
THE SENATE DEBATES

(UNOFFICIAL REPORT)

PARLIAMENT 2003 – 2008

THE SENATE

Wednesday, March 1, 2006

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, March 01, 2006, at 11.20 a.m.

PRESENT

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

Her Honour Senator Dame Patricia SYMMONDS, D.B.E., G.C.M. BA (Hons) (PG CE), J.P., (Deputy President)

Senator the Hon. E. R. GRIFFITH, G.C.M., J.P. B.A. (Econ. & Hist), Dip. Pub. Admin., M.Sc. (Financial Studies)

(Minister of Agriculture and Rural Development) (Leader of the Senate)

Senator the Hon. Miss L. V. EASTMOND, LL.B. (Hons.), LL.M. (Minister of Commerce, Consumer Affairs and Business Development)

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

Senator R. W. GRANT, B.A. (Econ.) G.Dip M.A. (Parliamentary Secretary, Ministry of Tourism and International Transport)

Senator I. St.C. LINTON

Senator Miss S. C. V. HUSBANDS, B.A. (Hons.)

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

Senator G. P. I. GOODING-EDGHILL:

Senator G. P. B. NICHOLLS, B.Sc., (Hons.), LL.B. (Hons.)

Senator F. J. STUART, B.A., LL.M.

Senator Dr. D. S. LOWE, Ph.D. Dip. Theology, B.A.,

MED, ED.D.

Senator Sir ROY TROTMAN, K.A., M.A.

Senator Sir JOHN STANLEY GODDARD, K.A., G.C.M., B.Com., F.C.A. (Hons.), LL.D. (Hons.) (U.W.I.)

Senator the Very Reverend H. E. CRICHLAW, G.C.M., B.A. (Hons.) (Dunelm)

Senator Sir Allan FIELDS, K.C.M.G.

Senator Dr. F. L. CHANDLER, Ph.D., B.Sc. (Hons.)

Senator R. O. MARVILLE, B.A. (Hons.), M.A. African Studies, M.B.A.

Prayers were led by Senator the Very Reverend H. E. CRICHLAW.

Mr. PRESIDENT: The Senate is in session.

PRESENTATION OF PAPERS

SENATOR the Hon. E. R. GRIFFITH: Mr. President, I am commanded to lay the Annual Reports of the National Council on Substance Abuse for the periods April 2000 - March 2001 and April 2001 - March 2002.

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE AND MOVED BY A MINISTER

SUSPENSION OF STANDING ORDERS

SENATOR the Hon. E. R. GRIFFITH: I beg to move that Standing Order 22(1) and 45(2) be suspended for the rest of this Sitting.

The question was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR the Hon. E. R. GRIFFITH: Mr. President, I beg to give notice of the Standards Bill, 2006 and asked that it be read a first time.

The question was put to the Senate and agreed to.

SENATOR the Hon. E. R. GRIFFITH: Mr. President, I beg to give notice of a Resolution to approve in

accordance with Section 5 of the Crown Lands (Vesting and Disposal) Act, Cap. 225 the lease to the Barbados Correction Corporation of the parcel of land, the property of the Crown, situate and Dodds Plantation in the parish of St. Philip in this island to facilitate the construction of a new prison facility.

PUBLIC BUSINESS

ORDER No. 3

SUPREME COURT OF JUDICATURE (AMENDMENT) BILL, 2006

SENATOR the Hon. E. R. GRIFFITH: Mr. President, the Bill before us is seeking the approval of the Senate to amend the Supreme Court of Judicature Act to provide for the creation of a post known as “Master of the High Court”. The post of “Master of the High Court” is familiar not only to those who are acquainted with the legal system in the United Kingdom but also to those who are familiar with the system in the Eastern Caribbean countries, even though it is new to us in Barbados.

Mr. President, as set out in the amendment to the Act, Clause 69A states that:

(1) “A Master of the High Court shall be appointed by the Governor-General on the advice of the Prime Minister after consultation with the Chairman of the Judicial and Legal Service Commission.

(2) No person may be appointed as Master unless that person is an attorney-at-law who has practised as such for not less than ten years.

(3) A Master shall exercise such authority and jurisdiction of a judge of the High Court sitting in Chambers as is assigned to the Master by this Act or rules of the court.”

Mr. President, it is important to note that even though the Master would be performing a number of duties related to the business of the court, the Master is not a judge.

Mr. President, the decision to create the post is one of a number of measures which have been put in place recently, and some others which are still to come, which are aimed at reforming the entire justice system to make it more efficient and to ensure that the decisions of the court are provided on a timely basis.

Mr. President, all of us, I am sure, appreciate the importance of a properly functioning judicial system because it is a critical part of our social and economic development. Mr. President, litigants need to be assured

that whenever they have to take matters to the court, whether they be commercial matters, criminal matters or civil matters, that they would have a speedy hearing and a speedy conclusion of their business so that they can carry on with their affairs. Therefore, the Government is seeking to make sure that the judicial system is reformed and kept up to pace with all of the other developments which are taking place in the society.

Senate 46 Sequence 3

11.30 a.m.

Wednesday, March 01, 2006

SENATOR the Hon. E. R. GRIFFITH: Mr. President, all of us would remember the days when we had to wait an inordinately long time to get a simple birth certificate from the Registration Office, but I went there recently to get one and I was very pleased to notice that I got it in a fraction of the time that it would have taken a few years ago. Sir, that was because of the use of Information Technology. There has been similar improvements in relation to other matters, such as land tax certificates, et cetera. Therefore, by gradually introducing technology into the system, improvements are being made, so as to facilitate the clients of the Supreme Court.

Mr. President, recently the Chief Justice has announced a number of measures which are being put in place to improve the Judiciary. All of us would remember a few weeks ago the numbers of High Court judges were increased, while a number of Appeal Court judges were also added. Not so long ago the decision to abolish what is known as the traditional Assizes, would have created an opportunity for an improvement in the system because the two courts, which previously dealt with those matters, now have extra time to deal with the business of the nation.

Mr. President, two permanent Chamber Courts were also established, and evidence has recently shown that there has been a significant increase in applications which have to be dealt with in-chamber. These average about 100 applications a week. Therefore, by having these two courts dealing with that matter, I am sure that clients would be able to have their business transacted more efficiently.

Mr. President, there were also changes to the number of magistrates and not so long ago, the former Attorney-General, indicated it was Government’s intention, in the very near future, to create a Commercial Court, as well as a Family Law Court. These are all measures designed to improve the functioning of the system and to ensure that the backlogs, which may now exist, would be disposed of and that in future the business of the court would be dealt with, in a more speedy and efficient manner.

Mr. President, there has also been the use of technology in relation to court transcription. Sir, in the near future, it is proposed to add additional software like that which is currently being used in other Organisation for Economic Co-operation and Development (OECD) countries. This software will enhance the management of case flow, so that the work of the courts can be despatched more efficiently.

Mr. President, these are issues which the judges would otherwise have spent much time dealing with, as they prepare the various cases. Therefore, the Master of the Roll will now play an important part in this matter, by dealing with some of those matters and giving the judges more time to deal with other essential matters.

Mr. President, there is the proposal to reform the foreclosure suit process, and those persons who practise in the court, as well as those persons who have had reason to go to court, to apply for rights of titles, would appreciate what is proposed here. Sir, I would like to say, from my own experience, that process is a long, drawn-out one.

I am currently involved in one such matter and, in fact, when I first went to discuss the matter with my attorney-at-law, the first thing I was told was that this was going to be a long, drawn-out matter, which baffled me somewhat. The reason why it would have taken so long was explained to me but I still did not want to accept that it would have taken that long. Sir, any measures which are put in place to speed up that process and to allow people to get clear and good titles, would be welcomed by people who have to deal with land transactions.

Mr. President, the effort here is being made by creating this post, to relieve the judges of some of the mundane work when it comes to issues dealing with such things as cost and matters related to cases, so that judges can then get on to deal with more complex matters. In my view, this is a matter that should be welcomed by all who practise in the courts and those who have to go there, from time to time, to seek justice.

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

SENATOR F. J. STUART: Mr. President, I do not intend to delay this Honourable Chamber with this amendment, since there is no aspect of it, which requires any resistance from the Opposition.

Mr. President, as societies develop and as people become more conscious, they tend to become more litigious as well, and Barbados has become a very litigious society. There are people in this society, of whom it can be frankly said, that given the chance, they would waste all their substance in litigious living. Therefore, naturally with

this increased consciousness about their legal rights, resorts were made to the courts of law for resolution of their disputes. This has put an enormous amount of pressure on both the legal system and the court system, forcing increases in the number of judges, magistrates and other reforms, which are necessary to counter that old maxim: "Justice delayed is justice denied."

Mr. President, that is the context within which the Supreme Court of Judicature Act has to be viewed. It is an amendment intended to make provision in our law for the appointment of Master of the High Court. Essentially, in my view, it is a modernising measure and whether it turns out to be a developmental measure, only the passage of time would tell, as all modernisation is not necessarily developmental. Therefore, the test of whether a modernising measure is, at the same time, developmental, is the extent to which the problems which that measure was designed to solve, are being solved, to the benefit of the people of the country involved.

Mr. President, we are, therefore, creating a new structural differentiation, which is one of the indicia of modernisation, so that there could be a higher level of specialisation in institutional workings and a keener eye, therefore, could be kept on the achievements of objectives.

11.40 a.m.

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SENATOR F.J. STUART: Of course, if objectives are going to be achieved, they have to be proper information systems in place since one cannot rely on either magic or even divine revelation to solve the hot and immediate problems that confront societies from day to day.

Therefore, the post of Master is being created to deal with some of those challenges now faced by the courts of law in terms of the pressure which have borne down on them as a result of the increase in litigation and the readiness with which people resort to the courts.

Mr. President, the post is not a new one because the English introduced masters some time in the year 1856 and they have a number of masters in their legal system whose function it is to take pressure off judges where certain types of applications are concerned. There are many classifications into which law can be divided. One of the more familiar classifications is the distinction between substantive law and procedural or adjective law. Sir, substantive law concentrates on the merits of a particular case while adjective or procedural law concentrates on the use of the correct procedures and practices in the pursuit of that age old ideal of justice.

Mr. President, what has been happening in the court system is that a lot of precious judicial time has had to be taken up dealing with procedural problems because when legal proceedings have been introduced, it is opened to lawyers on both sides of an issue to raise procedural concerns since following the correct procedure is important as determining the merits of a case. The rules of a court make provision for these procedures to be challenged from time to time or for certain procedural issues to be raised.

When the English created the Office of Master, it was to assist the judges of the court in dealing with these predominantly procedural issues, which can become substantive in themselves and can take up quite a lot of time. Therefore, the masters dealt with these matters in Chambers. This is why in the language of English law, a master is either called a master or a Chamber Judge because the issues with which he deals are dealt with in his office as distinct from an open court where all the legal regale and so on, is paraded.

Mr. President, we are now at a stage where we think we need to have a master of the High Court to deal with a lot of these procedural matters. The timing of this amendment is significant because it is contemplated that within another few months that a new set of Rules of Courts, more modern Rules of Courts are to be introduced. I think the target date is the month of October 2006 and there will be a critical role for the master in respect of the introduction of these Rules because he will have responsibility for drafting some of the forms, making sure that protocol is right and that kind of thing. Sir, making provision for the appointment of the master at this time facilitates the introduction of the new Rules of Courts, which are designed to simplify litigation and help the system along to reaching decisions as quickly as possible.

Mr. President, one of the persistent, insistent and consistent complaints about the legal system, whether here in Barbados or elsewhere, is that legal issues take too long a time to be resolved by the court system. I am quietly amused because even though the English have had masters since 1867, those complaints are still heard in the United Kingdom. We are trying to bring ourselves in line with the United Kingdom in the year 2006, by introducing what they introduced in the year 1867, but just over a year ago, the British Government was talking about a reform of their system to make it more like the system in the United States of America. While we are trying to catch up with them, they are trying to catch up with the United States of America. We are in an unholy race in which it is hoped that we would be able to cope with over the passage of time. Mr. President, the society is changing and we have to respond to these changes as they come along.

Mr. President, the Leader of Government Business indicated that this is just one of a menu of reforms taking

place in the system designed to serve the society better. The point has to be made, and I think it is conceded even in those secret conclaves where these issues are discussed, that these changes are not going to be pain-free. Sir, it is generally overlooked by those people whose appetites always incline them in the direction of attacking lawyers and the legal system, that a lot of delays in the system has to do with people not being able to afford to pay for legal services and expecting lawyers to pursue their matters with the same sense of urgency as if they had been fully paid. Where you have a situation where sole practitioners have to meet deadlines of paying rent and a staff at the end of the month, it is quite natural that a lawyer would look on his desk to those matters that are more likely to yield financial results in the short term than to accord priority to those which he has not been paid but with respect to which he is receiving telephone calls at least six or eight times per week.

Mr. President, what the introduction of the master and his being responsible among other things for case management is going to involve is that all of the lawyer's time is not going to be his anymore. He will have to meet deadlines set by the Master and cases will have to get to court a lot more quickly. He will now have a firmer basis for persuading the client, to use the language of a magistrate who has now gone back to Guyana, that he needs to be more fully oxygenated, he needs to have some fuel in the tank, in order for the vehicle to move more quickly.

S46/11:50

Sequence 5

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SENATOR F.J. STUART: Sir, there are going to be front-loaded costs in all of these changes, and I think the public has to be prepared for that.

Sir, in addition, of course, the new rules as contemplated will be making provision for the use of alternative dispute resolution, because it is conceded across the profession that many of the issues that end us before a judge need not have gone there, if greater energy was used in trying to have them resolved by alternative means. It will be a kind of *conditio sine qua non*, a kind of prerequisite, to getting before the judge that all the possibilities for alternative dispute resolutions have been exhausted. This is, in my view, a developmental dimension of the new rules, because it can keep unnecessary litigation down to a minimum, therefore, it free judges to deal with only those issues that have genuinely legal merit.

Sir, as the Leader of Government Business has indicated as well, there have been increases in the number

of judges and magistrates, the creation of new courts, but, of course, all of these judicial personnel still await the new judicial centre, which I am told is to start shortly, once again. We hope that this is the last time it would be starting shortly and that we could really move from the very cramped conditions under which the present court system has to operate, into much more spacious and salubrious surroundings where judges and court staff can function more efficiently and in greater comfort.

Mr. President, I think that the introduction of a Master, a Chamber Judge, to deal with some of the knotty procedural issues that are natural accompaniments of litigation is a positive measure, having regard to the extent to which delays can be occasioned by these procedural issues and having regard to the fact that they take up a lot of valuable time that could be more productively used by judges of the High Court.

I think that the Master, responsible as he will be in many respects for case management and having some kind of oversight for case-flow management as well, that we should be able to see some improvements in the system. Sir, whether one Master is going to be enough, only the passage of time will tell, but it is in my view a step in the right direction. I just hope that when we are trying to transplant some of these structures from elsewhere that we have regard to our local conditions and the peculiarities of our people, the cultural specificity of our people, and we do not make the assumption that because they were relevant to another clime, that they can be as effective in our own environment.

Mr. President, the use of information, as Senator Griffith referred to it, is also contemplated, or rather the enhanced and enlarged use of information technology is contemplated by the Chief Justice in his efforts to modernised the court system as well. Again, the physical conditions under which judges and other court staff have to work will place limitations on how effectively the more modern types of technology can be deployed.

Sir, all in all, we believe in a society that dispenses justice and dispenses it promptly. If this measure is going to improve the situation, as it now exists, and if it is going to bring a higher degree of satisfaction to the increasing number of litigants who are relying on our judicial system for various forms of redress, this amendment is to be welcomed, and I sincerely hope that it achieves the objectives which the framers intended.

Mr. President, with those few words, I indicate that we do not oppose this amendment, we support it, and in this regard the Government carries with it our very best wishes.

I am obliged to you, Sir.

Mr. PRESIDENT: Senator Linton.

SENATOR I. St.C. LINTON: Mr. Speaker, I rise in support of this aspect of law reform in the judicature. I want to speak about a matter which I learned as a Commissioner of the Sir Henry Forde Commission. That relates to the Savings Clause law which still exists in Barbados after forty years of Independence.

Sir, when we discuss this, I am sure that a recommendation was put forward in the report that with a new Constitution in Barbados, the Saving Clause law should be reviewed. I believe that they gave a date. Sir, in 1998 they reported. Sir, in that recommendation, if I am correct but I believe I am, they had given under the new Constitution five to seven years to address the matter of the Savings Clause law.

Mr. President, the reason I raise this issue, is that body of law that still exists in Barbados after forty years of Independence, contains provisions which do not exist in the original jurisdiction. I understand that we will be discussing a new Constitution for Barbados.

Sir, I have not heard any mention of this matter because there are provisions of that old law, and, indeed, I remember clearly, one of those laws was used to cut civil servants salaries. My particular concern is the squatters law that exists under that same clause, where poor people are disadvantaged. They have people who can 'stake out' people's property, if they do not know, and after a while they have a right. Sir, I am saying there are many instances of this existing in Barbados today. These incumbrances prevent problems, especially...

S46: 12.00

Sequence 6

Wednesday, March 01, 2006

Senate 46, sequence 07, 12.00 p.m.

Continuation of: Senator I. St.C. LINTON:

Sir, these encumbrances present problems, especially when attorneys do not advise their clients in relation to their rights. I am asking, that at this time when Barbados is looking at a new Constitution, that this matter is taken up seriously.

I had the experience of going with a family to the Land Evaluation Department, searching up properties for a particular individual. There were 17 properties and out of those 17 properties, only two of them are now registered in the name of that man. I am not going to name anything or anyone because I am going by your ruling.

I am simply saying that many people are losing and finding it difficult, and poor people, because they do not have the money to open up the courts on these matters. One of the things that must come within the new Constitution or even now in the system of the courts is that poor persons who are unable to finance these matters should be given legal aid. It is important because I know from my own experience in this particular matter that there are many poor persons who are disadvantaged.

As I said, there are people who are still 'taking out' people's property. Some of these people were not really informed of their right and their title by attorneys-at-law. I am therefore pleading because I heard the leader of Government business mentioned about what will happen to benefit persons with their titles. I am adding to that, Sir, because many poor people all across Barbados have lost property because they were not informed. They were those who staked them out for a particular period of time, laid claims to them, got surveyors to lay out plots and persons are walking around with plot laying claim to persons' properties.

I hope that what I have said would be taken into consideration because it is, to my mind, important for poor people who do not fully understand and are not informed of their rights that some attention is paid to this particular matter.

I thank you, Mr. President.

Senator the Hon. E.R. GRIFFITH: Mr. President, I beg to move that this Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. E.R. GRIFFITH, the Senate resolved itself into Committee on the Bill, Senator the Hon. Dame Patricia SYMMONDS in the Chair.

COMMITTEE

Madam CHAIRMAN: The Senate is now in Committee.

Clauses 1, 2, 3 and 4 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 motion of Senator the Hon. E.G. GRIFFITH, the Bill was read a third time and passed and cited as the Supreme Court of Judicature (Amendment) Act, 2006.

ORDER NO. 5 - RESOLUTION TO APPROVE IN ACCORDANCE WITH SECTION 5 OF THE CROWN LANDS (VESTING AND DISPOSAL) ACT, CAP. 225, THE LEASE TO THE BARBADOS CORRECTION CORPORATION, OF A PARCEL OF LAND THE PROPERTY OF THE CROWN SITUATE AT DODDS PLANTATION IN THE PARISH OF SAINT PHILIP IN THIS ISLAND TO FACILITATE THE CONSTRUCTION OF A NEW PRISON FACILITY.

Senator the Hon. E.R. GRIFFITH: Mr. President, the Resolution before us is seeking approval for the leasing of 23.175 hectares or 57.2466 acres of land at Dodds, St. Philip to the Barbados Correction Corporation, a company incorporated under the Companies Act, Chapter 308, of the laws of Barbados to facilitate the construction of a modern prison facility.

As you know, some time ago, the Government indicated its intention, at an appropriate occasion to construct a new prison facility. However, the unfortunate incident which occurred in March 2005, where the Glendairy Prison facility was destroyed by fire, has caused us to bring forward this matter.

Temporary facilities have been provided at Harrison Point but they really are not the types of facilities that would have been used for such a purpose, except in an emergency situation as this.

The Government therefore entered into an arrangement through a Memorandum of Understanding (MOU) with the US company, working through Commonwealth Construction Canada Limited to build a new maximum prison facility at Dodds. The intention was always to site the facility there, in addition to using the lands for the purpose of establishing a prison farm.

Senate 46, sequence 07, 12:10:14

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SENATOR the Hon. E. R. GRIFFITH: What is being proposed here in this Resolution is for the leasing of 23.175 hectares or 57.2466 acres of land at Dodds, the total area is 244 acres, for the construction of the facility. Part of the land would be used for a farm as well so that all of the farming operations of the Prison would now be situated at that site.

Mr. President, the terms of the lease are as follows: The lease would be for a period of 25 years and one month, with an option to renew for a period to be agreed by both parties. The rent would be a nominal rent, \$1.00 per annum. The lease would terminate on the transfer of the ownership of the facility to the Crown. This is a Built, Operate, Lease and Transfer (BOLT) arrangement. The

company would construct the facility and would lease it back to the Government. The property will be transferred to the Government at the end of that lease period, so that the Government would ultimately own it. However, in the first period of time, the Government would be leasing it from the company. Mr. President, this lease is all part of the financing arrangement, because the parent company would provide the financing and so on. That is how Government, in due course, would be leasing it from that company.

Mr. President, I am sure that everyone here would be looking forward to the completion of this project so that the temporary arrangements at Harrison Point can be brought to an end and that we can be satisfied that the prisoners would be held in a more secure environment and so on.

Mr. President, some time last year, I attended a town hall meeting where the matter of the construction of such a facility at Dodds was discussed with the people in the community. The meeting was held at the old St. Philip Boys' School and the residents from the surrounding areas had the opportunity to raise any concerns which they had at that time and they were provided with answers.

Mr. President, the discussions were very cordial and even though at the end, we still had one or two individuals who did not particularly like the idea of a prison being near to them, the vast majority of the persons present accepted it. They recognised that it was not as close to them as it was to the residents of Station Hill, so ultimately they all were satisfied that with the appropriate amount of security in place, there should not be any difficulty. Mr. President, we had to put the prison somewhere in Barbados.

Mr. President, I think that this is a project which deserves the full support of all of us, and on that basis, I beg to move that the Resolution do now pass.

SENATOR F. J. STUART: Mr. President, once again I do not think that the Opposition can reasonably find any fault with this Resolution. The move to construct a prison facility at Dodds in the parish of St. Philip is a good one, if for no other reason - it is evident to me, and certainly from all of the intelligence at my disposal - that Harrison Point is disliked both by the prisoners and the prison officers, who find it a most uncongenial and, in many respects, an oppressive kind of environment in which to work. Therefore, if we could get from Harrison Point to Dodds with haste, 'hip, hip, hooray', that would be for the comfort of both the inmates and the prison officers who have to work at that compound.

The need though to build a prison at this time and to accord the kind of priority which the Government is forced to accord to the construction of the prison facility at Dodds is being enunciated by Senator Griffith, who reminds us

that one year ago the prison at Glendairy was burnt down. It is in that context that I want to say that I had confidently hoped that the Government, having pleaded with the Opposition Party not to politicise the issue at Glendairy but to treat it as an issue of national security, and having secured the Opposition's cooperation, would have kept its promise to establish an Investigatory Commission of Inquiry, under the Commission of Inquiries Act, so that Barbadians could get to know what were the operative factors that led to the tragedy at Glendairy one year ago.

Mr. President, it is a matter for the deepest national regret I think, that having promised to establish a Commission of Inquiry by the month of September 2005, that on the 1st day of March, 2006 that Commission of Inquiry has not yet been established. Therefore, I want today to call on the Government to honour its pledge to the people of Barbados to establish an Investigatory Commission of Inquiry into the burning down of the prison at Glendairy in March 2005.

Mr. President, instead of honouring its pledge, I am aware that a large number of inmates of the prison were charged with criminal offences. Now, I have the gravest difficulty with the procedures followed having regard to the fact that the prison rules themselves, made pursuant to the Prison Act, prescribe procedures to be followed when there is any damage of property at the prison by prisoners.

Mr. President, I am not aware that those procedures have been followed, and without exhausting the remedies contained in the Prison Rules, an unwieldy number of persons have been charged with criminal offences relating to the burning down of that prison.

Mr. President, I have made public already, and I make the statement now for the record of this Chamber, that I am not satisfied that any of the persons charged can get a fair trial in those circumstances. In fact, I am not satisfied that they should be before any court of law at all having regard to the provisions of the Prison Rules. The Prison Rules prescribe that certain procedures be followed, and before you get to the court situation there has to be a...

Senate 46 Sequence 8

12.20 p.m.

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MR. PRESIDENT: Senator Stuart, I am sorry to interrupt you but having regard to the fact that the matters you mentioned might be sub judice, I think I need to be satisfied that the interest of parties will not be prejudiced by anything you say in this Honourable Chamber.

SENATOR F. J. STUART: Mr. President, if it is your wish that I do not pursue that line, I would be obliged to honour you.

MR. PRESIDENT: I would be happy, Senator.

SENATOR F. J. STUART: As your Honour pleases. Mr. President, to consolidate what I am saying, we, therefore, understand why there has to be this haste to go to Dodds because conditions at Harrison Point are totally out of keeping with what both prison officers and inmates consider to be consistent with their dignity and the comfort of the workplace, insofar as the prison officers are concerned.

Mr. President, I hope we could have a facility that is not to be treated as the kind of hotel, which would not invite persons to wrongdoing but at the same time, the law recognises that even prisoners have rights and, therefore, the environment in which they are confined, should satisfy certain minimum standards. Therefore, this arrangement to build a new facility at Dodds is welcomed.

Mr. President, I am also aware, as Senator Griffith, has indicated, that the issue was ventilated and discussed with people in the area, at a town hall meeting, and that people's doubts, fears and anxieties were made public. I am also aware that where explanations were to be given, they were given. I think knowledge is now common as to what is going to happen at Dodds and how the environs of the facility are likely to be affected, for good, or ill, after the construction of that prison.

Mr. President, Senator Griffith indicated that the arrangement under which this facility will be built, is a build, operate, lease and transfer arrangement (BOLT). Sir, the word "operate" worried me a bit because I do not think that Barbadians want to hear that any corporation would be responsible for the daily operations of the prison. I hope that in his winding up, Senator Griffith would give the country the assurance that the prison facility at Dodds, will be operated by the Government and that prisoners, therefore, would be answerable to the State and not to a corporation anywhere else. I am aware that in certain parts of the United States of America, prison is a form of money-making. Therefore, I just want to be assured that we have not yet got to that stage in Barbados.

Mr. President, as I said, most of the issues relating to the construction of this facility have already been discussed with the residents, and I think we could support the Resolution and hope that the facility would be completed in the very near future.

Mr. President, I am obliged to you.

SENATOR The Very Reverend H. CRICHLAW: Mr. President, like Senator Stuart, I am sure that the people of Barbados are anxiously awaiting a report or something, that would tell us what has happened at the Glendairy Prison. I think that we ought to treat this as a priority. Mr. President, the next point I would like to address is the amount of space at Dodds Plantation. Therefore, I would like to be assured by the Honourable Member, that when the prison is built, there will be single cells. Sir, the latest I heard on this matter regarding single cells, when the former Attorney-General was asked about the size of the cells, was that they would not house three or four prisoners, but the former Attorney-General was not very clear on whether there would be single cells. Therefore, I would like to hear from the present Attorney-General if this is so, because considering what has been reported recently about the state of health that exists in the prison and the fear that many prisoners would have living in such a situation, I think is enough to merit the building of single cells.

Mr. President, I hope that a lot of modern thinking and planning would be put into this new prison and that the people of St. Philip would be assured that security would be very tight. The area in which the prison will be built is a very beautiful one and therefore I think that people who are investing in new homes in that area, would want to be assured that they would be as safe as those residents of Station Hill, as it were with the Glendairy Prison.

Mr. President, I thank you.

SENATOR G. P. B. NICHOLLS: Mr. President, I want to briefly reply to a number of submission made by Senator Stuart in this debate.

Mr. President, as far as I understand it, the Government's position in relation to a Commission of Inquiry, in relation to the prison, is circumscribed by the general principles of law, in relation to the privilege against self-incrimination. It is a well-known fact, that if the Government were to commission an inquiry, to look into the disturbances which caused the destruction of the Glendairy Prison, it would, therefore, preclude the prosecution of any person, for any offence that the Director of Public Prosecutions would proffer in relation to those activities that led to the destruction of the prison.

Mr. President, the point I want to make is that if we were to establish that Commission, which I understand has already been established, but if that Commission were to begin taking evidence in this matter, any person or submission made before that Commission, would not be the proper subject of inquiry in a court of law.

Mr. President, I heard Senator Stuart making the point that he is certain that the persons charged in relation to the offences of disturbances at the Glendairy Prison,

would not receive a fair trial in Barbados. Sir, that is his view, to which he is entitled, no matter how obscure that view might be.

12.30 p.m.

Wednesday, March 1, 2006

Senator G.P.B. NICHOLLS: Mr. President, I have never heard an allegation being made in this country about people unable to get justice from the courts or having a fair trial by any system of justice in this country. Sir, it is a reputation that Barbados enjoys and I do not agree or cannot sit and listen to Senator Stuart besmirch the reputation of the judicial system of this country on a political allegation.

SENATOR F.J. STUART: Mr. President, on a point of order. Senator Nicholls is misleading the Chamber in suggesting that I have sought to besmirch the reputation of the judiciary of Barbados. All I have sought to say is that, given the circumstances surrounding how the incident at Glendairy occurred and the kind of evidence that would be available and the persons who would be witnesses, it is my opinion that it is unlikely, that the accused persons can get a fair trial under those circumstances because they are going to be witnessed against by some of their own colleagues in the prison and by prison officers, all of whom were in the melting pot on the day when the incident occurred.

Senator G.P.B. NICHOLLS: Mr. President, I believe that the justification for Senator Stuart's view is just as ludicrous as the view itself. If an offence was committed in broad daylight in the middle of Bridgetown, it would be saying that a person charged with committing an offence in the middle of Bridgetown could not receive a fair trial in Barbados because a lot of people saw it. Sir, we are seeing the Honourable Senator Stuart setting up a straw man to knock him down and that is the purpose of his intervention in this debate. It is not a constructive intervention.

Mr. President, you cannot heighten the expectation of people in relation to a Commission of Inquiry when the Honourable Senator knows well that a special court has been set up to look into the circumstances of the charges in relation to people who have been charged at Glendairy. Sir, a special court was set up at Glendairy itself...

SENATOR F.J. STUART: Mr. President, on a point of order. Once again, Senator Nicholls is misleading the Chamber. It is not Senator Stuart who promised the country a Commission of Inquiry by September 2005. It was the former Attorney-General of Barbados. Sir, it was not Senator Stuart. Is he suggesting that the former Attorney-General did not know the law? I am obliged to you, Sir.

Senator G.P.B. NICHOLLS: Mr. President, that was not my suggestion at all because it was the former Attorney-General who also gave the explanation as to why the hearing in relation to the Commission of Inquiry will not start until the conclusion of the matters in the criminal court. Sir, everyone in Barbados knows that but just to score a political point, the Government is always being accused by Senator Stuart of trampling on the rights of citizens. Now, today we are hearing that it is his view that the Government will not guarantee a fair and reasonable trial of people who have been charged in relation to the destruction of the prison. Sir, that is a dangerous view to hold and that ought not to emanate from this Chamber.

Mr. President, we are here ensuring that the overwhelming majority of Barbadians live in peace and harmony and that the criminal element is isolated in the place where it ought to be. We are here discussing the arrangements in relation to the building of a new prison which we all agree is important, necessary and timely. If we do not understand that the facilities at Harrison Point are not the best facilities in the circumstances and that the hundreds of police officers, prison officers and defence force personnel are doing yeoman service, beyond the call of duty to make sure that all ordinary Barbadians could move about, not fearing that the prisoners could escape from that facility, which was not designed to be a prison in the first place...

Mr. President, I cannot share the view that the Director of Public Prosecution (DPP) ought not to proffer any charges against people who are alleged to have been involved in the acts that cause the destruction of the prisons unless they exhaust the remedies in the Prison Rules. Sir, Senator Stuart did not give us the benefit of the specific rule to which he referred and he is not obliged to do so but I cannot find in the same Prison Rules, any specific rule that would prevent the Director of Public Prosecutions (DPP) from proffering a criminal charge against a person to whom an act..., contrary to the Laws of Barbados, particularly in relation to the prisons.

Mr. President, it is my submission that the DPP is not prevented from bringing a charge by virtue of the Prison Rules. The DPP does not have to exhaust any remedy in the Prison Rules. The Prison Act at Cap. 168 of the Laws of Barbados, Section 66, gives the Minister in relation to the prison the power to make rules for the management of the prisons and other institutions. It is a management and administrative power that reside in the Minister in relation to the making of those rules.

Sir, the Minister cannot stop the Director of Public Prosecutions from bringing a charge because the Rules have not been exhausted in relation to the proffering of a criminal charge. It is the most absurd logic I have ever heard in relation to the proffering of criminal charges

against people who have not only destroyed the prison but who have committed acts contrary to the Offences of the Persons Act because people died in the uproar at Glendairy Prisons. Sir, not only property was damaged but there was loss to life and limb.

If Senator Stuart's only point is that the Prisons Rules are to make sure that the property at the prison is not damaged and that the Superintendent of Prisons has within his power the right to deal with people who damage property at the prisons, I think the ordinary Barbadian would agree that the circumstances which presented themselves in the destruction of the entire prison, caused the kind of fear that Barbadians have never had to deal with before in relation to the circumstances at Glendairy Prisons.

There was a period of time when people did not know whether or not the uproar at Glendairy Prisons would continue or whether it would be contained. It is the view of Senator Stuart that the Superintendent should go through the process of punishing people for damaging the property of the prisons under the Rules and that Government is doing something that is sinister because the Government is allowing the process of the law to take its course.

Mr. President, the Director of Public Prosecutions, as Senator Stuart well knows, has a constitutionally designated function. Sir, nobody in the Executive can tell the DPP against whom he can proffer a charge because his function comes from the Constitution of Barbados. It is not the Attorney-General of Barbados who is saying to the Director of Public Prosecution that he/she does not want the rules under the Prison Rules to take their course and that he/she wants him to bring charges. Sir, this is an alarmist view which, if goes unchecked, will send the wrong signal as to what are the intentions of Government.

S46/12:40

Sequence 10

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SENATOR G.P.B. NICHOLLS: Sir, my only intervention in this debate is to correct the record. Sir, it cannot go from this Chamber, no matter how many retractions the Honourable Senator might make, it has already gone out to public. The record might not reflect it because he has withdrawn the statement, but it has gone out to the public. I want to correct that perception.

Mr. President, the purpose of the Prison Act is for the management of the Prison. The circumstances, to my mind, and I think to a reasonable man's mind, go beyond the ambit of the Prison Act. I think that it is right, good and proper for the judicial system in this country to take its

course. No matter what Senator Stuart's opinion is, it is the system that we have.

Mr. President, we have no better system to deal with. The doctrine of necessity cannot come into play for us to use another system to determine what we are going to do as a result of the destruction of the prison. This is not a situation that would have occurred, for example in Trinidad, with the insurrections of the 1990s and in Grenada in the 1980s where you move away from the constitutional guaranteed systems of Government in relation to the court system and go to the doctrine of necessity.

Sir, this is not a situation where the Superintendent of Prisons can smack people on the wrist in relation to the breaking down of the prison. This is a serious matter. Sir, I really believe that this Honourable Senate ought to be treated better by an attorney-at-law, of the length of experience as the Honourable Senator Stuart, in trying to besmirch the character of our judiciary, from being able to guarantee a fair trial.

Mr. PRESIDENT: Senator, be careful with motives. I think that, perhaps, you should withdraw any reference to besmirching any institution.

SENATOR G.P.B. NICHOLLS: Sir, I am guided by you, Mr. President. I am under the view that it was Senator Stuart's position that no one who was charged with offences in relation to the destruction of Glendairy Prison could be given a fair trial in Barbados. Sir, that was not said by me.

Sir, I am say that it we as lawmakers have responsibility to ensure that the Constitution of Barbados is upheld at all times. We have a responsibility to make sure that the laws that come under our consideration, follow the tenets of the Constitution and the principles of law, justice and order that all democratic societies uphold.

Sir, there is nothing sinister in what the Government is doing. I am saying that there appears to be an attempt, to link the fact that the Commission of the Inquiry, into the investigation of the destruction of Glendairy Prison has not yet sat, and the bringing of charges, not under the Prison Rules, but in the ordinary process by the Director of Public Prosecution. I want to correct the view that there is nothing sinister, unusual, wicked or illegal about the actions that are being taken in this regard.

Sir, I am very hopeful that the special court which has been established, under the Chair of Magistrate Deborah Holder, to sit at Glendairy, would begin its work shortly. I am also hopeful that Senator Stuart and others who practise law in Barbados would have an opportunity to make sure that the Prosecution's case is put before any

conviction is recorded against anybody in Glendairy. That is the duty. The defence must make sure that the Prosecution puts a proper case, if not the role of the defense counsel is to make submissions that the charges ought to be withdrawn. Sir, the defense counsel does not have any duty to prove that his client is innocent. It is the job of the Prosecution to prove that the accused is guilty.

Mr. President, citizens of Barbados and people of this country must feel reassured, that notwithstanding the fact the Commission of Inquiry, which will seek to determine the causes of the disturbance ... that will come, but we cannot do it at this point in time to prejudice the process of the criminal court that will be established to deal with the persons who are alleged to have committed offences, serious offences, offences which are mentioned within the disciplinary provisions in the Prison Rules. It goes beyond the Prison Rules.

I also want to reassure the people of Barbados that a BOLT transaction is a corporate construction, transaction agreement. The Government is not getting into any agreement to give anybody the power to run the prison of Barbados. That is an important point that we must let go out from this Honourable Chamber.

Sir, a company will build the prison and deal with the day-to-day activities that any landlord would deal with, but the actual running of the prison would be done by the Government of Barbados through the prison service.

Sir, the prison is leased for twenty-five years. It is not being built by the Government. It is being built by a private company, who leases it in order to recoup their investment in the construction. It is a usual transaction in construction contracts. There is nothing unusual about it.

Mr. President, the O in the BOLT, the operations, have to function within the laws of Barbados. Sir, Senator Stuart enquired about it and I am giving him the assurance that it is not the intention of the Government to surrender the administration of the prison to any foreign company. They would build it and operate it, but the prison would be run within the buildings that were built by VACO.

Mr. President, I sum up my brief intervention by trying to reiterate that this is a Government that does not have anything to fear. I would really like that when the stories go out from this Honourable Chamber that there is a balance that is reported.

Sir, sometimes I have seen statements made by Senator Stuart in this Honourable Chamber corrected by the Government but the Government's position is never put in the print or news media. We do not make the headlines, but for those Barbadians within an earshot of this Chamber, we want the sobering interjection on behalf of the

Government to reflect the fact that we are proceeding above board. We are not doing anything to jeopardise the rights of the parties involved in the destruction of Glendairy, but we have a duty to ensure that the law is carried out.

Sir, as I said, they were people who lost their lives and people who were injured in this matter. Mr. President, smacking people on the wrist, within the provisions of the Prison Rules, is not going to solve the issue in this regard. Getting on a soapbox to speak about a commission of inquiry is not going to deal with the right of redress for the victims who have suffered in this matter. Sir, we must not appear to be condoning the kind of behaviour that caused the destruction of the prison in the first place.

We are a society that is governed by laws. We are a society that is governed by rules and the rule of law. Mr. President, because you are already imprisoned it does not mean that you cannot face criminal sanction and that you could only be disciplined within the disciplinary code that is established under the Prison rules.

12.50 p.m.

Sequence 11

Wednesday, March 01, 2006

Senate 46, sequence 12, 12.50 p.m.

Continuation of: Senator G.P.B. NICHOLLS:

Sir, it is wrong for the opinion to go from here that the Government ought to pursue all remedies under the prison rule. I am challenging Senator Stuart to point to the exact rule which gives the Superintendent of Prisons or the Minister responsible for the administration of prisons, the power to enquire into the criminal liability of persons involved in the disturbances at Glendairy. When he can do that, Sir, I will be satisfied that the Government will have an argument to rebut, as to why the court was specially created to deal with the criminal liability of the persons involved at Glendairy.

Sir, I thank you.

Mr. PRESIDENT: Senator Sir Roy Trotman.

Senator Sir Roy TROTMAN: Mr. President, I had not intended to speak but I think since I have heard some of the comments from my other Senator colleagues, it has become necessary for me to place into the record, some of my concerns and indeed some of the concerns of labour.

The Minister who introduced the item before the Chamber made it clear that it was going to be a company

that was responsible for the building of the prisons. Senator Nicholls was very clear in his presentation to divorce the Government from this company, in a way that made me think it was necessary for us to think long and hard about some of the things that face people, whatever the goodness of the intentions from time to time.

There is, right now as we speak, another series of buildings going up and that has a particular importance in this country, not being built by the Government, but being built with significant Government interest and indeed significant interest of all the people of Barbados.

Sir, labour has been imported to construct those buildings and it has become very clear to all of us now that the imported labour has been very badly exploited and if one were to judge the press, the expectation was to the level of less than \$20 a day for working. I believe that somebody has come recently to say, many months too late that it was not really \$20 a day and it was somewhat more. Nobody has denied that there was significant exploitation by private companies, using the significant influence of the Government and indeed money that is being supported in one form or the other by Government.

Therefore, the people of Barbados have been short-changed at two levels. They have been short-changed at the level of having a competitive source of labour rights being put forward that significantly reduces and prejudices their own forms of labour conditions and labour rights, and a parallel structure for human rights, which make workers in a beautiful place like Barbados becomes very annoyed and dissatisfied because we all believe in the equality of the human persons. Therefore, there is a need for equality of pay and equality of work, whether that person is Indian, Chinese, Japanese or any other nationality.

I have the concern, Sir, and I wish to send out the warning that with this new building going up at St. Philip, they say that it is at Dodds, this building might be similarly constructed and that we may have problems regarding the conditions of a workforce that may, in fact, be imported to build this building.

In another place when I made a comment, some people made reference to the union and the union construction. We are in fact having constructions but let me assure you, Sir, we do not have any fears. We do have a fear about this building at Dodds being constructed with labour, whatever the nationality, that is not free labour because we believe in the Fundamental Principles and the Rights at Work.

The Fundamental Principles and the Rights at Work, of which Barbados is a signatory, by the very fact that Barbados is a member of the ILO, demands that Barbados supports, fights for and represents the freedom of

association and the right to bargain collectively; that Barbados rejects the notion of any forced labour, be it Barbadian labour or any other labour; that Barbados supports and defends the importance of the removal of any discrimination at work and, therefore, the equality that must exist at work; and that Barbados insists that children's place are in school and there ought not be any child labour.

Anybody who is going to join us in the building of this prison, and does not adhere to and support these fundamental principles, will be seen by labour with a jaundiced eye and is likely not to enjoy the support of labour. We want the Government to be aware of this and give us the appropriate assurances because we must be careful not to allow the potage that there is, to be of such an aroma that it causes us to lose the birthright which is ours.

Sir, I thought I needed to say that it is important for us to recognise that very critical point for the people of this country. Sir, I cannot really say that and not also talk about the other issue that was raised, which was of some importance to labour, and that is the importance of the temporary accommodation at St. Lucy. I hear all sorts of comments about that, Sir. I understand people say that it is now a prison. I have never been able to understand what it meant. I also hear that there are people who otherwise enjoy going to prison, who are no longer as interested in having any sojourn at Her Majesty's expense.

I do not know that and I have tried not to understand that too well because it strikes me as a very interesting set of material for calypso, and not necessarily for me to expatiate on. Sir, I will speak at some length about the matter of the temporary conditions and the prison officers who were in St. Lucy.

I wish to say to you, Sir, that we still have very grave concerns, not about the physical conditions alone because we naturally understand that these are temporary accommodations and that people have to be able to recognise that and to treat with it, but we speak of other conditions about which prison officers are complaining.

These are conditions which they have made known to their Ministry and the Public Administration Department, which are still not yet addressed. The level of discussion we have been having as recently as less than a week ago, tends to suggest that there has not been any proper treatment of the issues of these prison officers.

They suffer from problems which seem to suggest that at the same time the prison is in need of additional officers that those who are temporary are denied the opportunity to gain permanent employment because they may have had some charge brought against them at the level of the Personnel Administration Department.

Senate 46, sequence 12, 13:00:14

Wednesday, March 01, 2005

SENATOR Sir ROY TROTMAN: Sir, even though the charges have been dropped, their temporary appointments have been abridged and they have been dismissed even before the temporary assignment was over and they have not been given the opportunity to enjoy due process or otherwise to benefit from natural justice.

It seems to me to be a contradiction in terms, Mr. President, that the Government would have a department, where when you meet to discuss how it is that somebody could be appointed and then could be disappointed without knowing what he or she has done wrong, that nobody, from the heads of the prison to the heads of the Personnel Administration Department, is able to explain what has gone wrong, who has done what and who has given the instruction for the denial of the right to work of a person who has that right, provided there is work.

We have in this country to understand that where there is labour, people have to be given the opportunity to get that labour, and where there is not that labour, all of us, at the level of the Government, at the level of employers and at the level of unions have a responsibility, collectively, to put our heads together to make sure that we create employment in this country, so that the right to employment is always there as a choice to people, for where people do not work, they are going to look for other sources of income.

Mr. President, we cannot denigrate those who find income while not working, if we have not provided the wherewithal for those people to find the work.

Sir, I had not intended to say these things, I was waiting until later on, but I think they must be said. I think that it is necessary that when questions of this sort are asked of departments that are charged with the responsibility for protecting the interest of Government as the model employer - because Government should be the model employer, and I hope Government would be the model employer always as it now is, in my view - that in those circumstances those agents ought to be ready and able to supply the answers, which they have not been able to supply over the past week or so.

Mr. President, we have another concern. The prisons were burnt down and that is now behind us although it is a block on the good image and character we have had. However, out of that, I think that the Minister of the day, the Attorney-General of the day, the Superintendent of Prisons and the trade unions colleagues of mine who with me visited the sites, were able to take great satisfaction and become very proud at the significant speed with which the

workmen who were hired were able to reconstruct, rehabilitate, remodel and otherwise to bring to a state of readiness, those buildings which were identified by the Government as temporary locations for the prison.

Mr. President, what we are not so proud about is that today as I speak to you some of those workmen, especially those who work from the Ministry of Public Works and Transport remain not paid for the work they did back in March. Some of them are working a stone's throw from where we are now, so when you go downstairs, they may approach you and ask you what is happening that they, up to now, are not able to get their money.

I have written letters, I have spoken to people, I have made all kinds of representation and those people are still yet not paid for the work for which we have congratulated them at all levels of the society. I do not think that it is because the Treasury is exactly without money. After all, I have been hearing speeches about the fact that we are buoyant, so it cannot be that. I do not think that in the various departments of Government our public servants have lost their skill and their capacity to work efficiently. So if it is not lack of efficiency and it is not lack of money, then it could not be lack of care because we are a very caring people. Yet it is something, and so I rose and I use this occasion - and I thank you for it - to ask this Chamber to allow the occasion to be used to appeal to who would listen this time, because nobody else has listened up to now, to request that these people be paid that money for which they gave that service when Barbados was in crisis.

I thank you, Sir.

SENATOR the Hon. E. R. GRIFFITH: Mr. President, as I indicated in my opening statement, the matter before us is the lease of a portion of the land at Dodds to the Barbados Correction Corporation, which is the company that is to build the prison which would be leased to the Government for 25 years, and at the end of the lease agreement, the ownership would be transferred to the Government.

It was therefore my fault when I say operate in my opening statement. The BOLT is really a Built, Own, Lease and Transfer arrangement. Mr. President, there is no need to fear who will operate the facility, the Government will operate it but the ownership, until transferred, will be in the hands of the Barbados Correction Corporation.

As I indicated, the issues of security were discussed with the residents and the residents do not have any fear. In fact, the security matters which were discussed suggested that they would be more secure than the residents at Station Hill were. They certainly do not have any fear having been made aware of what the arrangements are, so I do not think that we need to have any fear as well.

Mr. President, I do not know the designs, so unfortunately, I cannot answer the Senator as to whether they are single cells or double cells, I would now have to get the designs. I did not bring that information since this Resolution dealt with only the vesting of the land and I would now have to get access to the design to find out the structure of the building. Unfortunately, I cannot answer that matter on this occasion.

Mr. President, I beg to move that this Resolution do now pass.

The question was put to the Senate and agreed to.

SUSPENSION OF SITTING

SENATOR the Hon. E. R. GRIFFITH: Mr. President, I beg to move that this Sitting be suspended until 2.10 p.m. today.

The question that the Sitting do now suspend until 2.10 p.m. today was put and resolved in the affirmative without division and Mr. PRESIDENT suspended the Sitting accordingly.

Senate 46 Sequence 13

1.10 p.m.

Wednesday, March 01, 2006

RESUMPTION

MR. PRESIDENT: This Senate is resumed.

ORDER NO. 4 – SECOND READING OF THE STANDARDS BILL, 2006.

SENATOR the Hon. Miss L. V. EASTMOND: Mr. President, the Bill before us seeks to review and to consolidate two pieces of legislation: the Control of Standard Act, 326(A) and the Barbados National Standards Institution Marks Act, Cap. 325(A), which give us the Bill before us.

Mr. President, this particular piece of legislation must be viewed within the context of consumer protection, and this tends to be the case with most regulations that we have. Sir, inherent in most regulations is the protection of the consumer. It is, therefore, important within this context, to see what Government has done in other instances, with respect to the protection of the right of consumers in Barbados. Sir, for example, we have already implemented the Fair Competition Act, which is an Act administered by the Fair Trading Commission. There is also the Consumer Guarantees Act, which is primarily administered by the Office of Public Counsel. I should report that these two

new institutions, the Fair Trading Commission, which we tend to hear a great deal about, and the Office of Public Counsel, I would wish to say is also doing good work, with respect to claims by ordinary Barbadians, who interact with our various business houses.

Mr. President, in addition, we have established the Consumer Claims Tribunal, in circumstances where matters cannot be resolved by the Office of Public Counsel, they can be taken to a Consumer Claims Tribunal. Sir, I am very pleased to say that so far, all of the judgments handed down from that Tribunal are on the website of the Ministry of Commerce at: www.commerce.gov.bb.

Mr. President, in addition, we will also be putting in place a new Legal Metrology Act. That new Act will replace the old 1978 Weights and Measures Act. Therefore, what we are seeking to do is, instead of covering weights and measures in the forms that we usually know, that is in terms of scales, we wish to cover all types of measuring instruments. Therefore, in this way, we are seeking to modernise and to enhance that area as well.

Mr. President, all of this goes to consumer protection and to setting standards. Therefore, within that context, there is a great deal of additional work that Government is also doing. In addition, we have agreed, and it has passed the level of Cabinet, that we will be establishing a National Food Safety and Control System. The Ministry of Agriculture will take primary responsibility for that system but it will also include the Ministry of Commerce and the Ministry of Health and of course, will involve the Barbados National Standards Institute.

Mr. President, when we look at this piece of legislation, we would see that it is meant to encourage the use of standards in Barbados, for the social, cultural and economic development of the country. Therefore, when we speak of standards, we are not only referring to product standards, in terms of goods, but we are also looking at services, at processes and at systems. Therefore, this piece of legislation is quite wide and is not limited to goods only.

Mr. President, this legislation will also seek to ensure that we are compliant with our regional and international obligations, so that we are compliant with the Revised Treaty of Chaguaramas. We will also find that this piece of legislation gives the force of law to the Caribbean Regional Organisation for Standards and Quality, one of the new institutions that has been established, in order to support the Caribbean Single Market and Economy, as a regional economy, which will seek to set standards across the region, which, I would imagine, would be very important, if we are going to have a single market.

Mr. President, within the Revised Treaty of Chaguaramas, at Article 67, there is a requirement that all

countries within CARICOM must set about a standardisation process, and must ensure that they have a standard system in place.

2.20 p.m.

Wednesday, March 1, 2006

SENATOR the Hon. Miss LYNETTE EASTMOND:
The legislation will also ensure that we are in compliance with the agreement at the level of the WTO. There are several agreements which are applicable. For example, there is the agreement on the application of sanitary and phyto-sanitary measure. There is the agreement on import licensing procedures. There is the agreement on agriculture and the agreement on technical barriers to trade. Sir, are several agreements that would help to ensure that we are in compliance with.

Mr. President, whenever we mention the World Trade Organisation and being in compliance with any of its mandates, it tends to raise the issue as to whether or not within Barbados we are being forced to comply with standards that are perhaps not appropriate to us. Sir, I have said before that this piece of legislation seeks to consolidate two existing pieces of legislation which are old piece of legislation and, therefore, the notion of having standards and a standard system is something new to Barbados and is coming about simply because we have entered into agreements with the World Trade Organisation. Sir, sometimes that is misunderstood and unfortunately misrepresented to the public as being the case. We have always had a standard system in place and we are now seeking to modernise it as the times in which we are now engaged, are obviously changing. The fact that we are making ourselves with the WTO requirements does not mean that it is inconsistent with the interest of Barbados.

Mr. President, with respect to services, this too has caused some concerns as to whether or not Barbados would be able to police services or enforce such standards. I want to make the point at this stage that when you have a standard system that you have compulsory standards as well as voluntary standards. Sir, the truth is that most standards are voluntary and only few of them, relatively speaking, are mandatory.

Mr. President, now that we speak of services as a discipline coming out of the agreement of the World Trade Organisation, the General Agreement on Trade and Services in particular, services have received some recognition and we are paying attention to services in a way that we had not done before. Sir, previously, services were seen as a part of the process of manufacturing or being involved in the trade of commodities so that services in themselves were not seen as products. This has now

changed because we actually have a trade regime and rules which apply to services themselves.

Mr. President, Barbados should not believe that services are new. The fact that most of our Gross Domestic Product comes from services is a fact that was so for a considerable period of time so that having standards for services is nothing new. For example, if we look at the Second Schedule to the Bill, which speaks about compulsory standards, we would see that already there in terms of liquified petroleum gas that there are standards for filling, handling, storage, transportation and location of portable containers for the liquified petroleum gas.

Mr. President, petroleum and gas are products but actually providing them is a service and, for example, National Petroleum Corporation provides a service to customers. Sir, the service is to provide the natural gas. There are already standards in the legislation with respect to services but often when we say services many individuals seem to believe this is something new we are talking about but we have been living with services for a number of years.

Mr. President, in addition, the International Organisation for Standards has put in place standards for some time now dealing with services. There are not as many standards for products but, for example, ISO9000 deals with quality management and ISO1400 deals with management of environmental system. Sir, already there are standards established with respect to services.

Mr. President, if we go to the body of the legislation and have a look at it, in the definition section there is a definition provided for a standard which, in effect, means a guideline or document where information is provided for repeated use, such as rules and guidelines et cetera. Sir, with respect to standards there are a number of different types of standards. We have product characteristic standards, product performance standards and management standards. Sir, management standards are not as many as, for example, a product characteristic standard. In this case, what you would be seeking to do is to describe the physical characteristics of a particular product.

Mr. President, it is important to establish these standards for products across the board because this helps to lead to these products being interchangeable across the globe so that they can operate with each other. For example, if you bought a computer in the United States of America, brought it to Barbados and could not use the same connection in Barbados that was used in the United States of America, this would be a difficulty, so the world seeks to establish common standards so that you could move from place to place with equipment.

Mr. President, there are certain common standards with respect to cars and plumbing, for example. There may be some difference between European standards and American Standards but, generally speaking in the world, we tend not to want 100 standards but about three standards possibly. Sir, what one is hoping to do through the International Standards Organisation, is to have one standard for most products and services.

Mr. President, in discussing standards and standards setting, I come to the Barbados National Standard Institution. Sir, the Barbados National Standard institution has an overarching responsibility for standards and standard setting in Barbados. As you all know, whether consciously or not, there are several different pieces of legislation which fall under different Ministries which also have to do with standards but the Barbados National Institution is responsible for setting those standards.

Mr. President, in terms of setting those standards, there is process that is gone through both at the regional and international level. The standards set, while many of them come from the international level through CROSQ, the predecessor to CROSQ, CARICOM has been able to establish standards for itself within the region for products which are especially unique to us such as rum and even poultry. Sir, in doing that, we have been able to identify the goods that must reach a particular standard in order to be acceptable in our market.

S46/14:30

Sequence 15

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SENATOR the Hon. Miss L. V. EASTMOND: For example, within the region we can and have set standards as to whether a particular table egg is grade A or B. There is the possibility of setting standards at the regional level as well.

Sir, the Barbados National Standards Institute was established since 1973 and at this time we recognise the importance of upgrading the Barbados National Standards Institute. As we speak, there is a seminar being conducted at the Grand Barbados Hotel, which is run by an Inter American Development Bank team. They have been in Barbados for some time and they are finalising recommendations to Government for the strengthening of the Barbados National Standards Institute, not only in terms of its physical plan but its human resources capability and efficiency, especially in the application of information communication technology tools. Sir, the laboratory facilities that we have in Barbados will also be upgraded, which will allow us to do greater testing,

therefore, safeguarding the standards, which the Barbados National Standards Institute seeks to establish.

Sir, the Department of Commerce, in the Ministry, which is the enforcement arm for standards that are not enforced by other agencies directly, will also be upgraded through that process.

Mr. President, it is very important that we engage in this particular exercise. This is quite a great undertaking for Government. The last estimate that we had for this particular project was \$8 million. Sir, Government understands the importance of standards and, in my view, standards setting and enforcement is probably the most important aspect of trade liberalisation, both in terms of having your goods and services enter foreign markets as well as protecting your own domestic market from substandard goods and services.

Sir, with respect to the Barbados National Standards Institute, this particular piece of legislation continues to see the Barbados National Standards Institute as the institution that is responsible for the implementation of standards in Barbados.

I would also point out that the Barbados National Standards Institute is the custodian of the national standards of mass, length, capacity, time, temperature, et cetera. They are many individuals who do not know that with respect to these standards, there are actually held by the Barbados National Standards Institution, and, therefore, all other pieces of equipment are actually based on what exist at the Barbados National Standards Institute. Sir, it is therefore very important that we continue to upgrade that particular institution.

The Barbados National Standards Institute will also take responsibility for ensuring that we establish Barbados national standards and recognise them as part of the standards system.

Sir, I stated that there are voluntary standards and compulsory standards. There are only forty-six compulsory standards in Barbados and there are seen at the Second Schedule to the Bill. I often get the impression that they are some individuals who speak very loosely and will say that there are no standards in Barbados. The Second Schedule will show you the forty-six compulsory standards that we have. They include items such as standards for steel nails, hollow concrete blocks and ceramic ware, the issue with ceramic ware is whether there is a release of lead in it that could cause lead poisoning. There are other items such as rum, chicken and ketchup. There is a mandatory standard for labelling generally, but also labelling of brewery products such as beer, stout, shandy, malt, toys and play things. Of course, there are specific standards for the storage of liquified petroleum gas. Sir, there are quite a

number of compulsory standards, forty-six of them, in Barbados that must be applied.

Mr. President, in a situation where for example, a manufacturer does not comply with a mandatory standard, the Minister, on the good advice of her Permanent Secretary, of course, may apply to the High Court in order to direct the manufacturer to cease the production of the commodity if it does not meet the mandatory standard. Mr. President, it is not simply a matter of putting a penalty in place, but you can actually get an order from the High Court to prevent the manufacturer from continuing to produce that product.

The compulsory standards tend to focus on those matters which are considered to be critical. Generally speaking, there are done in terms of safeguarding the interest of the public. They also have to do with protecting health and safety, the economy of Barbados and other such matters. That is where the compulsory standards tend to come in. Those compulsory standards can be found at Clause VIII of the Bill.

Mr. President, I will look at some of the other matters which the Bill deals with. For example, there is a specific provision at Clause XII, which states that the Minister may by order prohibit the sale or importation of a commodity, if it is found by the Barbados National Standards Institute that it is unsafe for use, so, one can actually prevent, through an Order, the importation of unsafe food.

Sir, there are specific provisions, even in addition to the forty-six mandatory standards that I mentioned earlier. There are specific provisions with respect to labelling, where you have prepackaged products or any other commodity. Labels are required to be written in the English language but, of course, that need not be the only language used.

Sir, labelling has in effect raised some concerns because they are many individuals who say that they go into the supermarket and come across commodities where the labeling is not in the English language. Issues are also raised about whether the Government is able to police all of these standards. As far as I understand it and as far as I understand how civilised societies usually work, when laws are put in place, it is not expected that the State is going to put a tracking device on every individual to make sure that they do not break the law.

Mr. President, the way that the State works is that all of us live in a society together and we understand that these laws are here for the protection of all Barbadians. It is never expected that Government would actually assign an officer to look at every single product that every importer imports into Barbados to see whether the label is in the

English language. If that were so, you would see that we would take up almost the entire population simply looking at products to see if the labels are in the English language or in Chinese.

14.40 p.m.

Sequence 16

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Senate 46, sequence 17, 2.40 p.m.

Continuation of: Senator the Hon. Miss L.V. EASTMOND:

It is unreasonable to expect that in the same way, every single citizen does not have a tracking device to see if he/she is going to break the criminal law, there is not a policeman assigned to every person.

In a civilised society, you expect that the majority of citizens in any area will follow the law, so it is expected that all importers of a product into Barbados will ensure, when they are purchasing products, that the labels are in English. It should only be the exception that they are not in English.

Therefore, what the Government is expected to do in most civilised societies is to be able to check at random, supermarkets, containers, et cetera, to see if by chance, there is someone who has imported something that has a label, which is not in English. When that person is found to be in breach, then the necessary actions will be taken, there is therefore a duty, yes, on Government. Sir, within Barbados and within the private sector and everywhere else, everybody tends to know what is the duty of the Government.

Sir, there is also a duty on the ordinary Barbadian, the consumer that when they come across products that do not have a label in English, the supermarket should be reported to the Barbados National Standards Institution or the Ministry of Commerce. It should be drawn to the attention of Government that this is what is happening because it is in all of our interests.

There is also a duty on the importer to make sure that the products they bring in have labels that are in the English language. I would like to think that the last thing they would like to happen is to import for example, a product and, it has a label in Spanish or Chinese that the product has nuts in it. Some child eats the product, has a severe allergic reaction and chokes and die, simply because importers have been callous about whether or not the label is in English, so that the parent can pick up the product and see that this thing has nuts in it or trace elements of nuts.

Sometimes it is not that the product itself actually has a nuts in it that you see, sometimes they use nut oils or they say on the package that they cannot guarantee that this particular item does not have traces of nut in it. Sometimes that is what is on the label.

Certainly, the death of a child would be caused because the importer has a reckless disregard for whether or not the child will eat that particular product because the label is in Spanish, French or Chinese and the parent cannot tell if it has nuts in it. It is as serious as that and I think that within Barbados all of us have to take our duties very seriously.

There is a duty, certainly under this piece of legislation that the importer bringing prepackaged products into Barbados should make sure that the labels are in the English language. Certainly, when this piece of legislation comes into force, we will be seeking to ensure that it is enforced.

Sir, in terms of export, for the purpose of protecting Barbados' reputation, it is expected that when manufacturers are exporting commodities abroad, that also meet the Barbados National Standards. There has been some argument that in some countries, there might actually be a lower standard and that if the particular importer in that foreign country understands this and wishes to purchase a lower standard product, we should allow this and not prevent the exporter from exporting a product, which would be substandard to us but not be substandard to a foreign country, if it is accepted by that country. Those recommendations came from the private sector.

We were prevailed upon, and we have agreed that the Minister may declare that a specified commodity may be exported on the prior written approval, where the commodity does not conform to the Barbados National Standard for the commodity. This is an amendment from the previous legislation, which did not allow this concession. When you were exporting, it had to be at the level of the Barbados National Standard.

Sir, with respect to our trading standard inspectors, most of them have been with the Ministry for some time and clearly there is a need for training and retraining. This process has started. Sir, practically every Government ministry could use some additional staff. One could argue that here, as well but the Ministry of Commerce tends to be one of those ministries that believe in doing the best it can with what it has and hope that good fortune would smile on the Ministry eventually, because of the good work that it is doing.

Therefore, we are doing our best with the inspectors that we have, even though they are under considerable strain. We are engaged in a process of doing a great deal of

training and retraining for them. This has been going on for some time. When I joined the Ministry, a study had already been done, looking at the Department of Commerce and seeking to improve its efficiency, et cetera, so that work is ongoing.

The Barbados National Standards Institution also has the ability to issue a mark to certify that goods reach a particular standard. It also can issue a mark saying that a particular process, management system or service also has reached a particular standard. This is extremely important. One may very well ask the question if the particular good or service is stamped with the BNSI mark, this will guarantee that it will get into a foreign market.

I do not think there is anything you can do in Barbados that would guarantee that your goods and services would go anywhere, if it has to do with meeting the standard of a particular country. This whole process that we are engaged in, in terms of the new rules that have been set for trade, that as a small state, we have determined that it is better to engage in and be actually at the table when the rules are being made, as opposed to saying that there is nothing we can do about it and we prefer to keep out of it. Barbados has been a part of this whole process.

The truth of the matter is that the only way we are going to be able to make a difference is if the entire international rules of governance change. As far as I can see, we are a very long way away from that happening. Senate 46, sequence 17, 2:50:14

Wednesday, March 01, 2005

SENATOR the Hon. Miss L. V. EASTMOND: The international governance system, the international rules generally and the international system of law is very much underdeveloped, it is nothing like the domestic law. At the moment, within the international community, we are still at the stage where matters are determined not so much by the rules. The rules are really for the powerless or the weaker nations. The larger more powerful nations determine whether or not they are actually going to follow the rules. That is the reality of the situation because it is very difficult to enforce laws if it is understood within the international community that it is still based on power and not on anyone being forced to follow the rules.

Mr. President, I think that most of us who attended the University of the West Indies would have had to write the essay on whether or not a rule is law if its breach is not met by immediate sanction. Certainly, within the international community a breach of the law is not necessarily met by immediate sanction, certainly not for all countries.

Mr. President, the certification by the Barbados National Standards Institute, even though it helps, would not necessarily guarantee an individual getting into a foreign market.

Mr. President, the legislation does not go without putting some penalties in place for various offences. I do not know if the penalties are steep or not, I guess it depends on one's outlook or on whether or not one is actually in breach of the law. A person who imports, sells, or export a commodity that does not conform to a compulsory standard is actually guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of three years or to both. So there are actually quite significant penalties involved.

Mr. President, a person who is guilty of an offence is liable on summary conviction to a fine of \$20 000 or to imprisonment for a term of two years or both where that person does a number of things. In clause 31 there are a number of offences that have been identified where the fine is \$20 000 or two years in imprisonment or both. These include failure to comply with the direction of an inspector and hindering or assaulting an inspector moving items that have been detained under the law. In addition, if a person bribes an inspector that person may also be fined \$20 000 or imprisonment or both. Indeed, the inspector, including a trading standard inspector, who accept that bribe is also subject to a fine of \$20 000 or to imprisonment.

Mr. President, I believe these are very severe penalties. Therefore, those who are involved in the importation of goods, those who are involved as inspectors, and those who are involved in selling goods have to be cognisant that these fines do exist. These fines include breaches of the law. That issue that I mentioned earlier with respect to the labelling and having the labels in English is also an offence in which one can be subject to a \$20 000 fine.

Therefore, I certainly would wish those who are in the business of importing goods and selling goods to be cognisant that there is going to be a piece of legislation in place where the penalties are quite significant.

Mr. President, since the law is on the books, the trading inspectors at the Ministry of Commerce would have no option but to seek to enforce them. As I stated at the outset, all of this is for the protection of the consumer, because it is no small matter if one causes the death of a child by continuing to bring goods into Barbados that are labelled in Chinese, Spanish and all kinds of languages and parents do not know what they are feeding their children. Mr. President, I believe that a \$20 000 or \$50 000 fine compared with the live of a child is really insignificant, but those are the types of things that we are dealing with.

In terms of seeking to get our own manufacturers ready for this type of environment, the Government of Barbados has provided technical assistance funds under the Barbados Industrial Development Corporation and the Ministry of Commerce, Consumer Affairs and Business Development, to provide technical assistance for manufacturers to be able to have an audit done of their particular processes in order to ensure that they meet Barbados' national standards.

Mr. President, in terms of the HACCP system, we have provided technical assistance to be available for those companies that wish to meet that standard, because there are some countries that are not importing goods unless they actually meet that standard. Therefore, the Government is not simply saying that these standards have to be met, we are doing all that we can to ensure that our own manufacturers are able to meet these standards.

Mr. President, I would end by making some reference to the agreement establishing the Caribbean Regional Organisation for Standards and Quality because this particular agreement is actually a part of this new piece of legislation, and it is found as the First Schedule to this Bill. In terms of the fact that we have moved into this liberalisation process and also as part of the CARICOM Single Market and Economy initiative, it was found necessary that we should formalise this institution.

Mr. President, a lot of credit must go to the standards officials across the region because before there was a Caribbean Regional Organisation on Standard and Quality, they were actually with each other and seeking to set standards across the region. They have now become more formalised and their work now has the force of law in several of the jurisdictions.

Mr. President, this particular Bill, if passed by this Honourable Senate, would also have the force of law in Barbados.

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

Senate 46 Sequence 18

3.00 p.m.

Wednesday, March 01, 2006

SENATOR Dr. D. S. LOWE: Mr. President, I am sure that no one would anticipate that the Opposition, in this Honourable Chamber, would find any reason not to object to support the Bill before consideration today, since all of us have agreed that a nation has to undergird itself with a set of standards that would guide its political, social, economic and spiritual life in Barbados. Therefore, in order

for us, as a country, to be able to demonstrate our ability to operate in this new world environment, it would be necessary for us to embrace any attempt to ensure that the way we do our business, would not only conform but at times, would advance a certain awareness relative to the standards we practice in the delivery of our business.

Mr. President, the Honourable Senator who just took here seat was very comprehensive, as is per usual, in her laying out of the parameters of this Bill, and took great ease - unless it was pain being disguised as ease - to give us the fullest, possible understanding of what is contained in this Bill before us for consideration.

Mr. President, I look forward to this debate because I believe that the character of this country is very much wrapped up in how we practise our business, at all levels. Sir, while it may be correct to look, with some degree of specificity, to the protection of consumers, I believe this debate gives us an opportunity to carefully examine how we do our business and what kinds of standards are obtained in the delivery of our business in this country.

Mr. President, as I said earlier, it is not restricted simply to looking at goods and services but I believe that every walk of life, in any progressive developing country, requires a consistent contemplation of those issues, which would drive its capacity to produce at a competitive level, in any area of endeavour that it pursues.

Sir, I must say that the country has obviously come to grips with the importance of not only examining itself, in terms of how it does its business, but also examining international standards and seeking to bring into some compliance the relationship between how the country does its business and how that performance is matched with the requirements of the international world.

Mr. President, when I thought about this whole debate on standards, the first thing I asked myself was, how do we define standards beyond the context of the Bill. I thought of it as trying to come up with a definition that is functional enough, that those out there who would be affected in one way or other by how we do our business in this country, would have a pretty functional understanding of what it is that we are talking about. I believe it was the Honourable Senator who indicated that very often we throw the term "standards" around pretty loosely and seek to suggest that, in some ways or in some forms, we do not do business according to some laudable standards. I do not agree with that view.

Mr. President, I see standards as a taxonomy of required principles, or as a group of required principles that guide the development, the assessment and the delivery of goods and services, one that seeks to create an understanding of how we practise our social, cultural and

economic endeavours. Therefore, even when anyone picks themselves up and decides to go to the supermarket, that person has to know what obtains in that exercise has to be driven by an understanding of what standards apply, that would protect their purchase and their consumption of whatever it is they would be purchasing.

Mr. President, recently I went to one of the leading supermarkets in Barbados and picked up a carton of milk, along with a few more items, and went home. It was my error that I did not check the expiration date but only to discover when I got home that the milk, in Barbados parlance, had 'turned'. I ended up with a carton of bad milk. When I looked at it, I discovered that sitting on that shelf, among other of cartons of milk, was a carton of milk that had expired three days ago. Sir, when I called, that supermarket said what they normally say, that I was to bring it back and they would exchange it. Sir, at that time, I had to make a decision whether or not I should travel all the way back to the supermarket with that milk.

Mr. President, out of all this, I thought of that old person who would have had to take a bus, in order to return that carton of milk and told myself that when we talk about standards, which are not simply etched in stone, they are more about how do we practise our way of life, to an extent where we could benchmark our way to life, the way we work and the way we do business. Therefore, while I understand that the protection of consumers is critical within the Barbadian standards, I want to look at it in a broader context.

Mr. President, the Honourable Senator talked about different types of standards and I believe the Honourable Senator would have mentioned compulsory standards, voluntary standards, minimum standards, and what are called normative standards. Sir, minimum standards are standards where, on a continuum of one to ten, where one is acceptable and ten is most acceptable, you could create a standard at the one threshold that, to some extent, would still be acceptable but would not take you outside of the realm of acceptability. A normative standard, on the other hand, is one that is derived from benchmarking other standards around the world. Therefore, once you have done your benchmarking, you come up with what is called a normative standard, one which reflects the norms, as you have examined those patterns around wherever your research might have taken you.

Mr. President, I believe that as we move through our development as a country and as we continue to advance the lives and the standard of living of our people, it becomes important that we compare ourselves with how other people do business, especially since we now operate within an environment, which is driven by standards created by dominant countries, where, very often, the

standards of those dominant countries are designed to keep us on the corridors of almost extinction.

3.10 p.m.

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SENATOR Dr. D.S. LOWE: Therefore, we have to understand that if we want to performance on this world stage that we must bring our performance up to a level where we can have a creditable voice on the table of bargaining whenever that opportunity occurs or is necessary.

Mr. President, when we talk about standards, we must ask ourselves how do we distinguish what types of standards we are pursuing in terms of the quality of those standards. Are they normative, voluntarily, compulsory or minimum standards? Sir, in any society there is a mixture of those categories in terms of standards operating within the society.

Mr. President, I would want to believe that since we have come to grip with the importance of us being able to performance on any stage that we have to pursue normative standards that allow us to deal within a context where we can compete with interest where it may be. Mr. President, our survival as a country depends upon our capacity to maintain a certain level of competitiveness in a number of arenas. It is not only competitiveness in terms of tourism, manufacturing, or agriculture but it is competitiveness in every sphere of our lives as a country and as a people. Therefore, it would become important for us to understand the link between our capacity to be competitive and the need for normative standards that would drive our competitiveness, where we can compete with those persons that we would have to compete with as we go forward as a country.

Mr. President, I am never afraid to applaud the State for its attempt to put in place the systems that we will benefit from as a succeeding Government to this Government or that any other Government that comes along would benefit from. We know that the reality of our political life is that it grows in cycles and, therefore, the bed on which one political Party in Government sleeps on, somebody else comes along and chooses whether they sleep on it or whether it is thrown out. Sir, in all good faith, we have to applaud the effort to ensure that instituted in the culture of our country is an appreciation for strong average standards as we go forward.

Mr. President, we have heard this now forever that the realities of globalisation and trade liberalisation have caused us to do some self-examination. It has caused us to look at our mirror image and cause us to ask ourselves whether or not we are moving on a continuum that would

guarantee the success of whatever level it chooses to perform. Therefore, I want to suggest that it is absolutely necessary that when we look at standards that we are trying to ensure not only the protection of our consumers who are the receivers of commodities but are the protectors of those persons who are creating commodities for other to consume.

Sir, when you talk about standards there should be a process of reciprocity where we have to understand that, on one side, we protect our people against the minimum standard of other people but, on the other side, as we begin to perform in the context of the global stage that we are also perpetuating a level of performance that is driven by high standards.

Mr. President, we want to make sure that whether we are exporting or importing that there is a band of standards that guide how we do our business whether it goes out of Barbados or comes into Barbados. Sir, we know that with the advent of the Caribbean Single Market and Economy that it has become absolutely necessary when we look at standards not only to look at them in the context of how they apply to how we do business in Barbados but we now have people coming doing business who must also comply with the standards and we will have Barbadians going to other places, who must also comply with standards that are compatible to the standards we set here in Barbados.

Mr. President, we want to protect our commodities, our people and our culture. We want to make sure that our intellectual property is protected by the standards which we created and we also want to make sure that the commodity which best speaks to who we are that is our cultural expression that whatever we do within that arena is driven by strong standards of performance, creation, innovation and of ultimate expression in that regard.

Mr. President, we want to create a national culture of correction that searches for standards of compatibility. We talked about the CARICOM states and that there should be a reduction in discrimination. Sir, we understand that there are countries today that in order to protect their dominance as players in the world market that they would set up new and more subtle barriers to keep out small States like Barbados. The advent of the Caribbean Single Market and Economy, which is a good concept, seeks to bring these States together to fight as a group so that they could have a stronger and more robust voice.

Mr. President, I must ask a question if we are talking about standards in Barbados. Have we done a study across the region to see what kinds of standards have been established? We are now talking about creating a single market where we are all players of equality and we are talking about a single economy, which is part of the future. Sir, if we are investing this kind of energy, we cannot

invest in isolation of those players in the Caribbean Single Market and Economy. Therefore, we would have to be contemplating how we will assist the other states if they have not yet gone ahead of us, in creating the kind of environment where there is some similarity among the group of standards we adopt as part of the way we do business.

Mr. President, we are looking for that kind of compatibility and seeking to reduce discriminatory practices in trade because we know that there would be no quarter spared in terms of the robustness of trade negotiations across the globe and that we would stand assured if how we do our business brings a level of sophistication to it that reflects the level of standards that we employ as part of our practice in this whole process.

Mr. President, it is true that we cannot narrow this debate to simply talking about consumer protection although it is an important part of the process. Sir, I am not convinced that enough is being done to protect the consumers of Barbados.

Mr. President, I bought a cartridge of ink for a printer from a local establishment. Sir, I placed the ink in the printer, and after printing four or five documents of no more than two or three pages, the printer stopped working because there was no ink. I took the ink from the printer and returned it to the establishment and told the gentleman, who had a beautiful British accent, that the ink would not work. Sir, the gentlemen told me that I would have to bring my own printer to his shop so that he could test the ink to see if it would work. I enquired whether he had a printer at the shop. He informed me that he did have a printer but that it was in a box and that he did not wish to take the printer out of the box to test it because it was his view that the ink was working.

S46/15:20

Sequence 20

Wednesday, March 1, 2006

SENATOR Dr. D.S. LOWE: Sir, short of debasing myself, I walked out of that store. I believe that there is a level of exploitation in this country with certain operators who have no regard for consumers. That is not the only experience that I have had. I can give you experience after experience where you go to some of these big stores, buy a vacuum cleaner, take it home, use it twice, it stops working, they tell you to bring it in and that it would be repaired, then they call you and tell you that they have no parts of it.

Sir, if you have a small business and you spend \$600 or \$800 for a vacuum cleaner, you are out of the use of that

particular commodity until they find the parts. Sir, after a while they do not hear from you, they will call you and ask if you want them to write it off the list, then they would come and pick up the trash.

Mr. Speaker, this is happening in Barbados and we are insisting that standards be set. We want standards to be across the board, because they are some people in this country, as we well know, who cannot articulate a case for such persons, who do not have the money to hire a lawyer, and they should not be at the mercies of the discretion or indiscretion of those persons who provide that kind of service in this country. Mr. Speaker, if we are talking about service and standards, we cannot just talk about consumer protection standards.

Sir, I believe that if there is true taxonomy of standards in this country, you have to begin at the top. In any country, the highest of standards that should be obtained are the standards of the State, relative to the political standards. Sir, political standards, not simply in the sense of how we do business as a country, but political standards in terms of how we behave as politicians in this country.

Mr. President, I am of the view that if we want the man on the street to comply with the standards that we set as a country, the standard bearers themselves must bear those standards well and must behave and act in ways that reflect the standards that we are seeking to advance as part of the culture of the society. Sir, when you talk about political standards, you talk about political behaviour.

Sir, I have contended, and I will continue to contend, that I will never be a part of any political culture or political class that seeks to disrupt or destroy the reputation of any person in politics, simply to create a political advantage in the process. At the end of the day, those out there whom we police to comply with standards, are persons who watch the way we behave.

Sir, I would say that I am pleased to be part of a Chamber where for the most part, I certainly appreciate the quality of Members that grace this Chamber. I would hope, as I make my transition to the Other Place, that those who would wish to follow ...

Mr. PRESIDENT: Senator, I think you need to identify the Other Place.

Asides.

SENATOR Dr. D.S. LOWE: Thank you, Mr. President. I stand so advised.

Sir, not only standards in terms of our political culture, because I believe that the character of a nation is very much displayed on the mural of its political life.

Mr. President, we have been fortunate in this country over the years to have great Governments that have done well in advancing the well-being of this country and its people. I believe that tradition has to survive especially in these times when because of shortages and types of needs of countries, leaders of countries find themselves having to make strong and tough decisions that people at times in the country do not appreciate. It is my hope that as we continue to focus on retrofitting Barbados to be a world player, not just a world player but a dominant world player, that we would take cognisance of all of these issues.

Sir, the political standards are important. Sir, health care standards are important and, of course, we know that the wealth of a nation is really the health of its human capital. I heard someone make a casual remark to that effect. We have to take care of our people. If we are going to do so, in terms of the health we provide and the standards of health care we maintain, we have to ensure that we do not put the lives of our people at risk, because we are not observing the kinds of standards that would impact upon the quality of medication, professionals and the like that have an interplay and impact on our health care delivery. That is important.

Mr. President, we must also talk about standards of education. At the heart of a country's ability, to carry out the mandate of standards, it must create a society that is educated to the extent where they are able to appreciate the nuances of observing good, strong normative standards.

Mr. President, I would say, without glee, that our educational system needs to be refurbished, revitalised, perhaps, revived to some extent, not to suggest that there are not elements of the system that work well, but we want a system that is well-oiled. The quality of our educational system and the standards of our education will determine the quality of our citizens for tomorrow. Thus the link between the two.

Sir, if you look at it from a consumer perspective, then our people are the consumers of the education that this country provides. We have some obligation to ensure that the standards of education are of such that we can continue to produce the kind of competitive citizens, we have become used to in this country.

Mr. President, I hear a lot about policing standards and I continue to feel and feel very strongly that standards are null and void if the people, they are designed to lead, do not have an appreciation for what it takes, observe standards.

Sir, when we talk about training, we are talking really about taking people beyond the realms of their intellectual competencies, giving them practical skills to operate and perform within an environment that is becoming fast-paced, a complex and conservative environment, in the sense that now employers are seeking to have onboard persons who are so multiple-skilled and multiple-tasked that where once upon a time you could get away with going to a job with one dominant skill, now employers are looking for one dominant person who can provide services in a number of areas. That is very important. Sir, we have to look at the standards that drive our training and retraining of our workers. We have to make sure that those standards are in compliance with international trends.

Mr. President, I understand that you cannot talk about standards unless you look at your economic reality. We understand that over the last several years, economically, we have done well. We have had years of successive economic growth. We have had a lot of new endeavours driven by our economic circumstances. Unfortunately, we have borrowed a lot of money at the same time, but at the end of day, all that we do economically, unless those returns are aptly applied across the board to all of our people, we would have missed a critical standard, and it is a standard of equality, equality of living, equality of life standards and equality of opportunity. If we do not come to grips with the fact that all that this country is able to achieve, if it does not reach every citizen of this country, we would not have satisfied the basic standard for equality of life in Barbados.

15.30 p.m.

Sequence 21

Wednesday, March 01, 2006

Senate 46, sequence 22, 3.30 p.m.

Continuation of: Senator Dr. D.S. LOWE:

I think that is absolutely necessary in this regard. In Barbados, there is a push to delve into the nuances of service quality standards and I think it is a good push. I think it is important that it does not matter what we create in the society, if we are not able to sell it well, and sell it from a point of sale perspective so that the contact between the seller and the buyer is such a memorable and lasting experience, the person would wish to come back and buy again.

All of us know that from time to time, we encounter experiences where, once we are done we tell ourselves, I will never go that road again. I believe it is important for us to instill the value of service in people versus the vice of

servitude. We live in a society where, because of the remnants of our history, we tend to perceive the whole journey of service as one where we are doing someone a favour or where we have done a favour for so long that we are not going to do it anymore.

Therefore, I believe it is absolutely critical that in order for us to be able to change the disposition of those who are service delivers in this society, we have to get into their beliefs and we have to know why they believe the way they do, we have to understand the connection between what a man believes and how he behaves. We also have to understand the dynamics of changing or transforming the belief system to produce a behaviour that is more given to service quality excellence.

I think it is something that is critical because if we spend too much money putting programmes out there without seeking to re-educate people and to redirect their thinking, we may well find that we educate people to become worse in terms of their service quality and their delivery standards. I think those standards are also important.

Mr. President, labour in this country is reaching an interesting stage. It is so because there seems to be a great flexibility in how persons are brought in and persons are sent out. Sir, without spending too much time on this, all I want to say is that the whole notion of creating a single market...understanding that there is a segment of our population under duress - relative to employment that really pays. I am not talking about people who are underemployed or underpaid.

Sir, given the fact that there are persons - a lot of us do not like to talk about them - who come into this country, whether they are Guyanese, Vincentians, Trinidadians or whomever, we have a labour climate in this country where there is now a lot of exploitation going on.

Mr. President, let me say for the record that I have no difficulty in Guyanese, Trinidadians or Vincentians coming to Barbados for any reason at all but not if we are going to create a haven for persons to come and be exploited. In the case of the Indians, they were being paid \$10 a day, in an environment where we are talking about driving standards and in an environment where we are talking about becoming a world-class performer. As a matter of fact, Mr. President, in an environment where we are preparing for world cricket, and we could have the audacious practice of exploitation on persons, whom I am sure would have left their homes and families in search of a better way, and they find a way that is deeply contaminated by circumstances of exploitation.

Sir, not only that, there is a growing situation of child labour in this country. There are children that when

they ought to be in schools are out there 'picking a dollar', some on construction sites. Mr. President, I am saying and I would wish to advise the Government that as it seeks to put these standards in place, that it seeks to protect our people, not only in terms of the consumers of goods but in terms of the overall well-being.

Sir, if Guyanese are going to come to Barbados and work, they should be treated with the same dignity as any Barbadian who finds work in this country. If they are not going to be treated with that dignity then, I think it is wrong to create a haven for them or anybody else in Barbados, because any form of exploitation is wrong, in a society that prides itself in being a modernised society.

Mr. President, it is all about responsible Government and it is all about policing the system, Sir, and the labour standards, not only in terms of hiring, but in terms of creating the environment for workers, where they can do their jobs in peace and they are not exposed to harm.

Mr. President, we know too well in Barbados that there has been a consistent show case of workers, who have difference with the quality of the work environment and the standards that obtain in those work environments. In some cases the Government of Barbados has moved very slowly to bring an end to some of the situations that affect workers in this country.

We are not going to talk about the Louis Lynch Secondary School because that is an issue that I think all of us want to see resolved. It is not a matter of politics. It is a matter of protecting our human capital at all ends of the life cycle and therefore we have to do something about it, Sir.

Mr. President, there are also journalistic standards. I know that from time to time one group says that the journalists are not fair, when it is not convenient for them, and another time, the other group says that the journalists are not fair. I would want to say that the country has a responsibility to insist that the standards that drive journalism are committed to portraying the truth, however the truth may fall.

Sir, regardless of whether or not the truth hurts, the journalists of Barbados have an obligation and they should stick to their obligation, without fear or trembling to tell the truth. This is why we hear people complaining about the lack of investigative journalism. Journalists must go and find the truth and tell it. Sometimes, Mr. President, it may not be so friendly for them to do that.

Therefore, standards must create an environment of efficiency. Standards must create an environment of effectiveness. Standards must be driven by a process of benchmarking, where we know what is happening around us, and we know what needs to be done. Standards must be

enforced, because it does not matter how great a piece of legislation this becomes, if the standards are not enforced, then you will have a problem with the efficacy of those standards.

The way you enforce standards is not simply by policing standards, Mr. President, but you have to do your research and measurements. You also have to do your evaluation and you have to make sure that at the end of the day, there is strict accountability for how standards are applied and how they are measured.

Mr. President, it is true that if Barbados is going to be able to reach its full potential that legislation like this is absolutely necessary. The drive to ensure that the country has the best possible opportunity to find its journey of maturation that results in the full development of its people, intellectually, economically, socially and otherwise. We on this side believe that the effort to put these standards in place, is a worthy and worthwhile effort.

We also believe, Mr. President, that world class status requires world class standards. We also believe that there is a link between first world competitiveness and first world citizens. I feel very strongly that anything the Opposition can do to help drive this kind of development, we are prepared to give the Government our full support on this particular endeavour.

Mr. President, I thank you so very much.

Mr. PRESIDENT: Senator Sir Allan Fields.

Senator A. C. FIELDS: Thank you, Mr. President.

I rise to give full support to this Bill before us, the Standards Act, 2006.

Senate 46, sequence 22, 15:40:14

Wednesday, March 01, 2005

SENATOR Sir Allan FIELDS: I noted that in her presentation, the Minister, as usual, did an excellent in-depth presentation of the entire Bill and spoke about viewing it in the context of the protection of consumers. I am sure that Barbados would never want to use this legislation as a trade barrier to protect manufacturers or processors

Mr. President, having said that, I must alert this Honourable House to how some other countries use their standards legislation. I would like to give two very real examples. Many years ago, I was part of a task force to export Banks to the United States of America. In order to do so, we had to make sure that the label met their rather strict requirements. The label was rejected nine separate

times for nine separate discrepancies. In other words, they did not view the label that was presented and wrote a letter pointing out nine flaws, the flaws were taken one at a time and each flaw took a month to correct, and therefore the process was drawn out. Suffice it to say, the last rejection was because the label had on 333 ml. They say that the period was not required, it had to be removed. Mr. President, I would not suggest that they were using standards legislation to protect their market. On another occasion we wanted to send products to a market that was bilingual and it took us seven months to get the nuances of the other language correct on the label.

Mr. President, I say all this to say that other countries have found standards a useful tool in protecting their markets. Therefore, one has to be conscious of that and that when we put standards in place, we have to understand that the standards not only have to be put in place but they have to be policed. Therefore, institutions such as the Barbados National Standards Institute need to be given the tools to do the investigative work, to do the analysis and the people with which to do the analysis.

We have situations where pharmaceuticals come into this country but we do not have any way of telling whether what is in the box is what is on the package. In the United States of America and Canada today, they are under a severe threat from pharmaceuticals bought on the internet which they are very concerned about. Again, I do not know that we have the facilities to check to make sure that whatever standards are in place with respect to English and the label, matches what is inside the package.

We also have a situation which was pointed out on CNN only today where the airlines are suffering from the fact that they are buying parts thought to be genuine, but they are not genuine parts and could cause harm to the people who fly on them.

Mr. President, the Minister also went on to talk about training and retraining for officers. She used the plural to the noun, and I am very happy to see that because in the past whenever we have had problems we were told that it is difficult to police because of lack of staff. Therefore, I congratulate the Minister for saying that she is happy to work with what she has. I am not too sure if she is going to go out there and do some of the policing herself, but I think that she desperately needs some staff, not only training and restraining but staff to train and retrain.

This country has a lot and is blessed with an abundance of good legislation. However, the implementation in the policing of the legislation on our statute books sometimes leave a lot to be desired. I could regale this Honourable Senate of the many instances where goods, inappropriately labelled, goods prohibited and goods of questionable origin, have come into Barbados.

When this circumstance has been brought to the attention of Customs and to the appropriate ministry, we were consistently told that there is simply not enough staff to police the situation and deal with the situation. To this end, I would like the Minister's assurance that this lack of manpower is really being addressed that would go part and parcel with this Bill, which deserves our sincere attention and certainly deserves to be put on the statute books of Barbados.

Mr. President, there is another area that I would like to address, one that troubles me greatly. I refer here to page 15 of the Bill before us at Part IX, Miscellaneous, Section 29 (b), where it speaks to the sale or disposal of goods found to be deleterious to the welfare of the consumer. I truthfully would like to suggest that sale should be expunged from this Bill.

Mr. President, no matter how you spin it, how could you have a circumstance where you are going to sell something that is found to be deleterious to the welfare of the consumer. It should simply say disposal of goods. It might be a variety of ways in which one disposes of goods but to suggest for one moment that these goods could be sold, leaves me very troubled.

Mr. President, I know of instances where goods have been seized by Customs and then in the fullness of time have been auctioned off to Barbadians who were able to go and pay money for the goods at the auction and the goods ultimately found themselves back into this market in Barbados to the detriment of manufacturers, processors and sometimes to consumers. Therefore, we need to have some assurance that when these goods are policed, if they are inappropriate for this market for whatever reason and they cannot be re-exported, that they are dumped under supervision.

Mr. President, it is not good enough to suggest that you have goods that are found to be deleterious to the welfare of the consumer and yet there is a possibility that they might be sold, if the Minister so decides. It is either deleterious or it is not.

Mr. President, in section (d) of that same Schedule there is a catch-all clause, which states that the Minister may make regulations respecting the exemption from such requirements to this Act as the Minister thinks fit. So at the end of the day, we are at the mercy of whoever the Minister happens to be, and it may not always be our current Minister in which we hold in high esteem.

Mr. President, as I said earlier, I am not suggesting that Barbados should resort to standards to protect our manufacturers, but we should ensure that the relevant mandatory standards, to protect our consumers from shoddy products, harmful products and items that are being

dumped in this market, which have hurt the genuine manufacturers and processors, be enforced, because there are other countries who resort to these tactics to protect their own markets.

Mr. President, in closing, I would just like to say that this Bill has my full support. It is high time the two Acts were brought together into one comprehensive piece of legislation. Once again, I would like to ensure and encourage those empowered to ensure that the Barbados National Standards Institute has the requisite equipment and properly trained staff to make sure that the standards could be put in place that still need to be put in place - because the 40-odd mandatory standards are not all that we need, there would be more, in the fullness of time, that we would need to put in place - but more important that this piece of legislation can be policed.

Mr. President, the Ministry of Commerce, Consumer Affairs and Business Development do have the requisite amount of staff that when things are brought to their attention, they have the clout and the willingness to do what is necessary to take these goods and put them out of harms way so that the consumers do not have access to them.

I am obliged to you, Sir.

SENATOR Miss S. C. V. HUSBANDS: Mr. President, I rise to speak on this particular Bill and to acknowledge that the other speakers have put before the Senate matters that are of great importance in terms of looking at standards within Barbados, looking at our competitive position and how we are going to operate in the new global environment.

Indeed, because the world has changed so rapidly, it has created a completely new framework from which all businesses have to function. Therefore, it is indeed a great challenge to us to be able to meet standards that are required at the international level. When one looks at the World Trade Organisation requirements, whether it is the sanitary and phyto-sanitary measures, whether it is the TBTs, one sees that what small nations like ours are up against is the challenge of being able to perform at such a level that we are able to overcome these barriers that prevent us from entering markets.

Mr. President, it is not that these standards are not importance because they have been established not only to govern trade but to be able to protect health, safety, et cetera, to ensure that there is a fair environment for competition among businesses and to protect domestic production, service providers and so on.

Mr. President, in the small business community, in terms of operating in an environment that has high levels of

standards, we are presented with a tremendous challenge for us to be able to move forward, to make that jump and to make the grade. Certainly, some of the standards have been a challenge to large businesses but for small businesses there are a number of issues that impact on us as we seek to meet the standards that are laid down.

Senate 46 Sequence 23

3.50 p.m.

Wednesday, March 01, 2006

SENATOR Miss S. V. HUSBANDS: Mr. President, part of the problem with the environment, when we introduced standards... I am not saying that standards are not important, they are, and we need to have them. Therefore, I just want to alert this Honourable Chamber to the challenges that it presents and the fact that we need to look at ways in which we are going to help small businesses to be able to comply.

Mr. President, one of the main challenges is for people to be aware of the requirements. Unfortunately, we in Barbados, have developed a culture amongst some businesses, not to pay attention to legislation and to what it means. Therefore, while there are organisations such as the Chamber of Commerce, the Employers Confederation and the Small Business Association, et cetera, that try to alert their members to what this legislation is about, very often, within those bodies, they do not capture the bulk of the business community.

Mr. President, in such circumstances, what you would have, would be a number of people, who are completely unaware of their obligations under the law. Therefore, where a particular requirement is obligatory, it would mean that those persons would stand in danger of coming under the long arm of the law, in terms of falling afoul and finding themselves having to pay fines for being not in compliance with the law.

Mr. President, therefore, we need to have effective methods of reaching, of informing and of making the business person aware about what are the requirements that come down. Sir, it is not an easy task, but we have to find meaningful ways in which we are going to help them to see what is required of them. Sir, as an example, we recently passed the Health and Safety legislation, which is designed to ensure that we create healthy and safe environments within the workplace, so that employers, employees, the consumers, other service providers or subcontractors, can operate in a safe environment. Sir, on the other hand, what has been amazing is the number of small businesses, which are unaware of the requirement and of what it means to them.

Mr. President, in an effort to make its members aware, the Small Business Association recently had a meeting for building contractors, because there is a special clause for contractors, which has a lot of requirements, of which contractors need to be aware. What we found was that many of our members were unaware of the seriousness of the legislation and of what it was requiring of them. Therefore, as a result, we are going to be putting on more health and safety sessions. We will also be working in collaboration with the Ministry of Labour, to be able to disseminate this information and to be able to help people to be more aware. Sir, the issue of awareness is one problem that we are encountering and we have to overcome that particular difficulty.

Mr. President, the other side of that particular awareness is where a requirement is not mandatory but is voluntary. Sir, some people feel that they can only ignore it but they fail to understand that compliance with that particular standard helps them in their competitiveness, and that if they do not seek to operate at that level, they will have others in the marketplace, who are prepared to do what it takes to meet that particular standard. Therefore, eventually those businesses that do not comply, will eventually find themselves losing their competitive edge. Therefore, this type of information is going to be important.

Mr. President, another area that is a challenge to small businesses, when it comes to complying with standards, is that very often the technical expertise might not exist within the organisation, to be able to implement what is required in the business, to make it compliant with Government's regulations. This particular lack is of great concern because very often, for people to be able to implement, they might have to hire that technical expertise, and very often they may not have the resources, in order to hire that technical expertise, to allow them to meet the particular standards that are required.

Mr. President, the other challenge to small businesses, in terms of standards, is the matter of ensuring that, at all times, they are compliant. While a business owners might, with the best will in the world, want to comply, whether it is the building code or the health and safety regulations, the company's compliance depends on staff members internalising those standards and being willing to work and to live by those standards and making them a part of how they do business. Sir, this is a great challenge to small businesses where, very often, sometimes the staff members feel management is being difficult or that management is putting onerous requirements on them, instead of the staff recognising the fact of how important it is that they should comply.

Mr. President, in this regard, therefore, one of the things that we need to put in place as support, when we put

standards in place, is to be able to assist small businesses in being able to disseminate and to effectively share that information with staff, so that there would be a level of willingness to comply, as staff begins to understand the importance to the effective functioning of the job, vis-a-vis, to the preservation of their own jobs.

Mr. President, another challenge in terms of standards, is the fact that it is not only staff and the business owners who need to comply, but the suppliers with whom you work. They have to be able to appreciate what it is you require of them, which has to be done differently, in order to allow you to meet the standard that is being required of your particular industry. Therefore, being able to effectively communicate with them is also important, if we are going to be able to meet these international standards.

Mr. President, the reality on the ground is that many of our small businesses will find it difficult to meet the standard. Therefore, the question is, how are we going to help them to make that transition? Sir, a question that would be posed to us would be, if it is going to present a level of hardship to some businesses that are not able to put systems in place, why are we pursuing the implementation of standards, if there is going to be a difficulty?

Mr. President, as was stated earlier, we are presently operating in an international environment and whether or not we like it, regardless of whether a small business is willing to get into export or service providers are willing to travel, the point is that people are going to be coming into your market as well. Therefore, it is important to have standards, to be able to govern what is happening on the ground, to ensure that you are able to protect the citizens and to ensure that people are complying with the particular rules that have been set.

Mr. President, in this regard, how are we going to ensure that something moves from a law, into bringing the benefits that we are anticipating it would bring. We stated that it is supposed to do a number of things, including protecting health and safety, creating fair competition on the ground, protecting the consumer, among others. Therefore, unless compliance becomes important, then that particular piece of legislation becomes ineffective.

Sir, a number of Honourable Senators have already outlined the matter of compliance, how important it is, if we are going to see the benefits emerging from out of the standards that we have established. Mr. President, there are a number of things which I think are important, if we are going to be looking at compliance. When we look, for example, at the health standards, whether it is the importation of plant material, fruits, goods, products or services, what is vital to the protection of our borders, is how our Custom Officers function at the border; how

vigilant they are in executing their job; whether or not there are enough officers present, to execute the proper searches, so that we are able to ensure that the products that come into our particular space, meet the necessary requirements.

Mr. President, I know this aspect has been a challenge for us and it is something which we need to address, because even if we put legislation in place to safeguard the health or the economy, unless there are good monitoring systems, we are not going to be able to derive the benefit we need.

Sir, compliance also requires the citizens to be alert. Very often people feel that when Government puts a particular piece of legislation in place, that Government would be able to put one thousand monitors throughout the country, to see when violations would occur. That is not so. Therefore, for this standard to be effective, it is going to be important for citizens to understand that they have a role in policing a particular standard.

Mr. President, I think a good example is that of the Fair Trading Commission legislation. That legislation seeks to put consumer protection measures in place. Sir, in this regard, that is only effective, if consumers are aware of their rights and that they raise the red flag every time there is a violation. Consumers must realise that unless we play our part in ensuring that people comply, then we ourselves contribute to the non-compliance within the society because we would have failed to bring these things to the attention of the authorities.

Mr. President, I am very happy to hear the Public Counsel for the Fair Trading Commission stating that, within the first year, there was a tremendous request for his service and, therefore, as a result of that service, consumers and businesses are more aware and are seeking to comply. Therefore, in that regard, the citizens are bringing things to the attention of the authorities, that plays a very important role in whether or not we get compliance and, therefore, derives some level of benefit from a particular standard.

4.00 p.m.

Wednesday, March 1, 2006

Senator Mrs. S.C.V. HUSBANDS: One of the challenges I see for the Barbados economy in terms of managing standards is the whole matter of knowledge and access to information. Sir, there are products and services being created every day all over the world which are coming into our borders. Very often a new product comes to the shelves of our supermarkets and there may be an ingredient or some process used in the manufacturer of that particular product that may be unknown to the authorities and we may not be aware of what is wrong.

Many times I have heard people talk about certain things on our supermarkets' shelves, which are everyday items that we used which are banned in their country but somehow they find their way on to our supermarkets' shelves. This is because we lack the knowledge, the importer may lack the knowledge and the authorities who police our borders may lack the knowledge to know that there is something injurious in this particular product or commodity to the consumer. Therefore, we have to find effective ways and find the resources to access the information to put us on our guard so that we can ensure that we control our borders and are able to ensure the enforcement of standards, especially with it comes to things that the public will consume and will be injurious to health.

Mr. President, it was mentioned earlier and I want to raise it because it is extremely important. Senator Eastmond talked about people bringing in substandard goods and so on and how it can violate the consumer but probably the most dangerous is in the area of medicine. Sir, earlier this year, a BBC documentary outlined that there are people across the world who were taking drugs and produce generic drugs from them instead of putting the first strength of the ingredient which makes the particular drug effective. Sir, they were cutting corners in order to cut cost and thus reduced the amount of the effective ingredient in the particular medicine. The BBC reporter demonstrated how it had caused havoc across the world because the drug was being used in Africa and Latin America and it was felt that it even contributed to death.

Mr. President, this is a serious thing and why it is important when it comes to standard and putting monitoring systems in place that we have to pay careful attention to it. Sir, as an entire population, our medical people, our citizens and the entire society, who consume the product must be alert, if we are to ensure that we are protected by the standard which we develop.

Mr. President, these standards being implemented are a priority for our economy because while it is true that we have challenges in small business in order to be export oriented, the truth is that we have to make the effort to get there. If we are going to build foreign exchange, it is important that we penetrate the markets of other people not just in terms of goods but in relation to services as well. Therefore, it is imperative that we build international standards for how we conduct our professional services. Sir, in Barbados we have been very fortunate because we have service providers whether in the medical, accounting, legal or architecture et cetera who meet international standards because of their affiliation with association or because of where they were trained and because of the internal policing with the association created here to help their professional to stay sharp. Sir, this needs to be extended to other service providers. We need these types of

standards to be able to govern what is happening in personal care services whether hairdressing, the auto mechanic shop, painting or in building. We need to have standards which are going to govern all these areas so that our service providers are meeting international standards and therefore, make themselves competitive enough to be able to go across our borders into the Caribbean Single Market and Economy and FTAA and to be able to move into the European Union, if necessary, in order to take their services and earn foreign exchange for Barbados. Sir, this is the only way we can do it.

Mr. President, there needs to be a number of supporting factors. The trade unions and labour must be willing to embrace the changes that standards are going to bring to the workplace and the demands these are going to bring to production. Sir, without their commitment in terms of service performance and making sure they meet the standards and follow the guidelines set down for production, without that level of commitment, they are going to make a mockery of our efforts to build competitive enterprises that would be willing to go overseas and be competitive in other markets. Sir, it is very important that compliance be buttressed by the support of trade unions, labour, productivity and attitudes.

Mr. President, there is an effort being made in the country to transition. I was very heartened by a presentation made yesterday at the Small business General Meeting. Sir, six service providers shared their goods and services with the other members. What was heartening was the number of them who were already operating within Caribbean Single Market and Economy and who already understood the importance of coming together and working together in strategic partnership and who saw strategic partnership with other service providers within the Small Business Association, within Barbados and outside of Barbados internationally as an important business process for them.

Mr. President, one of the most important things it brought out was that by mixing with other people internationally that you got accustomed to international benchmarking and you also became aware of the standards in your own industry and begin to see the level where other are performing at and this is stretching many of them to reach up their performance at that level and many of them have done this.

Sir, I was extremely heartened by the fact that there are small business people who have not allowed themselves to be daunted by the new international environment but have laid hold of it, sought to make the transition, sought to put standards in place in their operations and are competing effectively in CARICOM and in the international market. Sir, I give kudos to them because, to me, it speaks of the fact that we are willing to make the transition.

Mr. President, I also want to applaud Government for its initiatives. The TVET Council has spent a tremendous amount of time, resources and energy in seeking to create the National Vocational Qualification. This is important because in the small business sector we have a number of artisan and people who are very skilled who, through experience, apprenticeship systems and mentoring have developed skills over the years but have never had the opportunity to engage in formal education in their particular chosen field. Sir, these are people who are uncomfortable with the idea of going back to the classroom because they do not like examinations, reading or writing but are extremely skillful in the work they do.

Mr. President, what has been proactive on the part of the Ministry of Labour and TVET Council is that they worked on how to put together an evaluation process by which we can assess the quality of work provided by these service providers, establish a set of standards for each function and then, based on those standards be able to certify that particular service provider to say that he has reached the necessary standard and can receive the National Vocational Qualification and have it recognised within our community.

Mr. President, they did not only stop there because there are now working with other bodies across the region looking to standardise that qualification across the region so that more of our artisans are going to be able to move in CARICOM, have their qualification recognised and be able to get work. I think that is to be heartedly commended because this is the way that our small business providers are going to be able to earn a living within the Caribbean Single Market and Economy.

Mr. President, what I was particularly heartened about is that I had visited TVET Council discussing the same National Vocational Qualification and the same day...

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SENATOR Mrs. S.A. HUSBANDS: ...a photographer told me that they are thinking of forming an association of photographers but they need help. I asked him what they wanted to do. He said that they are interested in becoming certified, that a number of people are concerned that with the advent of Caribbean Single Market and Economy, they need to have a document that registered them as qualified photographers when they travelled. They were concerned that they would find the door closed, when they reached the airport.

Mr. President, I told them that I would discuss their concerns with TVET. Sir, TVET assured me that there was a need for registered groups because it takes time to check standards separately, especially if a group has an urgent request, the Caribbean Single Market and Economy would try wherever possible to facilitate them, to develop a standard qualification.

Sir, I want to sincerely applaud them for that assurance. Our photographers are going to need it if they are going to be able to move across the Caribbean to make a living.

Mr. President, I conclude by saying that standards are important, they would be challenges to small businesses and some are making the effort, but I want to encourage Government that we need to continue to look at any additional support systems that are going to be required to help the transition of more businesses to meet those particular standards.

Sir, I know that we have technical assistance in the Barbados Industrial Development Corporation, Minister Eastmond shared the assistance that is available in her Ministry, et cetera, while those efforts are laudable, there is more that needs to be done. I think that as the awareness grows and more people are engaging in building standards, there are not enough resources on the ground to meet that need, should we get a groundswell of persons wanting to meet standards.

Sir, I want to encourage us to take initiatives in the next financial year that would help our people to make the transition to standards, so that they can become competitive in the new environment.

I am obliged to you, Mr. President.

Mr. PRESIDENT: Senator Marville.

SENATOR R.O. MARVILLE: Mr. President, first of all I will like to compliment the Minister for an excellent presentation on this subject. I am very happy that we have moved to reach a set of standards that comply with World Trade Organisation regulations, and most important for CARICOM Regional Organisation of Standards and Quality (CROSQ).

I think that it is absolutely important that within CARICOM, we have a set of standards that can be tested in the ultimate resort in the Caribbean Court of Justice. This is important to what has happened up to this point. Sir, there have been trading issues that have battled themselves to nothing within the Secretariat and nothing has been done about it. I do not think that will happen with the establishment of a common regional standard.

Mr. President, I was not going to speak on this subject because it is an extremely complex one, as you can tell from the last speaker who spoke from the point of view of standards for small business, and my colleague, on the left, who spoke about standards as an expression of national character.

Sir, I have a few concerns and there are in the area of classification of mandatory and voluntary, not because that is not understandable in itself, but because we have on occasions set mandatory standards. I can give one example, ketchup, which did not have the same standards used by our neighbour. The result was that with lower standards cheaper ketchup flooded our market and our ketchup did not sell as well. That is just an example. Sir, the question would be whether the standards set for the forty-six products are going to be the same standards throughout the region.

Mr. President, the other concern that I have, of course, is what is used as an excuse for standards by our developed trading partners. One of our large neighbours of the north, has been in the habit of imposing what they called phyto-sanitary measures whenever they were in doubt about something or whenever they simply wanted to stop something. I think the most classic example, in the case of Barbados about twenty years ago. We were supposed to ship Black Belly sheep through that country to Japan and they refused the shipment on the grounds that Barbados had scabies sometime in the 18th or 19th century. On another occasion they refused a shipment of mangoes from Grenada on the grounds that the sucrose content was too high. Somebody asked what were we supposed to do, put a nail in the tree.

Asides.

SENATOR R.O. MARVILLE: Sir, the point I am making is, we have a problem in establishing these standards. We now not have to involve another element of our police, that is our foreign service, in seeing what other countries do outside of normal regulation and pursuing the issue as far as we can.

Sir, my most important concern is about the policing. As with most issues that are as complex as standards, you need specialists. You need people who can be very clear about what is and what is not in terms of a standard. It means that we have to strengthen the Barbados National Standards Institute. Do not ask me about money Minister. This is your area.

Asides.

SENATOR R.O. MARVILLE: I understand the problems. We also have to be educated enough as

consumers to understand the issues and by virtue of that, follow the pattern of being part of the police.

Sir, the Minister made one interesting point about products being labelled in English. There is a very interesting side to that. When a product list a number of the substances that are in it, whether it is English or not, I guarantee you that if I do not understand five or six of the chemicals put into the product to preserve it, most of the population does not either. You might know that a very common substance like monosodium glutamate is part of the process, but there is some doubt as to whether that is a carcinogen or not. In fact, it works towards that particular thing. It is in English but we have to go a little bit beyond that. It has to be intelligible English.

Asides.

Mr. PRESIDENT: Do not be distracted Senator.

SENATOR R.O. MARVILLE: Mr. President, I thoroughly support this move into what is obviously an area that we have to comply, not only comply but excel in terms of our own setting of standards for ourselves. Of course, we have to be extremely vigilant on what is 'palm off' on us. It would even happen in spite of our most sincere efforts. We must enlist whatever forces we have within the competence of the State, including the population.

I thank you.

Mr. PRESIDENT: Senator Dr. Chandler.

SENATOR Dr. F. L. CHANDLER: Mr. President, I rise to support the Standards Bill, 2006, which seeks to consolidate two 1981 Acts, which refer to the standards set by the Barbados National Standards Institute, as well as to ensure that Barbados' obligations, under a number of regional and international agreements are being fulfilled.

Sir, the importance of CROSQ, which seeks to harmonise the standards across CARICOM cannot be over-emphasised, since, apparently, attempts have been made by some CARICOM countries to keep products out of other CARICOM countries by continually changing the standards. So much for the principle of Caribbean Single Market and Economy.

Sir, it is not difficult to understand the importance and usefulness of standards. I actually worked fairly closely with Barbados National Standards Institute in the 1970s to draw up standards for some crops, including onions and later sweet potatoes. At that time we were exporting both of these crops, onions regionally and sweet potatoes extra-regionally.

Mr. President, as far as I understand, Barbados National Standards Institute has complied over two hundred standards, some of which are voluntary and some compulsory. Of course, in addition to these standards, we now have a number of more recent international regulations including HACCP, EurepGAP and NAFTA, which we must adhere to if we are to get into international trade.

16.20 p.m.

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Senate 46, sequence 27, 4.20 p.m.

Continuation of: Senator Dr. F.L. CHANDLER:

Standards are an essential component of both domestic and export trade. They should serve as a uniform and fair basis of trading. Products traded on the international market must strictly conform to both the requirements stipulated by the importer and also the laws and regulations of the importing country. We in Barbados must also remember this, when we are the importing country.

We all know that standards are used by non tariff barriers by many developed countries. I think this was mentioned here today, especially the United States of America, which in my opinion, only appear as if they are helping developing countries, by developing initiatives such as the Caribbean Basin initiative, but when you examine the fine print, you realise that they really do not want your product at all and you will never be able to comply with the standards. This is why most, if not all of the export projects that I have been involved in over the years have been with Canada, the UK and Europe, which are far more reasonable in their demands. As I said before, we must also be vigilant with products entering our country.

I read an article recently, supposedly authored by a marketing specialist that the Caribbean Basic Trade office in Miami, which stated that importers in Barbados want US agricultural and food products and that the good news was that there are no laboratory testing, no special certification or pre-market approval requirements on the vast majority of imports, but that detailed labelling was necessary. It was as though he was gloating over the fact that we were so lapse in our requirements.

We in Barbados must be just as stringent about what enters Barbados as the developed countries are with their imports. The United States of America now has a Bio terrorism Act, which demands detailed traceability for a number of food imports. We must demand traceability as

well. I am involved in a project, initiated by a large supermarket chain which, in addition to trying to curb praedial larceny, is attempting to have some traceability of its fresh produce. But like everything new, it is being met with resistance from some importers. They apparently do not realise that it is in their own interest and in the interest of the whole country.

I heard it said that in the final analysis, the consumer sets the standards, based on price and many factors of quality. Poor quality can be hidden and may affect your health, not immediately but sometime later.

With respect to BNSI's ability to test products for adherence to standards, their lab apparently has the capability, since I am in possession of a very old list of well over 100, which can be done at BNSI, and also their cost. I doubt very much whether they would have adequate members of staff to deal with this on an ongoing basis. This is what concerns me and, I think, others have expressed the same concern. We always seem to have the right legislation in place but policing and enforcing are always a problem. I think Senator Sir Allan Fields noted that point.

I understand that there are two Trading Standards Officers, employed by the Ministry of Commerce and Consumer Affairs but I doubt they could have very much impact, with the considerable increase in trade, especially from CARICOM.

I look forward to the day when fresh produce is tested for pesticide residues at the ports of entry. I heard there has been some action on this but I have not been able to verify it.

I understand what Senator Eastmond said about our society being civilised but I am afraid that I do not have that level of confidence, especially where money is involved. I agree though that consumers must play a part.

I also understand that there is going to be a national safety food control system set up by the Ministries of Agriculture, Commerce and Health, with involvement of BNSI. I trust that certification will be part of the requirements under this system.

As Senator Eastmond mentioned there is also an IDB project being negotiated for redevelopment and institutional strengthening of BNSI, as well as developing a standards policy for Barbados. These should augur well for the future.

I find that over the years, a number of appliances, especially small appliances are being imported under well-known brand names, which everybody trusts but now they are all made in China, Guatemala or Mexico and are almost

disposable. Of course, they are not only a waste of foreign exchange but they pose a disposal problem since the majority cannot be repaired. Should we not impose some standards here?

Similarly in the area of pharmaceuticals and these natural health products, there appears to be a need for more vigilance. In the area of repackaging from bulk imports, systems and labelling need to be carefully monitored.

With regard to the so-called Muscovado Gold sugar which is on some supermarket shelves and will probably stay on the shelves by all reports, I wonder what are the specifications for this. I saw samples of it adjacent to samples which were labelled raw sugar at Agrofest and they appeared identical. I was under the impression that Muscovado sugar was manufactured by a specific process which is no longer available in Barbados, but I could be wrong. It would seem to me that if this same raw sugar is to be sold on the local market at a higher price than the controlled price, then the control should be removed.

I am relieved to know that another initiative is in train, which I trust will be more creative. Apart from the standards for goods, I think as has been noted by a number of Senators, we need to look at other standards, such as standards of professionalism and standards for service and not accepting repair people who fix items by trial and error all at the expense of the consumer.

Sir, with regard to the use of cell phones and I am sorry that Senator Sir Allan Fields is not here but I thought that competition would have resulted in improved service but that is not so. I do not know the last time that I have carried on a cell phone conversation, without numerous interruptions in service.

We must also look at standards of behaviour and as others mentioned, standards in journalism. With respect to the print media, we see that they are making an effort to correct this but more vigilance is needed on the part of editors. With regard to Bills coming to this Chamber, there needs to be more vigilance. When these Acts go down in history, they must be correct.

Mr. President, I give my full support to this Bill before us. Thank you.

Mr. PRESIDENT: Senator Linton

Senator I. St.C. LINTON: Mr. President, I rise in support of this legislation, which to my mind is outstanding in its presentation by the Minister and other members who have spoken on the Bill and its intention.

I want to say that standards include quality, and standards include right measurement. Let me take for

example, bread in Barbados. Who could be satisfied with what we are getting as bread? Imagine that I could take a bun and put it in my hand and fold it and that is all I have. Imagine you buy a bigger loaf of bread, machine bread or whatever, when you hold it in your hand, there is no weight that you could feel. It is like nothing.

Senate 46, sequence 27, 16:30:14

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SENATOR I. St.C. LINTON: It is a bit of 'pumped up' flour, plus the quality as well... When we take a biscuit in our hands, what do we have, Honourable Senators? This is serious. You could go from one business place to another buying bread for the same money and there are different sizes.

Mr. President, let us look at the question of certain fruits. Let us talk about bananas, plantains and thing like that. What is the measurement to the cost? Is it so much and so much for each regardless of size, or should you buy it by the pound or by the kilogramme? Let us look at things like eggs when you go into the supermarket. Should not eggs be graded and priced according to grade? Are consumers getting their monies worth in these things? Mr. President, I use these examples to cause us to really look at what consumers face, and the cost that they pay for such things. I am really looking at the local situation with consumers. We are taken advantage of in relation to purchasing many items in Barbados. There are business places that would sell you 'next skin to nothing' for as much as they could get. In this short intervention, I want Honourable Senators, the consumers and business persons in Barbados to know that as consumers we cannot be satisfied with this kind of business in relation to standards, quality and measurement. It is time that consumers in Barbados make their presence felt. Therefore, I am calling on consumers in Barbados to learn to refuse to purchase items in which they get no value and the wrong measurement but pay money for items that do not worth the cost.

Mr. President, I thank you.

Senator G. P. I. GOODING-EDGHILL: Mr. President, I too rise to support the Bill before the Honourable Senators. I think it is important that we recognise that the Bill sets out to consolidate and revise the law on standards in respect of goods and services offer to the public commercially. Therefore, I believe it is important that we support this Bill for a number of reasons.

Mr. President, as you know, two-thirds of our earnings come from the tourism sector, and in so doing, we have a responsibility to ensure that our standards are maintained to the highest possible standards not only for

those persons who come to Barbados, but indeed for our locals who live here.

The tourism sector, like I said, is our main engine of growth, and in so having standards to protect that particular sector, it would be useful for us to have some international defined standards in order to protect our products and produce. Certainly, within the tourism sector, you have multiples of standards. There is the HACCP standards, and food, health and hygiene standards are being introduced through the Ministry of Health. These are all programmes designed by institutions in Barbados to protect the health and safety of Barbadians and visitors alike.

Sir, within the context of Barbados, we also have, in doing business, particularly within the hotel sector, a host of European regulations. There are standards coming out, not only from the European Union but also the CARICOM Single Market and Economy and other international bodies.

Mr. President, it is important for us to recognise that with an emerging market, predominately because Barbados is becoming a more service-oriented economy, that you would have on occasions to maintain a certain set of standards. I speak to the maintenance of standards in the context that if you look to the European and the European Union regulations in the context of the hotel sector, for which I have some knowledge, that there are requirements for standards even for the balcony and the rails on the balcony to be maintained at a given inch level. You also have regulations governing the whole conduct of the preparation of food.

Mr. President, this augurs well for Barbados. Therefore, in Barbados adopting a certain set of standards and making our standards very transparent in light of what is happening in the international community, it does not do any harm for us in Barbados to adopt these very high standards.

Mr. President, I also believe that the measurement of standards and the reinforcement of standards within Barbados also protect the Barbadian community generally from goods being imported into Barbados.

Mr. President, I heard from the other side talk about labour standards and health standards, but I would want to reassure the Senate, as well as Barbadians generally, that we have in Barbados proven mechanisms for the transparency and the regulatory framework to protect medication or what we called “drugs” coming into Barbados. We have an enforcement division within the Customs Department.

There is also a Formulatory Committee that is responsible for approving all drugs prescribed within the health sector. We also have a situation where the Barbados

Drug Service has a regulatory approval process before goods could be prescribed or dispensed at our polyclinics and our central hospital. We also have the Pharmacy Council that is responsible for the maintenance of standards. Mr. President, I do not want the impression to go out there that the Government does not have control.

I would also like to add, Mr. President, that the Barbados Drug Service which is responsible for maintaining the standards of medication coming into this country is recognised internationally, particularly in the region. The Barbados Drug Service is working with the World Health Organisation and with countries such as The Bahamas and Belize in this respect. Therefore, Mr. President, I do not think that there needs to be any alarm at going out there as to the protection of standards as it relates to the health service.

Mr. President, I know that the lead spokesperson on the Opposition was trying to give the impression that we have to maintain standards, but in so maintaining standards, we have to make sure that the word does not go out that we are putting the lives of people at risk. That is the point that I want to make.

Senate 46 Sequence 28

4.40 p.m.

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SENATOR G. P. I. GOODING-EDGHILL: Mr. President, that is what was said by the lead spokesperson on the Opposition today. Sir, I do not want the word going out that somehow, by its actions, the Government should be putting the lives of the people at risk. Sir, I am trying to put the lie to the charge which the Opposition has made, in relation to the risk factor. I want to make the charge that we have standards, in terms of port health and for that, we must commend our Port Health Authority.

Mr. President, we now have a wide range of products coming into Barbados and, therefore, as these trading blocs continue to expand, and as the rules of international trade continue to change, Barbados will be faced with a variety of imported items. Sir, in such circumstances, we cannot restrict trade, as we are now into the area of trade liberalisation and if we were to try restricting trade, there could be significant penalties attached to the Government of Barbados.

Mr. President, if I can cite, for example, the issue of imported bottle water. There are tests which must be done, in order to ensure that the quality of that water meets our required standard. We have Port Health facilities and workers, who are responsible and who continue to do a

very good job, in the protection of health standards in Barbados.

Mr. President, we are living in a world where barriers are being removed. We can no longer have protectionist measures in place to safeguard imports from any one country. It is open season for the world. Therefore, if there is now a situation where there is open season, Barbados must make sure there are standards in place. We must also make sure that those standards comply with the highest form of scrutiny and transparency.

Mr. President, as it relates to the Standards Bill, 2006, this will go a long way in helping Barbadian manufacturers in exporting their products. Therefore, as long as manufacturers have certified standards, there would be no problem. I believe, for example, that the Pine Hill Dairy is also International Standard Organisation 9000 Certified. They also export their products to other jurisdictions. Sir, that gives them a sign of confidence. It also gives the consumers additional confidence in the market, regardless of where the item would have originated. Sir, that is the point we are trying to make, by imposing and ensuring that we have proper standards in place.

Mr. President, another example would be that of the hospitality environment, in terms of its culinary side. There you would recognise they are HACCP certified, through the Public Health institution or through some other institution. This gives additional confidence in the marketplace. Sir, the point I am trying to make is that by having a set of standards, you can ensure consumer confidence in the delivery of the products outside of Barbados.

Mr. President, the Bill is also central to Government's strategy of increasing exports. If we have products that are of a very high standard, that would guarantee customer satisfaction, there would be no doubt whatsoever, in Barbados' attempt to expand its broad range of exports. This would have significant foreign exchange potential for Barbados.

Mr. President, we have regional trading blocs, we are now into the Caribbean Single Market and Economy, we have the Free Trade Area of the Americas, along with other entities. Therefore, if we could maintain our standards to the relevant levels, there is no doubt whatsoever that we could definitely expand in that area.

Mr. President, standards are critical to consumer confidence, and like I made the point earlier, we no longer have the benefit of securing protective measures. Therefore, in light of the international trading environments, it is important that we have such a Bill in

Barbados.

Mr. President, I want to salute the Government because this Bill is absolutely necessary. Sir, the one thing anyone could say about the Barbados Labour Party, is that it is always on the mark, as it relates to having critical pieces of legislation in place, to protect Barbados' future in the international region. Sir, I doubt that perhaps there is any other CARICOM country at the moment, which is discussing a Standards Bill in their Parliament, and that is something of which we ought to be proud. Therefore, in such circumstances, when we hear the Opposition trying to give the impression that something otherwise than a Standard Bill is critical to the development of Barbados, or when they should want to cite health or labour standards, I want to make the point that we in Barbados have a lot for which we can be grateful.

Mr. President, I am pleased that the Bill has come to this Parliament at this opportune time. This Bill is about protecting Barbados' health and safety standards. It is about ensuring that we continue to expand our export base. Therefore, I believe the Bill would go a long way in addressing these facts.

Mr. President, I also want to make the point that the more we re-enforce service standards, there would be an element of improved customer service in Barbados, something that is much talked about. We are in a service economy and the only way we are going to continue to go in the right direction, is if we have standards established. We do have standards established but we are going to fine-tune them, and obviously this legislation will encourage other entities, including small business persons, to maintain the level of standard required in their business.

Sir, I have already made the point that it is important that we have made the standards and that standards will go a long way in helping to promote and execute effective customer service in Barbados. Therefore, if we do those two things, hand-in-hand, we could rest assured that the services sector in Barbados will continue to grow at the levels at which it is growing. Therefore, it is important for us to recognise that point.

Mr. President, in closing, I would like to thank the Honourable Minister who led the Bill. The Honourable Member certainly demonstrated her great competence in this area and, therefore, it is important that we recognise this is a critical Bill, which will go a long way in promoting Barbados' interest, not only at home but abroad. It will also brand Barbados as a competent destination, in the execution and production and export of goods and services.

I thank you, Mr. President.

SENATOR F. J. STUART: Mr. President, my colleague Senator Lowe, I believe has adequately set out the position for the Opposition. I have also listened to all the speeches made in this debate and, of course, do applaud all Honourable Senators, since I think the Bill before this Honourable Chamber is a useful piece of legislation. I believe it is also a modernising instrument on the issue of national and dare I say, regional standards.

Mr. President, the twist I want to give to the debate has to do with the fact that, in listening to the speeches, I had to remind myself that the world is still divided between rich and poor countries. It is still divided between large and small countries, and it is still divided between producer countries and consumer countries. Therefore, when all is said and done, the question that has to be asked and answered is, when we are talking about standards, whose standards would ultimately prevail?

Mr. President, many years ago, when I was doing postgraduate work in international law, we were looking at the formation of custom in international law. Sir, I should never forget an example I came across, when it was sought to be determined how is custom formed and whose habits and practices ultimately prevailed in international law.

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SENATOR F.J. STUART: An example was given of an elephant and a cat walking across a wet parcel of land and the question was asked whose footprints would be the more visible and whose weight would make the deeper imprint on that wet parcel of land and, of course, the answer was obvious. I do not think that in posing the same question now, the answer would be any different. Sir, even though we try to subscribe to all these international standards as we must, the truth is that the means of enforcing the standards which we set for ourselves here are going to be much more beyond our reach than say the means available to a country like Japan or the United States of America or any of the so-called rich and powerful countries of the world to enforce and impose their standards on us.

Mr. President, when Senator Gooding-Edghill spoke a moment ago, he talked about standards coming from the European Union to Barbados insisting on how we actually construct our hotels and, Sir, since we want the tourists badly, this is a standard that we have to meet but were the reverse of this true, would be able to insist on anybody in Europe complying with standards which we wanted to impose.

Mr. President, I do not think that we should lose sight of the fact that in spite of the WTO and the

conclusion of the Uruguay Round of trade negotiations and all of that, the world is still divided between rich and poor, large and small, producer and consumer, exporter country and importer country and that these distinctions still carry weight in international trade, WTO and WTO rules notwithstanding.

Mr. President, what is happening today is just a reversed kind of replay of what happened in the 1970s, when an explosion of small countries went into the United Nations, Barbados being one, and the larger countries realise that the United Nations was suddenly populated by a large number of countries, larger in number than the persons who formed the United Nations and these countries began to demand, because of their numerical strength, a new international, economic order. I remember the Caribbean playing a significant role in that crusade with Michael Manley, the late Prime Minister of Jamaica being in the forefront of that crusade along with the late Dr. Julius Nyerere and the late Indira Ghandi and a few other Third World leaders from a group of 77 countries. They made some progress while the larger countries access this new crusade until a conference was called at Cancun around 1981/1982, just after President Reagan came to the White House in 1980.

This Conference was supposed to make some crucial decisions that would bring closer to realisation the achievement of the new international, economic order. It had to be postponed about three items because the President said that he was not ready, that he was not available and that he was too busy but when he eventually got there, he let all these small countries know that enough was enough and that all the talk about a new international, economic order had to be put on the backburner.

I remember Dr. Nyerere and Canada's Prime Minister going back home depressed because Canada was supporting a lot of the small countries, as it still does today depending on who is leading it. They went back home depressed because the United States of America cuttled all the negotiations and from then until now there has been no talk anywhere about any new international, economic order. In fact, there is a new one but one that favours the rich countries of the world today.

Mr. President, we do not want to get too carried away by all this. I think we are quite in order to try to comply with what our international obligations impose but, when all is said and done, the relativities in the world have not really change and with rich countries and poor countries, that dichotomy still exists, large countries and small countries, that dichotomy still exists, producer countries and consumer, that dichotomy still exists and we have to find some little niche for ourselves in that very stubborn reality.

Mr. President, Barbados is right to insist on high standards. I know that in the area of agriculture that a few years ago, one of our local newspapers practically every day used to right an editorial calling for the closure of the market at Six Cross Roads because of some standard somewhere that it was not supposed to be meeting. This market has served the people of St. Philip and Barbados for aeons but, all of a sudden, because of the ushering in of this new neo-liberal era and these new standards, all that we have grown to accept around us and that we have used to good effect, became of no use and of no value and we were being told to change it.

Mr. President, Government has to accept its international obligations but we must not lose sight of the fact that, ultimately, the footprints of the elephant will be left more marked in the wet soil of international affairs than the footprints of the cat.

Mr. President, I am obliged to you.

MR. PRESIDENT: Senator Eastmond.

SENATOR the Hon. Miss LYNETTE EASTMOND: Mr. President, I first want to thank all Honourable Senators for their contribution. I would also like to take the opportunity to thank the staff of the Ministry of Commerce and the Barbados National Standard Institute for getting this piece of legislation to us so quickly. I must say that after discussing with them the need for this piece of legislation, I was quite surprised that they were able to develop it as quickly as they did. I believe that at least one of my officers took some of his vacation to actually work on the draft to make sure that we have it in a timely fashion. This is why I cringe when I heard comments sometimes coming even from within this Chamber. However, in discussion with him he tells me that he is used to it and that he does not expect credit from anyone even though he might use his holiday to do something like this which he really does not have to do.

Mr. President, I would also like to say that this Government as well as myself was involved in dealing with the OECD initiatives on harmful practices. When we bring legislation here that seeks to implement standards which are in keeping with international obligations, we are under no illusions whatsoever about what we are doing. We are also being pragmatic because we know we have a country to run and do not have the luxury of simply making statements about what we feel about what should be done when, in reality as a small State, we have considerable limitations.

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SENATOR the Hon. Miss L. V. EASTMOND: Sir, we are also very practical about the limitations we have in Government.

Sir, I think that a useful exercise will be coming very shortly. Very shortly we will be able to look at the Estimates of Revenue and Expenditure. While I find that individuals are very happy to talk about what they feel Government should put money in, knowing that the revenue of Government is constrained, they never actually tell you which part of the budget they are going to take that money from and the area they feel it should go into. Every area needs additional money, everyone stands up to speak about wanting additional money for every area, but they never tell you about the area that they plan to cut, in order to enhance the one that they are talking about.

Sir, when the Estimates debate starts, and that exercise begins and we have the opportunity to debate in this Chamber, I will be very pleased to hear the contributions not only about where more money should go, but the areas from which we should cut it. I think that is the reallocation that we really want to see coming from individuals who choose to speak without having the responsibility to act.

I am concerned about these things because there was reference to child labour in Barbados. I know that child labour is something Barbadians would instinctively frown upon. Barbadians that I know believe that children should be in school and not on construction sites. I would think that if anyone is aware that there are children working on construction sites, they should notify the relevant authorities, either the police, Child Care Board or telephone somebody if they have seen a child working on a construction site. It is our responsibility to do that.

Mr. President, the truth is, if there is one wish that I have for this country, coming into our fortieth year of Independence, we should really become a democracy. At the moment the only stakeholder in this country that seems to have a responsibility in getting anything done seems to be a Government. I am not talking about this Government alone. I am talking about any Government that might be in power. Sir, countries cannot survive, develop or advance if the other stakeholders in the country do not take responsibility.

Sir, we are speaking about standards and somehow it is felt that Government must take all of its scarce resources and put a thousand standards inspectors in a department to police individuals, when those individuals, in my view, the importers and individuals who sell from supermarkets, have a responsibility not to import unsafe goods into Barbados. They have a responsibility that goods have

labels on the products. This is done in other countries. Why is it that Barbados must feel that it is so handicapped that it does not have the ability to do these things and that everyone must behave as though they are cowboys, with no responsibility, and the only stakeholder in this country that has responsibility to do anything is a Government. I am not even talking about my Government. I am talking about any government.

Mr. President, we continue to get individuals standing and speaking and they can never say what can I do, what can the private sector do, what can I do as a part of the Chamber of Commerce or what standards can I set for myself. In other countries the private sector has industry standards for almost everything. They set them themselves and they police them. In fact, they do not want the Government to be involved. That happens all over the world in advance countries.

Sir, somehow, we believe that we are extremely sophisticated but then handicapped when it comes to our own obligations as citizens of this country. The consumers must take that responsibility as well. If there are goods on the shelves that are past the sell by date, there is somebody you could call.

Sir, I spoke in this Honourable Chamber and elsewhere on more than one occasion about the fact that the Government has established an office, the office of Public Council, that many Barbadians are using and I must stress that the office of Public Council is not a part of the Fair Trading Commission. The Public Council appears before the Fair Trading Commission on behalf of consumers. It is not a part of the Fair Trading Commission.

Sir, I do not know how many times someone would have to say that. It is not a part of the Fair Trading Commission. It is separate. Therefore, when there are problems with goods that are made China... they used to say that about goods made in Japan at one time. Who knows, China might actually reach the same standards as Japan. If there are products that are no good, you could call the office of Public Council. If you have a problem with milk past the sell by date, you could call the office of Public Council, that is its responsibility I spoke about it. Mr. President, we need to start taking some of these responsibilities.

Sir, with respect to the Barbados National Standards Institute, Senator Sir Allan Fields and Senator Dr. Chandler spoke at some length about the need to upgrade the Barbados National Standards Institute. I spoke about that in my presentation at length. The unfortunate thing is, I do not know if the speeches were written last night, so you would not have known what I was going to say today. The difficulty is, the Press will go off with a speech suggesting that the Government is putting a piece of legislation in

place with respect to standards and has not at the same time, puts the institutional framework in place, which, of course, would be ridiculous. Sir, you would be obligating yourself and other people without having the ability to do any testing, without having the ability to do any enforcement or anything like that. I believe that would be irresponsible.

Mr. President, I spoke at great length. I said that in addition to the staff of the Ministry, having worked very quickly on this piece of legislation, they are also, now in negotiations with the IADB. The Inter-American Development Bank has agreed to do the project. They are now working on developing the proposal for the way forward. They are sitting at Grand Barbados Hotel as we speak doing that. I said that very clearly, but the reporter has gone off to catch the press, I guess, so tomorrow we will see Government needs to upgrade Barbados National Standards Institute, when I spoke about this on several occasions before, that is exactly what we were doing.

Mr. President, the truth of the matter is, and this goes back to my point about Barbados at some point in time, I hope in my lifetime, that all of the stakeholders will take their responsibility seriously - that in 1973, when the Barbados National Standards Institute was set up, it was set up with the understanding that it would be a public and private sector entity, and that there would be contributions from the Government and the private sector. The private sector makes absolutely no financial contribution to the Barbados National Standards Institute, none whatsoever. It comes from Government alone.

Mr. President, they are individuals who suggest that somehow the Government has been delinquent. The Government has been funding the Barbados National Standards Institute by itself for the longest while. The notion that it is a private/public sector entity is incorrect. It is no longer a private/public sector entity.

17.10 p.m.

Sequence 31

Wednesday, March 01, 2006

Senate 46, sequence 32, 5.20 p.m.

Continuation of: Senator the Hon. Miss L.V. EASTMOND:

Sir, you would have the private sector suggesting that somehow, if all of the money has to go to supporting the BNSI, we cannot afford to put any more inspectors in the Ministry of Commerce because the money is going to the BNSI that the private sector was supposed to help fund

from 1973, but they are not doing it, so that is where the money is going.

Sir, there are some countries which actually charge the private sector a fee in order to police these standards. We know what would happen in Barbados. The market is not big enough. The fee will just be passed on directly to the consumer. In effect, even though we speak about having a competitive market, we know that there is the possibility to fix prices all over Barbados on every single item because the market is so small. Therefore this is not really an option for us, in terms of charging the private sector to help to police the standards.

There are some specific issues that Sir Allan raised with respect to the section of the regulations, which states that the Minister may make regulations. I would like to clarify that this particular provision is not meant to be interpreted in that way. It simply says that the Minister may make regulations respecting the sale or disposal of goods found to be deleterious to the welfare of the consumer. This does not mean that this is saying you can sell these goods to the consumer. It is saying that when and if regulations are made under this particular provision, it will say under what circumstances you can sell or dispose of these goods. Obviously, there are goods that may not be fit for human consumption, but they may be fit for animal consumption, and that is a possibility.

It may be in those circumstances. I am not a vet, I am not a doctor, I do not know, I am just speculating. The provision in the legislation does not actually say that you will sell these goods to the consumer. Sir, the same thing applies to the exemption from the requirements of this Act. This particular provision cannot be used for an individual to come to the Minister now and ask to be exempt from the position with respect to labeling, because it says that a regulation has to be made under section 29. There is no regulation that has been made, so no one can come at this point in time.

You will notice that in the legislation for example, there is a provision that I referred to which spoke about exports. It said that with respect to exports, you always had to meet the Barbados National Standard. It also said that by Order, the Minister may give an exemption from that particular requirement. I explained that there might be a foreign country which wants to import something from Barbados, which we are making in Barbados, and it does not meet the Barbados standard but they are happy with that because it meets their standard in the foreign country. The private sector pressed upon us that could very well be the case and we should not prevent them from exporting, in such circumstances. We said, fine, that generally speaking our exports must meet the local standard but in specific circumstances, the Minister can issue an Order.

Therefore, one would expect that the provision under Clause 29 would be applied in a similar fashion. It will not be applied in a fashion that is unreasonable or would, in effect, undermine the very provisions that you have in the Act, because that simply would not make any sense to spend a lot of time drafting rules and then just suggest that the Minister, by simply signing something can then negate everything that you have in the Act. Drafting is not done in that way and Clause 29 certainly at this point in time, is simply a provision that allows us to make regulations, so that does not apply.

One of the issues raised as well was whether or not the standards within CARICOM, would be the same. This is the very reason that we have included, attached in this particular Bill, in the First Schedule, the agreement establishing the CARICOM Regional Organisation for Standards and Quality (CROSQ). This particular organisation ensures that the standards across CARICOM will be the same.

Sir, examples were given for ketchup, which was a particular issue that in any case had to be sorted out across the region. We are very pragmatic where these things are concerned. If we believe that because we are in a CARICOM Single Market and Economy that there will not be manufacturers who will try to manufacture goods that are below a particular standard and try to get them into our market in Barbados, we are joking. We are not being practical. These things will happen but this is why you have rules, this is why you have CROSQ, this is why you have a Caribbean Court of Justice; this is why you have a Treaty of Chaguaramas that has about six different methods of resolving disputes through good offices and tribunals, so that you can resolve these issues.

I do not think that we should believe that because we are creating a single market and economy that it is based on the concept of one love, that we came on the same ship, and we are travelling together on the same boat and all that kind of thing. It is a competitive environment and manufacturers will do some things that we are not happy with but there are rules in place to deal with those things, so do not let us be naive in our approach to the CARICOM Single Market and Economy.

I certainly am very much in favour of it, but I am not naive about it. I believe that you need to put the appropriate rules in place and that is what we have done. This particular piece of legislation carries us a great way, in terms of implementing within Barbados and modernising our standards system.

I want to reiterate as well that Barbados always had standards. The BNSI was set up in 1973. These standards and this Standards Bill, even though we refer to our international obligations, have primarily to do with

consumer protection in Barbados, and helping to ensure that our goods and services can get into foreign markets.

There was a comment previously about if it included services, but it says right there in the Bill that it includes services and I spoke on that. It is also about protecting our market from substandard goods, not to be used as a non-tariff barrier but to help to protect our own markets for our own manufacturers as well. There is nothing that we have to hide where that is concerned.

Once again, Mr. President, I wish to thank all of those who made a contribution and I would like to thank them for their endorsement. I beg that this Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. Miss L.V. EASTMOND, the Senate resolved itself into Committee on the Bill, Her Honour Senator Dame Patricia SYMMONDS in the Chair.

Senate 46, sequence 32, 17:20:14

Wednesday, March 01, 2005

COMMITTEE

MADAM CHAIRMAN: The Senate is in Committee.

Part I, Clauses 1 - 2 were called and passed.

Part II, Clauses 3 - 4 were called and passed.

Part III, Clauses 5 - 6 were called and passed.

Part IV, Clauses 7 was called and passed.

Part V, Clauses 8 - 11 were called and passed.

Part VI, Clauses 12 - 19 were called and passed.

Part VII, Clauses 20 - 25 were called and passed.

Part VIII, Clauses 26 - 28 were called and passed.

Part IX, Clauses 29 - 36 were called and passed.

The First Schedule was called and passed.

The Second Schedule was called and passed.

On the motion SENATOR the Hon. Miss L. V. EASTMOND, MADAM CHAIRMAN reported to His Honour, the PRESIDENT the passing of one Bill in

Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motion of SENATOR the Hon. Miss L. V. EASTMOND, the Bill was read a third time and passed and cited as the Standards Act, 2006.

ADJOURNMENT

SENATOR the Hon. E. R. GRIFFITH: Mr. President, I beg to move that the Senate do now adjourn sine die.

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

Senate 46 Sequence 33

5.30 p.m.

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EDITORIAL NOTES — NOT PART OF THE REPORT

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

EDITORIAL QUERIES

Points noted while preparing this report from the edited transcript. The text has not been altered except where stated.

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

Q2. Take-slip about 5.20 p.m.. The date line under take-slip Senate 46, sequence 32, 17:20:14 reads ‘Wednesday, March 01, 2005’; the heading and all other take-slips give 2006. Printed as in the source.

Q3. Speech labels, Senator Miss S. C. V. Husbands. The Senator’s speeches on the Standards Bill are labelled ‘Miss S. C. V. HUSBANDS’, ‘Miss S. V. HUSBANDS’, ‘Mrs. S.C.V. HUSBANDS’ and ‘Mrs. S.A. HUSBANDS’. Printed as in the source.

Q4. Order No. 3, third reading. The third-reading line names ‘Senator the Hon. E.G. GRIFFITH’; elsewhere the Leader is Senator the Hon. E. R. GRIFFITH. Printed as in the source.

Q5. Senator I. St.C. Linton and Senator Dr. D. S. Lowe. Both Senators address the Chair at points as ‘Mr. Speaker’. Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The Senate met on Wednesday, 1st March, 2006 at 11.20 a.m., with Mr. President in the Chair; prayers were led by Senator the Very Reverend H. E. Crichlow. Senator the Hon. E. R. Griffith laid the Annual Reports of the National Council on Substance Abuse for 2000-2001 and 2001-2002, Standing Orders 22(1) and 45(2) were suspended, the Standards Bill, 2006 was read a first time, and notice was given of a Resolution on Crown land at Dodds Plantation, St. Philip.

Senator Griffith moved the second reading of the Supreme Court of Judicature (Amendment) Bill, 2006, which creates the post of Master of the High Court, to be appointed by the Governor-General on the advice of the Prime Minister after consultation with the Chairman of the Judicial and Legal Service Commission, and spoke of the gains from information technology in the Registration Office. Senator F. J. Stuart said the Opposition had no

reason to resist it but warned of front-loaded costs, and Senator I. St.C. Linton, drawing on his work on the Sir Henry Forde Commission, raised the savings clause in the Constitution. The Bill passed through Committee, with Senator the Hon. Dame Patricia Symmonds in the Chair, and was passed.

Under Order No. 5, Senator Griffith moved the Resolution to lease 23.175 hectares (57.2466 acres) of the 244 acres at Dodds to the Barbados Correction Corporation for a new prison, made urgent by the fire that destroyed Glendairy Prison in March 2005; the prison would be built under a Build, Own, Lease and Transfer arrangement, leased to Government for 25 years and then transferred to it. Senator Stuart supported the move, saying Harrison Point was disliked by prisoners and officers, and Mr. President cautioned him that matters he raised might be sub judice. Senator the Very Reverend Crichlow asked about the space at Dodds. Senator G. P. B. Nicholls accused Senator Stuart of besmirching the judicial system by suggesting the accused could not get a fair trial, which drew two points of order, and Mr. President asked him to withdraw references to motives. Senator Sir Roy Trotman spoke for labour on prison officers dismissed after charges were dropped. Senator Griffith replied that residents had no fears about security and that he did not have the designs, and the Resolution was agreed to.

After a suspension until 2.10 p.m., Senator the Hon. Miss L. V. Eastmond moved the second reading of the Standards Bill, 2006, consolidating the Control of Standards Act and the Barbados National Standards Institution Marks Act and ensuring compliance with WTO agreements on sanitary and phyto-sanitary measures, import licensing and technical barriers to trade. Senator Dr. D. S. Lowe supported it for the Opposition, describing his experience of poor service from stores and calling for high political standards as he prepared to move to ‘the Other Place’, which Mr. President asked him to identify.

Senators Sir Allan Fields, Miss S. C. V. Husbands, who stressed help for small businesses to comply, R. O. Marville, Dr. F. L. Chandler, I. St.C. Linton, G. P. I. Gooding-Edghill and F. J. Stuart also spoke. Replying, Senator Eastmond said the Bill covered services and was meant to protect the market from substandard goods, not to act as a non-tariff barrier. The Bill passed through Committee, clauses 1 to 36 and both Schedules, and was passed as the Standards Act, 2006. On the motion of Senator Griffith the Senate was adjourned sine die.