
THE SENATE DEBATES

(UNOFFICIAL REPORT)

PARLIAMENT 2003 – 2008

THE SENATE

Wednesday, June 6, 2007

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, June 6, 2007, at 11.10 a.m.

PRESENT

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

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, Dip. Theology, B.A., M.Ed, Ed.D.

Senator Sir JOHN STANLEY GODDARD, K.A., G.C.M., B.Com.,

(Spec. Hons.), M.A., LL.B. (Hons.) (U.W.I.), F.L.A. (Gt. Brit.), L.E.C.

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

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

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

Senator A.A. BYNOE

Prayers were led by Rev. Father Errington Massiah.

Mr. PRESIDENT: The Senate is in session.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Senator Dame Patricia SYMMONDS: I have the following letter from the Governor-General:

“30th May, 2007

Dear Mr. President

I shall be away from the island during the period 9th to 18th June, 2007, for a visit to the United Kingdom.

In accordance with the provisions of Section 29 (1) (a) of the Constitution of Barbados, the President of the Senate, His Honour Senator Sir Fred W. Gollop, K.A. will perform the functions of the Office of Governor-General during my absence.

As The Honourable The Senate will not be meeting prior to my departure, it will not be possible for the usual formal Message to be sent down to your Chamber. Will you, therefore, please my absence formally to the attention of The Honourable The Senate when next it meets. I have the honour to be,

Yours faithfully,

GOVERNOR-GENERAL”

Excuses

I wish to inform all Honourable Members that the

President is absent today. I also wish to offer excuses of absence, for Senators Sir Roy Trotman, The Honourable Erskine Griffith, Sir Allan Fields and the Honourable Velma Newton. Owing to the absence of Senator Griffith,

the Honourable Senator Lynette Eastmond will act as Leader of the House today.

PRESENTATION OF PAPERS

SENATOR the Hon. Miss L. V. EASTMOND: Madam Deputy President, I am commanded to lay the following documents:

1. Duties, Taxes, and other Payments (Exemption) RBTT Bank Barbados Limited, Order, 2007.
2. Annual Reports of the National Housing Corporation for the financial year 2001-2002 and 2002-2003.
3. The Barbados Economic and Social Report 2006.
4. The Industrial Policy for Barbados' Manufacturing and Related Services Sectors 2007-2012.

SUSPENSION OF STANDING ORDERS

SENATOR the Hon. Miss L. V. EASTMOND: I beg to move that Standing Order 45(2) be suspended for the rest of

this Sitting.

The question was put to the Senate and agreed to.
SENATOR the Hon. Miss L. V. EASTMOND: Madam Deputy President, I beg to move that the Very Rev. Harold Crichton act as Chairman of Committees for the remainder of this Sitting.

The question was put to the Senate and agreed.

INTRODUCTION OF BILLS

SENATOR the Hon. Miss L. V. EASTMOND: Madam Deputy President, I beg to move that the first reading of the following Bills:

1. The Betting and Gaming Duties (Amendment) Bill, 2007.
2. The Insurance (Amendment) Bill, 2007.
3. The Companies (Amendment) Bill, 2007.
4. The Institute of Chartered Accountants of Barbados (Incorporation) (Amendment) Bill, 2007.

The question was put to Senate and agreed to.

PUBLIC BUSINESS

ORDER NO. 2 – SECOND READING OF THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 2007.

SENATOR the Hon. Miss L. V. EASTMOND: Madam Deputy President, we have before us an amendment to the Representation of the People Act Chapter 12. The purpose of this first amendment, that we will be dealing with, relates to the determination by Government, as a matter of policy, to ensure that members of the Electoral and Boundaries Commission are allowed access to both polling stations and counting offices.

An anomaly has been thrown up in terms of the administration of the electoral process. While the Constitution of Barbados, in effect, says that the Commission should not fall under the jurisdiction of any other officer in the conduct of elections, Rules 24 and 36, do not include members of the Electoral and Boundaries Commissions, as individuals, who might be able to enter the polling station or the counting house. Therefore, this Bill seeks to amend the Representation of the People Act, in order to ensure such access. Therefore, when we look to Rule 23.(1) in the Act, the simple recommendation is, to add a new subparagraph "H" to include the members of the Electoral and Boundaries Commission.

Madam Deputy President, Rule 24 deals with access to polling stations, while Rule 36.(2) deals with entrance into counting centres. In all, there are three proposed amendments to the Act. Two of them relate to actually entering the polling stations and counting houses, and the third, the fact that members of the Electoral and Boundaries Commission, must now take an oath of secrecy before the polls are conducted, along with other members that are required to take this oath. That is a consequential change that is necessary, in addition to allowing members of the Electoral and Boundaries Commission to enter the premises.

I think that we would all understand, that if the members of the Electoral and Boundaries Commission are prevented from entering by a presiding officer, then it would run counter to the provisions in the Constitution, which require that no other person is to exercise that type of jurisdiction, over the members of the Electoral and Boundaries Commission. The members of the Electoral and Boundaries Commission have, in the past, had some difficulty with entering into these premises.

11.30 a.m.

Sequence 3

Wednesday, June 06, 2007

Senate 69, sequence 04, 11.30 a.m.

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

Therefore, what is being recommended in the proposal that is set out in the Bill before this Honourable Chamber, is that particular anomaly be rectified through the passage of this Bill.

I therefore beg to move that this Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. Miss L.V. EASTMOND, the Senate resolved itself into Committee on the Bill, Senator the Very Rev. H.E. CRICHLLOW in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is now in Committee.

Clauses 1 and 2 were called and passed.

On the motion of Senator the Hon. Miss L.V. EASTMOND, Mr. CHAIRMAN reported to Her Honour the DEPUTY PRESIDENT, the passing of one Bill in Committee and Madam DEPUTY PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. Miss L.V. EASTMOND, the Bill was read a third time and passed and cited as the Representation of the People (Amendment) Act, 2007.

ORDER NO. 3 - THE REPRESENTATION OF THE PEOPLE (AMENDMENT) (No.2) BILL, 2007.

Senator the Hon. Miss L.V. EASTMOND: Madam Deputy President, this Bill relates to increasing the numbers of individuals that can constitute a polling district for the purposes of the Representation of the People Act. As the legislation currently stands, the limit is set at 1000 individuals. The recommendation is that it should be increased to 1 500 individuals.

This recommendation that now finds itself in policy through this Bill, has come through the review of the polling districts by the Electoral and Boundaries Commission. In order to ensure that there is no substantial breach in what is required, in terms of the numbers of individuals that are represented in a polling district, the recommendation as presented in this Bill is that the number should be increased from 1 000 to 1 500.

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

Madam DEPUTY PRESIDENT: Senator Stuart

Senator F.J. STUART: Madam Deputy President, I should just like to make a few brief observations on this Amendment. Senator Eastmond in her brief introduction, said that there has been a recommendation that the numbers of voters constituting a polling district be increased from 1 000 to 1 500. The legislation as it now stands, makes provision for 1 000 persons, rather than 1 500, and the proposal is that there be an increase to 1 500. That recommendation, of course, would have come from the Electoral and Boundaries Commission in its review and I think Senator Eastmond said that.

I imagine that the recommendation would have something to do with trying to make the electoral process, more efficient and transparent. Therefore, from that point of view, any attempt to improve the efficiency of the system cannot attract any criticism from the Opposition.

The point I want to make is that under the law as I understand it, the Commission is required, I think under the Constitution, to do reviews of the boundaries and polling districts. The time frame established for the submission of their recommendation is not fewer than two years and not more than five years. This is my understanding of the law.

It just happens that the Committee's recommendations are coming in what is generally regarded in Barbados as an election season. I believe I heard somewhere that the last report was submitted sometime in the year 2002, and this is exactly five years later.

There is no requirement for a five-year period of review. I think five years is the outer limit for the time frame allowed to the Commission.

Senate 69, sequence 04, 11:40:14

Wednesday, June 06, 2007

SENATOR F. J. STUART: I do think that it would be wise for the protection of governments in office for these recommendations to come, not necessarily every five years, but at times that would free the public's mind of any suspicion that confusion or disruption might reign on election day in Barbados.

Madam Deputy President, I am old enough to remember the 1981 general elections when one such report was submitted to the Government. At the general elections of that year, confusion reigned all across Barbados. People whose names should have been on the list in St. George found their names on the list in St. Thomas. People whose

names should be on the list in St. Peter found their names on a list in Christ Church. Madam Deputy President, people wander all across Barbados trying to find out where they could vote.

I recall distinctly that after that general election, the then Leader of the Opposition, the late Right Excellent Errol Barrow, called a Press Conference and was harshly critical of the conduct of that election. That election was conducted very soon after the Electoral and Boundaries Commission was created. Madam Deputy President, that is the danger one can face where changes of this kind take place just before a general election is about to take place in the country.

With that in mind, Madam Deputy President, I should like to express the hope that every attempt would be made by the Minister responsible for elections and certainly by the Electoral and Boundaries Commission, to properly inform voters affected by any changes to take place as a result of these recommendations where they have to vote. I think there should be a serious public relation effort to ensure that all doubts are removed and that people are clear in their minds where they have to vote because if you are increasing the limit from 1 000 to 1 500, there is bound to be some internal re-allocations to ensure that these figures balance out.

Madam Deputy President, I know that it is not unusual when you are canvassing to hear - I know that Senator Eastmond has to know this - people tell you that they normally vote at so and so and identify a particular polling station. They locate themselves in the electoral process by telling you where they normally vote. I sincerely hope that creatures of habit as we are, people do not find themselves imagining that where they have always voted they are going to vote this time around then to find that they have to vote somewhere else.

Madam Deputy President, I just want to put the Government on notice that it is the view of the Opposition that if this change is going to be effective for the upcoming general election that every attempt should be made to properly inform members of the public so that no confusion surfaces on election day and that people are not consequently, wittingly or unwittingly, disfranchised. That is all I want to say, Madam Deputy President.

Madam Deputy President, I understand the thinking behind the amendment, but I just want to draw attention to the fact that this amendment need not be event-free if it is not properly handled. I therefore sincerely hope that the Government and the Commission would make every possible attempt to ensure that voters are not in any way disadvantaged, certainly not confused and certainly not misled, by any changes to take place in where they are supposed to vote on election day.

With those few words, Madam, I am obliged to you.

SENATOR T. E. BARKER: Madam Deputy President, I rise to support the Bill which is before us. I note the words of the last Speaker when he mentioned 1981. Madam Deputy President, both he and I are old enough to have been participants in the 1971 election. I worked as a polling agent in 1971, and there was endless confusion in 1971, for example, in Waterhall Land. Madam Deputy President, people canvassed Waterhall Land who should not have, and the ones who should have, did not canvass it. I know that for a fact. I know the parties involved. There was endless confusion in Jackson because a small piece of Jackson was in St. Michael North and a part was in St. Michael North East. So to hear the Honourable Senator speaking about 1981... He wants to create the impression that he was too young to remember the 1971 general election.

SENATOR F. J. STUART: On a point of order. I do not want to give the Senate or the country the wrong impression. I just want to clear up what I was saying for the benefit of Senator Barker. The 1971 general election was the first election conducted under single member constituencies. The 1981 general election was the first election conducted with an Electoral and Boundaries Commission in charge of the election. Both elections reflected changes taking place in the country. All I am saying is that if a change is taking place now, that we should try to avoid the mistakes of the past.

MADAM DEPUTY PRESIDENT: I will take that as a point of elucidation.

SENATOR T. E. BARKER: Madam Deputy President, the point I am making is that whenever there are boundaries changes there would always be people who would misplace the notices. Madam Deputy President, the average voter will get about three notices, one from the Electoral Office, one from the Opposition candidate and one from the Government candidate. If there is the People's Empowerment Party (PEP), they will get a fourth and if there are Independents, they may even get a fifth. All of these notices would tell the voter where he or she is supposed to vote. The notices are published all over the place. I note, Madam Deputy President, in the case of Senator Stuart, since he is not a canvasser, and since he is not known be a worker, that his people might have this confusion, but those of us who take the process seriously would ensure that our people are properly notified.

The point I want to make is that adequate notice is given, both by the independent authority, that is, the Electoral and Boundaries Commission, as well as the candidates, informing voters where they are supposed to go to vote.

Let us look at the amendment, Madam Deputy President. First of all, we must note that the old limit was not properly adhered to because we have constituencies which now have 4 000 registered voters. I know that for a fact. That is in St. James South. That constituency which includes West Terrace, Husbands and Oxnards, had over 4 000 registered voters. Therefore, one could imagine the human traffic jam that would ensue when 4 000 people go to one place to exercise their franchise. Obviously, they would not go at the same time, but that is not the point, so it makes sense to have a limit. The interesting thing is that the limit has been increased from 1 000 to 1 500. This is precisely so that the confusion that the Honourable Senator was alluding to would be minimised.

Senate 69 Sequence 5

11.50 a.m.

Wednesday, June 06, 2007

SENATOR T. E. BARKER: Madam Deputy President, let us not forget these numbers were set, probably when the electorate was smaller, so that as the population increased, especially noting that we are an aging society, the number of persons eligible to vote was also increased consequentially. Therefore, it makes sense that the limit be increased periodically, otherwise there would be mass reallocations, which might have resulted in the kinds of problems to which the last speaker alluded.

Madam, by increasing the limit periodically, you would ensure that the same number of polling districts would be maintained, which would avoid, as far as possible, some measure of dislocation. As a consequence to the change in this Bill, there are going to be certain districts that are going to be significantly changed.

Madam, I heard an Opposition Member - not in this Honourable Senate but under the proverbial street light - mentioning the fact that this change has been done by Government, as an underhand method of affecting the results of the current election. Madam, nothing could be further from the truth, there has been no change to the boundaries. If persons were living in St. James North, they would still remain in St. James North. The only difference would be that if their polling station was SA1, it would now be changed to SA2.

Madam, I do not see how that statement could have any validity, when the amendment had nothing to do with the change in boundaries. We had a change in boundaries in the last election. We had changes in 1981, 1991 and in 2003. Madam, it is not envisaged by this amendment that there are going to be boundaries changes, what would happen is that the polling districts would be altered.

Madam, unless we do these things, we would not be able to improve the electoral system. The point is that we want persons to be able to go and exercise their prerogative in an efficient a manner, as is humanly possible. We do not want persons to be waiting for two or three hours to vote, for persons to become frustrated. Therefore, by having these polling districts properly organised into small, manageable numbers, we would reduce the amount of time taken for persons to vote.

Madam Deputy President, this makes sense and therefore to hear the Opposition making this out as a ruse for a Party to do gerrymandering or whatever, is unfortunate.

Asides.

Senator FREUNDEL J. STUART: On a point of order. Madam Deputy President, I made a speech in which I said, in trying to evoke and in trying to avoid confusion, at the next election - whatever these changes are. I have not accused anybody of trying to gerrymander anybody or trying to commit any wrongdoing.

SENATOR T. E. BARKER: Madam Deputy President, I have not heard all of the Honourable Member's statements. The Honourable Member is obviously going to make a number of statements, both privately, publicly and in this Honourable Chamber, so that, at any time, the Honourable Member might have made that statement, I do not know. I hope the Honourable Member is not confessing that he has already made that statement.

Senator Stuart is not the only Opposition Member who might have made that statement. Therefore, while there may be one Opposition in this Honourable Chamber - and we are not even certain the Honourable Member is a Member of the Opposition because his status changes like the moon.

Asides.

SENATOR T. E. BARKER: Madam Deputy President, the point is, these changes are not cosmetic. They are necessary changes that will improve the efficiency of the whole process. Madam, that is something this Honourable Chamber should be commending the Electoral and Boundaries Commission for doing. They should be commending this Commission for looking at the electoral process every five years, to see in what way they could improve the system. Madam, we know the system is not perfect but it should be a process where, after every election, the Commission could have a postmortem done, to see what went wrong, where it went wrong, and how it could be improved.

Madam, that is what the Commission is doing and therefore we should be commending them for coming to Parliament periodically with these changes, as these changes could only make the whole process more efficient and less arduous on the voters, so that voters would have less reasons not to exercise their vote.

Madam Deputy President, as you know, Governments of Barbados, especially my Party, and led by the Right Excellent Sir Grantley Adams, fought long and hard during the 1940s and 1950s, to ensure that every person, over the age of 21, regardless of colour, creed or gender, would get the opportunity to vote. That age limit has now been changed to 18. Madam, there were cases where, in some parishes, less than 200 persons who would have voted. That was the case in the 1940s.

Madam, I am glad that the Commission is putting things in place, to ensure that the process, whereby the electorate can choose their representative, is as efficient as is humanly possible. Madam, the Commission and Barbadians ought to be commended that we have had elections, even before Adult Suffrage, and nobody has ever accused the Barbados Governments of acting any less than proper.

Madam Deputy President, that is something that cannot be said of a number of countries in the world today. Therefore, by and large, the majority of people in this country believe that elections are free and fair. That is something that we have to maintain, as it is very, very important that people must be allowed to say who they want to represent them in Parliament.

Madam Deputy President, this is something which we have fought for in the past and something that we are going to fight to maintain, that is why the Electoral and Boundaries Commission is so important a body in this country. Madam, I am sure this Commission has the respect of all citizens of this country because in the past, they have shown that they are independent and that they are above reproach. We want them to maintain that high standard because it is to the benefit of this country.

Madam Deputy President, with those few words, I commend this legislation to this Parliament, knowing that it is in the interest of democracy and that, in the end, what matters is that the people's choice, is reflected in the composition of both Honourable Chambers.

Madam Deputy President, I thank you.

Senator Dr. Frances L. CHANDLER: Madam Deputy President, the proposed amendment to the Representation of the People Act, Cap. 12, to change the number of persons contained in a polling district from that of

1 000 persons to 1 500 persons, does not present a problem, in my view. Therefore, I do not think there should be any cause for concern. In fact, I do not even think the change is necessary, since subsection 3 allows the Commission, if it sees fit, to increase or to decrease the number from that of 1 000 persons.

Madam Deputy President, it appears as though the amendment is to improve the system, and Senator Barker spoke a lot about improvement and about having everything aboveboard, et cetera, but I think there are other areas in the very Act, which should be looked at, in order to improve the system.

Madam, in the Second Schedule of the Act, Rules for Conduct of House of Assembly Elections, which I consider a cause for concern, could be a major disincentive to the electorate to exercise their right to vote. I believe this should be reviewed.

Part III, section 13 (2) states:

"A ballot paper shall be in the Form 3 set out in the Appendix, and shall be printed in accordance with the directions therein and shall -

(a) contain the names and other particulars of the candidates as shown in the statement of the person nominated;

(b) be capable of being folded;

(c) have a number printed on the back;

(d) and have attached a counterfoil with the same number printed on the face."

S:No. 69(6)12:00 noon.

Wednesday, June 6, 2007

(EDITED 05/05/09)

SENATOR DR. F.L. CHANDLER: Part III, Section 29, which describes the voting procedures states that the number, name and description of the elector, as stated in the copy of the Register of Electors, shall be called out, the number of the elector shall be marked on the counterfoil and the mark shall be placed in the register of the electors against the number of the elector to denote that a ballot paper has been received without showing the particular ballot paper which has been received.

Madam Deputy President, the fact that an elector can be identified by this process, since his or her name, ID number is on the counterfoil of the ballot paper, and the ballot paper and the counterfoil have matching numbers,

similar to a raffle book, in my opinion, that makes a mockery of the secrecy of the ballot. In my opinion, the fear of possible victimisation would be a major deterrent to voters and possibly accounts for some of the low voter turnout that we have seen from time to time.

Madam Deputy President, I have always been concerned about this procedure and others have also voiced their concerns. What I found astounding is that when I made a call to the Electoral Office to confirm whether or not this was in fact the process since I have observed it in the time I have been voting, I was unable to get an immediate answer.

Madam Deputy President, I feel that the electorate should be confident when they are voting that the ballot is secret and, therefore, in order to put the minds of the public at rest, could the Leader of Government Business explain whether or not my concern is well-founded. I understand that this matter has been brought up in the past and the argument of providing proof in court, in case of a matter being taken up in the court, has been put forward but it appears that no satisfactory response is provided by the relevant authorities at the time. In my opinion, if the process is managed properly - and Senator Barker has said that everything is aboveboard - and if we can guarantee that, there would be no need for this number. As far as I am concerned, I cannot see the reason for the number.

Madam Deputy President, the Electoral Office did not give me a reason for the number. They said it was the law but they also explained the security of the system is that ballots are placed in a secure bag, which is taken to the police station overnight and then it is transferred to a permanent safe place for one year after which the ballot papers are destroyed. Madam, if all of that security is in place and the system is efficient and well-managed as Senator Barker has reiterated, then I can see no reason why this numbering systems should be used. I think that part of the Act should be reviewed, in the same way that the other Section has been reviewed.

Madam Deputy President, I am asking again that the Leader of Government Business should put the minds of the electors at rest by giving some reason why this is done. If a satisfactory reason cannot be given then, perhaps, we should look at that part of the Act again.

Madam Deputy President, I thank you.

MADAM DEPUTY PRESIDENT: Senator Linton.

SENATOR I. St.C. LINTON: Thank you, Madam Deputy President. I stand to speak on this particular amendment here as one who has been enfranchised for over 50 years and who has had experiences in the electoral system of Barbados in which voters in this country have

been disadvantaged from time to time particular in 1971, when people had to run helter-skelter and knew not where they were to cast their votes.

Madam Deputy President, I am happy that we have the Electoral and Boundaries Commission, whose responsibility under the Constitution is to set out the parameters for elections from time to time in this country. I am one of the persons, who have lived through this time, who have the confidence in the Electoral and Boundaries Commission but since, in today's politics, particularly in these times, there are uncharitable statements and accusations being made against persons and institutions in this country, I have my concerns.

I am happy that Senator Stuart raised the point because only on Sunday night, a candidate from the Opposition said to the people in St. Peter that this measure is removing persons from the privilege of casting their votes in St. Peter. Sir, to my mind, this was uncharitable and offensive to the system which we have governing elections today. Madam Deputy President, it should be an offence, when these institutions do work and that the Parliament of Barbados, as constituted - like in the Other Place, who considered this piece of legislation already and we now have it under consideration - for any individual, candidate or not, in the public domain, to speak in the manner in which it was spoken about on Sunday night.

Madam Deputy President, the Democratic Labour Party and leader of the Democratic Labour Party in this Chamber should advise his Party as well as those on this side, in my view, that it is an offence, when this Parliament put legislation in place through the institutions that manage business in this country, including the Electoral and Boundaries Commission, for an individual to go to public and literally speak of the legislation in a manner of untruth. I want to register it in this Senate today ...

SENATOR F.J. STUART: Madam Deputy President, on a point of order. The Senator is in breach of the Standing Orders. He is replying to a speech that was made on Sunday night. We do not come to the Senate to reply to platform speeches, we come to reply to what is said in here. A debate is taking place in this Chamber, I put the position of the Opposition and rather than reply to me, the Senator is replying to somebody who spoke on a platform on Sunday night, according to him. Sir, I think that must a breach of the Standing Orders.

S69/12:10

Sequence 7

Wednesday, June 6, 2007

SENATOR I. St.C. LINTON: Senator Stuart, in this Chamber, spoke about confusion of persons, as I understand him, who may find difficulty casting their votes in an oncoing election. I am simply saying that persons, whether in here or elsewhere, should not be allowed to do that. That is the point I am making. As a Member of this Chamber, I see it as an offence, and that is the point I am making.

We in Barbados know that when there is an election, the Electoral and Boundaries Commission notifies every voter where they have to cast their voter. That is what obtains. There should be no question of confusion in this matter. We have grown in this country in the electoral laws, and have come a long way from the past, when it comes to order and the way elections are conducted in this country.

Madam Deputy President, none of us should cast an offence on the conduct of elections in this country, as I know it. That is the point I am making, and am thankful that I have the opportunity to make that point.

Madam DEPUTY PRESIDENT: Senator Eastmond.

SENATOR the Hon. Miss L. V. EASTMOND: Madam Deputy President, I would like to thank all Honourable Senators for their contributions this morning, to this Bill. First of all, I would like to make two preliminary comments that relate specifically to this debate, the two points also apply to Barbados generally, and how we conduct ourselves.

I think it is clear to most people, that we are living in what is called the information age. It means that everything we say in Barbados is heard around the world, almost immediately. Therefore, I believe that as a small State, and I always make the distinction between a small State - and like Barbados, and a large State like the United States of America - like Barbados, can destroy its reputation, within the twinkling of an eye and will not be able to rebuild it, unlike a country like the United States of America. Everybody gets up every morning and watch CNN, which is really the biggest propaganda machine that a country can have. It is seen around the world. It imposes its culture, its way of thinking, and promotes the interest of the United States every time it is beamed into your home. Barbados has no such facility.

Madam Deputy President, when individuals are going to make loose statements which would suggest, and I do not mean anyone in this Chamber, that Barbados is not run in a manner to stand shoulder to shoulder, with what are called the civilised countries in the rest of the world, is something that I become very concerned about. We are not talking about the days when we said something in Barbados, the people in the United States, United Kingdom or Denmark would not pick it up immediately. They pick it

up immediately, off the internet and everywhere else. Therefore, I am very concerned that the impression is being given, that confusion would reign, because there has been a change in polling districts. Madam Deputy President, it is a change in polling districts and not a change in boundaries. I want to make that point very clearly.

The second point I would like to make is about our institutions. I find that more and more, individuals, in order to win a seat, are prepared to destroy institutions that we have built up over time. As much as you would hear individuals in the United States criticise a sitting President, they do nothing to destroy the office of President. Despite the fact that we all saw what went on in Miami in that election, where there were hanging chads, dimpled chads, broken chads and all kinds of things, nobody sought to undermine the institution that was responsible for elections in the United States of America. Nobody in the United States of America asked for observers to come from the United Nations to observe elections in Miami or anywhere else, but in Barbados, now, it seems as though, in order to win one or two seats, we are now prepared to destroy our institutions, including the Electoral and Boundaries Commission. To me it a very sad thing and it is something that we really have to move away from.

Madam Deputy President, I am making the point that, you cannot follow what people in larger countries do. They have the machinery, even if they do not put the right case out there, to continue to make us and the rest of the world, feel that their country is the best run country ever known to the civilised world, because they have the machinery to do it. We do not have it. I would really like to suggest that even though we may be critical that we seek to preserve the institutions that we have.

Senator Stuart made reference to the Constitution and the report that comes from the Electoral and Boundaries Commission, with respect to the laying of their report. This report, according to the Constitution, refers to a report which reviews the number and the boundaries of the constituencies within Barbados. This is not a report dealing with polling districts. Therefore, it really is of little relevance to this particular Bill, which we are discussing, which refers to increasing the number of individuals in a polling district from 1000 to 1 500.

Mr. Deputy President, what will happen within the polling district, for example, in St. Philip West - I know that Senator Stuart might not be too familiar with what is happening in the constituency that he is interested - the amount of polling districts will be reduced from eleven to ten. That is what will happen, but it does not mean anybody will be required to vote outside of the constituency. Everybody will continue to vote within the constituency. There is no issue of boundaries being changed.

Madam Deputy President, we also hear discussion about this thing coming late, and people will be running all over Barbados. The people in St. Philip West will know that they will stay in St. Philip West. They will stay close to where they are to vote. They are not going to go into St. Joseph or St. John to vote, because no boundaries have been changed. This particular provision, which deals with the report of the Electoral and Boundaries Commission has to do with changing the boundaries. It does not deal with polling districts.

Madam Deputy President, personally, I do not know about Members of the Opposition, I have great confidence in the people of Barbados to be able, when they are advised as to which polling station they must vote at, they will know to go to that particular polling station.

Madam Deputy President, do you understand that you have an election, with 5 000 people voting and only about three spoilt ballots? That is the level of individual you are dealing with in Barbados. Unfortunately, the Opposition does not quite understand as yet, that the people in Barbados are intelligent people, they are capable of understanding what they must do, as long as you explain it to them.

12.20 p.m.

Sequence 8

Wednesday, June 06, 2007

Senate 69, sequence 09, 12.20 p.m.

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

There is going to be no difficulty, whatsoever, explaining the people what they must do. You tell them that they are not going to vote at St. Patricks Church Hall anymore, you are going somewhere else to vote because of the boundary, and they would understand. I do not know if it is only the people in St. Philip West but no confusion will reign, unless, of course there is an attempt to create confusion.

I understand too, that as you come close to elections that there would be a lot of gimmickry in which individuals will engage in, to confuse the public and to make people lose confidence in the electoral system. But it is something that we would seek to avoid.

Someone once told me that you have to be prepared to do anything in politics in order to win, but I really cannot go along with that. I cannot go along with destroying our institutions and creating mass confusion in the minds of Barbadians, by suggesting to them that

boundaries have been changed when they have not been changed.

Senator F.J. STUART: Madam Deputy President, on a point of order. Has there been any claim in this Chamber that boundaries have been changed?

Asides.

Senator the Hon. Miss L.V. EASTMOND: Thank you, Madam Deputy President. I believe that I have expressed my concerns very clearly about this notion of mass confusion, which Members of the Opposition are seeking to introduce into the minds of Barbadians. I would just like to say that the changes, which are being made have nothing to do with a shift in boundaries. This has to do with polling districts within the constituency.

Fortunately in Barbados, we are dealing with an intelligent public, a public who can understand, a public that knows better, probably than some of the individuals who speak on these matters, that the boundary of the constituency is vastly different from the polling district.

Madam Deputy President, with those few words, I beg to move that this Bill be read the 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, Senator the Very Rev. H.E. CRICHLAW in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is now in Committee.

Clauses 1 and 2 were called and passed.

On the motion of Senator the Hon. Miss L.V. EASTMOND, Mr. CHAIRMAN reported to Her Honour the DEPUTY PRESIDENT, the passing of one Bill in Committee and Madam DEPUTY PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. Miss L.V. EASTMOND, the Bill was read a third time and passed and cited as the Representation of the People (Amendment) (No.2) Act, 2007.

ORDER NO. 4 – RESOLUTION TO APPROVE THE DRAFT
– ELECTORAL AND BOUNDARIES COMMISSION
(REVIEW OF BOUNDARIES) ORDER,
2006.

Senator the Hon. Miss L.V. EASTMOND: Madam Deputy President, this particular Resolution underlines the fact that there are no proposed changes to the electoral boundaries in Barbados. I believe that it is important for all of us to look at the text of the Order before us.

The text states that the Electoral and Boundaries Commission, in accordance with section 41.(d) of the Constitution reviewed the numbers and boundaries of the constituencies into which Barbados is divided, and on the 30th June 2006, submitted a report to the Minister, stating that in the opinion of the Commission, no alteration is required to the existing boundaries of constituencies.

Mr. Deputy President, this is the Order before us, which we are about to pass. Therefore, I would imagine that it would be clear that there is no intention to change any boundaries. Hopefully, any such speculation could now be removed from the mind of any individual.

Madam Deputy President, I therefore beg to move that this Resolution be passed.

The question was put to the Senate and agreed to.

ORDER NO. 5 - RESOLUTION TO APPROVE IN ACCORDANCE WITH SECTION 5 OF THE CROWN LANDS (VESTING AND DISPOSAL) ACT, CAP. 225 THE VESTING IN THE NATIONAL HOUSING CORPORATION OF A PARCEL OF LAND, THE PROPERTY

OF THE CROWN, SITUATE AT 1ST AVENUE LONG GAP,

IN THE PARISH OF SAINT MICHAEL, IN THIS

ISLAND FOR DISPOSAL BY WAY OF SALE

FOR RESIDENTIAL PURPOSES

Senator the Hon. Miss L.V. EASTMOND: Madam Deputy President, I believe this matter before us should be a simple one, where land that is owned by the Crown, is to be vested in the National Housing Corporation for the purposes of residential development.

Madam Deputy President, it is important that we underscore the point that this is the use to which Crown Lands are made in Barbados.

Wednesday, June 06, 2007

SENATOR the Hon. Miss L. V. EASTMOND: There tends to be a lot of discussions about Government somehow selling land, but the truth of the matter is that the land that is sold in Barbados, is land which is in the hands of private people, who dispose of it the way they see fit.

Madam Deputy President, unless we are going to amend the Constitution to prevent individuals in Barbados from exercising that right, which is the right of the people to propose if they so wish... It certainly is not the policy of Government to dispose of Crown lands in any way that would be detrimental to Barbadians.

Madam Deputy President, this particular one is for residential purposes. Therefore, Madam Deputy President, I beg to move that this Resolution do now pass.

The question that the Resolution do now pass was put to the Senate and agreed to.

ORDER No.6

RESOLUTION TO APPROVE IN ACCORDANCE
WITH

SECTION 5 OF THE LAND ACQUISITION ACT,
CAP. 228, THE COMPULSORY ACQUISITION BY
THE CROWN OF PARCELS OF LAND SITUATE
AT ARCH HALL, IN THE PARISH OF SAINT
THOMAS, IN THIS ISLAND FOR THE
PUBLIC PURPOSE OF PROVIDING
UNINHIBITED ACCESS TO THE FIRE
STATION AND THE HOUSING
DEVELOPMENT

SENATOR the Hon. Miss L. V. EASTMOND: Madam Deputy President, this is another matter which has to do with Government's initiatives in ensuring that Barbadians have access to housing. This particular issue is one that has been outstanding for some time. The Government had entered into negotiations in order to acquire a piece of land in Arch Hall so that there could be better access to the homes of individuals constructed in that area and also better access to the fire station. However, unfortunately, those negotiations broke down and Government is now in the position where it is going to acquire those lands in order to ensure that those lands lie within the ownership of the Crown, so that access could be had to both the fire station and to residents living in the Arch Hall area.

Madam Deputy President, I believe that this is a worthy Resolution, therefore, I beg to move that this Resolution do now pass.

The question that the Resolution do now pass was put to the Senate and agreed to.

ORDER NO. 7 – BETTING AND GAMING DUTIES
(AMENDMENT) BILL, 2007

SENATOR the Hon. Miss L. V. EASTMOND: Madam Deputy President, this yet again is a simple matter in terms of the amendment that is going to be made. What the amendment actually does is to change the responsibility for betting and gaming from the Minister of Finance to the Minister of Commerce. Currently, the regulation of betting and gaming falls under the Ministry of Finance and is administered through the Customs Department.

Madam Deputy President, a policy decision was taken that since betting and gaming is, strictly speaking, a commercial matter and not a finance matter that this particular activity should fall within the portfolio of the Minister responsible for commerce.

Madam Deputy President, the amendment in the Bill is a simple one. In fact, the process would be to delete the definition of Minister, which then means that the definition would be the definition that falls under the Interpretation Act, which is then the Minister responsible for the activity. Therefore, with this simple amendment the Betting and Gaming Duties Act, would become the responsibility of the Minister of Commerce.

Madam Deputy President, I would add that in terms of preparation for taking over responsibility for the legislation and the activity of betting and gaming, that the Ministry has already embarked on and has completed a study on the status quo of the betting and gaming industry in Barbados, in order to prepare ourselves to ensure that we could take on this responsibility adequately. Certain recommendations have been made which now have to be discussed and the institutional framework has to be put in place in order to make sure that we could regulate the betting and gaming industry in Barbados effectively.

Madam Deputy President, we are well on our way, and therefore we in the Ministry of Commerce, are ready to take on our responsibility with respect to betting and gaming.

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

The question was put to the Senate and agreed to.

On the motion of SENATOR the Hon. Miss L. V. EASTMOND, the Senate resolved itself into Committee, SENATOR the Very Reverend H. E. CRICHLAW in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clauses 1 to 2 inclusive were called and passed.

On the motion SENATOR the Hon. Miss L. V. EASTMOND, Mr. CHAIRMAN reported to Her Honour, MADAM DEPUTY PRESIDENT, the passing of one Bill in Committee and MADAM DEPUTY 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 Betting and Gaming Duties (Amendment) Act, 2007.

Senate 69 Sequence 10

12.40 p.m.

Wednesday, June 06, 2007

ORDER NO. 8 – SECOND READING OF THE INSURANCE
(AMENDMENT) BILL, 2007.

Senator the Hon. Miss L. V. EASTMOND: Madam Deputy President, this matter before us dealing with an amendment to the Insurance Act, comes out of a process in which we are engaged. This is one of the effects of trade liberalisation and the ability of individuals to move around the world, more freely than they would have done in the past. It also comes out of a situation where Barbadian professionals are beginning to recognise that they have a responsibility for safeguarding their own market and their own interest, and for making recommendations in order to counter such developments.

This Bill is prompted by what is referred to as the “suitcase trade in insurance products.” What has been happening in the past is that there have been individuals moving around the region, representing certain insurance companies that have been offering insurance products that our local companies had been restricted in offering to Barbadians. It certainly is Government’s policy to ensure that our service providers in the market are able to compete effectively with service providers from anywhere in the world. Therefore, this Bill seeks to amend the Insurance Act at Section 166, by adding a new Section 166(A).

Madam Deputy President, in looking at the provisions, Honourable Senators would see that it now seeks to ensure that where coverage of major medical health care is required by individuals, and it is being offered by insurance companies to individuals who are resident in Barbados or within CARICOM, that policy can be denominated in the currency of the United States of

America. However, considering our circumstances in Barbados, these policies still have to be agreed to by the Minister of Finance, who has to make a determination that the foreign currency would be available for settling any such claims. In addition, this amendment does not mean that the same rule that applies to ordinary insurance policies no longer applies. It, therefore, sets out expressly that Section 103 of the Insurance Act will still apply; that section deals with the appropriate form and procedure that have to be used for issuing insurance policies.

This is a relatively simple amendment but its impact is significant because it now allows our insurance companies to compete in an area, in which they had previously found difficulty competing. I think it also sends a signal to professionals in Barbados that this is the way to go about ensuring that they are cognizant of what is going on in our market and that where necessary, they could make representation to Government, so that Government could implement the appropriate policies, through legislation, to ensure that our service providers, especially in the area of financial services, are not disadvantaged.

Madam Deputy President, I, therefore, commend this Bill to all Honourable Senators and beg to move that this Bill be read a second time.

SENATOR A. A. BYNOE: Madam Deputy President, while I rise to support this amendment, I, nevertheless, would like to draw attention to an aspect of insurance that, perhaps, has been ignored for too long, simply because it seems to be an accepted policy, with respect to insurance, not only in Barbados but generally speaking, as a rule. Madam, that is with reference to the “average clause”.

Madam Deputy President, let me explain: if you insure your property for \$400 000, which property has a replaceable value of \$600 000. Should you have a claim at some subsequent period, the insurer would say to you that you have underinsured your property and thus any compensation would be relative to the fact that your property was insured for two-thirds of its value. Your claim would then be discounted, as it were, in the same ratio.

Madam Deputy President, of course, the astute businessperson would be aware of this but there are a lot of people, when they buy their policies to secure their homes and businesses, are not aware of this. Therefore, when they meet some kind of unfortunate situation, they are then confronted with this, as it were, fine print within the policy. I believe that if one buys a premium based on a value of \$400 000, this should be the value that insurers should take into consideration, as opposed to saying that you have underinsured, based on market value.

Madam Deputy President, this is the point I want to make to this Honourable Chamber. I believe we need to look at some of the fine print, with respect to policies, particularly this “average clause”, in relation to buying insurance on one’s property.

Madam Deputy President, I support this amendment. I thank you.

SENATOR Miss S. C. V. HUSBANDS: Madam Deputy President, I rise to support the Bill before this Honourable Chamber, and to endorse the statements made by the Leader of Government Business, in terms of the absolute necessity of the various sectors of the economy, to see what changes they need from Government, in order to be more competitive and to be able to work collaboratively, so that we could pass the appropriate legislation.

Madam Deputy President, in relation to the matter of insurance and the insurance sector in the region, I want to commend them for the tremendous efforts they are making, in terms of educating their executives and agents and helping them to operate more efficiently within the space. We certainly need to be more competitive and to be able to prepare ourselves in a way where indigenous insurance companies could look at how they could spread their businesses abroad and be able to secure businesses in other markets. Madam, in the same way that SAGICOR has done, I am trusting that other agencies would do the same.

12.50 p.m.

Wednesday, June 5, 2007

(EDITED 05/05/09)

SENATOR Mrs. S.C.V. HUSBANDS: However, I want to sound a warning and an admonition to those who are selling insurance products in Barbados that the need to exercise as much as possible the necessary vigilance so that they are constantly in compliance with the requirements against money-laundering activities and not to let the pressure of seeking to secure policies cause them to overlook any financial dealings that may raise a red flag in relation to the propriety of the action that is being taken in purchasing a particular policy.

It has been drawn to my attention that in the Caribbean there is some money-laundering activities, where people are purchasing the value of an insurance policy from a policyholder giving them the amount in cash and keeping the policy until it is matured and have it signed over to them. Sir, this is a method now being used by money-launderers to hide their money.

Madam Deputy President, I want to encourage vigilance on the part of the insurance agent and also

vigilance on the part of the citizen because moneylaundering will undermine the strength of our economy and it will undermine the viability of our economy. Therefore, it is important that not only the financial services like banks and insurance companies exercise vigilance but the citizens also have vested interest in paying attention to these things, where they are the unconscious dupes of persons seeking to engage in illegal activity. Madam, I would like to strongly advise citizens to be alert and aware and to report those types of activities because it is not in our long-term interest for us to allow those types of activities to take place.

Madam Deputy President, I want to congratulate the insurance industry on the excellent job that is doing. They have just concluded their annual conference in St. Kitts and they put a great deal of energy into educating and preparing their officials. I trust that all businesses would take it to heart and play their role in the financial services sector for the benefit of this country and this region.

I am obliged to you, Madam Deputy President.

SENATOR the Hon. Miss LYNETTE EASTMOND: Madam Deputy President, I beg to move that this Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of SENATOR the Hon. Miss LYNETTE EASTMOND, the SENATE resolved itself into Committee on the Bill, SENATOR the Very Reverend H.E. CRICHLOW in the Chair.

COMMITTEE

MR. CHAIRMAN: The Senate is in Committee.

Clauses 1 was called and passed.

Clauses 2 was called and passed.

On the motion of SENATOR the Hon. Miss LYNETTE EASTMOND, THE CHAIRMAN reported to Her Honour the DEPUTY PRESIDENT the passing of one Bill in Committee and MADAM DEPUTY PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR the Hon. Miss LYNETTE EASTMOND, the Bill was read a third time and passed and cited as The Insurance (Amendment) Act, 2007.

ORDER 9

COMPANIES (AMENDMENT) BILL, 2007

SENATOR the Hon. Miss LYNETTE EASTMOND: Madam Deputy President, this amendment yet again is a simple one even though the Bill has 11 Clauses. This amendment, through the Companies Act, is to allow auditors to perform their work through companies. The members of the Institute of Chartered Accountants have already agreed amongst themselves that this can be done. Certainly before there was never any intention that an auditor should be able to act through a company, so the Companies Act has been drafted in such a way that only individuals are allowed to act as auditors. I believe Honourable Members would be aware that there are a number of professions, where it is expected that those professionals would be personally liable in the carrying out of their office, professions such as accountants, lawyers and medical practitioners and this has been a long-standing tradition.

Madam Deputy President, this issue, which the accountants and auditors have raised with respect to the ability to limit their liability is an issue that was raised by them some time ago. I believe it was prompted by a landmark decision where auditors were found to be liable for significant losses because individuals were said to have relied on the financial statements, which they had produced and certified as being in order and it was argued that individuals had actually relied on the financial statements.

Madam Deputy President, as you know, many accounting firms do work for some large entities that have a large number of shareholders and, therefore, that personal liability was considered to be inappropriate in the new economic circumstances, in which we are operating, both in Barbados and in the rest of the world.

Madam Deputy President, many accounting firms in countries such as Canada and the United States of America have used various vehicles such as Limited Liability Partnerships (LLPs) and also Limited Liability Companies (LLCs) and if you look around internationally, you would see that many of the accounting firms now carry this designation behind their names.

Madam Deputy President, within the context of Barbados, while we are looking to see whether or not there is a need for a new Limited Liability Partnership Act, the one which we have currently, which seeks to do that is no longer adequate for our economic circumstances, so we would be looking at that Act, to see if it could be amended or looking to put a new Act in place.

S69/13:00

Sequence 12

Wednesday, June 6, 2007

SENATOR the Hon. Miss L. V. EASTMOND: Madam, within the context of Barbados, there is no need for us to look to some new entity called an LLC, when we have the Companies Act, which provides for limited liability through the vehicle of a company, so, this particular amendment or these various amendments, through the Companies Act, seek to ensure that a company can now act as an auditor for a company. Some of the provisions that are reflected in the Bill have to do with the fact that 75 per cent of the members of the body corporate must be accountants.

Essentially, you are looking to ensure that you are not saying that all companies can be auditors, but 75 per cent of the members of the company must be accountants, and the principal business that they are providing is accounting and auditing. That is to provide some kind of safeguard, so that if a company is doing your audit, you can be certain that you actually have an auditor reviewing your books, and not some other company. Madam Deputy President, if it were watere down, to say 20 per cent or 50 percent, you could not be sure that you were getting a proper audit, because of the number of individuals within the company. This is why the level has been placed at 75 per cent. Of course, in any company, and also in accounting firms, there are individuals who must work in those firms, who are not accountants.

The legislation also has a provision, where the Minister may appoint a particular company to be an auditor, in particular circumstances, and that would tend to be the exception and not the rule.

Madam Deputy President, I am sure that Honourable Members in reading the subsequent amendments, recognise that they were really consequential amendments. Madam, you have a situation where the particular section might have only referred to an auditor as him or he, et cetera, and instead of reflecting that, we are now seeing "the auditor". Madam Deputy President, I am sure that Honourable Members looking through all of these provisions would see that in essence, that is what those amendments were about.

Madam Deputy President, the significant amendment, within this particular piece of legislation, is to ensure that companies can now act as auditors, that 75 per cent must be auditors or accountants, and the principal business is accounting and auditing.

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

Mr. DEPUTY PRESIDENT: Senator Stuart.

SENATOR F.J. STUART: Madam Deputy President, I find no fault in the amendments, as set out in the Bill, and certainly no fault with the explanation given by Senator Eastmond. I wondered what was the thinking behind the amendments in the first place, because it was always my impression that whether as individuals or otherwise, auditors were not liable to potential investors or shareholders for their auditing accounts. In fact, the English House of Lords, in 1990, in a landmark decision, made it very clear that potential investors and or shareholders could not hold auditors liable, if their investments or share purchases did not pay off, that the duty of care principal, had to satisfy highly specific requirements in order for auditors to be liable. Madam Deputy President I did not at first, understand why it would have been necessary for auditors, in our part of the world, to want to incorporate to limit their liability, when such liability might not have existed at all.

I know that the whole question of auditors, and the quality of their work, impacted on public notice ever since the scandals in the United States of America, of Enron and Worldcom. I supposed that people are a lot more sensitive nowadays, than at anytime before those scandals broke, but English law, as I understand it, up to now, does not place any liability on individuals who are auditors. Madam, potential investors or shareholders, really have no cause of action against auditors. If Senator Eastmond is interested in the matter, she might have a look at (1990)1 All ER, No:568, Caparo Industries Plc v Dickman, the House of Lords, where a fairly strong House of Lords pronounced on the issue and discussed it very exhaustively.

I do not think any harm is being done by this amendment, and, therefore, it has the Opposition's support.

I am obliged to you.

Madam DEPUTY PRESIDENT: Senator Eastmond.

SENATOR the Hon. Miss L. V. EASTMOND: Madam Deputy President, I must say that Senator Stuart's reference to (1990)1 All ER, No: 568, brought back a memories. It brought back a certain longing...

Asides.

SENATOR the Hon. Miss L. V. EASTMOND: Madam Deputy President, it might very well be true that the House of Lords did render such a decision, but the difficulty is, most of the accounting firms are international firms. While the House of Lords might have a particular position that might apply in the United Kingdom, accounting firms hardly operate in that kind of space anymore. It is an international context in which they operate.

Madam, even though I have a great deal of respect for the common law, as it is and the system that we have of setting precedents, et cetera. We know that it is not as certain as we might like, especially with the accountants that will now be dominating the international accounting scene, who at the moment, seem to be European and American. They would be more interested in certainty and being able to set down rules, not relying on judgements from the House of Lords. Madam, I believe that these are the circumstances in where we are operating now, with respect to the accounting firms, which most of them in Barbados tend to be international accounting firms, and they would not want a separation between what is going to be decided in, for example, England, Canada or the USA. I believe that for this reason, it is important for us to amend the Companies Act, in order to put these provisions in place.

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

The question was put to the Senate and agreed to.

On the motion SENATOR the Hon. Miss L. V. EASTMOND, the SENATE resolved itself into Committee on the Bill, SENATOR the Very Reverend H.E. Crichlow, in the Chair.

COMMITTEE

Mr. CHAIRMAN: This Senate is now in Committee.

Clauses 1 and 11 inclusive were called and passed.

13.10 p.m.

Sequence 13

Wednesday, June 06, 2007

Senate 69, sequence 14, 1.10 p.m.

On the motion of Senator the Hon. Miss L.V. EASTMOND, Mr. CHAIRMAN reported to Her Honour the DEPUTY PRESIDENT, the passing of one Bill in Committee and Madam DEPUTY PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. Miss L.V. EASTMOND, the Bill was read a third time and passed and cited as the Companies (Amendment) Act, 2007.

ORDER NO. 10 – THE INSTITUTE OF CHARTERED ACCOUNTS OF BARBADOS (INCORPORATION) (AMENDMENT) BILL, 2007

Senator the Hon. Miss L.V. EASTMOND: Madam Deputy President, this is another Bill that seeks to enhance the mechanism by which our Chartered Accountants, as professionals can conduct their business in Barbados. Essentially, the proposal is to make an amendment to Section 5 of the Institute of Chartered Accountants of Barbados, Incorporation Act. It is simply to add a provision stating that the Institute may make rules to discipline their members.

Clearly, what this is seeking to do is ensure that the self-regulation of the profession reaches international standards, by having the ability to make rules to discipline members.

I believe that Members of the Senate would recognise that all of the Chartered Accountants in Barbados seek to follow international standards, with respect to their practice. Therefore, in terms of regulating their own professions, those international standards must be met.

Of course, with our institutions and various bodies coming under scrutiny by the international community, and even without that, we would wish to ensure that all of our professionals are mindful of their professional status, and the impact that it has on Barbados, as a jurisdiction that seeks to promote itself as a world class jurisdiction, providing world class services.

The Institute of Chartered Accountants and the individuals involved in the profession of insurance must be commended. I believe that this provision would also help the accountants, more specifically to enforce regulations, with respect to continuing education, which is something that is extremely important for all professions.

I also believe that the Institute of Chartered Accountants has done a considerable amount of work to ensure that they have implemented systems for continuing education, and that they provide opportunities for its members, to ensure that they have the ability and access to continuing education. Therefore, we must commend their efforts.

Madam Deputy President, I commend this Bill to all Honourable Senators and I beg to move that this Bill be read a second time.

The question was put to the Senate and agreed to.

On the motion of Senator the Hon. Miss L.V. EASTMOND, the Senate resolved itself into Committee on the Bill, Senator the Very Rev. H. E. CRICHLLOW in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is now in Committee.

Clauses 1 and 2 were called and passed.

On the motion of Senator the Hon. Miss L.V. EASTMOND, Mr. CHAIRMAN reported to Her Honour the DEPUTY PRESIDENT, the passing of one Bill in Committee and Madam DEPUTY PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of Senator the Hon. Miss L.V. EASTMOND, the Bill was read a third time and passed and cited as the Institute of Chartered Accountants of Barbados (Incorporation) (Amendment) Act, 2007.

Senate 69, sequence 14, 13:20:14

Wednesday, June 06, 2007

ADJOURNMENT

SENATOR the Hon. Miss L. V. EASTMOND: Madam Deputy President, I believe we have come to the end of our business for the day, I therefore 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 MADAM DEPUTY PRESIDENT adjourned the Senate accordingly.

Senate 69 Sequence 15

1.23 p.m.

CONTENTS

MESSAGES FROM HIS EXCELLENCY THE
GOVERNOR-GENERAL**Senator Dame Patricia SYMMONDS.....1**

GOVERNOR-GENERAL”

PRESENTATION OF PAPERS

SENATOR the Hon. Miss L. V. EASTMOND.....2

1. Duties, Taxes, and other Payments (Exemption) RBTT Bank Barbados Limited, Order, 2007.
2. Annual Reports of the National Housing Corporation for the financial year 2001-2002 and 2002-2003.
3. The Barbados Economic and Social Report 2006.
4. The Industrial Policy for Barbados’ Manufacturing and Related Services Sectors 2007-2012.

SUSPENSION OF STANDING ORDERS

SENATOR the Hon. Miss L. V. EASTMOND.....2

INTRODUCTION OF BILLS

SENATOR the Hon. Miss L. V. EASTMOND.....2

1. The Betting and Gaming Duties (Amendment) Bill, 2007.
2. The Insurance (Amendment) Bill, 2007.
3. The Companies (Amendment) Bill, 2007.
4. The Institute of Chartered Accountants of Barbados (Incorporation) (Amendment) Bill, 2007.

PUBLIC BUSINESS

ORDER NO. 2 – SECOND READING OF THE
REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL, 2007.....2

Senator the Hon. Miss L. V. Eastmond, 2, 3; Senator F.J. Stuart, 3, 4, 5; Senator T. E. Barker, 4, 5; Senator Dr. Frances L. Chandler, 6.

(EDITED 05/05/09)

Senator Dr. Frances L. CHANDLER.....6

Senator I. St.C. Linton, 7, 8; Senator F.J. Stuart, 7, 9;
Senator the Hon. Miss L. V. Eastmond, 8, 9.

ORDER NO. 4 – RESOLUTION TO APPROVE THE
DRAFT – ELECTORAL AND BOUNDARIES
COMMISSION (REVIEW OF BOUNDARIES)
ORDER, 2006.....10

Senator the Hon. Miss L. V. Eastmond, 10.

IN THE PARISH OF SAINT MICHAEL, IN THIS

ISLAND FOR DISPOSAL BY WAY OF SALE

FOR RESIDENTIAL PURPOSES

SENATOR the Hon. Miss L. V. EASTMOND.....10

RESOLUTION TO APPROVE IN ACCORDANCE
WITH

SECTION 5 OF THE LAND ACQUISITION ACT,
CAP. 228, THE COMPULSORY ACQUISITION BY
THE CROWN OF PARCELS OF LAND SITUATE
AT ARCH HALL, IN THE PARISH OF SAINT
THOMAS, IN THIS ISLAND FOR THE
PUBLIC PURPOSE OF PROVIDING
UNINHIBITED ACCESS TO THE FIRE
STATION AND THE HOUSING
DEVELOPMENT

SENATOR the Hon. Miss L. V. EASTMOND.....10

ORDER NO. 7 – BETTING AND GAMING DUTIES
(AMENDMENT) BILL, 2007.....11

Senator the Hon. Miss L. V. Eastmond, 11.

ORDER NO. 8 – SECOND READING OF THE
INSURANCE (AMENDMENT) BILL, 2007.....11

Senator the Hon. Miss L. V. Eastmond, 11; Senator A. A. Bynoe, 12; Senator Miss S. C. V. Husbands, 12.

(EDITED 05/05/09)

SENATOR Miss S. C. V. HUSBANDS.....12

Senator the Hon. Miss L. V. Eastmond, 13.

ORDER 9

COMPANIES (AMENDMENT) BILL, 2007

SENATOR the Hon. Miss L. V. EASTMOND.....13

Senator F.J. Stuart, 14.

ORDER NO. 10 – THE INSTITUTE OF CHARTERED
ACCOUNTS OF BARBADOS (INCORPORATION)
(AMENDMENT) BILL, 2007.....15

Senator the Hon. Miss L. V. Eastmond, 15.

ADJOURNMENT.....16

Senator the Hon. Miss L. V. Eastmond, 16.

SPEAKERS IN THIS ISSUE

BARKER, Senator T. E.**BYNOE, Senator A. A.****CHANDLER, Senator Dr. Frances L.****EASTMOND, Senator the Hon. Miss L. V.****HUSBANDS, Senator Miss S. C. V.**

LINTON, Senator I. St.C.

STUART, Senator F.J.

SYMMONDS, Senator Dame Patricia

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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. Dates in the text. The source gives ‘Wednesday, June 5, 2007’ (5 June 2007 was a Tuesday). The weekday and date do not agree; printed as in the source.

Q3. Opening. The Deputy President announces that the President is absent and presides throughout, but the opening words ‘The Senate is in session.’ are labelled ‘Mr. PRESIDENT’. Later one call is labelled ‘Mr. DEPUTY PRESIDENT’, and the Minister twice addresses ‘Mr. Deputy President’. Printed as in the source.

Q4. Message from the Governor-General. The letter reads ‘Will you, therefore, please my absence formally to the attention of The Honourable The Senate’; a word such as ‘bring’ appears to be missing. Printed as in the source.

Q5. Suspension of Standing Orders. Senator the Hon. Miss L. V. Eastmond’s motion that the Very Rev. Harold Crichlow act as Chairman of Committees is run into the procedural note in the source. Printed as in the source.

Q6. Orders Nos. 2 and 3, take-slips about 11.30 a.m. and 12.20 p.m.. At two take-slips the source repeats Senator Eastmond’s label with no words but ‘...’, and her speech continues in the next paragraph. Printed as in the source.

Q7. Order No. 10, heading. The Order Paper heading reads ‘THE INSTITUTE OF CHARTERED ACCOUNTS OF BARBADOS (INCORPORATION) (AMENDMENT) BILL, 2007’; the first reading and the citation give ‘Accountants’. Printed as in the source.

Q8. Editorial markers and labels. The source carries the note ‘(EDITED 05/05/09)’ at two points, printed as headings. Senator Miss S. C. V. Husbans is also labelled ‘Mrs.’ Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The Senate met on Wednesday, 6th June, 2007 at 11.10 a.m., with the Deputy President, Her Honour Senator Dame Patricia Symmonds, presiding in the absence of the

President; prayers were led by Rev. Father Errington Massiah. She read a letter from the Governor-General saying that he would be in the United Kingdom from 9th to 18th June and that the President of the Senate, His Honour Senator Sir Fred W. Gollop, would perform the functions of Governor-General. She also excused Senators Sir Roy Trotman, the Hon. Erskine Griffith, Sir Allan Fields and the Hon. Velma Newton, and said Senator the Hon. Miss L. V. Eastmond would act as Leader. Senator Eastmond laid four papers, among them the Barbados Economic and Social Report 2006 and the Industrial Policy for Barbados’ Manufacturing and Related Services Sectors 2007-2012. Standing Order 45(2) was suspended, the Very Rev. Harold Crichlow was appointed to act as Chairman of Committees, and four Bills were read a first time.

Under Order No. 2, Senator Eastmond moved the Representation of the People (Amendment) Bill, 2007, which corrected an anomaly whereby Rules 24 and 36 did not allow members of the Electoral and Boundaries Commission into polling stations and counting centres, contrary to the Constitution’s provision that the Commission is not under the direction of any other officer. It passed all stages without debate, with Senator the Very Rev. H. E. Crichlow in the Chair in Committee.

Under Order No. 3, she moved the Representation of the People (Amendment) (No. 2) Bill, 2007, raising the limit for a polling district from 1 000 to 1 500 electors on the Commission’s recommendation. Senator F. J. Stuart did not oppose it but noted that the recommendations came in what was regarded as an election season and that five years was the outer limit, not a requirement, for reviews. Senator T. E. Barker, recalling his work as a polling agent in 1971, said the numbers had been set when the electorate was smaller; points of order from Senator Stuart followed. Senator Dr. F. L. Chandler questioned the numbered ballot paper and counterfoil under the election rules, and Senator I. St. C. Linton spoke of his 50 years as a voter. In reply Senator Eastmond warned against loose statements and attacks on institutions, said voters in St. Philip West would stay in St. Philip West, and rejected the notion of ‘mass confusion’. The Bill passed all stages.

Senator Eastmond then moved, and the Senate agreed to, the Resolution to approve the draft Electoral and Boundaries Commission (Review of Boundaries) Order, 2006, under which the Commission had reported on 30th June, 2006 that no alteration of the boundaries was needed; the Resolution vesting Crown land at 1st Avenue Long Gap, St. Michael in the National Housing Corporation for residential purposes; and the Resolution for the compulsory acquisition of land at Arch Hall, St. Thomas, to give better access to homes and to the fire station after negotiations had broken down.

The Betting and Gaming Duties (Amendment) Bill, 2007 moved responsibility for betting and gaming to the Minister responsible for commerce, and passed. On the

Insurance (Amendment) Bill, 2007, aimed at the ‘suitcase trade in insurance products’ in major medical cover, Senator A. A. Bynoe drew attention to the ‘average clause’ in property policies, and Senator Miss S. C. V. Husbands warned sellers of insurance to comply with anti-money-laundering requirements. The Bill passed. The Companies (Amendment) Bill, 2007 allowed auditors to practise through companies of which 75 per cent of members were auditors; Senator Stuart gave it the Opposition’s support, citing a House of Lords decision, and it passed. The Institute of Chartered Accountants of Barbados (Incorporation) (Amendment) Bill, 2007, giving the Institute power to make rules to discipline members, also passed, and the Senate was adjourned sine die.