a good life, has served for the betterment of all, and has given of himself and of his time without looking for a reward.

Mr. President, I can only hope that more of us would seek to emulate the life of Sir Harold, for he was truly a great man.

To you, Sir, I am obliged.

SENATOR THE HON. Mrs. V. E. NEWTON:
Mr. President, like others, I rise to pay tribute to the life of a

great statesman, scholar, eminent counsel, gentleman, a man who was shy, yet humourous and friendly and, indeed, a man of many parts.

Mr. President, I have had the honour of doing my in-service training in the legal profession in Sir Harold’s Chambers. During that time I got to know him fairly well because we have had many long sessions together during which certain characteristics of him, such as his love for his family and children would emerge. He would always tell me that I was a young person and that young people should always make sure that we lay a good foundation for our children.

Mr. President, he would always say that he loves politics, that he loves serving Barbados and the people. He has never liked being away from Barbados for too long. His contribution to regionalism and to the Government of his country have been well chronicled and I will not repeat them but I would wish to give thanks for the assistance which he has personally given me and to the University.

Mr. President, when we had received a United States grant to set up a law reform programme in the area of commercial law in the Caribbean, Sir Harold came to mind as one of those persons who we should ask for assistance, and so I did from the first day I stepped into the office until I left.

Mr. President, Sir Harold has travelled with us in many countries of the Caribbean, preaching company law reform and has never asked for payment. Sir, it is because of his knowledge of company law reform and the respect that other persons in the legal profession had for him that I am sure many of them have adopted the Barbados model of company law very soon after we had gone over the CARICOM draft and had incorporated some of its provisions into our law.

Mr. President, after leaving the Caribbean Law Institute and returning to the Law Library, Sir Harold and I would have had long conversations on a number of matters. He was that kind of person, when he had time, persons could have spoken to him about personal matters or about the affairs of the country and he has never once indicated that he was too busy to listen to anyone or to give his frank opinion.

Mr. President, an individual might often ask someone else for advice on matters that might have been troubling and that person often will and would tell that individual what he or she thinks that individual wants to hear. That was not the case with Sir Harold. He would say what he felt was merited by the situation, whether or not the individual liked it. Sir, this characteristic in honesty is one that is fairly rare in human beings today.

Mr. President, Sir Harold will be missed by us who so frequently called upon him to assist us in various matters. I

remember once when we were in St. Lucia at a conference, some lawyers whispered to me that Sir Harold was a great man who has helped with the Caribbean Law Institute. Sir, outside of St. Lucia, Sir Harold was one of the few lawyers who they felt had grasped some of the intricate principles of the civil law which is prevalent in St. Lucia, and that they could refer to him for his assistance in interpreting certain sections of the civil and commercial court. They would often seek to have him as senior counsel in difficult matters appearing before the St. Lucia courts.

Mr. President, we have to be thankful for the life of Sir Harold and for the great contributions that he has made in so many areas. I wish to express my condolences to his immediate family, to his grandchildren, to all his other relatives, and to the party that he loved so much.

Mr. President, I thank you.

SUSPENSION

SENATOR THE HON. E. R. GRIFFITH:
Mr. President, I beg to move that this Sitting be now suspended for one hour, to be resumed at 2.00 p.m.

The question that the Sitting be suspended was put to the Senate and agreed to and Mr. PRESIDENT suspended the Sitting accordingly.
1.00 p.m.

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed.

SENATOR G. P. I. GOODING-EDGHILL:
Mr. President, it is with a deep sense of sadness that I rise to endorse the Resolution before this Honourable Chamber as well as to pay tribute to the late Sir Harold Bernard St. John, an outstanding Barbadian statesman. His life's work can only be characterised as that of service. He served Barbados with distinction. At an international level, he served, as we heard earlier this morning, the African, Caribbean and Pacific, his contributions very often recognised by the *Courier Magazine*. At the regional level he participated fully in matters pertaining to the regional negotiating machinery as well as trade matters within CARICOM. On the domestic side he served his constituents well, he served Parliament, law, matters of trade, international business and tourism.
2.00 p.m.

Sir, his life's contribution is, indeed, a testimony to the fact that this outstanding Barbadian helped to develop this country. His life and service contributed in no small measure to the development of his constituents. If we look at Oistins today, the help that he has given to many, the lives that he has touched and his way of developing people was not

through pork barrel politics but creating the environment for them to work to create wealth for themselves, families and the wider society. For example, this can be attested when one goes to Oistins to see simple folks who are now entrepreneurs, owners of their businesses and real estate.

Sir Harold has shown how we can develop people and that is the greatest testimony to him.

Sir, I had great admiration for Sir Harold. He was a great negotiator as a trade Minister and this was expressed by members of the private sector. He possessed extraordinary debating skills. It was always a pleasure to watch him debating in the Lower House and we can remember him today saying, "there is no question", "there is no doubt" or "I put it to you". His steeped intellect and recollection capacity was parallel in annals of political and legal history of Barbados. This often resulted in him having to take legislation or Bills apart and often time resulted in legislation being amended or Bills being withdrawn, such was the man.

Mr. President, when you read Hansard, you can only respect the depth of his knowledge. Indeed, I have developed a profound admiration for his intellect simply by reading Hansard. Sir, his very analytical mind in the hustings when his fellow candidates would sometime dwell and frolic, he would take it to a higher level. He would focus on the topic, refuse to make disparaging comments about his opponents but he would deal with the issues. He always stuck to the facts.

Sir, I admired his candid opinion and we saw it recently when he was referring to the Caribbean Multilateral Clearing Facility on a television programme not so long ago. He spoke about the role of the Central Bank with the Caribbean Multilateral Clearing Facility. He was a creative Minister of Trade and Minister of Tourism. I believe that at one point there were about four portfolios under his responsibility. He was never hungry for leadership and he served well whenever called upon.

Mr. President, I would like to record him as a great team player, not only within the politics of Barbados but within every aspect of development and contribution of Barbados' democracy.

Sir, I recall a conversation that I had with him at the last Barbados Labour Party Annual Conference. We discussed the profitability of hotels and he talked about the impact of food and beverage on hotel's profitability. He also talked about tour operators and the conversation went on. Clearly for somebody who understood the business, it was a pleasure to have listened to him, even as he served as a Director of Hotels and Resorts Limited, as somebody who had such vast knowledge of the hospitality sector.

Sir, even on Sir Harold's dying bed he was still offering advice. We heard about his advice being offered on the Fishing Agreement and the Hilton project. In essence, Mr. President, he died with his boots on.

I join with all Barbadians in extending to his wife Lady St. John, children, Charmaine, Nicole and Bryte and his many relatives and friends my sincerest condolences. I am confident that the planners will see it fit to recognise Sir Harold's contribution, his life and times, and I am confident that this great Barbadian statesman will be accorded a place in the annals of Barbados' history as an outstanding Barbadian and statesman. May he rest in peace.

I am obliged.

SENATOR Miss P. E. PARRIS: Mr. President, I learnt of the passing of Sir Harold St. John of February 29 and I was deeply saddened. I reflected on the last occasion I spent with Sir Harold. Sir Harold lived an unselfish life and shared his knowledge. I had the privilege of working with him in May, 2003 and it was during this period that he took me under his wing and taught of the rudiments of political campaigning.

One could not help but notice the sadness of the people of Oistins. The loss which they suffered as a result of his passing and the many stories they told of the assistance he gave them. Sir, this showed his love for the welfare and development of people.

It was while working with Sir Harold where he said to me that in the political arena one has to be fearless and if ever defeated, never run away from defeat but use this as an opportunity to assess the situation and work at turning your defeat into success.

Sir Harold made an outstanding contribution to the development of Barbados and for this we are eternally grateful. I am thankful for the opportunity to have known Sir Harold and to have worked with him. To his sorrowing widow, children and family, I offer my condolences and my pray is that God will continue to give them the strength during this difficult period. May he rest in peace.

I thank you.

SENATOR Dr. F. L. CHANDLER: Mr. President, I would like to endorse the Resolution before us and to join other Honourable Senators.
2.10 p.m.

Mr. President, I would like to endorse the Resolution before us and to join other Honourable Senators in paying

tribute to the late Sir Harold St. John. I did not know Sir Harold personally but I heard him speak on many occasions over the years. He always struck me as speaking from the heart as he genuinely believed in what he was saying and you felt as if you could rely on what he said.

It was obvious that he was totally committed to Barbados and to the development of Barbados and to the rest of the Caribbean. Sir Harold was never a Minister of Agriculture but he always seemed to take a keen interest in agriculture and, of course, fisheries. I am told that about two years ago, while looking across the pristine St. George Valley, he remarked to a colleague that everyone who benefitted from this beautiful vista should be asked to pay a levy, as is done in some European countries. He went on to point out that the proceeds from this levy should be used to support the farming community who are responsible for the beautifully manicured fields which are so pleasing to the eye.

These words should encourage us all to seek to ensure that this countryside remains in its present pristine condition, as a lasting memory to Sir Harold. I am sure that Sir Harold's wisdom and experience in a wide range of areas will be sorely missed by us all.

I would like to extend my sympathy to Lady St. John and to the whole St. John family. May Sir Harold rest in peace.

Thank you.

SENATOR I. St. C. LINTON: Mr. President, I rise in support of this Resolution and to pay tribute to Sir Harold Bernard St. John. I would like to think of him as the prince that was, yet was not and still has been. I remark this because I met Sir Harold only four times but yet I followed him in his whole endeavour in politics, in law, in trade and whatever else.

I reverse my meetings with him. It was last November at the Party conference, when we went to lunch, someone said to me, Sir Harold had just come in. I said to them, I must speak to Sir Harold today. I got up and he heard me, and he said, you do not come to me, I am coming to you. I rested my hand on his shoulders and told him how I appreciated his work for this country and I am praying for him.

The other occasion in reverse, was when he came while reviewing the Constitution of Barbados and his presentation was of tremendous value to us. Then, I remember meeting him in the first conference, after he lost so badly in 1986. Mr. Lionel Craig introduced me to him and I shared that loss with him.

Long ago, I remember young Harold Bernard St. John as a footballer playing for Spartan Club. When I passed through that evening, it was about half time and there he was, sitting with others, off the field. I took note of his countenance. There was something about that face of his that has always remained with me.

I moved to Christ Church from St. Michael in the late 1950's where he was moving in his political career with the Southern District Council. I followed his work there and then I moved back to St. Michael in 1966 when he first won his seat to Parliament and I recall that he got so much plump votes that he could have carried a mate with him and won both seats. I remember clearly his vigour, not only in debate but on the Hilton Hotel, whereby Barbadians never knew the cost of it.

I would say Sir Harold has been a victim of vicious political tyranny. I remember clearly the attack upon such a man from the skies, when papers were dropped from the skies, when those who canvassed against him in Christ Church had one campus among the ordinary people and another one among the well-off people. A vicious tripartite attack that I would say has robbed this country of, perhaps in my mind, one of its greatest leaders. That is why I said, yet was not.

In 1986, I followed the campaign all over Barbados and it was clear in my mind that the projections of Sir Harold was the only way to go in Barbados and I remember I gained my title as the 'Economist' on the call-in programmes during that campaign, because I know what was proposed would have brought the 1991 experience.

Sir, he survived it and he came back and worked along with others, under a young Prime Minister of Barbados and gave his all up to the time of his death. To my mind, this is not only a Barbadian icon, but Caribbean, African, Pacific countries, and the world, perhaps have never seen or heard of a giant of a man from the Caribbean and from Barbados.

I want to say of him he is one man that will advise us from his grave in the years to come. He was such a wonderful man. How could one man be wrapped in a garment of being honest, having integrity, and full of truth.

I want to say to his family Lady St. John his wife, whom we must remember was the wife of a 100 per cent Barbadian family. I want to pay tribute to his children as well and wish them well, but I want to single out his daughter Nicole. She caused me to shed a tear on Monday and I want to give her all the support I can.

You remember, Mr. President, in my last presentation in this Senate, I dealt with the question of food security and

safety and I mentioned the problems of diseases that are taking the lives of many of us. This young lady has proposed to set up the best technology in Barbados to assist in the disease that brought the death of her father. I want to give the St. John family the greatest support and I will never forget, as long as I live, the contribution that Sir Harold made to this country. I have lived through the death of four leaders of our country, the Right Excellent Sir Grantley Adams, the Right Excellent Errol Walton Barrow, J. M. G. M. 'Tom' Adams and now Sir Harold St. John. I have been touched more by Sir Harold's death than by any of those others and I certainly will remember him as long as I live. 2.20 p.m.

SENATOR B. R. COLLYMORE: Mr. President, I identify with the text of the Resolution before the Senate and I am happy to lend my support to it.

Mr. President, others have spoken eloquently about the exploits and the special gifts of Sir Harold St. John. My association is limited to that of a public officer working as head of a ministry, where Mr. St. John as he then was the Deputy Prime Minister would call in every week to enquire about some project to which the Ministry was responsible and the state of that project. It was always difficult to ensure that the relevant Minister was as well informed as Mr. St. John was. I am sure I got a call from Mr. St. John every week about the state of the Tenancies Freehold Purchase Act not only of the legislation but our preparation for launching this innovative project. From time to time he would lend support in terms of advice on things that were of importance to the implementation of that project.

Mr. President, when I was in another Ministry, when the loan for the ABC Highway was literally withdrawn and the question arose that we had to renegotiate the loan, Mr. St. John was then Prime Minister and I remember him summoning me and saying that no Minister was going to negotiate this aspect of the loan, that I was responsible and he wanted it settled within a week. That was the dynamism of the man. The great thing I recognised then was that he was a no nonsense person and that he expected results from those with whom he worked. He did not settle for mediocrity. I am therefore glad that at least in some small respect I have been associated with this gentleman.

Mr. President, I associate myself completely with the other remarks that have been made here today only insofar as I myself could not repeat them, and therefore I accept them for what they were. I hope that the outpourings of condolences, sympathy and the good things that have been said would help buoy up the spirits of his widow, children and other members of his family. I therefore wish to add my name to those expressions of sympathy.

I thank you.

SENATOR Sir JOHN STANLEY GODDARD: Mr. President, I, like other Senators who have spoken before me, want to associate myself with the sentiments expressed in the Resolution before us this afternoon.

It is customary on the passing of a distinguished person for tributes to be offered and then those among us who may be cynical or sceptical would start to analyse them or review them to look for hyperboles, for platitudes and for exaggerations, but in the case of Sir Harold St. John that does not exist.

There has been an outpouring of tribute and honour to his life's work. The sincerity with which these tributes have been made attest to the greatness of the man. I do not think there is any room to say that people are only saying nice things now that he is gone. People are speaking from their hearts what they truly believe and what they had really admired of his achievements throughout his career.

Mr. President, I have known him for a very long time, we are about the same age, but I cannot claim to have known him well. We never interacted in the courts. He was an attorney-at-law and I was not. We never interacted in politics in Parliament. In fact, our only interaction would have been his capacity as a corporate lawyer advising companies that I was associated with. Up to as recently as two years ago, I had that privilege and experience through a company in which I was the chairman and he was the legal counsel. One could not help but recognise the brilliance of his mind. What I recognise more than that in Sir Harold was his complete sincerity and modesty. There were no airs about him. He did not seek to impress, in fact, he did not have to.

When the history of these times are written, he would go down as one of the truly great Barbadians of all times. We are still too close to the events of his life because he only passed away on February 29, but when we have a clear perspective and a better evaluation of what he has contributed throughout his professional, political and public life, we will have a better appreciation and value for his contribution to this country.

Mr. President, like other Senators, I want to extend to his widow, Lady St. John and to his children my condolences. He was a great Barbadian and he would be missed. May he rest in peace.

SENATOR Miss S. C. V. HUSBANDS: Mr. President, I rise to add my voice to the voices of my colleagues in support of the Resolution and to speak of Sir Harold and what his life said to me.

I am reminded of the words of the apostle to young Timothy when he said "study to show thyself approved,

a workman who does not need to be ashamed..." My observation of the life of Sir Harold and the testimony of his colleagues demonstrate that he was such a person who did not have to be ashamed for he had studied and prepared himself for the work that was set before him and followed after a spirit of excellence. When I think of the contribution he has made to the nation of Barbados and of the example he set before us, I ask myself the question, in what way could we honour the life that he has lived. Here is a man who has been spoken of in very strong terms as brilliant, sincere, modest and straightforward and someone who was resolute, bright and intelligent. His life continuously speaks to us and I feel that as we study it there are things we can learn and things we can be challenged with that we can seek to emulate in his life.

2.30 p.m.

Mr. President, on the day after his death, I had the privilege of hearing the *Voice of Barbados* carrying an interview that had been done with Sir Harold a few years before and which was never before aired. As I listened, I was so caught up that I had to stop from doing what I had been doing, to give it my full attention. Sir Harold spoke about his life and to things that I would not have been aware of as a young Barbadian. He talked about his involvement in agriculture; about the fact that his father had land and how he used to help work that land; about his days as a boy running around, going to the beach, being active and busy; about his days at school, how he was heavily involved in sports, how he preferred being active and athletic to studying; about his teenage years when he came into contact with such great political people of that time, how he went to public meetings and was inspired by the lives of the political aspirants of that day; about how he was mentored and how this has created such an impact on his life that, as he began to look at what he wanted to do and who he wanted to have become, he felt that he wanted to be a lawyer rather than the medical field, as was the custom in his family. He felt that through law, he would have been able to make a contribution and would have been able to exercise his talents. He indicated that it was from that time that he began to focus and to study to become that which he had desired.

Mr. President, that spoke of the absolute importance of the impact which our lives have on the generation that comes after us for, indeed, if others had not taken him and inspired him by their own example, Sir Harold perhaps might not have had the focus that he has demonstrated in his life.

Mr. President, I look at the impact of Sir Harold's life here among us and at the tremendous contribution that he has made to the politics of Barbados. Sir, more importantly I looked at how he has laid the foundation for the modern economy of Barbados which has resulted in the benefits being created for all Barbadians across the length and breadth of the nation.

Mr. President, when I think about Sir Harold's commitment to Federation, to local Government, and to how committed he was to those issues, I think of a person who had a strong belief and who stood by that belief, whether or not the idea was accepted, he remained resolute with it.

I think that Sir Harold's commitment, even though he might not have seen a version of the Federation emerging within the CARICOM Single Market and Economy, certainly when he left, he saw the foundation of that dream being laid. As I think of how we honour him today, I think of other great Barbadians who have before gone on. I also think of those who are presently among us, and to the fact that inwardly we acknowledge that they are great people but that as a people, we have not taken the time to capture and to chronicle their life and history, and that we have not taken pains to use that information in order to inspire the generation that comes after.

Mr. President, one of the things we need is a collection of works, memoirs or biographies but that instead of simply capturing the stories, this information can be skillfully used in materials that can be used at University or secondary school level so that whenever students are doing research, they would have a place to go, to see the role that Barbadians have played in shaping the particular topic which they are researching, and that they would be inspired and know that if such a person could have made such a contribution, then they might be able to do so in their time.

Sir, we need to capture the value of these greats such as Sir Harold, to be able to shape it into material for the primary school level, and to shape it in such a way that the primary level could relate to it. It is important that these children's minds and lives could be influenced by the great Barbadians who have gone before them and that we simply do not leave them opened to persons who might negatively influence them. Therefore, one of the ways that we can honour our greats is to learn from their lives and to study to show ourselves approved.

Sir, when I think of Sir Harold's life in Parliament and of what persons have said in terms of the depth and the preparation of knowledge which he has acquired in order to be excellent in his work as a Minister, as a leader, as a Parliamentarian and as a business person, it begs the question how committed are those of us who come after, to want to put in the same level of hard work and sacrifice to prepare, to study and to gain knowledge.

Mr. President, so often it is easy to seek to aspire to high positions without necessarily wanting to make the sacrifice and when I look at Sir Harold's life, it leaves a legacy of hard work and sacrifice that we too must show ourselves, to be workmen that need not be ashamed.

When I think of the foundation that he has laid in terms of the economics of Barbados, such as trade and tourism, *et cetera*, I see that he has enjoyed dealing with macro-issues but I also see a concern towards the micro-issues of life. His work with the fisherfolk in Oistins, in seeking to ensure that they were able to build thriving businesses and to earn a living, impacts significantly on the small business people of this country, and small business people need champions of that caliber. It needs people who are willing to see life from their angle, who are willing to use their collective power, ability and influence, to be able to establish opportunities that they too might grow. I pray that as we look at his legacy, that we would have the same commitment to the micro-issues such as the small business people of our community, and that we would seek to lay a foundation for their development.

Mr. President, as we think of Sir Harold, I want to ask: How well have we mentored him? What legacy are we building? Have we taken the time to take those around us under our wing? Have we sought to reach out to the generation that is coming behind us so that in another generation of Barbadians, we could reproduce the likes of Sir Harold? I want to challenge every one of us that we can make a significant contribution by laying down our lives.

Mr. President, as I gazed at him on the day of the viewing, what came to my heart and spirit was: "Well done, he has finished his course, has done it well and needs not to have been ashamed."

Mr. President, I want to give thanks to him for his life and to extend my condolences to his immediate family, friends and to the party that he loved.

May he rest in peace.

SENATOR THE HON. Miss L. V. EASTMOND: Mr. President, I too rise to support the Resolution that is before this Honourable Senate. There are few of us who have come to the practice of law who have not known of Sir Harold and Sir Henry. I believe all students of the law, even before we became lawyers and even before we knew what it was like to practice, had heard of these two individuals.

Mr. President, my relationship with Sir Harold was not a close one I was not a family friend, I did not practice in Chambers with him, and yet I would say that Sir Harold is the person who has guided me in the direction of public service. Sir, while I was working with the firm Price Waterhouse and while I was the editor of the Barbados Bar Association newsletter, I had written an article in that newsletter indicating why Barbados should sign the CARICOM Agreement and, in my own way, I had made an attempt to do an analysis of the Organisation for Economic

Cooperation Development model, the community model, the Anglian model, and the United Nations model, and I understand that Sir Harold read that article. We heard that Sir Harold read widely and we imagine that he would read the works of great academics like Shakespeare and published authors. We did not imagine that he would be reading an article written by a lawyer recently called to the Bar and, essentially, someone who in Barbados we would describe as being nobody.
2.40 p.m.

Sir Harold took the article and discussed it with Sir Henry and they both discussed it with the Prime Minister of Barbados. After that the Prime Minister called and asked if I would serve on the board of the Central Bank of Barbados. I was recommended, not because of who I was but because of my work. I honestly believe that Sir Harold is one Barbadian who believed there was a place for all Barbadians based on their skill and willingness to work.

My other experience with Sir Harold has to do with his ready sharing of knowledge which he had acquired by reading widely. We know in Barbados we still labour in a society where many who have access to information believe that holding on to that information makes us more powerful. Sir Harold shared his information with everyone. He shared it with me when we were dealing with the matter of the Organisation for Economic Cooperation and Development where we took the fight to the OECD.

Sir, I did not call Sir Harold, he called me. I was simply the Director of International Business and Sir Harold felt we were involved in something, that he had the ability to assist us with and he took the initiative to make a telephone call to discuss the matter with me even though I was his junior and, Sir, it did not stop there. Any piece of advice he could render or article or book he came across, he shared it with me and Sir Henry did the same thing. I believe these are attributes that many of us would do well to embrace and certainly I do my best to emulate them.

On the point of the OECD, we all worked very hard and, at the end of the day, we were successful because the right framework had been established at the outset by Sir Harold and those who worked with him. Being the Director of International Business, I found myself in a position where I had to work backward to where we started. When I got to the point where Sir Harold had done his work, I said to myself that the people who established the international business sector did it right the first time and this is the reason why we did not have the problems which other jurisdictions had.

It was firmly planted in Sir Harold's mind that we had to regulate our financial sector properly, that we had to

ensure the appropriate institutions were in place. Other countries decided they would go for quick cash but Sir Harold did not do this and the work that was done twenty years ago held us in good stead in 2001/2003.

When I decided to go into politics, I could have spoken to many people but there were two individuals who I felt would be dispassionate and would tell me the truth, Sir Harold St. John and Sir Henry Forde. They were able to give me the type of advice that has held me in good stead in the past and will continue to do so in the future.

I think all of us who come to public life and believe we have a contribution to make or because we believe there is something intriguing about it, when we pass on, we would wish that our colleagues, contemporaries and those who come after us would say that we were hardworking, honest, had integrity, that we put country before ourselves.

Sir, maybe the passing of Sir Harold at this point in time of history when we are grappling with issues like trade liberalisation, globalisation and looking at ourselves to see whether we can succeed in a new age, will cause us to pause and reflect on the stuff that great men are made of.

I was having a discussion about my political fortunes and whether I would be successful or not and I came to the conclusion that it all depends on what is the definition of success. Many may wish to argue that Sir Harold St. John was not always successful because of the losses he suffered but, in my own view, his success was complete. There is no greater tribute that can be paid to anyone than to have an entire nation recognise that you are a man of integrity.

Mr. President, to his family, friends, the people of Christ Church who had the privilege of his representation, I extend my deepest sympathy.

Mr. President, I am obliged to you.

SENATOR G. P. B. NICHOLLS: Mr. President, I rise to associate myself with the Resolution before this Honourable Senate. I am heartened by the fact that the tradition is to present the Resolution to the family of the late Sir Harold Bernard St. John after it is passed in this Senate.

A lot of the tributes paid to the late Sir Harold St. John have come so glowing that speaking at the end of this debate on this Resolution. Sir, I think that it would be remiss of me if I were not to make mention of what I consider as a young student of politics the significant contribution that Sir Harold made to the democracy that we now enjoy in Barbados. Sir Harold's tenure at the helm of the Barbados Labour Party

came at a time when he had to take over the reigns of Government when the Right Excellent Sir Grantley Adams went over to the Federation, at a time when the Democratic Labour Party ruled this country in a very populist style in terms of being under the leadership of the Right Excellent Errol Walton Barrow, at a time when a new nation was evolving and at a time when the platform of social engineering that the previous Barbados Labour Party Government had instituted was not being expanded and extended to much popular acclaim.
2.50 p.m.

Sir Harold had to demit office by way of the nuances of the electoral politics but that did not deter him from serving his country and his people. The Nobel Laureate, Derrick Walcott, in the epic opening of his novel, "A Bend In The River", says that the world is as it is and men who are nothing and allow themselves to be nothing have no place in it. Sir Harold would be one of those persons who allowed himself to be something. He made a significant contribution in every conceivable sphere of activity that he entered into. His reputation, as I have learnt, in law, politics, regional and international activities is the same.

Sir, I want to call for an appropriate memorial of the work of this great Caribbean patriot. I say that, not because I am repeating the comments made by other persons.

When Sir Harold joined the under-forties in calling for Barbados to move into Independence in the comfort of a regional grouping, he was basically upholding the tenets of the political thinkers of the early part of the 20th century in the British Guiana West Indies Labour Congress who were also speaking about a Federal structure of government as a means of advancing our own economic development.

Sir it is a little sad that a hundred years later we are still at that point in which we are not willing to see central authority in terms of planning of our economic development to a regional body. I know that Sir Harold expressed his sadness that he might leave this earth without seeing that come to fruition.

I understood that there was great opposition to the Independence movement in the 1966 period but it is the passing of Sir Harold, on reading things in the *Hansard* and statements made during the Independence debate, that one grasped that while Sir Grantley had gone off to Federation, the Barbados Labour Party was blessed with a cadre of persons held by Sir Harold and others who were able to take up the mantle and provide the intellectual challenge to the ongoing debate, the popular debate that Barbados should go independent.

Sir, one of the comments made by one those persons at that time, not necessarily that they were in opposition to Barbados becoming independent, but the opposition to it was that the kind of Independence which was being sought, was being sought in a very narrow basis but Barbados has moved on from there and we are charged with the responsibility of leading this country forward.

Sir, I take great comfort that persons like Sir Harold, as the last Honourable Senator who spoke said, was one of the key architects in redeveloping the Barbados economy for a sugar economy, in the 1980s, to being a very sophisticated and diversified economy with international business and tourism coming to the forefront, so that we as a society can still maintain the great wealth of social services that we can provide for our people and at the same time maintain the level of economic development that we have.

Mr. President, it is not easy to step away from political power. Sir, when Sir Harold became Prime Minister, I was probably in class four at primary school. There are persons who were Heads of political parties in the Caribbean then and who are still Heads of political parties now, who have lost elections from then until now and they have not given up power. Those persons are probably older or about the same age as Sir Harold. We are blessed in Barbados where Sir Harold, being one of the early statesmen in this country, gave up political power, office and leadership on more than one occasion to allow someone else to come through. Sir, not only did he come off the round of leadership, he assisted very ably those persons who assumed leadership of this country and the Barbados Labour Party.

Mr. President, it is a culture that Sir Harold started. It is a culture that is well practised within the Barbados Labour Party and it is a culture that we are indebted to persons like Sir Harold who put their country before themselves.

Sir, I want to close my remarks by expressing my condolences to the family of Sir Harold and especially the people of Christ Church, whom he represented.

Sir, with those few comments I support this Resolution before the Honourable Senate.

Mr. PRESIDENT: I would like to associate myself with tributes paid to Sir Harold St. John in this Chamber today. In the Resolution before us, reference is made to his Parliamentary service which began in this Chamber. The Legislative Council was abolished in 1964 and on the 5th May of that year the Senate, then constituted twenty-one Members, met in this room.

I spent a few minutes this morning in the Library of Parliament examining the records of the Senate of that period. I discovered three things of interest. The first was that Sir Harold, in 1964, sat in this Chamber as an Independent. As I reflected on it, I was not in Barbados at the time, the Barbados National Party led by Mr. Ernest Mottley for the official Opposition and the Barbados Labour Party was the minority Opposition. I imagined that would have been the reason why Sir Harold was appointed by the Governor acting in his own discretion.

The second is, the twenty-one names included men and women who made outstanding contribution to national development, names like Erskine Ward, Jack Dear, Hilton Vaughan, Dr. Arleigh Winston Scott, Kenneth Russell Hunte, Charles Asquith Phillips, Mr. Lisle Ward and Sir Graham Massiah.
3.00 p.m.

I saw Sir Harold in London in the year 1966. Looking back over those four decades, I well remember him and Henry Forde, both then very trim as they were in their mid-thirties, and two more enthusiastic and dynamic men, you could not find anywhere.

Of course, in the year 1966, as has been said, Sir Harold was elected overwhelmingly as the senior Member for Christ Church but he was back in this Chamber again in 1971 and served for the next five years with great distinction.

The Sir Harold I knew would have been overwhelmed, I think, by the almost unprecedented show of public affection following his passing. There has been complete unanimity in the positive assessment of his work and worth. Sir Harold, as has been said, never courted popularity. He always did what he thought was right and on a few memorable occasions, suffered as a result. He was not, I think, unduly concerned about his legacy, but he expressed the hope, certainly to me in recent weeks that history would accurately reflect the principles which guided his life and the positions which he took. He hoped that his ideas on subjects like governance, like Caribbean integration and other aspects of public policy would be faithfully recorded in a manner that those who come after him would understand. And to the extent that was possible in the very little time that he had left, he sought to restate those ideas to those who were close to him, and those who had interest in those ideas.

A faithful biography of Sir Harold is a necessity. It is a work I hope that would be undertaken before too long. This, I think would be, perhaps the greatest tribute to his memory.

I have known Sir Harold for many years now in the decade of the 1970's and certainly the first half of the 1980's. I worked fairly closely with him in the profession of the law.

I had the opportunity in those years to work with him in a number of supreme court cases on the civil side. Unlike many of his eminent contemporaries, Sir Harold rarely made a note of evidence and yet his cross-examination and presentations to the court revealed tremendous mastery of the facts and of the law. He had total recall, an ability to think on his feet and get to the core of any issue, and of course, that was not only true in law but in public affairs as well. He was one of the finest lawyers I have ever known.

In the first of the 1980's when he was Minister of Trade, I served for five years as Chairman of the Barbados Industrial Development Corporation. In that capacity, I made many trips with him when he led delegations promoting industry in Barbados. We went to many cities in Europe and North America and in 1983, we traveled to the far east, Korea and Japan.

For those of you who made reference today to his voracious reading, I well recall on the journey back from Osaka in Japan to Los Angeles in the USA, a 13-hour non-stop flight, during which Sir Harold hardly slept. He read everything that he could find and when he ran out of reading material, he went to the advertisements in the newspaper and read the classified ads with the same alacrity that he read the editorials and other learned articles.

Sir Harold's life was well lived. He set an example for selflessness and service. He was dedicated to the democratic process and he exhibited a quality of statesmanship that would inspire future generations. He was a Barbadian patriot.

I extend my sincerest condolences to his widow, Lady St. John, who was a source of strength and support throughout their long marriage. I also extend these sentiments to his daughters, Charmaine and Nicole, his son Bryte, his brother, his sisters, his grandchildren, nephews and nieces and to other members of his grieving family. He was my friend.

May he rest in peace.

SENATOR THE HON. E. R. GRIFFITH:
Mr. President, I think that is a fitting way for us to end our tributes to Sir Harold and I beg to move that this Resolution do now pass.

Mr. PRESIDENT: Before putting the Resolution, I would like to ask Honourable Senators to stand for two minutes of silence in tribute to the memory of this great Barbadian.

Two minutes silence were observed.

Mr. PRESIDENT: Does the Senate concur in the passing of this Resolution by acclamation?

Ayes.

Mr. PRESIDENT: This Resolution is passed by acclamation, let it be so recorded.

RE-COMMITTAL

PRESENTATION OF PAPERS

SENATOR THE HON. E. R. GRIFFITH:
Mr. President, I beg to lay the following documents:

1. Barbados Estimates of Revenue and Expenditure, 2004-2005.
2. Schedules and Personal Emoluments 2004-2005.

PUBLIC BUSINESS

ORDER NO. 1 – THE SECOND READING OF THE FAIR TRADING COMMISSION BILL, 2004

SENATOR THE HON. Miss L. V. EASTMOND:
Mr. President, I rise to move the second reading of the Fair Trading Commission Bill, 2004.
3.10 p.m.

Mr. President, the proposal before us is a simple amendment which is to amend the first schedule to the Fair Trading Commission Act 2000-31 in order to increase the number of commissioners from seven to eleven. When I assumed office as Minister responsible for Commerce, Consumer Affairs and Business Development, one of the first requests that came to my attention was from the Fair Trading Commission for an increase in the number of commissioners on that body. Essentially, the argument put to the Ministry was that increasing the number of commissioners would improve efficiency and would result in more timely decisions.

Mr. President, as you would know my appointment came on the heels of the resignation of the then Minister. Subsequently, in December the chairman also resigned. One of my greatest regrets as Minister and also as a Barbadian is that the Fair Trading Commission was born into a culture of controversy. There are those amongst us in this country who take great pleasure in fuelling this controversial environment. However, there are many Barbadians from different walks of life who have said to me that they hope that the Fair Trading Commission succeeds. They pointed out to me that their concern about the Fair Trading Commission has nothing to do with the matters that are currently before it as we might

imagine, but has to do with an understanding of the economic environment in which Barbados now finds itself where Barbados is having to deal with a situation where markets are more open including the Barbados market and therefore issues of price, quality, origins of goods and services will become an issue.

This administration is in a position where it anticipated this current environment. It is for that reason that institutions such as the Fair Trading Commission, the Office of Public Counsel and the Consumer Claims Tribunal were established. It is clear to me that there are many Barbadians, if not all of us, who understand the importance of a fair market environment for consumers as well as for business in all of its forms, big businesses; small businesses; black businesses; white businesses; foreign businesses and local businesses. That is what we are about with respect to the work of the Fair Trading Commission.

Recently, I was advised that there were resignations from the staff of the Fair Trading Commission. Yet again was another attempt made to throw this institution that is of such fundamental importance to the economic development of Barbados and to the consumers of Barbados into controversy.

Mr. President, even though we talk about trade liberalisation, globalisation, educating our people and providing more opportunities for more of our people, we still do not understand that we are no longer living in an era where individuals would seek employment in one institution and stay there for ever. When I was employed in the private sector, we had a going away party nearly every month as people were leaving to go and study, to work in other businesses and to go overseas. Some of them got married and went elsewhere. Some of them were going to the Cayman Island. Some went to the British Virgin Islands and some went to Trinidad and Tobago. Indeed, I too left that establishment when I was senior manager one step away from partnership and became the Director of International Business. What would have happened if that were the Fair Trading Commission? It would be all over the media that something terribly wrong would be going on simply because a senior manager left to pursue a career in the public service.

Mr. President, as I said it is a great regret to me when those of us who should know better do not understand that we are living in a brave new world where my generation and those generations after me would pursue their career anywhere. There are some who would leave the Fair Trading Commission now and in five years time they may very well come back, but that is all well and good. I believe that Barbados is confident with respect to its educational ability that we know that other people would come to take those places who will do a fine job.

Mr. President, it is my belief that we do ourselves, this country and our future a great disservice by not allowing this institution the space in which to grow. I would hope that those who should know better would back off and allow the Fair Trading Commission to breathe and do its work.

Mr. President, in putting this amendment, which as I said is a simple amendment, in context, I must acknowledge that since the chairman resigned in December no new chairman has been appointed. My wish is to make the appointment of the chairman and the four new commissioners as soon as humanly possible. I also think that it would be fitting for me to acknowledge the hard work and the contribution of the Deputy Chairman, the other commissioners as well as the staff of the Fair Trading Commission for the great labour they have undertaken in an environment that is less than conducive to work.

I would also wish to thank the public of Barbados for exercising patience in allowing me as Minister the time to choose carefully those who would be appointed in those positions. As you know, Mr. President, the legislation for the appointment of the Chairman under the Fair Trading Commission Act requires that the individual be an attorney-at-law of at least 10 years call or a person holding high judicial office. When this Honourable Chamber reviewed that proposal and agreed that the legislation should be passed, it is my view that they did not do so lightly.
3.20 p.m.

Mr. President, the Fair Trading Commission is a quasi-judicial body and unlike the Public Utility Board will not only deal with matters of price and quality but with competition policy, both at the domestic and regional levels.

Sir, I dare say that if it ever comes to pass and we have a competition policy regime at the level of the Free Trade Area of the Americas and the World Trade Organisation (WTO), individuals would also see a commission which would have to interface at that level on legal matters, where legal text would be interpreted.

Therefore, we should not be sidetracked by any arguments that say that other utilities regulators are not headed by persons who have some legal training. Those institutions do not deal with the legal matters that our Fair Trading Commission, which is our creation, has mandated to it by this Honourable Chamber.

The Fair Trading Commission will deal with consumer protection and with the legislation that attends it. It will also be highly procedural. Sir, those Honourable Senators here who practice law will tell you that procedural matters are often more technically challenging than the substantive issues.

Mr. President, we are dealing with a tribunal that is a business tribunal, and in Barbados we must be careful because often there is a tendency to look at what is being done in the developed countries but there are things that the developed countries can afford, in terms of cash, that we cannot. We cannot afford to have business tribunals that will make business decisions and would delay those decisions to the detriment of all.

Sir, contrary to what might be believed generally, most of us are employed in private enterprises and not in the public service. Therefore, we must ensure that we have a system in place where procedural matters could be dealt with swiftly and by trained individuals, so that we do not have an institution that works to the detriment of our ability to earn a living for our own people.

Mr. President, with respect to the commissioners, there is a practice, if I can call it that, that we seek to appoint commissioners who have the requisite skill that might be called upon in a hearing which deals with all kinds of matters. I know that the matter now before the Fair Trading Commission could lead us to believe that for the remainder of its existence, it would be dealing with telecommunications. This is not the case, there are many other matters of a legal nature, with which it would have to deal.

Mr. President, there are other criteria which I have brought to bear as Minister responsible for these appointments. I am concerned that the individuals must have a proven ability to learn quickly. I say that because all of the pieces of legislation with which the Fair Trading Commission will have to deal, whoever is involved would have to take the time to read, to digest, and to apply those pieces of legislation in a very short order.

Mr. President, I am also seeking to appoint persons with integrity who will not allow themselves to be influenced by anybody, nor by me. They must be persons who have a keen interest in the development of this country and in ensuring that this country progresses both from an economic and social perspective.

Mr. President, I would wish to see the Fair Trading Commission reflecting both a mixture of experience and youthfulness in order to energise it. Sir, as I grow older, I can tell you that one does not always have the fortitude to deal with reading large documents and learning new pieces of legislation as some young, eager persons would.

Mr. President, now that I am in the privileged position of being a Minister, I believe I have the responsibility to ensure that we embrace the younger people among us who have the appropriate skills, in the same way that somebody older would have done it for me.

I would also wish to ensure that there are persons who have an understanding of the civil society, including consumers interest but persons who also understand business and have a business background. Those persons must be able to understand that in order to be competitive, that businesses often need to move quickly.

Mr. President, I would like to share my concern with my colleagues about persons who come forward to serve their country. I know it is the accepted practice that where politicians are concerned, people could basically say anything about them. Sir, in one of my lighter conversations with Sir Harold, I was told that by the time people finished with me, that I would not even recognise myself. Obviously Sir Harold has had that experience but I would like to caution that we should draw a line there, and when people come to public life to serve, we should try to resist the temptation of engaging in the now popular activity of pulling people down.

Mr. President, my first specific requests of my colleagues and those who might be able to hear me at this time, is that any criticism that might be made of any of these appointments for whatever reason, please direct those criticisms to me and not to those individuals who, as a great sacrifice to themselves, have chosen to serve on boards and on commissions of Government. What these persons are paid is nothing compared to the time that they would have to spend.

Sir, when one seeks to employ persons with particular skills, if those persons were to charge Government based on their normal charge-out rate, we would not be able to pay them. Please do not put these individuals in a situation where they might wonder if they should have come to serve, as this might put other people in a position where they will not come forward.

3.30 p.m.

We are fast reaching that point in Barbados where because of the unwarranted attacks that individuals are subjected to, they ask themselves over and over again why they should do it since it is a thankless job.

My second request is for us to remember that a promise was made to Barbados and Barbadians upon assuming Independence, that is, all Barbadians should have an opportunity to participate in the activities of this country according to their own ability regardless of colour, race or social origin. I believe that as the Minister, it is not just a privilege but a duty to assist in delivering on that promise.

My third request is that we should be careful about safeguarding institutions we have created, that have served us well in the past and also safeguard those we are in the process of creating, such as the Fair Trading Commission. In

the past, institutions have served us well because Barbadians had basic respect for them but I am concerned that for some reason there is a need to undo much that has been done in the past that has served us well. Hence, an institution like the Fair Trading Commission that should be taking its place amongst many of the institutions in this country, such as the Central Bank of Barbados and the Securities Exchange of Barbados is finding great difficulty in so doing.

It is my view that we should not continue on this destructive path to our own detriment as a people especially in an environment where the market is going to become more competitive, where we are going to have businesses with practices we do not understand, in a market where we will have to defend our interest not only at the regional level with respect to the Caribbean Single Market and Economy but also at the hemispheric level with respect to the Free Trade Area of America and at the international level with respect to the World Trade Organisation.

Mr. President, with those remarks, I seek the support of my colleagues in the passage of this Bill and move that this Bill be read a second time.

SENATOR F. J. STUART: Mr. President, I see no need to detain the Senate on this Bill. I believe the Honourable Minister has made out an acceptable case for the increase of the commissioners from seven to eleven.

The Fair Trading Commission Act of 2002 repealed and replaced the Public Utilities Act, 1955. The remit of the Public Utilities Act was simply to regulate public utilities in Barbados but the Fair Trading Commission was given a much broader remit as is indicated in its long title.

“An Act to provide for the establishment of the Fair Trading Commission to safeguard the interest of consumers.

To regulate utility services provided by service providers.

To monitor and investigate the conduct of service providers and business enterprise.

To promote and maintain effective competition in the economy and related matters.”

Mr. President, the remit of the Fair Trading Commission was always wider than that of the Public Utilities Board which it replaced. One would have thought that at the inception, it would have been known that with larger, broader, wider responsibilities, it could not work with the same compliment of staffing personnel.

The first we heard of an increase in the commissioners, was when the previous Minister resigned and there was talk about the commissioners being removed. This is the point where one heard the voice of the Honourable Minister. Senator Eastmond came forward to say that rather than getting rid of the existing commissioners it was thought better to contemplate increasing the number of commissioners. Sir, I think the increase is justified, having regard to the fact that the remit of this Commission is much wider than that of the Public Utilities Board.

Sir, we have no problem with the increase. Senator Eastmond in her speech went on to bemoan the fact that the Commission seems to have been shaped and conceived in controversy. I get the sense, from what she is saying, that she is blaming persons unnamed in Barbados for this. I do not think the innuendos against these demons, whoever they are, are fair.

Sir, when the Minister resigned, a public spectacle was made of it. It was not the fault of anyone in the public or in the Democratic Labour Party. The promptitude and alacrity with which Senator Eastmond was appointed was no one's fault. It was not inspired by anyone in the public domain or in the Democratic Labour Party. I thought that people were quite justified in saying that it seemed as though the resignation had been choreographed and that the speed with which the resigning Minister had been replaced, rivaled that of light.

Sir, hard on the heels of that came the resignation of the Chairman of the Commission, a respected retired High Court Judge who also, from time to time, sat on the Court of Appeal. His resignation was not inspired by anybody in the Democratic Labour Party or the public domain. He was reported as saying that he left the judicial bench and decided to continue his public service by serving as Chairman of this Commission and that when he took the job, he did not know that he would end up feeling as he was at the time of his resignation.

Sir, I did not hear anybody in the Democratic Labour Party or on the call-in programme say that. The resigning Chairman of the Fair Trading Commission, a retired judge said that himself. Of course, thinking human beings would have to ask exactly how he was feeling, since he did not say how he felt.
3.40 p.m.

Mr. President, sometime ago, I believe a poet said that all our great men are dead, that Smith was dead, that Marks was dead but I am not feeling too well myself.

The resigning Chairman of the Fair Trading Commission did not say why he was not feeling well. In fact he went public and made it clear that he was not going to tell anybody the reason for his resignation. Of course,

paragraph 4 of the First Schedule of the Fair Trading Commission Act gives a Chairman the right to resign. It says;

“A Chairman may at any time resign his office by instrument in writing addressed to the Minister.”

Sir, the right was there and he said that he did not know that he would end up feeling this way and that he was not going to tell anybody why he resigned.

Sir, the Minister made it clear that she thinks the people who come to public office should be treated fairly and should not be discouraged by criticism. I entirely agree with her that people who come to public office very often come to these offices at great sacrifice.

However, I do not think it fair to suggest that there has been any ‘hounding-down’ of the Fair Trading Commission by demons unnamed in Barbados. All of the controversies in which the Fair Trading Commission was enmeshed in recent times were of the Commission’s own making, and so too the subsequent resignations from the Commission.

Sir, the public can be forgiven for asking what is wrong with the Commission that in such short order it could attract so many resignations and so many critical resignations. I am happy that the Minister has given the Senate today the assurance that these are matters of concern to her and that she will move with speed to put them right.

I think that the Commission as presently constituted, minus the Chairman, has been rendering yeoman service in difficult circumstances in the present hearing that is going on before the Commission. Of course, the Minister said that it is a quasi-judicial body. I agree with that but for that reason I really do not understand how the work of the Commission has been paralleled by so many public trials and comments on the issues before it.

I have wondered aloud whether a lot of the comments made on call-in programmes, as the Commission is hearing evidence before it, are not prejudicial in effect and in fact are not contemptuous of the Commission’s work. I believe, and the Minister is right on this, that if, as the legislation says that “An attorney at law with at least ten years standing or a person who has held high judicial office” had been Chairing the Commission during these hearings, an embargo might well have been placed on the parallel hearings that have been going on in the public domain. I hope that the Commission will be allowed to do its work without hindrance or the unnecessary interference which it has had to put up with by public comments and sometimes by statements, down right in my view, contemptuous of the work that it has been doing.

Sir, if it is of any consolation for the Minister, she can count on full support of the Opposition in her attempts to

recreate a Garden of Eden minus serpents, of course, at the Fair Trading Commission because we too believe that it has a critical role to play at this juncture of our political and economical development.

I wish the Commission well and I can see no basis for objecting to the increase in numbers of Commissioners, having regard to the much broader and more comprehensive remit which the legislation places on it.

I am obliged to you.

SENATOR G. P. B. NICHOLLS: Mr. President, I rise to lend my support to the amendment to the Fair Trading Commission Act. First, I would like to add my congratulations to the Minister for her astute introduction of the amendment and her plans and proposals for how the Ministry of Commerce will deal with these issues. She has not been in the Ministry for a very long time and I must compliment her for a very mature leadership at a time when the Fair Trading Commission, faced with the resignations that it has been faced with and the challenges of overseeing the Barbadian economy in terms of providing a juridical basis for competition and things of that nature. It has been a challenging time for the Commission and I must compliment the Minister for so accurately and fairly representing the Government's policy on these issues.

I also take this opportunity to congratulate the last Honourable Minister, who sits in the Other Place, for overseeing Government's implementation of a new era within the consumer regime of this country.

Mr. President, the political theory has long recognised that the Barbadian political society is a little overdeveloped when compared to the level of development in the economic sphere of our society. We have been a society that has enjoyed over three hundred years of a limited form of parliamentary democracy but we have enjoyed over three hundred years of a parliamentary institution.

Sir, we have a stable democracy with a two-party system with easy and smooth transitions of Government. We have representative institutions of trade unions, sophisticated electorate, a free and literate press and an independent judiciary governed by the rule of law. All of these are features of the very good political structure that we have in our country.

Mr. President, if we try to match the political superstructure with the economic infrastructure in the society, we see a vast contrast. Sir, the classical political thinkers would tell us that the political structure of a society evolves as a result of the power groups in the society being governed, developing rules and institutions so that those persons who have power can regulate how it is distributed.

Mr. President, when we look at our economic structure as a society, the Barbadian economy, like many other economies in the Caribbean, continues to be one of the more volatile and vulnerable economies in the world. We respond more slowly to positive economic trends of development in any other region in the world but, yet, when the economies in the world are going the other way in terms of growing at a negative rate or going through recession, the impact on our economy is more severe.

Sir, we still have to juggle on the knife edge of fiscal management. There are many recurring external imbalances which affect how our economy functions and there is a major issue in terms of resource allocation in terms of the productive sector that small economies have to face.

Recently, many of the international financial institutions have been questioning our reliance on high ratios of trade preference induced activity to GDP. We rely very heavily on the international institutions to give preferential agreements to us, and access to their markets at preferential rates. Sir, with the globalisation and liberalisation of the world economy, our reliance on building an economic infrastructure or super structure on these models is no longer seen to be the best way forward.
3.50 p.m.

Sir, with that in mind, when we look at the Barbadian economy, it is not very significantly developed to command the attention of a very sophisticated democratic political culture. It is a fact and in the process of restructuring the Barbadian economy, we have recognised that one of the major challenges to the nation building process, is how do we fashion a democratic culture in our economic transformation of the Barbadian economy, so that we can make it into a very robust and sophisticated virtual market economy, buttressed by the principles of justice, fairness and equality.

Sir, to my mind, the Fair Trading Commission represents an attempt to entrench those democratic ideals that we practice so very well in our political system, and in our own economic relations, domestically, but regionally, and internationally. Sir, for too long, our economic environment in this country has been dominated by very obsolete trading and commercial practices that tend to operate against the long term economic vitality of our own society.

The Fair Trading Commission is an attempt to bridge the gap between that over developed political structure and the underdeveloped economic super structure. The Government has envisioned, Sir, the creation of a virtual market economy and what is that? It is one in which every conceivable sector and person here feels that they have the right to participate on equal terms and enjoy the benefits

that we all get within the context of the Barbadian economy. We must seek and continue to level the playing field, and widen the efforts to institutionalise and increase the quantum of economic wealth in this country.

Sir, it is my belief that by bringing the concepts of equity, justice and fairness to the economic environment, also buttressed by the principles of transparency and competitiveness, the Barbadian economy can respond more readily to the challenges that we face today.

Sir, I am calling upon the people of this country to join hands as we seek to fully transform the Barbadian economy into a developed economy. Our people must quickly acquire a national attitude on which a productionist impulse is endemic, as we must develop a culture of productivity and competitiveness in this society.

We must look to our corporate institutions and how we seek to revitalise them, so that they can readily respond to the challenges of the new economic environment. We must look for new economic agents to propel our development. We must create new synergies. We must look for new vertical and horizontal linkages, but it must be all placed within the context of an environment that is pervaded by fairness and equality.

Sir, I must issue the warning that for too long the critics of the Barbadian economy transformation in this country have criticised both Governments for what they perceive to be a lack of genuine concern to more vulnerable groups in our society. We hear a lot of talk about the small man but do not believe that the democratisation of the Barbadian economy can fully take place if we attempt to redistribute a fixed amount of income generating assets from one group of the society to another group.

Sir, that was the practice of Robin Hood in Sherwood Forest, in which a fixed amount of income generating assets in a community, was decided to be taken away from one group who was seen to be privileged, to be given to another.

Sir, the basis upon which Barbados can go forward in the future, cannot be predicated on the tactics deployed in Sherwood Forest. Institutions like the Fair Trading Commission must be embraced. We must not only pass laws in Barbados that speak to these things, but those persons in their various capacities and industries across sectors, must be fervent in their resolve and must be very dispassionate when dealing with the institutions like the Fair Trading Commission.

Sir, I understand the concern raised by the Honourable Minister about the level of decadence that this debate has sunk, in respect of the appointment of more commissioners to the Fair Trading Commission.

Sir, the last Honourable Senator who spoke quite rightly, said that the Fair Trading Commission which came about as a change in the new regime to replace the old Public Utilities Board, has a wider mandate. One of the things that I think the new legislative framework encourages, is the whole concept of fair competition. This is why the Government in 2002, passed the Fair Competition Act. It is a piece of legislation which we do not normally refer to, but the Fair Trading Commission at the same time, is dealing with the whole question of telecommunications regulation, and looking at the whole aspect of mergers in Barbados as they go along, as part of the work of the Fair Trading Commission. This work will continue and it is guided, to my mind, by the provisions of the Fair Competition Act.

Sir, a look at the long title of the Act, speaks to the promotion, maintenance and encouragement of competition within the Barbadian economy. It also seeks to promote the prevention, restriction or distortion of competition or the abuse of dominant positions in trade in Barbados and within the CSME to ensure that all enterprises, irrespective of size have the opportunity to participate equitably in the marketplace.

Mr. President, I think that this piece of legislation is very revolutionary, in terms of how commercial practices, as I have said, have tended to operate within the domestic environment in Barbados in the past, must now sit back and take a look at their own operations.

This legislation is not meant to terrorise, as I said, the existing legitimate businesses which have been the pillars of Barbados' own development. The legislation brings into the whole context of commercial practices in Barbados, a number of instruments which regulate things like the distortion of competition, the abuse of dominant positions by businesses, it regulates mergers, and it looks at the collective agreements made by suppliers and dealers, locking out persons in terms of certain economic transactions.

Sir, as I said, it is this kind of work that the Fair Trading Commission has to perform, if Barbados is truly able to get the best out of our own economic endeavours. As we continue to plan for the future, the Fair Trading Commission cannot continue to be shrouded in controversy or used as a political football. The Fair Trading Commission must be allowed in its infant days to deliberate on these issues in a dispassionate way.

4.00 p.m.

I am glad that the Honourable Minister has come to this Honourable Senate to request of us and those persons within her earshot that when the appointments are made in respect of the additions of the new commissioners and the

new chairman that we do not seek to pull down persons on the basis of how they look, who their parents were or what we perceive to be in our own narrow eyes, what a commissioner should look like. We cannot necessarily disagree that is one of the faults of the small Barbadian society. We look at people and judge them on the basis of how they look. Something as important as the Fair Trading Commission has to operate within the context of a fairly independent view of all of the matters to which it deliberates.

Sir, the Fair Trading Commission right now is carrying out a review of the whole rate re-balancing issue. A lot of that debate has taken place at a time when the entry of new cellular players into the market has come about as a result of Government's opening up the telecommunications sector as a means to give Barbadians wider choices in terms of telecommunication service providers.

I must congratulate the Fair Trading Commission for its patience in terms of dealing with the number of interveners and the very experienced legal team and personnel of Cable and Wireless. In the very early stages of that issue being played out, I advised some of the interveners to that Commission. Sir, it is apparent that a new environment would develop from this new framework in which utility regulations would operate in Barbados after the passage of the Fair Trading Commission Act.

It is not as easy as it was for the objectors under the old regime with the Public Utilities Board to come in and object to an increase for rates as it is now because there are a lot of procedural and interlocutory matters that have to be dealt with in order for you to make out your case at the level of the Fair Trading Commission. A lot of the interveners suffered as a result of their inability to settle an affidavit or a brief in respect of making out their case. They relied very heavily on the office of public counsel to do so. While not ceding authority or ceding power to the public counsel to advance the cause on their behalf, they bombarded, and quite rightly so, the Office of Public Counsel to assist them with the drafting of the legal documents and the preparation for all the interlocutory and procedural matters before the hearing started.

The Government in its wisdom has created the Office of Public Counsel to assist the consumers in Barbados and to represent the interest of the consumers in this country before the Fair Trading Commission. The Government has also sought to add to the expertise, that the Office of Public Counsel could command by paying for experts from overseas, persons who are trained in utilities regulations and things of that sort, to come and lend support to the Office of Public Counsel so that the consumers in Barbados would not be disadvantaged at the current rate hearing.

Sir, I want to close by suggesting that we in Barbados take a step back and give the Fair Trading Commission an opportunity to prove itself, it is vitally important to the development of the Barbadian economy. A lot rests on allowing and giving the Fair Trading Commission the room to do the work it has before it. This amendment to the Fair Trading Commission Act gives them some more help. The time might come when we might have to come back to this Honourable Senate to say we need to give them more commissioners or to appoint more full-time commissioners. These are persons who are paid out of the public purse to do the kind of work that we have to do in bringing or dragging the Barbadian economy from where it is in relation to creating institutions that we revere or mirror in our political endeavours to what we have in terms of our economic and domestic activity.

Mr. President, I am obliged to you.

SENATOR THE HON. Mrs. V. E. NEWTON:
Mr. President, I rise to give support to this amendment to the Fair Trading Commission Act although I must confess that I never believe in the magic of numbers. However, on a Commission such as this, one has to realise that a number of different levels and types of expertise would be needed for the Commission to do its work.

I have to say, Mr. President, on reflection of public service in various areas over a number of years, I have come to the conclusion that often Government sits and with great patience to choose persons to sit on commissions, boards and so on who seem to have the expertise and the experience, but often when these Commissions start to work these persons out of a misguided notion that to mention a phrase I heard earlier, all must be as in the Garden of Eden – will not ask questions and will not do the things that are necessary to protect the public interest and public funds.

What we need to remind ourselves when we undertake public service is that we are there for a specific purpose to make the institutions work and also to make sure, especially in places like the Fair Trading Commission, that we look after the interest of the taxpayers of Barbados and of the wider interest of the community. Having said that, I hope that the Minister will not be disappointed in her choices and that they will give the sort of service that she expects of them.

Mr. President, I wish to move to another topic in connection with the Fair Trading Commission. This is to say that in spite of the controversy that had surrounded it, I am not fazed by the controversy or by the resignations. The Fair Trading Commission is set up with powers that none of its predecessor institutions that it replaced had. It is looking after fair competition, consumer protection matters and regulating public utilities. One could expect in a small community such as this that its actions would attract considerable amount of attention. Therefore, those persons

who take office at the Fair Trading Commission can expect that the Commission is going to excite public attention and they should not run. As far as I am concerned, when one takes these positions one has to take the rough and the smooth and the good and the bad. If you are there to protect the interest of Barbados, you have to stay with it. Things will settle down but one can expect that there will be controversies of the type that we have seen at least for a while.

4.10 p.m.

Mr. President, this is not to say that the Fair Trading Commission has been sitting silently, with members brooding and doing nothing. I can speak to a number of positive actions that are taking place, for example, the ongoing rate hearing.

Mr. President, I share Senator Stuart's concern about the private hearings that are going on in the Press and elsewhere. I often wondered whether or not some procedures might have been different if the person with legal training and ten years' experience was in the chair at this time. It is a question that one would wish to think about.

Mr. President, I am sure most Honourable Senators would have heard that the Fair Trading Commission has been undertaking a programme at both primary and secondary school levels, to inform children of the rights of the consumer. I gather that the programme has been successfully received and that some of the children have been asking very insightful questions, which show that they understand fully some of the issues being put before them.

Mr. President, in relation to its work under the Consumers Guarantee Act, the Fair Trading Commission has been working closely with the Office of Public Counsel. When consumers come before the Commission, it does not immediately send them to the Office of Public Counsel, they will try explaining to them what are their rights. It is possible that with an explanation, persons become satisfied. On the other hand, if there are matters that should be referred to the Office of Public Counsel, then the Fair Trading Commission will do that.

The Fair Trading Commission is also trying to impact on the way businesses are approaching the question of marketing practices. I gather that there have been changes, with some businesses displaying more information in hire purchase contracts; in the purchase of goods; in the display of price and interest rates, especially in car dealerships, and in letting persons know what are their rights.

Mr. President, as far as the Fair Trading Commission's role in competition is concerned, the Act came into force last year. In this regard, I have been told that there has been no formal investigation as yet but that five mergers were

investigated, even though they did not fall within the jurisdiction of the Fair Trading Commission because the combined market share of the mergers was below 40 per cent. The Fair Trading Commission is now investigating the A. S. Bryden's sale.

STAFFING

Last year when the Act was passed, some of you Honourable Senators who have been in this Chamber will remember that several of us were concerned about whether the Commission would have been able to attract the level of staffing that is needed, given the salaries that were offered, which we imagined would have fallen squarely within those approved by the Public Service. There was also the concern that the Commission needed to establish three departments with persons who have the expertise in marketing, consumer affairs or legal affairs.

What we are seeing might well be that the Fair Trading Commission is now feeling the pinch and that there might not have been sufficient staff in some areas to do the work that is needed, and that some of the present staff members might be caving in. I do know there are others who are in it for the long haul, who are working very hard and are determined to stay put.

Mr. President, I think one question of concern has been related to that of staff with legal qualification, that is the question whether or not they should be given a bonus for not practising law. I am not certain what is the position to that in relation to the Public Service of Barbados but I know that it is being done in other places. Therefore, I would think that if there is dissatisfaction among staff, that all investigations should be made to see whether the staff are of the calibre that one would want to keep in a Fair Trading Commission, whether their concerns are legitimate, and how these concerns should be addressed.

Mr. President, we have to expect these things; a new Commission has been established and is doing the things that a fair trading commission should be doing, and everyone does not have the desire or stamina to be a part of a controversial establishment but those who are committed to the country would realise that it would not be that way at all times.

Mr. President, another area in which the Fair Trading Commission has been working fairly hard is in the overseeing of the liberalisation of the telecommunications sector. I believe that considerable work has been done in that area with regards to Bartel's monopoly, and work in the carrying forward of the agreement signed with Bartel in 2001 is well underway, with the Fair Trading Commission at the helm.

Mr. President, I have made those comments to say that the public must not get the impression that the Fair Trading Commission is a paralysed body, with its staff contemplating resignation. It is very much carrying forward the mandate which has been given to it by the three pieces of legislation, the Fair Trading Commission Act, the Consumer Protection Act, and the Consumer Guarantees Act, which together form the regime which was so ably established under the guidance of the former Minister, who had done a lot of background work, to which Senator Nicholls has very ably spoken to the contributions that he has made.

Mr. President, the present Senator has lots of energy and patience and her heart is in the right place. Therefore, I feel certain that she will give the Fair Trading Commission the support that it needs and will, to some extent, bear with the criticism because this is all part and parcel of doing business.

Mr. President, I thank you.

Her HONOUR SENATOR Dame PATRICIA SYMMONDS: Mr. President, throughout its history, the Barbados Labour Party Government has enacted significant revolutionary pieces of legislation in keeping with its philosophy of social justice and a better life for all its people.

Sir, to cite a number of examples, there have been the Representation of the People Act; the Tenantry Freehold Purchase Act; the Status of Children Act; the Unemployment Benefits Scheme; the Constitution Amendment Act, which ensures that salaries cannot be arbitrarily cut; the Fair Trading Commission Act, 2002; the Consumer Guarantees Bill, and the Consumer Protection Act.

Mr. President, from what I have ascertained, the goals of the Fair Trading Commission are being met, and if I might remind Honourable Senators of these goals:

- (a) To promote and maintain and encourage competition in the economy and thereby enhance efficiency and production, trade and commerce;
- (b) To prohibit anti-competitive business conduct, which prevents, restricts or distorts competition, or which constitutes the abuse of a dominant position in the market;
- (c) To promote consumer welfare and;
- (d) To protect consumer interest.

Mr. President, people are already engaging the Fair Trading Commission's attention to alleged breaches of the

Fair Competition legislation, and we are seeing many cases being publicised in some media houses.

4.20 p.m.

Sir, I think I can safely say that consumers on the whole are very happy about the legislation because it gives them equality and bargaining power in relation to suppliers who largely had it their own way until recently.

I also think that the increase of the commissioners is reasonable and justified. I am also pleased to see that the complement of the full-time professional staff is also being increased because of the volume of the work already before the Commission which will obviously become larger.

Senator Newton mentioned something which I too am pleased about that the Fair Trading Commission has been visiting schools and explaining consumer legislation. In fact, I heard mentioned some time ago in this Honourable Chamber that Barbadians from an early age should be educated to appreciate their rights and that is happening now that our school children are being educated to appreciate the extent of this new right.

Sir, we have to remember that we are all consumers and throughout the legislation the overlapping theme is consumer protection. The Fair Trading Commission has done a very good job so far and I wish to congratulate the Government, the former Minister who has done this excellent work, the present Minister and wish her well. I also wish to commend the staff and commissioners of the Fair Trading Commission.

Sir, with those few words, I wish to support this Bill.

I am obliged to you.

SENATOR THE HON. J. E. D. WILLIAMS: Mr. President, I rise to give my full support to the Bill before this Chamber. I like to begin my presentation by congratulating the Minister for the way in which she has introduced the Bill before the Chamber.

(Mr. PRESIDENT left the Chair and Madam DEPUTY PRESIDENT took the Chair.)

SENATOR THE HON. J. E. D. WILLIAMS: Madam Deputy President, I want to make one comment in relation to the presentation by the Minister and this centers around the selection of a Chairman for the Commission. I agree with most of the argument she advanced in terms of the kinds of qualities one would look for in terms of a Chairman. The only slight difference of opinion has to do with the fact that, to my mind, the jury still remains out as to whether it is absolutely important that the individual should be someone legally trained and with 10 years experience and someone who has held judicial office.

The reason for saying this is that I have researched most of the larger jurisdictions and there is no similar requirement. I believe they too would have looked at the fact as to whether it was absolutely vital and important that the person be legally trained.

It would be correct to say that one should have persons legally trained as commissioners but I am not totally sold on the idea that the Chairman should be legally trained. I believe that elsewhere, comment might have been made on the good stewardship of persons like the late Wendell McClean who, to my mind, would have made an excellent Chairman. There are many other people, trained in other disciplines who can chair the Commission. We have made the Commission a quasi-judicial body but I am not totally convinced that we need a legal mind to chair it and it is basically a matter of opinion. Beyond that, I fully support the Minister who presented the Bill.

Madam Deputy President, the Bill in essence, seeks to amend the First Schedule of the Act to increase the commissioners from seven to eleven members. Quite naturally, this would facilitate and allow the Commission in a comprehensive way to treat to all the responsibilities that fall under it by way of statute, ensure that there is no extended workload and that the Commission itself does not become limited in its capacity to do the job at hand.

Madam Deputy President, it must be said that the Commission has only been in existence for two and a half years and for an institution, this is still a relatively short period of time. As you know, it takes years for any institution or organisation to develop its own culture to gain acceptance. For example, I share the views of Senator Stuart that quite often the Commission is unnecessarily criticised simply because it is young, fledgling and has a difficult job at present.

I admire the way in which they have gone about assisting the process of liberalisation of the telecommunications sector and the role it has to play in that regard. Madam, in other jurisdictions, things like utility legislation, fair competition and consumer protection are normally dealt with under separate agencies but in our case, we have sought to bring all under one Commission, the Fair Trading Commission.

Hence, one can understand the reason why we would want to move the number of persons from seven to eleven in order to accommodate the extended workload of the Commission when it begins, in earnest, to deal with matters of fair competition which will become particularly key and important as we move toward the Caribbean Single Market and Economy and the FTAA, ... despite public perception

that the Fair Trading Commission only deals with telecom matters. There are many other entities, in terms of utility regulations, that fall under the Fair Trading Commission and I hope that equal attention would be paid to things like the Barbados Light and Power Company in the future. We need to focus on things like service and standards within the electricity sector. There will be things that will engage the attention of the Fair Trading Commission.
4.30 p.m.

For example, at one point in time the Public Utilities Board dealt with the setting of rates for the transportation sector but that was subsequently removed. It is hoped that in the future the time will come where the quality of service and setting of rates will fall under the Fair Trading Commission.

I know that Government is preparing the Barbados Water Authority to be able to come under the purview of the Fair Trading Commission so that it can treat to things such as rates and the quality of service from that entity. I do look forward to that being a reality.

Madam Deputy President, with respect to competition, the Fair Trading Commission is now preparing itself to be able to fulfill its mandate as prescribed in the Act. The Fair Competition legislation will become the most important piece of legislation which will govern and shape efficiency within the private and business sector as we seek to integrate both regionally and internationally.

Madam Deputy President, like other Senators, I wish to congratulate the former Minister, who to my mind, was able to bring some of the most revolutionary pieces of legislation, inclusive of the Fair Trading Commission. He did an outstanding job and I want to place on record my congratulations to him. I also wish to congratulate the outgoing Chairman of the Fair Trading Commission and all those persons who would have served on the Commission.

Madam Deputy President, I want to refer to the establishment of the office of Public Counsel. There will be some people who may not have the resources to process legitimate complaints to the Fair Trading Commission. A number of people are now taking their complaints to the office of Public Counsel. The most recent report of the Fair Trading Commission made reference to the fact that over five hundred complaints have been referred to the Public Counsel and only ten were referred to the Consumer Claims Tribunal where resolution could not be reached at the level of Public Counsel. Therefore, the office of Public Counsel continues to gain the acceptance and confidence of the public. Hence, in the future it may be necessary to expand that office to deal with the many complaints that are being referred to that office for resolution.

In recent times the Public Counsel assisted the interveners, particularly in the case of the rate ratings on telecom. The Public Counsel was also able to intervene on behalf of two entities. The Public Counsel has been able to do a tremendous job and I hope that more persons would take advantage of using Public Counsel.

The Fair Trading Commission has been dealing with matters particularly of telecommunication and one must understand that telecommunications will continue to play an important role as we continue to build a services-based economy that will be able to sustain the quality of life that we desire for our people.

I also would like to see it being moved at a greater pace so that we can meet the time schedule for the full liberalisation of the telecom sector. I think that it is fair to say that we are hoping that we will be able to move into phase three of the liberalisation of the sector sometime during the month of July this year. The third phase will see the freeing up and the opening up of the international sector to competition. Phase one saw the introduction of competition within the cellular market, phase two saw the introduction of competition within the local telephone sector and phase three will be on the international side.

Madam Deputy President, it has taken us a long time and there are others who would love to have seen Barbados liberalise telecommunication much earlier but the process was made more difficult because of the twenty-year licence which was granted to Cable and Wireless in 1991. This became the greatest stumbling block to the process of liberalisation of that sector.

Madam Deputy President, other OECS countries like Jamaica have moved ahead and are fully liberalised. We are still to reach the point of full liberalisation where we move into phase three.

There is a lot that can be said about the way in which that licence was granted in 1991 and the fact that it hamstrung the then Government and certainly our Administration since 1994. I have to say that it has taken tremendous effort on the part of Government to be able to sit and negotiate with Cable and Wireless in a way that would see that company agreeing to give up its licence eight years ahead of schedule in 2001, through the signing of the Memorandum of Understanding.

The Memorandum of Understanding was unfortunately used by the Opposition as some kind of a skegel 16.39 to anti-government sentiments. It is unfortunate but the truth is, that twenty-year licence was property and there is no one who had property who will not look at the consequence of

giving up. It is like someone having a house, something of value, and you are saying that you are going to give it up without sitting down and negotiating something in return. In the case of this Government, we have been able to get an agreement which would see full competition later this year.

Earlier I spoke about phase one which referred to cellular services, phase two the domestic services and phase three the international services.

4.40 p.m.

I just want to make a few other brief comments in relation to the Telecommunications (telecom.) Unit because it is particularly vital that this unit continues to be strengthened, to be able to support the process of liberalisation.

Madam Deputy President, I am happy to say that, again, the staffing of that unit continues to be beefed up in a way that it can take over the functioning, particularly in things like making sure that the emissions put out by the different cell sites in Barbados, fall within the stipulated levels.

I know lots of Barbadians have commented from time to time, in terms of the number of cell sites that have gone up and if indeed these things can have impact on people's health and so on. This is something that Government has given tremendous attention to, in order to make sure that our regulations are even tighter than even some international regulations. I mentioned the telecom unit because the role of the telecom unit becomes important as far as that is concerned.

With respect to the Fair Trading Commission, and Senator Newton is absolutely correct that the staffing of the Fair Trading Commission again has improved. The work of the Fair Trading Commission continues to expand and therefore the support staff for that entity would also concomitantly have to be increased. Again, the Ministry of the Civil Service has acquiesced to the request of the Fair Trading Commission for expansion in its staff complement.

The Bill before us is one with which I have absolutely no difficulty and, again, I want to compliment the staff of the Fair Trading Commission for the tremendous work that it has been doing. I know they have been performing under very difficult circumstances because certainly, the rate hearing process that they are going through, along with the criticisms that they have been getting, have not helped the situation. Nonetheless, they have been doing a tremendous job and I would like to take this opportunity, Madam Deputy President, to extend congratulations to them for their hard work, and to say that this Bill has my fullest support.

I am obliged to you.

SENATOR I. G. P. GOODING-EDGHILL: Madam Deputy President, I too would want to join with all other Senators in congratulating the Honourable Minister, Senator Eastmond in the way she introduced the Bill this afternoon in this Senate.

The work of the Fair Trading Commission must be congratulated and indeed, complimented because the legislation brought to this Honourable Chamber is indeed very revolutionary, because for once, it has given Barbadians, and all consumers a right of choice and the subsidiary legislation must encourage Barbadians to have a say in the consumers' products that are available in all sectors of the marketplace.

I will also want to associate myself with the comments with respect to staffing. I believe that there is a lot of work ahead of the Fair Trading Commission and when we look at other Fair Trading Commissions around the world, we will see that even though they have greater resources when compared to little Barbados, we will see that media relations, for example, which obviously serve to enhance public understanding and compliance with the Fair Trading Commission's regulatory requirements through dissemination of information, should be executed in Barbados.

I think there is a need for the Fair Trading Commission to enhance their media relations. Another area that comes to mind would be research and policy development. It is clear that there will be a need to conduct studies and to have independent policy on engineering and technology and that is very relevant. For example, I believe that the Commissioners should have persons on staff who are trained to deal with matters of engineering and technology.

Madam, have no doubt about it, we are living in a world that is improving technology almost on a daily basis, and there are times when there will be companies which will come before the Commission with new and improved technologies. Those technologies would have to be the subject of much discussion. It is from that basis, I believe that it is absolutely necessary for the Commission to have an engineering and technological staff to assist and to advise Commissioners on these relevant points.

I alluded earlier to market studies and I also believe that it is absolutely necessary, in terms of enforcing legislation in Barbados on competitive practices. It is absolutely necessary that we ensure that the Fair Trading Commission stops any abuse of dominant market positions, essentially uprooting antique competitive behaviour, as it relates to telecom.

I think we can all see through the revolutionary pieces of legislation record, that we have now seen the liberalisation

of the telecom market. We have seen, with respect to the cellular market, where fees and the rates have considerably reduced, and this is in no small measure due to the revolutionary thinking on the part of the Barbados Labour Party in advancing these positions.

I however, Madam Deputy President, would like to say that I believe in order to perhaps simplify the work of the Fair Trading Commission, it would be useful, as it relates to telecom and cellular units, for them to have a uniform system of accounting. I believe that there should be certain standard procedures for separating telecommunication property costs, revenues, expenses and reserves.

I think this is absolutely necessary because a lot of the work of the Commissioners obviously would be tied down in analysing the different data presented to them, and it is imperative that we have a uniform system, so that when the information is presented from all parties, that the Commissioners would be, in terms of making timely decisions, they would be in a position to review the information in a certain standard format. It happens all over the world.

For example, if we go to the Fair Trading Commission in the United States of America, there is a regulation that they have to comply with – a standard uniform system of accounting. We can go further afield and see that this is something not only known to Barbados. We are dealing with companies, especially in the telecom sector who have offices elsewhere, and to ensure that there is proper interpretation of accounts, and to ensure transparency of transactions with affiliates, I think it is absolutely necessary that a uniform system of accounting be introduced or be seriously looked at.

I would want to say that the competition enforcement policy, and with respect to the consumers' regulation enforcement, I think that the Commission has done a good job. I am sure that they will continue to do a good job in promoting strong competitive culture across a wide range of markets and that is absolutely necessary.

Like I said earlier, it is absolutely necessary that we stop any abuses from dominant market positions, essentially uprooting anti-competitive behaviour, so that the consumers in Barbados would benefit, as we can see that they are beginning to realise significant, indeed, substantial benefits from the changes.
4.50 p.m.

It is absolutely necessary that we increase the number of Commissioners. We are not fortunate like other jurisdictions to have a number of staff available to a Commission, so it is absolutely necessary that we have a

a cadre of Commissioners who can go out there and do the necessary work on behalf of the people of Barbados.

Madam Deputy President, I am very pleased that in the one sector of telecommunications that we have the consumers have realised substantial savings. We are seeing now where there is almost a competitive war going on with full page advertisements in the local newspapers. At the end of the day the consumers would be the beneficiaries of all these policy initiatives that we, as a Senate and as a Barbados Labour Party, are putting in place to help reduce the high cost of doing business in Barbados. For example, we can now see in Barbados where with reduced telecommunications cost we can create call centres which are something we were perhaps not able to achieve as we would have like to achieve within past years because of the high cost of telecommunications in Barbados and the high cost of doing business with respect to telecommunications. Now that we have an open market regime, we can witness now an improvement in call centres which would again create additional employment opportunities for Barbadians.

Madam Deputy President, I want to congratulate the Minister for leading us in this Debate with respect to the amendment to the Fair Trading Commission Bill. I would obviously not want to go and speak to the other matters because I think those matters have been covered but I would want once again to congratulate the Minister and to say in supporting this Bill that Barbados and Barbadians are better off as a result of the wide-ranging and far-reaching legislation being brought to Barbados.

I thank you.

SENATOR THE HON. E. R. GRIFFITH: Madam Deputy President, I will be brief in my comments although I think I have a duty to express my support for the proposal before us to amend the Fair Trading Commission Act to increase the number of Commissioners as explained by the Minister responsible.

As the Minister indicated, the Fair Trading Commission has a wider mandate than its predecessor, the Public Utilities Board, and therefore it is expected to deal with issues far in excess of the regulation of utilities. In fact, the essence here is, as outlined by the Minister, fair trade and competition. In an economy such as ours where things are left to market forces there is a presumption that there is fair competition, therefore, market forces will work to our best advantage in allocating and distributing resources. Unfortunately, as we know the reality is that those situations seldom exist if they do exist at all. That is why it is necessary to have institutions such as the Fair Trading Commission which would seek to put a stranglehold on monopolies and oligopolies as occurred in our situation and sometimes cartels. Those institutions by their very nature are able to so

control what is happening with respective countries that they completely distort market forces and lead to some optimal allocation and utilisation of our resources. The consequence of that is that our economic development is therefore not as buoyant as it would normally have been if perfect competition had existed. That is why an institution such as the Fair Trading Commission is so vital for our future development particularly, as explained by the Minister, in a setting where we are embarking on a Caribbean Single Market and Economy and where Barbadian companies would seek to engage in operations outside of Barbados and *vice versa* and where mergers would take place as companies seek to confront the competition that will result from the liberalisation of trade and will operate on a basis that if they bring their resources together and pool their expertise that they would have a stronger and larger base from which to operate and to stave off the competition. However, the nature of business is such that sometimes even with the best will when these mergers and other things take place they do not always take place in a setting which leads to fair and transparent competition.

As all of us know there is ongoing discussion at the multilateral level and at the hemispheric level where in each case the issue of competition, agreements and competition policies are being promoted and in due course they would probably succeed. That is another challenge we would have to deal with. I do not think that at the present moment the way in which our Fair Trading Commission is structured that it can deal with those situations if they develop to fruition.

In the event that those situations materialise, I am sure we would have to look again at the structure of the Fair Trading Commission in terms of staff on board or the access to expertise because while here we are dealing with the issue of the increase in the number of Commissioners so as to enable them to get involved in more discussions and investigations on issues. I am sure that at some point in time we would have to deal with the staff of the Fair Trading Commission beyond the question of Commissioners to put them in a position to do the investigative work that would be necessary to satisfy them that the business practices which are being pursued are being pursued in a fair and transparent manner and that a few are not in a position to so operate as to crowd out the majority and that every business will have a fair and equal opportunity to pursue its own destiny.

Those are the issues we would have to deal with later on. At the moment the issue is the expansion in the number of Commissioners to enable them to get into additional activities. Therefore, I fully support this proposal before us. I have no doubt at all that the Minister will live up to her promise to deal with the appointment of a chairman and will appoint additional Commissioners who are competent and are able to carry out the task which would be entrusted to them.

Madam Deputy President, unlike some of my colleagues and other Senators I am not at all unduly worried about the resignations, these things happen in life. People will go and others will come. As Senator Newton said, it may very well be that some have found the heat too hot and have now bolted, maybe they were faint-hearted.
5.00 p.m.

Madam Deputy President, as a cricket fan, I take heart from what happens in cricket; great batsmen and bowlers come and go, and everybody gets into a depressed state and wonder what would happen next, then up comes another great batsman or bowler.

Asides.

SENATOR THE HON. E. R. GRIFFITH: Madam Deputy President, I support the Amendment and commend the Minister for the job she is doing and wish her well in her future endeavors.

SENATOR R. W. GRANT: Madam Deputy President, it is very true that the expansion to the Fair Trading Commission could not have come at a more appropriate time. Madam, this is a time when it is being charged with the responsibility of the economic regulation of the telecommunication sector, ensuring that the consumer's protection and guarantees are provided for, and ensuring that there is fair competition.

Madam Deputy President, I have previously said that Barbados today is a different place from the Barbados of 30 years ago. Indeed, the world environment is different. In the 1980s, the then Soviet bloc countries focussed on a Marxist form of Government. We all know and history has recorded the fact that many of those Soviet bloc countries have been seeking to transform their economies by focussing on the market and by facilitating competition, to ensure that their people have the benefits of a developed environment, as would have existed in the Western world.

Madam Deputy President, the Fair Trading Commission is existing at a very dynamic time. I remember the words of a well renowned calypsonian, the Mighty Sparrow, who, in a song, was singing about capitalism. He was saying words to the effect that: "It bad, bad, and getting so sad, capitalism gone mad".

Madam Deputy President, I am also reminded of the words of the economist Arthur Oaken, who, in his book *Equality and Efficiency: The Big Tradeoff*, said that the market needs a place and that the market needs to be kept in place. Sir, that outlines a very important role of the Fair Trading Commission, in ensuring that the competitive environment is such that the benefits of competition are facilitated for the broad spectrum of persons but that, at the same time, the competitive environment is not allowed to get out of hand.

Madam Deputy President, there are those who previously would have said that natural monopolies were relevant. I do not believe that there are many entities, if any, which could argue that provision of monopoly power is relevant in this new environment where globalisation and trade liberalisation represent the buzz words of the day. In fact, one would recognise that the 1980s in a sense, represented an era of great technological revolution.

As I listened to my Opposition colleagues in the Senate indicating that they were giving their support to this amendment, I was very happy. I was happy because had it not been so, I would have to ask how was it, when in the 1980s when the technological revolution in the provision of the telecommunications services was taking place, a Democratic Labour Party administration made the determination to provide the monopoly service provider for domestic and international telecommunication services with a 20-year monopoly licence, when up to that time, the monopoly licence provider was given a 10-year licence.

Madam Deputy President, this Government has made it very clear, both in our Manifestos of 1994 and 1999, that the reform of the telecommunication sector represented an aspect which would allow for future growth and economic development of our country. We, therefore, set about to do what was right and what was in the interest of the people of this country.

Madam Deputy President, today we are already beginning to see the benefits of telecommunications reform. We are seeing cellular rates falling significantly but it is not only in the area of telecommunications reform that the Fair Trading Commission has its focus. It has also to ensure that business entities do not abuse their position of dominance. It has also to ensure that there is no collusion which would be to the detriment of consumers.
5.10 p.m.

Madam Deputy President, this amendment is important because the Fair Trading Commission has a lot of work that must be done. In many other jurisdictions, the Fair Trading Commission has responsibility for a number of different entities and it is important that we provide on an ongoing basis the resources to the Fair Trading Commission to carry out its mandate and do its work.

I want to briefly touch on the issue of resignations. Madam, resignation from entities is nothing new. It has been with us in the past and it will be in the future. It is important that the entities which come under public scrutiny from which the individuals may have resigned that those entities perform the task and role that they were formulated to do. Madam, the public can see that the Fair Trading Commission

is engaging in the task and performing the role it has been required to do under the legislation.

Madam Deputy President, I am happy to give my support to this amendment. I want to say as it relates to the new competitive cellular environment that it is important that we ensure that there is broad ownership and partnership in that emerging sector because we have to be always cognisant that as we develop and grow, we provide the opportunity for Barbadians to participate.

I want to take this opportunity to compliment the Honourable Minister on the work she has been doing. I also want to compliment the Fair Trading Commission for the work it has been doing and to give my support to this amendment.

Madam Deputy President, I am obliged to you.

SENATOR T. E. BARKER: Madam Deputy President, I want to make a few comments on this Bill which I support wholeheartedly. I also support the special intention of the Bill because the increase from seven to eleven members would go a long way towards easing the strain on the Commission. The Commission is not only involved in rate hearings for the telecommunications sector but in water, transport, natural gas and then there is the consumer protection of it. Of equal importance is the fair competition of the Commission so that the work of the Commission is tremendous and will get more so as Barbadians realise what the Commission is doing and how it can help them in their relationship with the business class. We can see that the work will increase as time goes on.

The Commission is not made up of full-time members, therefore, it is important that the members of the Commission, out of an interest of serving the public, give up their time and energy to assist in this important aspect of public life because the compensation is not much. The idea of having more Commissioners which would lead to a reduction in the individual members' workload, is something that must be commended. We want to thank the Minister for bringing this important amendment to this Chamber.

I want to focus on an aspect of the Fair Trading Commission which has not received much attention yet but which is very important. It is the whole question of fair competition. If we want to develop a society where people can realise their ambition, where people with entrepreneurial energy and ideas can develop, then we have to ensure that the playing field is as level as possible. We want to ensure that firms who are dominant in the market do not use their position to prevent members from entering the sector, or if they enter the sector that they do not use their position in order to frustrate the new entrants.

Madam Deputy President, we have to ensure that the big firms do not squeeze the small firms because it would not do much for social equality to have this behaviour permeate the business landscape. It is in everybody's interest that the hopes and ambition of those who are most vulnerable are at all times respected.

Madam Deputy President, this is going to be a very important part of the Fair Trading Commission's work. This was brought home to me a few weeks ago when the newspapers highlighted tension, real or apparent, that exists in the service station sector where many service station owners were complaining that the behaviour of the marketers in that sector was impacting negatively on their operation. They complained about the case where rents were increased threefold, where an individual rent went from seven thousand to twenty-three thousand dollars. Madam, they were complaining in the newspapers and I asked myself why they did not formally make a complaint to the Fair Trading Commission because this is what it is about.

I believe that the Fair Trading Commission is about ensuring that all practices within the different business sectors are not only above board but fair. I am told that there is something called a rent review board so that a landlord cannot arbitrarily increase the rent and that the renter can seek redress.

I believe that the Fair Trading Commission has to play that same role so that these firms will have an avenue for complaint. I wondered why the gas station owners did not use this avenue. I hope they would because we want to ensure that our practices in the business sector are fair. Madam, we complain about transparency in the Government sector and quite rightly so but the same way we want transparency and proper method of operation in the public sector, we want the same thing within the business sector and it is a must as far as I am concerned.

While I am on the subject of service stations, I want to say that I have been associated with the sector for some time and I am convinced that if we have proper business practices going on within the sector, that the exorbitant markups we have in place now where it takes twenty-five cents to get a litre of gasoline from the terminal... Madam, this was in place since 1994. Madam Deputy President, when I compare the amount of money to do the same job in other countries, I come to the conclusion that there is some scope for sub-contractors. The irony is that both the marketers and the gas station dealers are always seeking increases in the margins. I feel that if there were proper re-allocation and practices we might even be able to reduce that high figure and bring it in line with what it should be. Madam Deputy President, that is my opinion and I am sure that a lot of people in the sector also believe that.

5.20 p.m.

Madam Deputy President, the marketers are being paid eleven cents for handling a litre of gasoline. In addition they charge the retailer rent and if they have a convenience store they also pay a rent for that convenience store. There are three sets of income for the marketers, the margin, rent for the service station and rent for the convenience store.

I believe that we need to look at that corporation and see if there is not a strong case for a consumer's organisation to look at the whole operation because in the final analysis, whatever the margins are, the consumer has to pay. I believe that is one area that the Fair Trading Commission should look at with some urgency, especially now that we know that gas prices in the United States of America are at the highest level that they have ever been. We do not produce gasoline. We produce a small amount of crude oil and we are price takers. If the world price of gasoline is so high, then it will only be a matter of time before the price of gasoline increases in Barbados.

The Fair Trading Commission needs the changes as proposed in the legislation to allow it to deal more effectively with the increasing work load. Some people are advocating that electricity, water and gas should come under the Fair Trading Commission.

We must remember that the Fair Trading Commission is not only about setting rates. It is about ensuring that quality service is provided to consumers at acceptable standards. In Barbados we believe that we should be setting the trend and not merely following.

I want to support this legislation and commend the Fair Trading Commission for the work that it has done so far in very trying circumstances. I know that some of those Commissioners listen to complicated and complex arguments daily. In the final analysis I believe that they are going to arrive at solutions and figures that will be fair and reasonable to all concerned. We need properly functioning services as we seek to develop our country.

Many Barbadians are benefitting from the Fair Trading Commission without going to court primarily because there is a Public Counsel that can deal with complaints, even if the complaint is for a small amount of money. This revolutionary Government has put in place legislation to protect the consumers of Barbados and they must be highly commended for it. I think that even the Opposition would graciously agree with me that the consumer is getting a better deal. With those few words I thank you and I support this Bill.

SENATOR Miss S. C. V. HUSBANDS: Madam Deputy President, I want to add my comments to congratulate the current Minister and the outgoing Minister on the excellent work being done by the Fair Trading

Commission. However, I want to speak from the angle of the Small Business community who would have been impacted on by the advent of this legislation.

I wish to say that these three pieces of legislation represent a coming of age for our economy in terms of our business practice. Madam Deputy President, for businesses, large and small, within the Barbadian context it is for us to move up in terms of the professionalism and integrity with which we execute business within the Barbadian context. Madam Deputy President, not only is the legislation there for the protection of the consumer, it also forms protection for the vulnerable small and micro businesses within our economy.

If we are going to build a fair and equitable country, a country in which everyone can pursue their dreams and a country in which entrepreneurs grow and develop, then it is necessary to create the environment in which they can compete fairly and be treated fairly by others in the market.

Madam, as President of the Small Business Association, I can tell you that I often hear the horror stories that some small businesses experience within the economy, in terms of the practices engaged in by other competitors and how it has impacted on them extremely negatively. The fact is that the Fair Trading Commission legislation brings a measure of protection or redress to those people who were unfairly treated by the practices of others.

Madam Deputy President, one of the things that, I think, has been important for them will be the fact that the Fair Trading Commission would be able to deal with issues such as price-fixing and the abuse of dominant position that has often made business very uncomfortable for some small businesses within the nation. I think that what is necessary, on behalf of the small business sector, is that more education needs to be engaged in so that they can understand what violates their rights under this legislation and to the issues that they can bring to the attention of the Fair Trading Commission and get the kind of relief that they need, so that they can pursue the development and growth of their businesses.

Madam, I will say that a great deal of effort has been made on the part of the Fair Trading Commission and the Small Business Association to be able to bring education concerning the legislation. Recently, we had a session in which our members were able to ask questions, explore certain things that they were doing and find out what was wrong and how they apply to their particular sector.

I must say that I am very pleased with the eagerness and consideration that small businesses are giving to their responsibility under the Fair Trading Commission legislation. Many of them in the early days, after the passing

of the legislation, took steps without waiting to do simple things like changing their policy on refunds and exchange of items and many of them have been very willing to examine their practices. Madam, what I discovered among them is that they may be unsure exactly what it is that they are supposed to do.

Madam Deputy President, there are some groups that still need to be aware of the fact that this legislation pertains to them. I am speaking here of some artisans and micro businesses which may not be aware that this legislation has implications for how they conduct business and the types of practices that they engage in, with the consumer. Therefore, we must not relax our efforts in terms of reaching out to them and helping them to understand that it pertains to them. It also pertains to the painter who comes to your house to paint. It pertains to the carpenter and the hairdresser and other small business people.
5.30 p.m.

I am very hopeful of the outcome because, as I said, I see an eagerness and a commitment to want to live up to the Fair Trading legislation. In the Small Business Association (SBA) we call it being FTC compliant and they are now aware that they have to be FTC compliant and examine their practices.

Madam, not only has it been a benefit, in terms of giving them the opportunity to be protected from unfair practices and unfair competition, it has given them, as I have stated, the opportunity to improve on their own behaviour, in relation to the consumer. When I look at the advantages to the consumer under this legislation, it reminds me so very much of that verse of scripture which talks about oppressing the poor and the hungry, and oppressing the widows and the fatherless by having false measures. In truth and in fact, every nation that seeks to bring justice and righteousness to its people, needs to have legislation like this, that is able to bring to people justice and goodness in their experience with their service provider. I think that as time goes by and this legislation is used, as it continues to transform business, it is going to create more benefit and value as the years roll on and people become aware of what their rights are and what they need to do.

One of the things that I would like to see, though it will be a challenge to businesses, is the emergence of a very strong consumer association that is organised, that is focussed, that is able to step in on certain issues and help consumers exercise the power which they have to be able to impact on their service providers so that they get a fair deal. I was very heartened by the news that quite a number of consumers have used the Fair Trading legislation for their benefit. I was also very heartened to see in the newspapers and to hear on the call-in programmes that even on the issues pertaining to bank charges, consumers are beginning to lift their voices. We are seeing the results already that,

immediately, it is causing businesses to take a step back and look at what they are doing, and make the necessary changes.

Therefore, I want to say that I am glad to be able to have the opportunity to state my happiness on the fact that we have this legislation existing in Barbados. I can see it helping our businesses engaging in better practices and being more competitive, by doing good business rather than engaging in unfair practices. I can see it bringing value to our small businesses, giving them an opportunity to grow and to develop and to be ready to compete with other people, whether it is within the CARICOM space or further afield in the FTAA. I look forward to the tremendous benefit to our community.

I thank you.

SENATOR Miss L. V. EASTMOND: Madam Deputy President, firstly I would like to thank all Honourable Senators for their overwhelming support of the proposed amendment to the Fair Trading Commission Act to increase the number of Commissioners.

I also note that some concerns have been expressed and I would highlight, in particular, those expressed by Senator Stuart and Senator Newton. This has to do with the fact that within the context of the matters that are being heard before the Commissioners presently, that from a procedural perspective, we might not have been as strong as we should have been, especially since this is a quasi judicial body.

Senator Stuart, Senator Nicholls and Senator Newton, because of their legal training, I believe, have the capacity to see what others cannot see, in terms of the reason that the Fair Trading Commission Act was drafted, in the first place, to recognise the necessity of having someone with legal training head, a quasi-judicial body. I must say that it is important that we are not misguided by what occurs in other more developed jurisdictions, where they have the capacity to have full-time Commissioners and to train and educate a cadre of individuals, exclusively in utilities regulation.

As with all small states, what we must do and what we are forced to do is that when we are dealing with procedural matters, and when we are dealing with a quasi judicial body, we call upon the legal training and expertise that we have within our midst, and we do not take it for granted. Unfortunately, we are going down the road these days where whatever your skill is, you look at someone exercising a particular function and you just look at them and say that I feel I can do that too. This is not the case.

I am certainly one who believes in relying on expertise in anything that I am doing. I believe that if a person studied

in an area for seven years, they must know more about it than I do, if I have not studied the area. Certainly, with legal procedure, it is an area that is more complex and technical than even the substance of law itself, as I have said before.

Madam, with respect to staffing of the Commission, as everybody knows, the Minister appoints the Chairman, the Deputy Chairman and the rest of the Commissioners and they are left to run the Fair Trading Commission. Any policy matters are determined by the Cabinet and the Minister.

In terms of the management of the FTC, I believe it is my responsibility to take into account any matters that are brought to my attention. Certainly, my door is open to engage in discussions about any concerns that any member of staff might have, but what I can say to you is that thus far, no such matters have been brought to my attention.

I would like to thank the Honourable Senators also for their support of me, personally, in this new endeavour, my Ministry, generally, and by extension, the Fair Trading Commission. I would like to express my own appreciation to the Commissioners and staff of the FTC. I would also like to take the opportunity here to thank Members, on behalf of the Fair Trading Commission which falls within the portfolio of my Ministry for your support here and elsewhere.

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

The question was put to the Senate and agreed to.
5.40 p.m.

GRIFFITH, the Senate resolved itself into Committee, HER HONOUR SENATOR Dame PATRICIA SYMMONDS in the Chair.

COMMITTEE

Madam CHAIRMAN: The Senate is in Committee.

Clauses 1 to 2 inclusive, were called and passed.

On the motion of SENATOR THE HON. E. R. GRIFFITH, Madam CHAIRMAN reported to HIS HONOUR, the PRESIDENT the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. E. R. GRIFFITH, the Bill was read third time and passed and cited as the Fair Trading Commission (Amendment) Act, 2004.

ADJOURNMENT

SENATOR THE HON. E. R. GRIFFITH:
Mr. President, I beg to move that the Senate do now adjourn *sine die*. However, I wish to inform Honourable Senators that it is my belief that we may meet on Monday, March 22, 2004 to consider the Estimates of Revenue and Expenditure.

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.
5.45 p.m.

On the motion of SENATOR THE HON. E. R.

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