
THE SENATE DEBATES

(UNOFFICIAL REPORT)

PARLIAMENT 2013 – 2018

THE SENATE

Wednesday, February 10, 2016

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, February 10, 2016 at 11 a.m.

PRESENT

Her Honour Senator Miss KERRYANN F. IFILL, M.B.A. B.Sc. (Hons.) (President)

His Honour Dean Emeritus Senator the Very Reverend H. E. CRICHLow, G.C.M., B.A. (Hons.) (Dunelm)(Deputy President)

Senator the Hon. Ms. MAXINE P. O. McCLEAN, B.Sc.,

(Hons), M.A., M.B.A. (Minister of Foreign Affairs and Foreign Trade) (Leader of the Senate).

Senator JEPTEr INCE, J.P., M.B.A., B.B.A., Dip. (Mgmt) (Parliamentary Secretary, Ministry of Finance and Economic Affairs)

Senator HARCOURT A. HUSBANDS, M.L.I.R., B.Sc. (Public Administration) (Hons.) Ed. Cert. (U.W.I.)

Parliamentary Secretary, Ministry of Education)

Senator REGINALD A. HUNTE, J.P.

Senator Rev. Dr. DAVID L. DURANT, D.D. (Hons.)

Senator the Hon. PATRICK M. T. TODD, B.Sc. (Minister of State in the Office of the Prime Minister)

Senator ANDRE R. WORRELL, B.A. (Hons.)

Senator Miss VERLA A. G. DePEIZA, LL.M. (Merit) B.Sc. (Hons.)

Senator WILFRED A. ABRAHAMs, LL.B. (Hons.)

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

Senator Prof. Emeritus Sir HENRY H.S. FRASER, K.A., G.C.M., B.Sc., M.B.B.S., Ph.D., FACP, FRCP.

Senator ALWIN A. ADAMS, J.P., B.A. (Ed.), Ed. Cert., M.Sc. Ed.

Senator JOHN A. WATSON

Senator Dr. JEROME X. WALCOTT, J.P., M.B.B.S., FRCS (Edin.)

Senator Dr. Sir TREVOR A. CARMICHAEL, Q.C., K.A., S.C.M., B.Sc. (Econ.), M.A., Ph.D.

Senator CAROL LADY HAYNES, M.B., B.Sc.

Senator the Hon. DARCY W. BOYCE, M.B.A. (Finance)

B.Sc.(Econ.), C.M.A., F.C.A., (Minister in the Office of the Prime Minister)

Senator Dr. the Hon. ESTHER R. BYER-SUCKOO, M.B.B.S., (Minister of Labour, Social Security and Human Resource Development)

ABSENT

Senator Mrs. V. IRENE SANDIFORD-GARNER, M.B.A., C.I.M., Dip. (Mgmt), (Parliamentary Secretary, Ministry of Tourism)

Prayers were led by Rev. Father Errington Massiah.

MADAM PRESIDENT: The Senate is now in Session.

ANNOUNCEMENTS BY HER HONOUR THE PRESIDENT

Madam PRESIDENT: Let me first offer my congratulations for the appointments of our Marshal and Deputy Marshal. Mr Wayne Jones has been duly appointed as the Marshal while Mr. Adrian Craigwell, is our Deputy Marshal.

I am in receipt of excuses for absence from Senators Watson and and Worrell, who will join us later for today's Sitting..

I am also in receipt of the Minutes for December the ninth and sixteenth. Are there any corrections or omissions? There being none, I ask that these Minutes be confirmed.

PAPERS

Senator Hon. M.P.O MCCLEAN: Madam President, I am commanded to lay

1. The Loan Contract No. 3542/CH-BA, between the Government of Barbados and the Inter-American Development Bank, December 18th, 2015;

2. *The Savings Bonds (Amendment) Regulations, 2016;*

3. *Excise Tax Regulations 2016.*

4. *The Annual Report of the Grantley Adams International Airport Inc. 2014;*

5. Duties, taxes and other payments, exemptions, citizens and permanent residents order 2015;

6. Duties, taxes and other payments, exemptions -- University of the West Indies no claim Film Festival Order 2015;

7. And the duties, taxes and other payments, exemptions -- Cost- Less Barbados Inc order 2015

SUSPENSION OF STANDING ORDERS

Senator Hon. M. P. O MCCLEAN: Madam President, I beg to move the suspension of the Standing Order 45 (2) for the remainder of the day's Sitting.

The question was put to the Senate and agreed to.

INTRODUCTION OF BILLS

Senator Hon. M. P. O MCCLEAN: Madam President, I beg to move the First Reading of the Companies (Amendment) Bill, 2016. I beg to further move the First Reading of the domestic violence Protection Orders (Amendment) Bill, 2016 and to move the First Reading of the Sanitation Service Authority (Amendment) Bill, 2016.

The question that these Bills be now read for the first time was put and resolved in the affirmative without division.

PUBLIC BUSINESS ORDER NO.1 COMPANIES (AMENDMENT) BILL, 2016

Madam PRESIDENT: Senator McClean, you have the Floor.

Senator Hon. M. P. O MCCLEAN: Madam President, I rise to speak to the amendment of the

Companies Act, Cap 308. Madam President, this Bill is intended to make provision for establishment of incorporating cell companies. Madam, in presenting my thoughts today on the amendment and the provision of legal authority for the establishment of incorporating cell companies, I do that within the context of the offerings of the international business sector. Madam, as you know, the international business sector is one of the most critical elements of our commercial activity on the island from the perspective of the private sector and from the perspective of Government, it is a critical contributor to a number of important aspects of our society and economy in terms of the contribution to corporate taxes, to the generation of foreign exchange, the employment of Barbadians, especially a young cadre of young professional. Madam, in looking at that, I also would want very quickly to very quickly outline the focus of my contribution to the debate so to speak and beyond providing a background on the international business sector, generally within the context of the Barbadian economy, I want to give some sense of what is a cell company, the structure, who uses them and how this can contribute to the competitiveness of Barbados in the international business sector. Of course, before looking at that, to contextualise the new recommendation or the new product offering as I will demonstrate that it is within the ongoing challenges to this international business sector. Madam, while there are challenges, of course it is important that to recognise that there are several opportunities and this amendment demonstrates that we are responding to those opportunities.

Madam President, I did mention the relative contribution of the sector and I am sure that we will hear more of that over the course of today but beyond focusing on the dynamics of the sector and the role that this particular amendment can play to enhance competitiveness it is also important to recognise the complementarity of international business with tourism and other sectors in the economy, our housing and accommodation sector, long term as well as tourism and so on.

Madam President, if I look at the background, I would want very quickly to sense references to this international business sector by going directly to a document with which we are all familiar and that is the Barbados Growth and Development Strategy 2013-2020 which has been prepared by the Economic Affairs division of the Minister of Finance and Economic Affairs and if we look at the cover of the document, Madam President, it speaks to three things. It speaks to the notion using a graphic of a steer, it speaks to adjustment, reform, recovery and sustainability and in all that we are doing here in this is part of a strategy to ensure that we can move from adjustment, which we have been going through for the last seven years given the nature of the national and the international economies that we would have inherited and we would have come into as a Government. We have also

engaged in reform and we know that in the context of this international business sector over the last number of years both in the previous term and so far since 2013, we have had to bring to the Senate a number of pieces of legislation intended to reform critical sectors of the international business sector as well as to introduce new legislation whether it is in terms of regulations or the introduction of new products and services to be offered by the sector or information and legislation relating to the players, service providers, for example, and of course, we are on a recovery trajectory as we can see in terms of some of the levels of registrations, et cetera. Of course, of absolute importance, Madam President, is the need to ensure that over time we are able to realise sustainability therefore, I think that what is captured on the cover of this document very much speaks to what our role and purpose must be whether we are talking about Government as regulators or we are talking about individual service providers in the private sector and ultimately the cross section of players who will benefit from that sector.

In looking at the document at page 45 of this Barbados Medium term growth and development strategy 2013-2020 at section 5(3) (2) entitled "International Business and Financial Services". It captures why clearly the importance of the sector and it says, for example, and I will read maybe just two paragraphs, and I quote, the international business sector despite facing a number of external pressures have generally maintained reasonable levels of growth. This growth is predicated on a number of factors, 1) Barbados' reputation as a transparent and well-regulated jurisdiction, 2) Barbados' historical relationship with traditional trading partners and by extension extracts treaties with the UK, Canada and the USA, and I dare say in addition to that a number of new treaties that have been signed in with the diversion of those countries which is the point that I am going to make next. The third point is that new tax treaties with countries with high potential for investment, good business infrastructure, a well-educated population with relevantly skilled professionals. It goes on to say, Madam President, and as I said this captures very succinctly some of the points that I might take a longer time to make if I just spoke to them. Opportunities for market diversification and growth, still abound despite the challenges faced by Barbados in the external arena. Indeed, market diversification is essential given the highly competitive and dynamic nature of the sector. Barbados continues to expand its network of double taxation treaties to create opportunities to attract business from other markets particularly from countries in Latin America, the Middle East, Eastern Europe and Africa. The continuous expansion of our global reach therefore remains pivotal and I think that helps us to put in perspective why it is important to have this particular amendment.

Madam President, before I go any further I am minded that I perhaps need to make some connection

between the works that goes on to make this happen and to achieve these objectives with my particular ministry because I know that we work very hard on the background and people often do not appreciate the contribution. I made reference to the negotiation - almost the last point - of additional expansion in other words in the network of double taxation treaties and I want the record to say that we have done so, in the case of Latin America we have been negotiating with countries like Columbia, Mexico, Panama, and so on and in the Middle East, I had the opportunity, Madam President, to sign double taxation agreements with Qatar with Bahrain and most recently with the United Arab Emirates so in fact, I also would want to say, following up on that signing of a double taxation agreement with the United Arab Emirate we were pleased to welcome, if only for a couple hours, the Minister of State in the Ministry of Foreign Affairs, Her Excellency Reem Ebrahim Al Hashimy. She came to Barbados as part of a very quick visit in the Caribbean to follow up on these things and to explore further how we can ensure that having signed a double taxation agreement we do the next thing which is to sign a bilateral investment treaty and we have discussed the possibility in the very near future of a delegation of a public sector and private sector interest travelling to the United Arab Emirates to operationalise these agreements. As you would know when we look at foreign direct investment, that part of world is one of the regions - notwithstanding the recent significant fall in oil prices - that in a position to invest and that is something that we have explored and we will continue to explore.

I have also mentioned Eastern Europe and Africa and in recent times we would have negotiated and signed, and I must emphasise in record time, a double taxation agreement with the country of Rwanda. You may ask what the significance of this is. When we sign a double taxation agreement to offer the opportunities to take advantage of what we can deliver on the international business sector we do so with a cross-section of countries which are able either to attract investment through Barbados from a third jurisdiction and in the case of Rwanda which has a significant mineral sector and investments from Canada, we know that so far our international business sector has been heavily dominated by Canadian companies. I said to these, Madam President, to illustrate 1) that as we look to go this sector it takes a lot to get to the point where people will come and utilise our rules and regulations our physical infrastructure to engage in the establishment of companies such as that as we will discuss and as such I felt it important also to demonstrate that a critical part of that is the whole process of engaging at the diplomatic and political level representatives of jurisdictions with whom we would want to do business.

In essence, Madam President, we have been able to do that. As we negotiate treaties and sign off treaties we also have to ensure that we continue to represent Barbados

and represent to the world that Barbados is, in fact, a good place to do business and this is a process that is ongoing and I will illustrate what I mean.

In recent times we would have seen and heard and read of a blacklisting effort that the European Union would have issued and we called on them to address it because in essence when we look at Barbados we are a jurisdiction which continues to operate according to best practice and a jurisdiction which is a low tax jurisdiction as opposed to any tax haven as people may want to classify us.

Having represented that to the European Union, we could not stop there. In most recent times we thought that we had also to solicit the support of our fellow regional states in the form of the SALAT, which is a body of Caribbean and Latin American countries, to make the case whenever they can and wherever that we should not be included on any blacklist given our history, our practice and our demonstration of that commitment to best practice. Madam President that was part of another effort that we made. We continue to do that because we can offer whatever products or services we want, but if our reputation becomes tainted then we would have some challenges to attract corporate entities.

Madam President, as part of the context of which we are going to put on the table new products and services, we do so through a process of negotiating to sign off on agreements through a process of lobbying at the political and diplomatic level to ensure that where any sign or any action is taken that may jeopardise our longstanding reputation that we fight that.

Having said that, Madam President, I would now want to say something about the actual intention of this legislation because at the end of the day when we operate as a country we are doing so with the intention of developing the best opportunity to offer to investors and persons with whom we want to do business the best environment. This recommendation to amend our Companies Act would have come through a process of consultation. As an explanation, back in 2004 there was a body set up, the Joint Policy Working Group, as they call it the JPWG, which was intended to work as a multi-sectoral team, as a private/public sector body, to support Government's vision of making Barbados a leading international business and financial services centre. The intention there is that the Joint Policy Working Group which is made up of a cross section of public sector and private sector officials would meet and consult periodically in a structured way to address a number of areas of business activity in terms of the international business sector, for example, on a continuing basis, the Joint Policy Working Group meets to look at business facilitation, international treaties and the reputation of which I spoke just now, our legislative framework and to look at several

sectors of business in the international business sector, specifically international insurance, international banking, international business structures, new products and market, et cetera. The point I am making is that this recommendation comes out of a much studied approach to ensuring that we work together to make this sector viable and continue to be competitive. In doing so, it was recognised that there is one segment within the international business sector which has to do with the whole question of insurance, for example. I will try, Madam President, in my layperson's language to explain what this is all about in terms of a business. I will use first an analogy, but let me say that within the context of business and insurance where companies are required to insure their operations, et cetera, one of the methods that is used is what is called self- insurance. I suppose, in essence, if I am operating a large conglomerate where I have to pay millions of dollars in premiums - if I am wrong I am sure my colleague Senator Darcy Boyce who understands these things would correct them at some point in time or he can stand to correct me if I say something that is wrong because I certainly would not want to deliberately mislead the Senate, but in my lack of technical knowledge I may mislead but that would not be intentional... As I was saying, one of the things that you also would see happening is that in order to ensure that you make the best use of the resources, you may engage in what is called self-insurance. Within the insurance industry, you would find that the premiums are set aside rather than being handed over to a separate company where you are able to manage those. This is what we would have seen generating captive insurance, et cetera.

As I said, some of us may be familiar with the concept of captive insurance which is a self- insurance mechanism which is used where the premiums are pretty high. Having seen that practice evolved over many years, it has totally evolved into the creation of companies where we have in Barbados something called a segregated cell company and in segregating that what you have done is to create a structure which allowed you to manage certain areas of business in a way to minimise the risk to other portions of their business, so to speak, from the perspective of a cell company in terms of segmenting that.

One of the ways that I would explain it using an analogy is that in companies we have what are called strategic business units. Those are critical areas of business which are sufficiently large to be managed and focussed on in a particular way. In terms of this what you are creating are cell structures which allow you to structure as independent units so to speak different critical business activities, so you are looking at putting together individual areas of business which have different risk profiles, for example, which are characterised by different areas of business activities. It is a tool for managing those operations in a way that allows the companies that engage

in this practice to better manage their risk to better control those operations. In the international business sector, it is seen as one of the options that we can offer to companies.

I recall that some time ago my colleague Minister who is responsible in explaining this stressed that the whole cell company structure is used as part of our international business where an insurance company... For example, Barbados has been able to date, even without this Amendment which would make it more attractive to potential business companies and so on looking to do business, is ranked number 7 as a domicile for international insurance companies of about, I heard a number cited, \$33 billion in premiums, but the asset base is perhaps approximately BDS\$120 billion. Madam President that is not a \$120 billion sitting in Barbados but what it says is that companies that are using our jurisdiction to engage in this type of international insurance are of the magnitude, in the case of premiums \$33 billion, or companies with an asset base of \$120 billion. What we get from that, Madam President, would be jobs of accountants and registration fees and when the companies make a profit they would pay us corporation tax et cetera. For example, it is maybe approximately \$6 million in fees alone that we would get from those companies. I had a number of the actual number of companies that fall into that category, but I would have to check it out. The point is, though, that we currently are operating at No.7 within that segment of business that would find this amendment attractive and we can do a lot more and can do much better, we can expand the range of businesses and the reach of business if we are able to offer an additional service which is an improvement on the current cell structures that we have.

Madam President, it is my understanding that even though we are doing pretty well, because at No.7 we have to recognise that within the Caribbean we are competing with the Cayman Islands, the Bahamas, and States within the United States of America. It is Delaware I believe that is involved in a lot of this. We are competing with countries like the Isle of Mann and all of those jurisdictions that have been offering International Business Services, so that if we are No. 7 now and we can offer an additional product such as the amendment to allow cell companies, such that we are talking about, we can improve our performance.

What is particularly attractive, Madam President... I made reference earlier to our negotiating Double Taxation Agreements with countries in Latin America, parts of Eastern Europe, et cetera, but in Latin America in particular, it has been demonstrated through the level of inquiries, et cetera, that there are multiple companies awaiting the passage of this legislation. Right now, it is my understanding that about 70 per cent of the insurance business comes out of Canada but of course I am sure that while we would want to attract more Canadian business,

we would want also to diversify our business portfolio. We would want more, but we can see more business coming in but we can also see, with the attraction of non-Canadian companies going into Latin America and indeed some countries of Europe, et cetera, that we can perhaps see the percentage fall but the overall size of that business sector increased.

Madam President, I think we have probably just under maybe 250 insurance entities registered now I believe, so it is expected, Madam President, that with that kind of arrangement we should be able to enhance the business sector, perhaps maintain or enhance our competitiveness, not only the size of the sector but also the diversification of the ownership, so to speak, of companies in Barbados.

In revisiting the concept on integrated cell companies, Madam President, the concept is one that really would have been a response to companies wishing, as I said before, to ring-fence and separate certain liability provisions in terms of their operations. Therefore, what we want to do is to allow companies with a diverse mix of products, so that if you are talking insurance, if I could use an illustration that I believe would make sense, an insurance company may be offering a range of health insurances; it may offer marine insurance; it may offer insurance of buildings and so on. Each of those constitutes a separate kind of business, a separate marketplace, and separate risks, et cetera. Therefore, if they can separate out those and can essentially manage them as individual businesses, it allows them to minimise the risk of what I would call -- and this my layperson's language -- cross contamination of the business, because obviously if one sector is doing badly and it is part of a totally incorporated or a single entity, then it can drag down the other, but you are able to operate each of them almost as individual businesses.

Madam President, it is intended then to provide for this alteration of structure which allows for the better management of the cells or what I would call the different activities which would fall into that particular business structure. Madam President, in essence, I believe that overall what we are trying to do here is to ensure that we are responsive to the calls of the people who function in the sector, particularly in the area of insurance, in a way that allows greater flexibility in respect of the companies that can be incorporated within Barbados, in a way that makes Barbados an attractive jurisdiction for offering a diverse mix of product offerings, and ultimately at the end of the day, ensure that we are able to work towards sustaining the International Business Sector.

Madam President, that objective of sustaining the International Business Sector is absolutely critical given, as I said before, the highly competitive nature of it, given the

situation and the positions taken by what I would call sourced jurisdictions, those jurisdictions from which companies look to do business in international business domiciles like Barbados.

Madam President, what I mean exactly, we would have heard over time the British, for example, in the last couple of years and certainly in the last year, we would have heard the United States of America speak to this and so on, where there is a concern among not only governments but also some business sectors about what they see to be the failure of some business entities to pay the same level of taxes that they do. Now, I do not propose to get into that, other than to say that for me, again my layperson's and simplistic looking at it is that a company that operates out of Barbados and pays taxes at a lower rate than they would have paid, if they were established somewhere else, they would make more profits.

Madam President, those profits do not say in Barbados, the profits do not belong to Barbados as a jurisdiction, those profits go back to the owners who are Canadian, American, African, Latin American or whatever the case may be, so that from my perspective they are in a better position to further invest, to pay dividends to their shareholders living in those jurisdictions, et cetera.

Madam President, what it says to me is that in a Small Island Developing State that we are, with a limited economic base, we are able to carve out for ourselves a sector which allows us to participate in a larger global financial services sector. At the end of the day, the reality is that as sardines in a sea of sharks and other larger sea creatures, so to speak, we have to find our ways to survive as well, and if efforts are made to crush us at every turn then we would find ourselves challenged to do other kinds of things which may not necessarily be beneficial to the very entities that are seeking to give us some challenges in terms of this.

Overall, Madam President, I think what we are looking here, as I have said before, is to facilitate the calls of the International Business Sector to enhance our offerings, to make sure that we can improve our competitive position, that we are able to do so by focusing on several fronts. In this case one of the fronts on which we are focusing is our product modification or product enhancement. We have, in the past, looked at regulations to ensure that we provide the proper environment which offers the level of transparency and so on, called for by the Organisation of Eastern Developing States, the global FORA. We are also looking to ensure that by responding to the needs of the market that we create further opportunities for our young people in whom we are investing heavily and who are investing heavily in their professional development, et cetera, to be able to seize opportunities in this marketplace. Madam President, overall, I believe that

in looking at this amendment to make provision for the creation of cell companies as such described that we can only enhance what we have on offer; also that we can only enhance our competitiveness. We are doing so within a framework of proper regulations and within a framework of good transparency, intent to maintain the good name of Barbados as an International Business and Financial Services Sector jurisdiction.

Madam President, with those few words, I beg to move that this Bill be read a second time.

The question was put to the Honourable the Senate and was resolved in the affirmative, without division.

MADAM PRESIDENT: Senator Carmichael, you have the Floor.

Senator Dr. Sir TREVOR A. CARMICHAEL: Thank you, Madam President. Let me first again congratulate the Leader of Government Business for an excellent presentation, one which gained its strength not only because it was factual but also because it was analytical, and indeed with a great amount of contextualisation, I would imagine, one could call it contextualisation with precision and a purpose. That purpose was properly served. Let me suggest that one of the things which I enjoyed hearing in her presentation and which I think is something we tend to forget, and is something I will speak about a little later in my own presentation, is the important role that her own substantive Ministry plays in terms of laying the groundwork for the taxation treaties which take place and add so significantly to the international business framework which we enjoy. Not only does that Ministry play an important role in encouraging the final execution of those double taxation treaties and bilateral investment treaties, but that Ministry also plays, in my view, sometimes an even more important role on occasions in terms of extending the consular services which Barbados enjoys in certain key and strategic places in the global environment. That is a very important role; it is one which pays tremendous dividends. I would not wish to be too personal, but I have had the honour of representing the Government of Mexico for 30-plus years here in Barbados, and let me put it this way: A few things have happened during those 30 years, including a double taxation treaty which we enjoy now and which is possibly, not necessarily in numbers but possibly in value, one of our most effectively used double taxation treaties at the moment. With this new piece of legislation, I can assure you it will be used even more productively.

I say those words by introduction, Madam President, just to speak generally about the state of our international business and how this new piece of legislation will continue to add to it. I suppose it is always good to go backwards if we are going to seek to go forward, and I go

back to the 19th Century to the book *Daniel The Wonder*, when George Elliott made those very poignant words which I remember and which indeed serve very often as part of my meditation mantra; if I may share this and be so personal. Namely, that the strongest principle of growth lies in human choice.

Let me say that Barbados' international business landscape, indeed its whole financial and economic landscape, has been promulgated and punctuated by careful husbandry of limited resources in a defined small place. That goes all to the matter of human choice. As a jurisdiction, we have recognised the benefits, therefore, of wise planning and judicious choices; always a matter of choice.

If we look at the recent performance of international business and the country as a whole, you will see we recognise that we continue to deal with the challenges of that critical interplay between external economic and financial environmental factors. In broad terms, our tourism, together with our international business and financial services, are fully externally influenced and determined. I say fully. Obviously, we have a great part to play as well, but in terms of the ability to carve effective domestic policies towards these sectors, as well as creativity and diligence in fashioning, maintaining and expanding other homegrown areas, such as a buoyant renewable energy sector, these all remain the drivers of an overall national development success.

Over the past year, this thesis, if you may call it that, continues to play itself out as we keep on our feet trying to maintain a steady recovery from the 2008 global financial crisis and what I call its intermittent aftershocks, because they are still there. These aftershocks have manifested themselves in interesting ways, and one of the ways that they have manifested themselves is in respect of international banking regulation. It has manifested it, not in a prescribed manner by an overarching regulatory authority, but it has manifested itself more so in a developed and designated policy from within the boardrooms of the international banks. This is a very important matter which is facing not only Barbados but indeed many countries outside of the First World, if you will. Barbados' recent performance, like that of all of the Caribbean, all of Latin America, and indeed some African jurisdictions, is punctuated by the loss of some types of banking activity which were heretofore handled by the international banks. There has not been a lot written about this; there has not been a lot talked about this, but it is something which is present and we have to be aware of it.

Many of the international banks are cutting back on some of the services which they have provided in jurisdictions such as ours. I suggest, Madam President, that individuals and corporations have been adversely affected

in their banking relationships; in some cases in setting up of new accounts, and also in the important area of the availability of ongoing corresponding bank relationships. Many of the major international banks over the last year and a half have seriously re-examined who and what they consider their corresponding banking relationships should be. This is very, very important, and we have all felt it, as I said, not just here but also in all parts of the Caribbean, in Latin America and indeed in Africa. As a matter of fact, this matter has reached the attention of the Financial Stability Board, and at one of its meetings last year - and they did hold one of their meetings here in September or October -- they received a preliminary report from the World Bank which is doing a general study on this problem. It is a problem that we cannot ignore. It is a problem which the international agencies at the highest level have recognised, and it is a problem with which they are dealing on a serious basis.

I suggest, Madam President, that wherever there is a challenge, we know that there is a countervailing opportunity, and this is why a lot of the indigenous banks need to focus and refocus on the area of international business. In the same way that some of the other banks have provided this challenge, it is an opportunity which the indigenous banks should take up and take up forcefully, and take up with great study, with great determination and indeed, may I say even with some - I would not necessarily say 'great' - level of patriotism as well.

Madam President, notwithstanding these banking concerns, the Barbados international business sector has shown remarkable resilience during the year 2015. Yes, we have lost a few registered international banks with Canadian parentage but there has been a countervailing interest being shown by some non-Canadian banking interest by choosing Barbados as their domicile and we are aware, as one central American institution and one European institution which at this moment are in serious discussions with regards to setting up a presence here in Barbados. Madam President, wherever there is a challenge, we always recognise that the countervailing opportunity is there.

Madam President, yes, there have been significant increases in the number of new licences last year issued to non-banking entities in the international business sector.

Madam President, also we recognise that a lot of the entities here have benefitted because last year in 2015, if you remember, was the most active global business climate in mergers and acquisitions worldwide. Madam, before has the world seen mergers and acquisitions taking place at a level and at a speed as what we saw during 2015. Madam, what has happened is this has taken place because we are going into liquidity and cash reserves in many medium size and large international businesses which have never been

experienced before and they are taking advantage of that in terms of more merger and acquisition activity. Madam, Barbados has been able to experience more than five per cent increase in the establishing of such international business companies and societies with restricted liabilities obviously acting on the tail end, if you will, of some of these local events taking place. Barbados continued steady growth has reflected therefore a trend, particularly with international insurance professionals and global international insurance professionals continue to recognise the maturity of the regulators - our regulators are matured - the maturity of our professionals and both of these features have continued to give what I call an ongoing assurance of reputational quality of the jurisdiction.

Madam President, one of the things that we have been seeing recently and which this amendment to the Companies Bill will capture is the growing in numbers of international insurance structures. The Leader of Government Business made a very good point in recognising Barbados as the number seven domicile for international insurance. Madam, seven is a great number because let me tell you something, if I may and if I may be colloquial. Madam, many of the insurance structures we have here in Barbados are part of large global players. We have part of the Suisse group here, we have part of the RGA group and I could name many more. Madam, we have household names, names of immediate recognition, names of substantial value, names which are loved and names which are respected here and these names are here in Barbados. Madam, Barbados as the No. 7 domicile is not just a number in terms of seven but it is also a jurisdiction of substance, a jurisdiction of quality and a jurisdiction of assurance. Madam President, what a number of the structures are recognising more and more is that Barbados as a jurisdiction has the ability to provide wide-range management through our present cell company legislation and with our expanded cell company legislation that would be even more readily recognised. There has been a recent resurgence in what is called the rent-a-captive and it is represented by a company with minimum capital in surplus requirements but which is licence to ensure that each transaction, it may be a letter of credit capital, renewal energy-insurance or some form of acceptable guarantee. The legislation allows for the creation of legally separate cells without recourse to the other cells or to the core of a company. This is what already exists and some of Barbados recent cellular structures have readily recognised the importance of credit rating. Madam, credit rating is very important in the insurance business. What it does in the insurance business is that it creates a fair opinion of an insurer's financial strength and ability to meet its ongoing insurance policy and contract obligations. Madam, this very important and this is to be recognised that such ratings are enhanced by market penetration reaching more than 100 000 insurance industry professionals. This comes to these professionals from the credit rate agencies. Madam,

thousands of financial professionals worldwide by way of news vendors such as Reuters and Dow Jones, all of these ratings are funneled through these key players and then they go on to the actors within the industry.

Madam President, what is fascinating is that as the insurance industry and the capital markets continue to merge even closer, the value of a rating remains a key component of these rent-a-captive structures which Barbados is continuing to attract, so this very important. Madam, very recently, we have one particular re-insurance entity, which has spent over a year in seeking to get multiple ratings. It is a new business that has a new credit rating and that company would now be able to do more business and indeed, to add to the many billions of premiums to which the Honourable Leader of Government Business indicated.

Madam President, I say that to give you a snapshot, a flavour of the recent performance of the link which taking place with this very important insurance industry and its significant here in Barbados. Madam, also, to lead up to speaking a bit about the jurisdiction as a whole because one thing one has to recognise is that you cannot view Barbados as a jurisdiction by looking at one element because international business requires a holistic approach. Madam, in another area I have said that international business takes on the position of being able to take the three boxes of Ls. The three boxes are the legislative box, the location box and the legacy box. Madam, I wrote that somewhere and I am claiming it as mine and anybody who uses it should now quote me. Madam, the three boxes, not the learners' boxes, the boxes, legislation, location and legacy. Madam, when we look at the legacy box, we look at Barbados and we look at our double tax treaties because our double tax treaties came with Independence and then we expanded on those, so we expanded on a legacy which came to us. When you look at that you look at the well over 350 years of parliamentary rule, and you look today at the celebration which the Honourable Leader of Government Business is doing in another capacity regarding our 50 years of independence. When you look at all of these things, Madam President, one sees that the legacy box is very safely satisfied, if you will, and there is a lot more than one can say about that. When one looks at the location box, Madam President, you will see that we are favoured because we start in what I call a time zone friendly location where we have the benefits of the Eastern Hong Kong, China, those of us who like to work late, and those who do not find it easy to go to sleep, we can be doing business with China and Hong Kong, while there are wide away and alert and ready to talk.

As 1997 was coming upon and we did a lot of business at the time with Hong Kong, I remembered spending many a night speaking to Hong Kong and enjoying it because they were so impressed that we would

be talking to them at that hour of the night because then they know you have made an effort and stayed up. You do make sure to tell them that there is no insomnia issue here, we just genuinely want to talk to you. We are time zone friendly and obviously we are right the in US and Canadian time zone and we have that lovely time zone favourable feature with Europe because again, we just get up early, speak to Europe and do our business. This is where our international business is so integrally linked to our tourism, very, very, very much so. We now have the new air routes which have been so sensibly and so thoughtfully brought to us but the Ministry of Tourism and its agencies. We have the route to access America now, we have always had that with Brazil which has its benefits. It was used, but as you, know Brazil over the last two to three years has been having its own challenges but we now have the new Columbia route and the beauty of the Colombia route is that it opens up, it is a route which not only takes Colombia into consideration but the timing of the flights opens up the whole of South and Central America in terms of travel. I feel very fortunate that I was in Colombia at the time that Invest Barbados and it was a meeting there with the authorities and it was the Minister of International Business who met with the authorities there and every one put in their input. When you go on some of these trips, Madam President, and you are not substantively involved, you are really a part of the window dressing but window dressing is important. Is either you go and you smile and take too many of the fish cakes that are around or whatever is being offered and conduct yourself appropriately and as good Barbadians we always do that. I was a part of the window dressing on that trip, I have to be very honest, and I enjoyed dressing the windows and I had a good time.

Madam President, on a serious note, the point I am making is that new air route is significant and it ties right in with this amendment that is taking place here today because it is to South America that we have to look for the better and the further utilisation of the cell structures and this amended piece of legislation will help in that direction. We must not forget the Jet Blue access which is now coming out of Fort Lauderdale. We all know the airline industry is not just where the plane goes to but it is the connections and that has connectability which again opens up us and America in a way which will encourage business people. One would be surprised but so many business people who are making a decision would sometimes not make the decision we want them to make because they may say that is too much trouble to get there and that is not all business people deterrent but some will. In any event, even those who are coming, it would make it easier for them to come, we must never forget that.

That is the location box but then let us go to the legislative box and the legislative box obviously covers this area that we are debating today. I am being to get labelled, whether I speak now, people say that I had to say

something about arbitration so I do not mind being labelled. I will speak on the legislative box about the arbitration. I think everyone is away that this matter of Barbados becoming a centre for international commercial arbitration and mediation has been something on the table for a long, long time. It is something that has received bipartisan support. Every responsible person in both parties, as a body politic, has ably subscribed to the need, and not just the need, to the recognition that Barbados, as an international commercial arbitration centre, has huge potential. Within this construct alone, we have a very modern International Arbitration Act which is better than anything else anywhere in the Caribbean and I remember it very well because I remember in the 1990s - and I will not call names because that is not the thing to do here - people who were very receptive. I remember also that over the last Administration we added very serious efforts also in terms of engaging with one of the large arbitration institution and when the Government changed the present Government also engaged with that entity as well as another one large international arbitration institutions and in neither of the cases did it work. I always say sometimes there is a reason why things do not happen because there is always a right time and I suggest, Madam President, that this is the right time. I also suggest that I am happy that we have now returned to a model which was, in my view, the model we should have always espouse because I truly believe that our arbitration facility should be home grown. I do not feel that we should pay money to the ICC, the LCIA or anyone to set up an arbitration centre here for us and to bring work for us because then, and I am not going to say it new colonialism or anything like that, I am not a radical guy so I would not say that, but what I would say is that model means that you do not have full control of your destiny or at least control. I will say it, you never have full control of your destiny but in that model you have no control of your destiny so we have returned to a model.

My colleagues and I over at the little firm on High Street have worked with the Government, the private sector and the Barbados Chambers of Commerce and we have done everything and I can say now that we are right at the cusp of doing something. We have incorporated the company, we have engaged with the judiciary and we have engaged with every actor that has relevance.

In November, I was at the International Centre for Settlement of Investment Disputes (ICSID) of which I am a panel member - and I am sitting on one of their panels now for a major arbitration involving a South American Government - following up on a visit that we had sponsored for the Secretary General of that institution who came here last year, and ICSID is now sponsoring a training course for arbitrators at the end of March this year albeit in The Bahamas because The Bahamas has an arbitration centre, they do the right thing, and everyone here have been invited and anyone who is listening to me is

invited because the idea is to train and to expose. What I am saying is that I have been in a sense, if I may be naughty, Ma'am, throwing arbitration in everybody's face. We cannot get away from it.

I am also happy to say that the last element of funding may have been resolved. I am not allowed to say anything on this, but I do know that a major institution which does business here assured us last night through one of its principals that they are prepared to do certain things which would help us to make that financial bridge and make it possible. There again it shows that if a merchant banking institution is prepared to show that confidence in what we are doing that they recognise the benefits of having an arbitration centre here.

The reason for that is because as I say to all, and I continue to repeat, Barbados as a jurisdiction is one which ticks the three boxes of "L". It is a holistic jurisdiction, it is a double tax jurisdiction and it is a jurisdiction which strives on a total integration of its international business with its other sectors and in that respect it is not what I call a poaching jurisdiction. We are not looking to other jurisdictions to get two companies from here and three from there. We are not a poaching jurisdiction, we are a holistic jurisdiction which seeks to bring and derive our own business.

Madam President, in conclusion, let me say that as a jurisdiction we remain strong in our international business even within the current prevailing banking uncertainty but striving from all of the animate activities, mergers and acquisitions activities, taking place in the buoyant international environment.

I suggest, Madam President, that our choice of a development model has very sensibly recognise the links between international business, our domestic development, as I have outlined and our financial strands of rigour combined with our transparency and effectiveness. I suggest, Madam President that we have chosen wisely. We remain committed to the Tacitus Doctrine, a doctrine which some of our medical people would understand styled like the human body is especially beautiful when the veins are not prominent and the bones cannot be counted. In other words, we must blend subtlety with strength.

I am much obliged, Madam President.

MADAM PRESIDENT: Senator Todd, you have the Floor.

Senator P. M. T. TODD: Thank you very much, Madam President, I rise to support the passage of the Companies (Amendment) Bill, 2016 as we seek to provide for the establishment of incorporated cell companies in our jurisdiction. In my brief presentation I would wish to

congratulate this Administration for working assiduously to ensure that the international business sector is able to grow from strength to strength notwithstanding the changing of the goalpost from time to time as it were in terms of prevailing international realities in this sector.

Madam President, new legislation such as this one over the past few years shows that Government has been responding to new developments in this sector in terms of the international oversight mechanisms to ensure that best practices obtain in this jurisdiction so that we conform to the requirements of the international regulators.

Madam President, that is why I would wish to congratulate the Minister of International Business, Commerce and Small Business Development who sits in the Other Place for seeking to engage the Global Forum or the Organisation for Economic Cooperation and Development to ensure that we are at the forefront of international negotiations in this sector so that we can show that we are compliant with these international best practices, that we are not seen as a tax haven. We are very, very assiduous using the various sectors of the Government and working with our partners in the private sector to ensure that we have a national consensus so that we pool all of the necessary resources to ensure that Barbados remains competitive in this international business sector.

Madam President, as I said, I congratulate the Minister of International Business, Commerce and Small Business Development who is very innovative, who is no stranger to this sector having worked with this sector for many years prior to assuming political office in 2008 and who is therefore very intimately aware of the realities in this sector. I know, for example, that the Minister of International Business, Commerce and Small Business Development has taken the lead in ensuring that Barbados is represented at many of these international fora in this sector. At one event recently he was able to volunteer Barbados as a host, I believe, for a meeting of one of the Committees of the Global Forum which took place here at the Hilton Barbados last year. I attended one of the closing events as a Minister in the Prime Minister's Office and I can say first-hand that our Minister of International Business, Commerce and Small Business Development is very well respected in the international business sector. We had hundreds of delegates from all over the world, people from as far as South Africa, India and Europe, and they all thoroughly enjoyed the hospitality of the Government and people of Barbados engaging in tough negotiations but showing that Barbados is willing to play by the rules as it were and conform to international best practices.

Madam President, I would wish early to link the importance of international business with tourism as other speakers before me have alluded to because here it was we were able to engage in conference tourism business where

we brought hundreds of delegates to this international business forum in Barbados, many of whom have never come to Barbados before and therefore people were able to whet their appetite as it were in the Barbadian culture and the Barbadian hospitality. This augurs well in terms of increasing the likelihood of repeat business, as these persons who may have been here for just a few days, having enjoyed that experience, many of them could very well return to Barbados.

We know that a lot of our tourism business is through repeat visits to Barbados, a number of persons coming to Barbados annually for decades. I congratulate the Government for ensuring that during the tourist season on a regular basis that these repeat visitors are given recognition by way of being invited to meet with the Prime Minister and Senior Members of Government at a reception at Ilaro Court where again they are able to see again that we as a people appreciate their repeat business, so conference tourism in terms of the International Business Sector, players coming to Barbados must be encouraged.

Madam President, not to belabour the point, but I will just say that this area of tourism is very, very lucrative. I remember attending a conference in Orlando, Florida, years ago and I stayed at the Colonnade Springs Hotel, one of the Disney Resort Hotels and there was a corridor nearly 100 metres long with conference rooms on either side. The one that I attended had more than 2 700 delegates. All of those conference rooms were filled with conferences of one kind or another, so that is one area that definitely we could exploit even further as we go forward to diversify our economy, and these persons come from business conferences, including the International Business Sector.

Madam President, we must also appreciate that we have been able to develop this International Business Sector over recent decades to the extent that I believe it was the second largest source of foreign exchange for the country and a very important source of tax revenue for the Government. This tax revenue, Madam President, is very important because it reduces the need for Government to tax the Barbadian community as a whole more heavily. It contains the fiscal deficit and it therefore enables the Government to have these very much appreciated tax incentives such as \$25 000 tax free income tax, in terms of personal income tax. If you would remember back in 1986 there was the whole question of \$15 000. Lady Haynes will remember that. It has gone up to \$25 000, thanks to a large measure to the fact that we have been able to garner hundreds of millions of dollars annually through taxes and other fees paid by the International Business Sector for our quality of life and the availability of the Government to therefore engage in the public services that we provide to the public be they roads, civil service, the payment of nurses, teachers, all Government workers. All of this is

augmented through the tax receipts coming from the International Business Sector.

Of course, Madam President, throughout the country as a whole, these executives who work in the International Business Sector would come from abroad and would spend millions of dollars within the economy, in terms of rental of homes, some of which are pretty large, villas, apartments, houses, cars, they patronise businesses be they restaurants, vendors in Oistins and Baxters Road. I cannot forget Historic Bridgetown and its Garrison. They patronise department stores, pharmacies, supermarkets, gas stations, auto-marts and so on, so this income filters throughout the economy and therefore we as a people benefit from the business generated by the International Business Sector. They provide thousands of jobs to Barbadians. In fact, the Minister always makes the point that the International Business Sector has matured to the extent that in today's reality many of the employees in the International Business Sector are actually Barbadians, be they lawyers, accountants, clerks, et cetera.

Madam President, this International Business Sector is a vital part of the economic growth in our country and we really appreciate the growth and investment made by players in the sector, and the Government demonstrates its appreciation by engaging with them meaningfully. I remember attending events at the Prime Minister's Official Residence, Ilaro Court, where we brought leaders in the International Business Sector to meet with senior officials, be they the Prime Minister or Ministers of Government, where we could hear first-hand their concerns or suggestions and demonstrate that we as a people do appreciate their business.

Madam President, I would wish to congratulate players in their own right, such as Senator Dr. Sir Trevor Carmichael. I remember the late Prime Minister, David Thompson, making the point that persons like Sir Trevor go beyond the call of duty, sometimes at their own expense, going to the international market where international business is being conducted and at these meetings, not just addressing these meetings but taking the initiative and working the room and setting up linkages with key players, to ensure that more and more business in this sector comes to our shores. Madam President, this work is very much appreciated.

Madam President, as I understand it, this Bill will facilitate the establishment of incorporated cell companies and as other speakers have mentioned, we have interest being shown in Latin America and therefore I would wish to take this opportunity to encourage more and more Barbadians to see and to recognise the importance of learning a second language. Spanish is spoken throughout Latin America. I remember at one stage Spanish was declared Barbados' second language.

Madam President, I reflect on the fact that as a lad at Lodge School I was exposed to Spanish. In fact, I took Spanish right up to “O” Level and I would wish to congratulate my Spanish teachers Mr. Sealy, Mr. Neville Rowe who taught at Lodge school, then Harrison College and Mr. Wilkinson who actually took me to “O” Level stage. I was so happy that I took eight subjects, Spanish and English Literature were the weaker ones, but I was determined to pass all eight. Madam President, thanks to my teachers’ assistance, I am able to report that I was able to pass all eight, including Spanish. I enjoy the language to this day.

Madam President, I am just demonstrating the importance of being able to speak another language, because when these persons, be they in the International Business Sector or general tourists come from these lands and speaking another language, they feel very much at home, as it were, when they are able to communicate in however simple a manner with people speaking their language, especially frontline persons such as airport workers, hotel receptionists, taxi drivers and so on, so we must redouble our efforts as a people to ensure that we at least garner a stage in conversational Spanish so that we can attract more and more visitors from non-English speaking territories such as Latin America so that as we are addressing this matter here as part of the International Business Sector being attractive to our brothers and sisters in Latin America, most of them speak Spanish and so when we learn Spanish, we make it more attractive for them, because they have choices, they can go to many other places, so the more that we facilitate them the better, Madam President. Of course, we must ensure that business facilitation is optimised, that the ease of doing business is at its best because again we have to be competitive with regards to our competitors around the world and so we as a people must ensure that we do all within our power to ensure that Barbados remains competitive within the global environment.

Note, Madam President, that we are a low-tax jurisdiction and not a no-tax jurisdiction, and this is deliberate in that, again, we want to make sure that we conform to international best practice and we are not considered a tax haven or an area where organised crime can thrive. By having a low-tax jurisdiction, we are ensuring that Barbados is respected in the international community, and that in itself, Madam President, demonstrates our maturity as an international business domicile. Rather than saying it is a no-tax jurisdiction where anybody can come, by having these best practices it keeps those players that we have been able to attract here. They have told us that they do not want to be tarnished by being considered to be in a domicile that is a tax haven; so by having a low-tax jurisdiction and regime, we are ensuring that our standards are not compromised, thereby

attracting the best quality players in the international business sector. This is commendable, Madam President.

As I conclude this short intervention, I would wish again to congratulate the Minister of International Business and his team for pressing ahead assiduously to ensure that we respond in a timely manner to the changes in this dynamic environment, to ensure that Barbados is not left behind. I would wish all Barbadians to recognise the importance of the international business sector, and as I conclude, I would wish finally to also make the point that I see that some of what are called “societies for restricted liability” are now engaging in Barbados in non-banking activities in terms of small loans to individuals as well as small businesses. They are a presence throughout the region, and they are really doing a good job to augment the financial sector in terms of providing loans to tide people over. Madam President, they are being very professional to ensure that the persons are in a position to repay, and I believe you have to be a permanent employee to ensure that the funds are taken out monthly from your salary. What it has done is to supplement the work of the banks and credit unions to provide much needed credit to those groups who need that short-term loan facility, including the small businesses. I am happy that some of these companies are actually giving back to the society in terms of donations to charity.

Again, Madam President, I congratulate this administration for taking the international business sector seriously and showing the linkages with tourism, so that there is a symbiotic relationship, and so that the country’s economy is diversified and not just limited to one sector. By diversifying the economy, we are able not to be susceptible to shocks. If you are relying on one sector and there is a challenge in that sector, then the whole viability of our economy is threatened, but by diversifying the economy, we are able to withstand these shocks in various sectors. I fully support the passage of this Bill. I thank you.

Madam PRESIDENT: Senator Ince, you have the Floor.

Senator JEPTE INCE: Madam President, I rise to support the Bill that is before this Honourable Chamber to provide for the establishment of incorporated cell companies. I will be very brief because my colleague, Sir Trevor, touched most of the critical areas that I would have wanted to speak about, such as captive insurance. Madam President, he also looked at the whole idea of the arbitration centre, and I am going to support him 100 per cent for the simple reason that, in amending this Bill, when we speak of cell companies we are speaking of companies that want to diversify their operation. Some of them may want to diversify in such a way, for example, as to offer ocean marine insurance, inland marine insurance, and personal liability or even hull insurance, or cargo in transit.

As a result of what I would term the heterogeneous risks, then you have to find an alternative to cover that risk, so as a result you would set up a cell company.

Coming out of that, Madam President, you are going to have sometimes, for example, if a company trades commodities and have what we call FOB (free on board) contracts within that cell, you could have problems. One of the ways that you will solve those problems is by arbitration. For example, if a company enters into FOB contracts to have oil deliveries at a specific time and at a specific price and the delivery is not made at that price or at that specific time, then the rules and regulations in international trade say you go to arbitration. If Barbados has that arbitration centre, it can be settled here. That is why I said I will make this short intervention because there is now a direct link as a result of having these cell companies, and you will hear the Minister of International Business often make the comment, "Barbados, we are losing out on millions of dollars in our airspace". Business is passing through our airspace without us having a facility to capture that business and earn critical revenue for Government.

I am therefore going to say that we should move hastily and have that centre going, because we have the potential to earn millions of dollars in additional revenue for the Government of Barbados by having these cases settled, whether they involve commodities, oil, dispute in equities or dispute in professional services. The critical thing about this amendment is that it facilitates international business. It is going to create another avenue for those international businesspersons. It is also going to create a conduit for more of our persons now to be trained in as far as other skillsets are concerned. We have the potential to increase employment, and we also have the potential where we can now have a specific area in our asset management skills; persons who are involved in the investment industry. That is what I just want to say, Ma'am; that I support the Bill and let us move because there is a direct link between arbitration and cell companies, and we should move with haste. That was what I wanted to speak about but, as I said, I had it in my note but Sir Trevor covered the whole thing and it makes no sense to waste a half-hour speaking about something that he has covered already. Let us move with haste to have that arbitration centre set up. Thank you, Madam President.

SUSPENSION

Senator Hon. Ms. M. P. O McCLEAN: Madam President, I beg to move that this Sitting be suspended until 2.15 p.m. for lunch.

The question that the Sitting be suspended until 2.15 p.m. was put to the Senate and resolved in the affirmative

without division and Her Honour the PRESIDENT suspended the Sitting accordingly.

RESUMPTION

Madam PRESIDENT: This Sitting is resumed. Senator Abrahams, you have the Floor.

Senator W. A ABRAHAMS: Madam President, I rise to lend my voice to this debate and the amendment to the Companies Act. Madam, first of all, let me wish everybody a Happy New Year. Madam President, I noted with interest the comments of Senator McClean, Senator Carmichael and in particular Senator Ince. Madam, allow me to say from the get-go that I am absolutely and fully in favour of the legislation and the amendment. Madam, anything that can be done to promote the offshore sector to increase business efficacy in Barbados I believe should be embraced on a bipartisan basis and we should do what is necessary and in the interest of Barbados and in the development of our commercial sector. Madam, having said that, Senator Ince opened the door about something that I was waiting for the right time to speak about and it can probably be brought under this.

Madam, one of the most critical components of our success as an offshore jurisdiction in terms of business facilitation is the court system or the judicial system. Madam President, it is with regret the death of our judicial system. Madam, our judicial system in Barbados has ground to a halt. It has ground to a halt so with the best intention in the world and the passage of the most perfect pieces of legislation with the most inspired thinking behind it, we are going to get nowhere unless we accept the current state of play in the law courts and in the judicial system in Barbados and we do something about. Madam, the reality is that we are talking about Barbados being an arbitration centre and Senator Ince said that he would like to see it become an arbitration centre but if you look at the majority of contracts being done in Barbados that involved external companies, they are now seeking to have the jurisdiction of choice being England and Wales or somewhere else.

Madam, people are telling you point blank that they do not want the contracts subjected to the laws of Barbados and, Madam, it is not that our law are inadequate, it is because if the jurisdiction of choice is Barbados and a dispute arises then it has to be heard in the Barbadian courts, so Barbadian countries are now finding themselves in a position where they have to submit to a jurisdiction of another country and the possibility of having to defend or prosecute your matter miles away because people have no faith in our court system and the failings in our court system are systemic from the bottom of the Magistrate's Court all the way up. Madam, it is not that we do not have good people in our system. It is that we have been doing

things the same way for so long that we no longer want to change it.

Madam President, in 2008, when the new rules of the Supreme Court came into force and we moved across to the new building. We started with a new building with brand new rules but the same mentality of a lot of people who work in the system. Madam, we cannot wrap our minds around the scheduling of cases. Madam, as it stands right now for any day the majority of cases are set for 9.30 a.m., so you have hundreds of people clogging up the stairs of the Supreme Court building, all coming there from 9.30 a.m. Madam, the cases cannot be heard at 9.30 a.m., so you have business people coming and wasting their whole day, you have sometimes more than 100 lawyers loitering on the staircase of the court and wasting productive time for a matter that may be called last or may get adjourned because the court cannot find the files. Madam, at which point do we say that enough is enough.

Madam President, people do not like to talk about certain things but there are certain things that have to be faced and fixed if Barbados is to move forward and do something constructive. Madam, I looked at the legislation and I applaud Senator Carmichael for his input into the legislation and I applaud the relevant Minister for bringing the amendment to the legislation but, Madam President, let us deal with what we have to deal with.

Madam President, it might surprise some people to know that if you go to court today and your matter arises in the court and the court has to fix a date for hearing, you are looking at 2018 and actually I may be wrong because you were getting 2018 dates in October last year, so where are we now.

Madam President, recently I was dealing with a case and I had to advise a client that to be honest he may have cut a little loss here and take his money now than to risk having his date set down for 2019 and that it may not even start then. Madam President, our culture has to change.

Madam President, in speaking to Senator Boyce before we came in here, he made an interesting point that we in Barbados have become a society based on litigation, we are quick to run to court. Madam that may be good and that may be bad because people in Barbados understand their rights, that they can have their day in court that everybody has access to our Supreme Court but the fact remains that the court has to learn when to throw some cases out. If a case is not being properly prosecuted, then it has to go. If the defence has not stepped up to the plate and done what it has to do within the time frame, then the defence has to be struck out.

Madam President, for too long time, the lawyers in Barbados have been subjected to delays at the hands of the

Crown with the excuse that the Crown is understaffed, that the Solicitor-General's Chamber is understaffed. It is almost impossible to get a judgement against the Crown in Barbados. Madam, even when the Crown's case is obviously weak, the courts are reluctant to give judgement against the Crown and cut the Crown any slack and this all goes back to the clutter in our system that hampers local business, that hampers the protection of the rights of the individual in Barbados and hampers international business.

Madam President, we are known for it. The Caribbean Court of Justice has lambasted the courts in Barbados over and over again and it is not just that we are hurting ourselves. Madam, every attempt by a Government or a Minister to put progressive legislation in place, the flip side of it is that the legislation is pretty but can it work with the court systems as they are. Madam, we need a change of culture basically with judiciary and the magistracy and decisions have to be given. It makes no sense for somebody to spend their time, go through the process, someone has their day in court and a decision takes six months, 12 months, 18 months or years to get given, or as Sir Roy said, no decision at all.

Asides.

Senator W. A. ABRAHAMS: Madam President, normally I do not hear asides but when that aside is entirely valid, I take confidence in backing someone who is as respected as my honourable colleague. Madam, we have layers in our court system. In the Magistrate's Court you are supposed to get quick decisions, it is a court of summary jurisdiction and you should get a quick decision. In the High Court, which is a more serious and expanded jurisdiction, things may require a little more contemplation but still a decision has to be made and the judges and magistrates need to not be afraid to get the decision wrong, they just have to do their best because at the end of the day, you cannot stop somebody from appealing because whether the decision is right or wrong that is what an appeal court is there for and that is what the Caribbean Court of Justice (CCJ) is for. Madam, our Magistrates and Justices need to not be afraid to give decisions, they should give decisions. We can deal with a wrong decision but when no decision is given we are stuck.

Madam President, I just join this at this point and time to bring to the fore that we are in crisis. The lawyers, the litigants and the companies are crying out. I applaud the amendment to the Companies Act, I applaud the attempts to get the arbitration process up and running but again we also need to do a mental shift in terms of how we perceive arbitration and mediation. Many contracts have arbitration clauses in them. You are supposed to go to arbitration before you go to Court but often when you try to invoke the arbitration process, it falls flat you cannot get an arbitrator. People are not responding to how you select the arbitrator

and you end right back up in Court, saying I attempted to invoke the Arbitration Clause and it failed. We need to understand why that it is there. That is there to take pressure off of the Courts and our Courts then have to be prepared to recognise the decisions and enforce the decisions on an arbitration award. All of it goes to a complete mental shift and we have not gotten there yet. Even mediation, clients and litigants need to know that mediation is not surrendering your rights it is trying to get you a quicker result, or a more just result quickly, a win-win situation. At the end of a Court case somebody always feels that I have lost and somebody else always feels that I have won and it is reflected in Awards. Mediation tends to lead to a harmonious resolution and should be encouraged. A lot of cases you have tying up the Court system in the High Court send it to the mediator for settlement. I must commend the members of The Bar because we accept that we are stuck in the judicial system, a lot of lawyers have been determinably approaching matters with a view to settling it and we are prepared now to tell your clients where you would not before, we are wasting time here, let us get this resolved. That is all well and good for the initiative for those who are committed to see justice dispensed but it needs to go further, we need to actually legislate for it and we need to demand a mental and philosophical shift in the court system and in the administration of justice in the courts system of Barbados.

Madam President, I can only hope that my words fall on some ear with somebody who is prepared to take that baton up and run with it. We need to dedicate some resources now to look at what is going on, critically examine it and find out exactly what is needed to kick start and to breathe life back into the judicial system in Barbados because as I said, we have stalled. I must take this opportunity, there has been a recent appointment of Ms. Coreen Seale who used to be the Justice Randall Worrell's clerks. She is one of the most excellent clerks in the Supreme Court and she has now been elevated to the position of Senior Legal Assistant and I wish to commend her that her hard work has been recognised and I hope that is a step in the right direction but we need, once again, to look at what is necessary and who are the most fit for a job and not be afraid to put the right people into the right posts. Nothing short of that is going to help the judicial system in Barbados.

Madam President, I am obliged.

Madam PRESIDENT: Senator Boyce, you have the Floor.

Senator the Hon. D. W. BOYCE: Thank you, Madam President. I also rise to support this amendment to the Companies Act before I go any further, it is incumbrance on me, in his absence to congratulate Senator Dr. Carmichael for his contribution to this

morning's debate and to thank him for the fine work he is doing personally in trying get an International Arbitration Centre right here in Barbados. He, of course, have my support on that by the comments made by Senator Abrahams are also well taken and we will continue to struggle to see what can happen in that regard. I, of course, being a layman when it comes to law, will not speak on these matter. I do not speak matters that I do know too much about and they are way above my head so his comments are well taken.

Madam President, the argument for this amendment has come from the international business sector. It means that our international business sector and our need should be able to compete in a dynamic way in this area of our international economy. Sometimes when you talk about the international business sector many people may think that they have nothing to do with them. I just want firstly to remind people that the NATO has given us a figure of close to 4 000 people working in the international business sector and we know not all are highbrow or high technical skills, yes they have those two, the lawyers and the accountants, but you also have the clerks, the messengers, the maids and you would have the secretaries and there is a whole range of people that work in that sector so changes are each one of us knows somebody who has a relative who is depending upon him for a whole livelihood and what happens in the international business sector. Beyond that, it also contributes a substantial amount of our properties taxation, taxation paid by companies on their profits and when that sector does badly because of international conditions we see it less a year later, in the amount of taxes that the Government receives from the business sector. At one stage it used to be said that it was close to 60 per cent of the taxes that Government collected from the corporate sector businesses and Income Tax used to come from the international business companies particularly the foreign commercial banks and also we depend upon those taxes for sums that the Government provides for us.

Madam President, I also think it generates close to 10 per cent of the Gross Domestic Product (GDP) in the country, most of our incomes comes in the form of foreign exchange so there is a significant provider of foreign exchange and we all need the foreign exchange so that when we purchase goods from overseas or we buy services we are able to pay our way. I want to start by just putting some things in very simple terms what the international business sector means for them. Usually, people think it means something for only lawyers and accountants like Senator Abrahams and that crowd of persons. When I say every, it is not the accountant part, of course, Madam President, you would know your part they have not contaminate my profession. Really and truly in a sector in the sector depending on how many years your dealing in tourism where many do not recognise the contribution that tourism makes throughout the economy to so many people.

I remember there had a campaign many years ago “Tourism is our Business” and we are going to have to get a similar campaign going for international business so that we all would come understand this and support it when we can. This piece of legislation has come out and given the means to provide for us to compete in that sector of international business.

Madam President, over time, in the last ten to 15 years, there has been a merging of the legal structures that are used in international business and those used in domestic business. We, of course, have the foreign currency earnings credit in the Income Tax Act which allows local businesses incorporated as international business companies to conduct a lot of international business and to have a similar tax treatment as international businesses have.

I want to say that this particular Amendment to the Companies Act also provides an opportunity for local businesses to structure themselves in ways that can help them, particularly if they are small and medium sized enterprises. This legislation applies to businesses in the financial services area, insurance, mutual funds and so on. It does not limit the structures to international business, so it seems to me, Madam President, that we could have some local businesses that wish to operate “as a sort of partnership” where they are sharing certain costs to administration and certain management functions so as to separate themselves into separate legal entities, to separate their assets and their liabilities, so that they do not cross contaminate each other and to operate in other ways.

Madam President, we could have, for example, several mutual funds doing different types of business who could conceptually fit into this kind of structure. You could have certain types of insurance local business fit into this kind of structure once, of course, they have met the rules of the particular regulating bodies for these operations and we could have several investment-type businesses fitting into this structure. Madam President, that now opens up a way for small and medium sized local entrepreneurs to find a structure that keeps their business separate but allows them to enjoy some economies of scale by sharing through the cellular company the benefits of management and administration, which many of them may not be able to afford as a small company but together they could put an arrangement in place to help them improve their operations.

Madam President, I think we need to relook at this legislation not only for what it does to the international business sector but what it does to local innovation and local entrepreneurship particularly in our small and medium sized enterprises that are operating in the financial sector. Madam President, part of the beauty of this legislation is that you could have a separate Board of

Directors for each of the cells in the incorporated cell company which now just gives you a wider range of skills to draw upon in managing these businesses. Madam President, that is important particularly for business that are looking to draw upon the right skills to help them run their business and develop their business successfully when they first start up. Madam President, that is important because very often you would find in conglomerates which have so many different types of businesses that where you now have separate companies you find the same Board but that Board is not sufficiently wide in terms of the range of knowledge and the range of skills that you require to be able to give the level of guidance that you want from it.

There were intermittent breaks in the audio recording at this stage.

This structure provides very clearly ... (inaudible) holding company with several companies under it, and so that goes through a holding company route, and that is very useful inside this fortune for companies particularly the new companies.

Madam President, I will mention, while I am on this matter of separating the liabilities and the assets of the companies, that it is very clear in this piece of legislation that none of the cells can bind another cell, so we could have five different cells with each one having its own business but none can bind the other. They can trade and transact with each other but they cannot bind each other than through... our transaction...which transaction, nor can they bind the overarching company, so it is a very useful approach to help people to run their affairs without causing problems for others. This is not what exists in the segregated cell companies, because you can still have some cross contamination not necessarily contamination of the assets of the segregated cell but you can have impacts upon the overall company which eventually has to take the liability for problems in the individual cells. Madam President, this arrangement is not only for new companies. If you have an existing company and you want to move it to a cellular company, you can do so under this legislation as well. If you want to have special resolutions and what not then you have to change your articles and give it the authority so to do. It also gives people who are now in the field of bringing businesses that have these different parts the opportunity, if they so wish, if they think it is beneficial for them, to migrate their companies to take advantage of this cellular structure. We cannot presume that people who are already operating in the field does not wish to move there because that might be best for them, and this gives them that opportunity to make those movements, that I guarantee is a very useful part of this legislation. It does not deal with any new companies, it deals with those that already exist and wish to improve the way they operate.

Madam President, it is very clear in this legislation also that companies can pool together their assets for the purposes of investment. It is a conscious decision that they take. The assets are still yours but you can choose to put them into a common investment fund for the management of this overall company. For example, if you have a cellular company selling mutual funds or investment funds they could decide to pool the assets in many areas and have them managed as one. There are advantages to doing that in terms of the economy we get for the management fees. The management fees will be a little percentage of the assets if they are all managed together. You get better prices and you can buy a certain level of shares or bonds than if you buy one that is smaller than usual. The economy benefits as well. The accounting and the legal work for the securities and the collateral and so on can all be done as one and save you on cost and therefore the return that small businesses, small financial groups could make from doing that gets to be higher than it would otherwise be because the costs are lower to do that.

A lot of these small firms may then be able to afford an investment advisor than if the costs were too high. This one allows these companies to be able to afford those kinds of specialised services that it would not otherwise require. Very often small companies or persons of small means are unable to invest because they do not have the means to go into these collective arrangements, and this one provides that very clearly in this bit of legislation to help companies to move there.

Madam President, all of these are things that help us to enjoy and appreciate this bit of legislation. To the eye, it is quite a powerful piece of law. It allows these international business companies to widen their remit, to widen their operations, to be more competitive and it also gives significant potential to small local businesses in financial services, in mutual funds and in insurance to come together and do better than they would otherwise do with the existing legislation.

Madam President, I want to commend this legislation. There is just one matter that was raised this morning by Sir Trevor, this matter that we are having around the Caribbean with commercial banks because of the pressures that they are getting in other jurisdictions from the factor of business and all of the other things that are doing on with them and the move in taxes.

Madam President, we are constantly searching for other banking institutions that are able to avoid those pressure and are able to turn their operations... In other countries that do not have that pressure on us... and hopefully we would be able to mount a mission very shortly to some of those banks we have targeted to try to persuade them to save their income in Barbados, particularly to deal with the international businesses that

we have here. Our task would be trying to get that done very early in the year so that we can release that pressure on the international business sector and give it a chance to grow a little bit better.

Madam President, I wish to commend this legislation and I thank you very much for your indulgence. I thank you.

Madam PRESIDENT: Senator McClean, you have the Floor.

Senator the Hon. Miss M. P. O. McCLEAN: Madam President, I rise to wrap up on this Bill. I believe that its importance has been clearly established by all who have spoken. As we have heard from Senator Abrahams, there is bipartisan support on the Bill. It is intended, as we know, to create incorporated cell companies. The benefits of those have been explained, and I would want to particularly acknowledge the contribution of Senator Carmichael in terms of identifying and re-enforcing its importance.

Madam President, one particular issue that I would want to reiterate in my very short wrap-up is the point made by Senator Boyce just now, that while it is a product or a service that we are providing to the International Business Sector, it offers significant scope for indigenous businesses and I think it is one that needs to be explored. In the area of investment, for example, we in Barbados continue to bemoan the fact that there are inadequate venture capital funds around, or should I say funds that have been identified as venture capital funds, because I believe that there are funds that can be utilised if so organised. I said it in several places that one of the strategies that we have to pursue -- and when I say we I am not talking necessary about Government now, Government can try to partner but there is an opportunity... I know that a number of persons in the Financial Services Sector are looking at this -- the creation of venture capital funds. We have significant liquidity in the commercial banks.

I am sure you might recall, Madam President, that here I have cited some very clear statistics. I think that this structure can allow for some development of that venture capital sector which would allow the pooling of resources, not necessarily in case of the capital and business in this instance, but in terms of realising synergies from the perspective of operating cost. I would want to commend that to people who are entrepreneurs and would-be entrepreneurs, that in terms of making the most efficient use of their finances, especially as it speaks to the matter of operating or administrative cost, that this is a matter that can be pursued.

I believe that we could also look at it, in a sense, at a regional level because we are talking about the free movement of capital and so on. I think that this offers great

opportunity to expand, as we have heard before, the International Business Sector, but also to create a very valuable and viable option for local business.

Madam President, while I hesitate to touch on things about the judiciary, given its independence, I have to recognise and indeed endorse the concerns expressed by Senator Abrahams, because a critical part in the International Business Sector and I dare say commerce in Barbados is the role of the judiciary. We have been hearing the complaints. The fact that people are looking to other jurisdictions in terms of deciding what would be the jurisdiction for settlement of disputes, et cetera, outside of this jurisdiction defeats the purpose on many ground because it looks to require where issues/disputes come up to find foreign exchange to pay foreign lawyers, if you have to go to foreign jurisdictions. It therefore deprives our legal professionals the opportunity to do that work or maybe even if they are so registered to practice in another jurisdiction there are costs associated with that that they do not need to incur.

Madam President, I believe that it is something that has to be looked at. As was pointed out, there are challenges from top to bottom and it has to be addressed.

The ironic thing is, and I dare say I would go this far, I have heard on more than one occasion articulated in full by the Right Honourable Prime Minister, the difference between the judiciary, let us say, two decades ago in terms of resources, size and all of these things and therefore, yes, our economy has grown and has become more complexed. I would not try to pronounce the word but we have also become prone to go to court, but we have to find a way to get the system to work because it is very much part of the business sector and the operations of business, particularly in this case when we talk about the International Business Sector.

Madam President, with those words, I want to thank those who would have contributed. I want to flag its value to a critical sector of our economy and to look forward certainly to the benefits of this in terms of attracting new business, allowing for the expansion of existing International Business Sector and above all, to the exploration of this as an option for other business persons, local and perhaps regional, who are looking to take advantage of any synergies that this may offer as it makes more possible the startup of what can be some significant businesses in the future.

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

The question was put to the Honourable the Senate and was resolved in the affirmative, without division.

On the separate motion of Senator the Hon. Miss M.P.O. McCLEAN, the Honourable the Senate resolved itself into Committee on the Bill. His Honour the DEPUTY PRESIDENT in the Chair.

COMMITTEE

Clause 1 -- 4 were called and passed.

On the motion of Senator Hon. Ms. M.P.O. McCLEAN, His Honour the DEPUTY PRESIDENT reported to Her Honour the PRESIDENT the passing of one Bill in Committee, and Her Honour the PRESIDENT resumed the Chair and reported accordingly.

On the motion of Ms. M.P.O. McCLEAN, the Bill was read a third time and passed and cited as the Companies (Amendment) Act, 2016.

BILLS ORDER NO.3 THE SEXUAL OFFENCES (AMENDMENT) BILL, 2016 DEBATED IN THE HONOURABLE SENATE ON FEBRUARY 10, 2016.

On the motion of Senator Hon. Ms. M.P.O. McCLEAN, the question was put to the Senate by Her Honour the PRESIDENT that the Sexual Offences (Amendment) Bill be read for the first time.

This was resolved in the affirmative without division.

ORDER NO. 2 – THE DOMESTIC VIOLENCE (PROTECTION ORDERS) (AMENDMENT) BILL, 2016.

Madam PRESIDENT: Senator McClean, you have the Floor.

Senator Hon. Ms. M. P. O McCLEAN: Thank you very much, Madam President. Before I start, I would want to request your permission to have a cognate debate on the Domestic Violence (Protection Orders) (Amendment) Bill, 2016, and the Sexual Offences (Amendment) Bill, 2016.

Madam PRESIDENT: The question is that these two Bills be taken as one debate.

The question was put to the Senate by Her Honour the PRESIDENT and was resolved in the affirmative without division.

Senator Hon. Ms. M. P. O McCLEAN: Thank you very much, Madam President. I rise to speak to an amendment which, to all intents and purposes, constitutes a significant and very important amendment to a very important piece of legislation, and to my mind, a set of amendments which carry with them significant

responsibilities on the part of the several interest groups and parties to the need for this legislation or the application of this legislation. Specifically, in relation to the Domestic Violence (Protection Orders) (Amendment) Bill, 2016, it sets out to amend the current legislation, Chapter 130A of the laws of Barbados which would have been put into force in 1992, having been debated in the House of Parliament, if my memory serves me right, in 1991, Madam President. I would want, given the nature of it, to spell out what it is intended to do. There are a number of amendments to be addressed to ensure the following:

- a. To make provision for a comprehensive definition of the term “domestic violence”,
- b. To extend the classes of persons who are considered to be victims of domestic violence,
- c. To ensure that victims of domestic violence receive the appropriate counselling or therapy,
- d. To facilitate the enrolment of perpetrators of domestic violence in the appropriate rehabilitative programmes,
- e. To extend the classes of persons who may intervene in applications before the court on behalf of victims of domestic violence,
- f. To establish the duties and powers of members of the Police Force in relation to the allegations of domestic violence, including the power to issue emergency Protection Orders, and
- g. To maximise the safety and protection of victims and ensure that the perpetrators of domestic violence are held accountable, and for related matters.

I want to start, Madam President, by saying that I am wearing on my hand a band that says we would like to end violence against women and girls, but I want to say that in my experience, and I will speak to that, while domestic violence is mostly perpetrated against women and girls, it is a phenomenon which touches all people. I will cite some very real examples because I started working, Madam President, as a Clerical Officer at the Child Care Board in 1974 when I left school. There, I paid old age pension -- I was in the accounts department -- I paid child maintenance, and I paid welfare grants, and that introduced me to a world that I hitherto did not know of. I had a grandmother, and I only knew one of my grandparents and, yes, she got old age pension, I believe, but I am talking about the opportunity to interact with persons who sought good advice or whatever in terms of welfare because of changed circumstances, and men who came to pay maintenance, and the women and children who came to receive it. In listening to the women and in listening to the men, you

realised that this issue of domestic violence is not something that is peculiar to one group of people -- that is, one sex -- but it was across men and women. I would describe it as a universal phenomenon in terms of touching, as one can describe it, and plaguing families and households. You may find a household that may not necessarily be defined quite as a family. In almost every geo-cultural region in the world, it transcends race, economic status and sex, is not gender-specific, and transcends age, culture, religion, you name it.

There is some evidence of the persistence of patriarchal systems and how these have impacted on men's attitudes, but I want first of all to say that I recognise, having spent many years when I was in academia, the startup of the Centre for Women and Development Studies which transformed into the Centre for Gender and Development Studies, et cetera, and being very much a part of not only the observation of these things but the research into them. I believe it is an issue with which this country has to grapple, as have many other countries. As we look at this, we recognise, of course, as I said, that there was legislation before, and the legislation to which I referred, the parent legislation, the Domestic Violence (Protection Orders) Act of 1992, I think it is, would have come at a time when the world -- I say the world because of my involvement then and now in the whole question of multilateral dialogue and so on -- was recognising the adverse effects on the victims of domestic violence. The world was also recognising the adverse effect on the household and also the adverse effect on the perpetrator. Witnesses and victims of domestic violence are likely to become perpetrators of domestic violence themselves in the future, so it was felt that the impact of this, the loss of life -- we have seen it in Barbados -- loss of limb and loss of self-confidence, was significant.

It was felt that the impact of this, and we have seen in Barbados the loss of life and loss of limb and loss of self-confidence. I have seen in my academic circle one observing a woman who was older than I was, and I looked at her and my description to all of my colleague was that this woman's soul had died and, when I later learnt of her history, she probably was very much a victim of domestic violence not necessarily beatings and so on because there is mental and psychological violence that can be perpetrated on people as well. I looked at that and said to myself that here is somebody who would have benefited from education and opportunity but in her domestic sphere has to accept a range of behaviour and that acceptance we might have associated with somebody else.

Madam President, it is one of the secrets that would be kept by people and I will get to men in terms of being victims as well. Madam, the point I am making is that the world recognizes at some point in time that there is an impact on something that was largely confined to the

domestic space that has significant impact on a woman's or man's ability to go to work and to be productive, on a child who is part of that household, who would have witnessed this, on his or her ability to go to school and function normally. Madam, I can tell you that the very people who have to enforce this law that some of them are properly victims of it or perpetrators of it, so it will impact on how they even see the role that they are given.

Madam President, I think that when we stand to talk about this in this Honourable Chamber or when we discuss it in our community setting, in our women's organisation and our men's organisation, we have to do that not from a simplistic approach but from an approach which recognizes its complexity and one in which we also need to make a strong commitment to ensuring that the society, our men, our women, our children understand because domestic violence may also be perpetrated against the elderly because elder abuse is a form of domestic violence, starving old people and spending their pension and slapping them and so on as a caretaker. Madam, as I have said, you are part of household, you may not be a family member but you are a caretaker, so I am saying that when we look at those kinds of things, it is a complex issue which has to be treated with a level of seriousness equivalent to the nature of the problem.

Madam President, I have mentioned that our laws coincided with something and essentially, it coincided with the debate in the global forum, so to speak. One of the things that you would have seen is that in 1994, the International Conference on Population and Development in Cairo, Egypt, would have brought some attention to this matter. Many of us are aware and certainly, I was aware, because at the time I was very much involved at the university in women's issues and gender studies. In 1996, we had the Women and Development Conference in Beijing, China and I remember the delegation from Barbados going to that and all of that was to bring attention to the phenomena. The focus of those conferences would have been largely on the female victim because, as I have said, in Barbados as elsewhere, perhaps, 99 per cent in some places there are instances of domestic violence that would be perpetrated against women and girls. When I talk about the situation of women and girls in several forums, I always make the point that we have to recognise the similarities and we have to recognise the differences that obtain in different jurisdictions.

Madam President, fortunately, for us in Barbados, women have the option of being educated which in many instances can be a very liberating reality. In other situations, even though we may be educated, we may not be strong enough to escape the bonds of domestic violence. Madam, I want to make that very clear, so as we look at this legislation, it reflects the reality of what our society has been going through.

Madam President, in discussing this with male because I know that having started this dialogue in Barbados, information about the legislation has not been out there, that many men have sought to complain. Madam, even before this, I have spent many years hosting call-in programmes on one of our radio stations and I constantly listen to the radio and that is almost part of my daily diet of media and I have heard people complain but I have always said that for the most part, when we look at our judiciary that our legislation would have been drafted by men and enforced by men but, Madam, times have changed in recent years. The point I was making when I said that is that it is not a set of women who sat down and crafted legislation intending to victimize men but the reality is that because of certain social realities or phenomena, men themselves may be victims but not necessarily come forward but, Madam President, I will get to that.

Madam President, in looking at the legislation our parent legislation would have coincided with a global focus on the issue of domestic violence but we also would have had following on that the need to address the realities of difficulties that we have. I have not had the time to research the empirical evidence but I can tell you that there has been studies done and research done on domestic violence in the Caribbean and while it is a dated paper done, I would want to recommend to those people who may want to read something there is a piece done by Godfrey S. Bernard titled "Domestic Violence in the Caribbean, Issues and Challenges in the Evaluation of Prevalence". I can tell you that there is a notion that in our societies and perhaps particularly so in some ethnic groups that there is an even higher prevalence but the prevalence is generally too high. In fact, I have seen in other places that in looking at domestic violence in the United States and more specifically New York that concerns have been expressed about domestic violence in Caribbean households in New York City and so these are the kinds of things that we want to talk about.

Madam President, in 1992, there was a Committee established by the Bureau of Gender Affairs and I suspect that somewhere around that time I was involved at some point with that bureau, so the form of the domestic violence Protection Orders Act of 1992, clearly with the existing legislation that we have, there were some shortcomings which is typically because legislation is drawn up and it is implemented and it is the process of implementation that we get to appreciate that it has not been able to cover everything or as you look at situation perhaps what is proposed is not necessary working the way you want or there may be some lacunas where somethings have been omitted. The Committee reviewed the existing legislation and a report on the consultation of domestic violence legislation held on December 11th was prepared. Madam, in essence, the Report outlined a number of recommendations to include the legislation and basically to

ensure greater responsiveness of the administration of justice to victims of domestic violence as well as to strengthen protection options available to persons who experience abuse. Of course, inside of here as well the focus also is on children as well. Madam, in essence, what we have would be a set of amendments speaking to Protection Orders and empowering the police in several kinds of ways. I want to say something about that because we know that the consequences of failing to act, we may see loss of life and that loss of life may be the life of the victim and/or the perpetrator and in many instances, innocent children who happened to be in the household and who get caught up in that situation and so there have been efforts to expand the powers of the police. In Barbados we have taken the initiative to set up a special unit to address domestic violence and I know that I have heard the Attorney General (AG) and Minister of Home Affairs on more than one occasion speak to the level of training that is being provided to member of the Royal Barbados Police Force (RBPf) and more specifically to that unit but I want to also caution that as we train or should I say as the recipients receive that training they also need to do some introspection because the issues that we are dealing with, they need to be sure that they are not allowing their own perceptions to colour. Let me give you an example of what I am saying. Over the years we have heard in the case of some women who have had to make calls for assistance that they have not been taken seriously, therefore they ended up being extremely battered and so on. We have heard on the other hand, that where a man has been - and I will use the word bold enough to signal that he has been - the victim of domestic violence, that he has been ridiculed and I can tell you. I said that I will share some examples because these are some of the things that we do not hear. We hear of the women and I am sure we would hear a lot about that. I remember several years ago when I was a volunteer in my credit union. Being in the building where some workers were delivering a service where the committees were meeting and I happened to leave the room in the meeting and I heard some of these workers laughing and joking. I went about my business, came back and stopped because it bothered me because they were actually teasing a man because his wife, according to them, used to beat him. I said that they were just kidding around but when I came back I stopped and said, are you all for real. The man himself said to me, yes and he went on to describe how he used to be beaten and I asked: are you comfortable with that? His friends were laughing and I think that, for him, he must have been barely going through and I am trying to find a word to describe what I interpreted might have been his emotions.

Asides.

Senator the Hon. Miss M. P. O. McCLEAN: Humiliation - thank you very much. Madam President, we are supposed to hear asides but as you said when we get

some help you sometimes forget the rules - the humiliation of that and they went on to tell me in graphic detail what would happen if that guy got home late and they did not drop him straight home and if they went to the shop and all kinds of things. I said to them, but this is not a joke, but you know what I said, the classic thing is that we tend to stereotype women but my wife loves me. That was something that took place at least 20 years ago, I marked it by the age of my son in terms of the years I served in that department and I heard that and said to him, you need help and she needs help because at the end of the day that cannot be good for you, her or - I do not know if they had any children, I did not ask.

Asides.

Senator the Hon. Miss M. P. O. McCLEAN: Not good for love either, but it said to me that even if that were the only instance that I had seen that was one to believe. The point I am making is the silence would be greater on that side of the equation than it would be on the other side and that is an issue, Madam President that we have to deal with. I started to say that those charged with a responsibility of executing legislation have an equal responsibility to do so in the most professional manner. There is another issue that I want to raise in relation to that because, as I said, we all know of the dangers, the violence and the evidence of what happens with women but there is a group of persons who have an interest in this legislation and that is a small minority in the case of Barbados from the evidence that I have seen and not seen, if that makes sense, Madam President, that there is a set of men who are also victims.

I also want to speak to the issue, given the powers of the police and so on, of people who maliciously and wickedly falsely accuse persons of domestic violence. This is an issue in which I had a discussion and I wrote it down because this was said to a man recently. We women are very good at convincing the police that we have a reason to be afraid. That is not fiction and what was done in that case was sufficient to almost ruin the career of a man. The point I am making is that if we do not do our full investigations we can find ourselves, and I am speaking, Madam President, of the minority situations because we do not hear about these and those are the kinds of things that we have to be careful of. If we have a male investigating a case, he may bring a certain perspective to it. If we have a female investigating a case who may have certain kinds of experiences she may bring a different perspective to it. The point I am making is that we have sometimes to try as the persons charged with the responsibilities under this act to lift ourselves above our experiences because remember what I said, people who have experienced certain things would probably, themselves, react in one way or the other and so we have to be very careful that we, at all time, work very hard to ensure that standards are observed, that

evidence is collected, that proper interviews are done and so on, because there is an important power given.

We in Barbados have to recognise that in a small society, we are very much a face to face society and when things happen, there is no anonymity in most instances and we therefore have to bring to these things a serious set of responsibilities. Damage can be done, as I said, and I have talked about adults, I want to talk about the whole issue of children. One of the amendments in here, Madam President, speaks to the question of the report of violence against children and I want to touch on that because in recent times, UNICEF, the Children's Fund would have been running a number of advertisements as part of a campaign around the theme of "Break the Silence" and I think that we have to apply that as well to all aspects of this issue of domestic violence because at the end of the day, if it is violence against children we can guarantee that we have and will do, significant damage to them for the rest of their lives. If it is something that they have witness almost equal damage will be done. If you are the perpetrator of it, you become less than human and that is one way of looking at it. I do not know that you can continue in the public sphere when you engage in violence, you may have a certain presentation and set a certain persona, you may appear to be but all is not right because inside of you, and it is not necessarily such a big secret, because I mentioned the smallness of this society and I would say also the density of the population. You do not have to be given or the structure of houses, you can stay home and hear all kinds of things. I remember as a relatively young lecturer having to say to a young man, the child was of descent parents, but this young man had a girlfriend and he is on campus and beating this woman and I said, young man, is that acceptable to you but, of course, I guess she probably felt ... I do not know. There is a saying I was trying to remember about love but to me it was bothersome because these are young students, what I call the *crème de la crème* of our educational institutions but it just demonstrated the point I made about the universality of this thing.

There is one thing, Madam President, that I have not touched and I want to go back to that. Some time ago I would have heard discussions of this by other Members of the Government and so on speaking about the issue, which has to do with our history. Some people recognise the lingering effects of the relationships that were created because of slavery and the early post slavery society. Madam President, I also believe that while we can understand the genesis of a problem, we also have to work with that to address the issue in a way to resolve it. In other words, it helps us to understand tendencies and existing situations but I believe it should also help us to understand that we need to address this, and it leads me to the notion of what people bring to situations.

Madam President, I think a part of the problem that we have to address is the ongoing dysfunction, part of which is caused by domestic violence, of not having access to positive role models particularly familiar role models. I tell people that young women would have difficulties relating to men if they did not have positive relations with older men such as a father or older male siblings, uncles and so on, because they do not understand how to relate to men. It is the same thing with men. Men who have not had good relationships with their fathers or older men in their lives and so on to be positive role models would also not know, and some would tell you - and I have seen it - that in the absence of that, they have sought to educate themselves on how to be a good partner, a good husband, a good boyfriend and generally to be a good man.

Madam President, part of what we are having is a situation where domestic violence impacts on the lives of many of our people, starting with our young women who for some reason would have resented fathers who mistreated their mothers or vice versa women who would have mistreated the men in their lives, as well as on their children. In other words, there are cycles we have to break. I think that in all of these we do not only look at creating mechanisms to address the problem that is at hand but we also have, as we look to put Protection Orders mechanisms, et cetera in place to look at how do we intervene to break the cycle that I described. It is an issue that we have to look at, and I believe, Madam President, that we want to look at that.

Madam President, I indicated also for the purposes of the debate that we would also look at the second Bill before us, which is a simple Amendment. I know that it created a lot of consternation among a lot of men when it was proposed. The Amendment to the Sexual Offences Act, Cap. 154 of the Laws of Barbados is to provide for the circumstances under which the offence of rape is committed by a husband against his wife. I think it is a very serious issue because it says that a husband commits the offence of rape where he has sexual intercourse with his wife without her consent by force or fear where he knows that she does not consent to the intercourse or is reckless as to whether she consents to the intercourse. Madam President, I do not think that is the kind of thing that plays out in a happy and functioning marriage, and therefore I have no difficulty with a piece of legislation which speaks to the issue of rape. I think it is fair. It is pretty clear. It would be interesting, Madam President, to hear what some of my male colleagues would have to say on that but I believe that again it is intended to protect the rights.

Madam President, I recall as well that there was before the law courts of Barbados - I am trying to remember if the word rape was used, but I remember the case and I read the evidence brought before the court, et cetera - where a professional brought a case against a

female partner, I am not sure if it was a wife, for what would constitute, I guess, rape. Again, if the man does not consent... I guess it is easier to perpetrate rape against a woman as against a woman perpetrating rape against a man because of our biological makeup.

Asides.

Senator the Hon. Miss M. P. O. McCLEAN: I am not supposed to hear asides, Madam President, but I am guided by the aside that I did not hear so I will leave my statement as a supposition. In relation to this, again this is just an extension of what I consider to be a very specific case of domestic violence which cannot be, but again because rape is a very serious charge, it is important that the evidence support it.

Overall, Madam President, I believe that we have to upgrade the legislation. We have seen, as I said before, extreme violence committed against women, we have seen extreme violence committed against men, we have seen women seek to ruin men, we have heard of people's scorn, I am not going to say women because men would do it too, seeking to exact revenge and using all of those things. We have seen physical violence and we have seen the impact of psychological violence as well perpetrated by both men and women in relationships.

Madam President, in order for this society to function and function well, such incidences have to be minimised. The incidence of domestic violence is not something that we would want to see escalate. It is, as I said before, damaging at the individual level, at the domestic level, at the community level and at the national level and therefore we have to ensure that there is balance brought to this because at the end of the day damage done to women is detrimental to the society, damage done to men is similarly detrimental and above all damage done to our children who are victims of or who witness domestic violence, because to me I think that witnessing it is also a form of violence itself, they may not be physically beaten, but to see a spouse, a wife, or his or her mother being beaten or to see a mother exact punishment on a male spouse, is damaging to the society and it is something we have to address, we have to make provisions for. At the same time anybody who is part of this system, he or she or collectively, has to understand the tremendous power that has been given to them by the law and recognise the major responsibility that they have assumed and act in a way that is professional and allows them to execute that power in a manner that is evenhanded and equitable and at the end of the day seeks to achieve what it intends rather than to do damage that is not intended.

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

MADAM PRESIDENT: Senator Abrahams, you have the Floor.

Senator W. A. ABRAHAMS: Madam President, I rise to lend my voice to this debate about a subject that is very near and dear to my heart. Ma'am, just because it is expedient to do so, let me deal first with the last comments of Senator McClean with respect to the Sexual Offences Act.

Madam President, Senator McClean sought to give a definition of rape but the definition of rape was changed a number of years ago in the Sexual Offences legislation because of the exact issue as to whether or not a woman could rape a man and the contemplation that rape had to involve an erect organ.

Madam President, if I may, under the Sexual Offences Act, Section 3, for the purpose of this section, rape includes the introduction to any extent in circumstances where the introduction of a penis of a person into the vagina of another would be rape; of the penis of a person into the anus or mouth of another person, or an object not being part of the human body manipulated by a person into the vagina or anus of another.

Effectively, Ma'am, a woman can rape a man with a broom stick, a bottle or anything. That is the existing definition of rape under the Sexual Offences Act. Madam President, my difficulty with this amendment, Madam President, is that this amendment speaks specifically to a husband, whereas the Sexual Offences Act contemplates that a woman or a wife can rape her husband.

Now, I agree with the concept behind this piece of legislation. Prior to this a wife was considered her husband's property, like a chattel, she could not say no, part of her matrimonial duties includes having sex with her husband, so she could not say no to her duty to have sex with her husband, so prior to this proposed amendment we have scaled back a little bit, from a husband could not rape his wife, we have said if a Decree Nisi was so enforced, if divorce proceedings had started effectively or there was a formal separation, yes, a husband can rape his wife in that circumstance but we still hold to the archaic principle that where there was no separation or the court's jurisdiction had not been invoked in divorce proceedings, that a husband could not rape his wife, so we moved the objective of this amendment to say that nobody is anybody's chattel anymore so you cannot force yourself onto somebody, nobody has a duty to provide sex to you if they do not want to.

I applaud the fact that our minds have gotten us to this point where we recognised the rights of the individual to say no. I, however, believe that we are about to commit a travesty by running afoul of the Sexual Offences legislation

by making this, I do not want to say gender specific, I will say husband specific because under our laws a wife can rape her husband, so that if we are seeking to amend the Sexual Offence legislation for the protection of the individual, then we probably need to go with “a party to a marriage commits the offence of rape where he or she has...” and keep going that way, gender unanimous, otherwise, to be honest, we are going to be back here with this.

Asides.

Senator W. A. ABRAHAMS: Madam President, I do not want to say gender neutral, I have stayed far from the term gender neutral, I am saying gender unanimous, gender inclusive. The point is that at this stage, let us not pass this Bill with that glaring mistake. We can seek to correct it here but let us not pass this one with this glaring mistake. I applaud the concept, but the execution needs to be fine-tuned.

Madam President, having said that, I am perhaps the main legal attorney in Barbados who has done most domestic violence cases, I have been an advocate for the rights of people from the time I started to practice law some 20 years ago. I was the Advisor to the National Forum against Domestic Violence, thereafter I was Advisor to the SAFE Foundation, which I am still. I have consulted widely on this and for a basic reason, I do not believe in violence at all. I do not believe in violence in any form. I do not believe in violence by men against women, women against men, parents against children, and people against the elderly. I believe we need to do what we need to do to curb the violence in our society.

Madam President, like Senator McClean, we always have the thought in our heads that domestic violence equals violence by a man against a woman and I must say that in the majority of instances it is by a man against a woman, I would say in the majority of reported cases it is by a man against a woman.

Senator McClean made an anecdotal intervention in respect of a man who was beaten by his wife but Madam President about 15 years ago I was present in the District “A” Magistrate Court where I saw a man who was about 95 pounds, bringing a protection order against his wife who had to be about 200 pounds.

Asides.

Senator W. A. ABRAHAMS: It is interesting that you laugh, because everybody else in the court laughed and that man cried on the stand as he gave his evidence of how his wife used to hold him down and beat him, he could not even answer back to her. Ma’am, the Prosecution in the court was snickering, the clerks in the court were

snickering, everybody in the court were snickering, but had that been in the reverse, had that been a 95-pound woman being beaten by a 200-pound man, not a soul would have laughed.

Madam President, I know of many instances where men have been subjected to domestic violence but because of how we as a society perceive it, we crush the little confidence that that person still has to go before the courts because they are afraid of being ridiculed, so that one of the things we need to look at is violence against the individual. Let us wipe our minds now clear of it being one gender against another gender.

The other thing I have a difficulty with is that protection orders are supposed to be heard in camera. In camera in Barbados means that you ask the other people to leave the court but you have remaining in that court every other lawyer who is not connected with that case, every member of the court staff, any police officers who tend to be filtering in and out, accused persons whose applications have not yet been heard, so that in a normal domestic violence protection application in Barbados the only people who are excused are complainants and witnesses, everybody else is still in the court.

Now, we need to legislate in respect of that that in camera means in camera. I would even go so far as to exclude attorneys who are not concerned with that case. It is a most humiliating thing for any person to go before a court to say that somebody is beating them or that they are a victim of violence. I honestly would inflict very harsh penalties on people who break the confidence of the court in speaking about cases of domestic violence after they have happened.

Madam President, we need to understand the purpose of the Domestic Violence Protection Order legislation. Now, until this amendment, almost everything that could attract a protection order was of itself capable of prosecution of crime, so that any act you now complain of to get a protection order was of itself a criminal act. What the law recognised is that in a domestic situation you could not wait for the court and the police to take a normal process, because between a complaint and a prosecution we may have months; between the Prosecution and the court actually starting to hear it, you may have years, but that cannot be facilitated in the dynamic of a household environment. If I am sharing a household with Senator Haynes, we may not be involved, but any fracture in our relationship, whatever it is, is something that needs to be addressed and controlled immediately. By virtue of living in the same space, you have to deal with that person and pass that person and tensions escalate and the possibility to violence or escalation out of control is way stronger in an enclosed household arrangement. You have to deal with that person and pass that person, and tensions escalate, and

the possibility for the violence getting out of control is way stronger in an enclosed household arrangement. The reality is, I might not like Senator Hunte.

Asides.

Senator W. A. ABRAHAMS: I do like Senator Hunte, but I may not like Senator Hunte and I have to see him every day. I see Senator Hunte on Wednesdays so even if he gets on my last nerve, I will not have to deal with him until next Wednesday, and across the table. However, if Senator Hunte was in the house that I was in, then that minor dislike will escalate to hatred like poison, as the Bajans say. "Hatred like poison." The worst acrimony is between members of the same household and family members. If a brother gets to hating a sister, that is an even worse hatred than two fellows who fall out. If a lady in a house hates her stepson, that is even worse because he is not even her blood. The law recognised the special dynamic of the household, which is something now that perturbs me in relation to these amendments.

If we look at the old legislation, the old Act applied to members of the same household. Domestic violence was violence perpetrated against X, Y, Z and other members of the household. Senator McClean, in her address, referred a couple of times to a household. She said domestic violence plagues households. She said it is not gender-specific. She even gave the example of domestic violence being something that is between a caretaker and the persons they are supposed to be taking care of, because they are in the same household. I agree with Senator McClean that it should be that way, but for some reason best known to the drafters, we took out the umbrella of the household. We got very, very specific in who can be covered under this legislation. Let me get the exact thing: "Domestic violence' means the willful infliction or threat of infliction of harm by one person in a domestic relationship upon another person in that relationship and includes child abuse, emotional abuse, financial abuse, physical abuse and sexual abuse". It then defines domestic relationship as being "the relationship between a perpetrator of domestic violence and a victim who is a spouse, former spouse, child, dependent or other person who is considered to be a relative", so the old definition would have, if Senator Hunte and I shared a house, if we were flat mates, captured that.

In my opinion, it might have been an oversight and it is something we need to look at because the old definition actually worked quite well, but it had one failing and that was in relation to visiting relationships. The biggest criticism of the old legislation is that we did not recognise visiting relationships, so I am taking this approach today. This is the approach that Senator Ince and Senator Hunte keep saying we should take; no legislation is perfect. Sometimes you have to pass it and patch it rather than try

to make it perfect. This is perhaps the first time I am prepared to take that position in here, because this legislation has been a very long time in coming. The National Organisation of Women and the other organisations that represent victims have been pushing for this for over ten years. We have had numerous consultations that had dropped off. As we keep highlighting instances of domestic violence in Barbados, Government pays lip service and says "we are looking at it, the draft is there, we are about to pass it, it will be passed within the next few months". We have waited for years for this, so I would not attempt or even suggest that we should delay any longer. Let us, as we should with all pieces of legislation, look at the application and not be ashamed to come back to patch a hole if that hole can be easily patched.

Madam President, I wish to commend Member of Parliament Cynthia Forde, who has been tirelessly fighting for the rights of women and fighting for the passage of the amendment to the domestic violence legislation. She raised it in the other place, she has been on it, and I believe in giving Jack his jacket. Ms. Forde is a fighter for the rights of people, and it is due in no small measure to her doggedness in this that it went through the other place and that we are debating this now. I just wish upfront to commend her on that.

I said before that the biggest failure in the old legislation was in relation to visiting relationships. The visiting relationship is a feature of Caribbean life. The visiting relationship was never recognised under the Protection Orders legislation. It dealt only with households, people who constituted members of the same household, but the reality is that if I come and see you and spend a night or two nights with you and you come by me, and we do not formally live together, it does not mean that my love for you or -- flip it -- my passion for you is any less than if we were in the same household. Actually, it may be even worse, because when people are in the same household and if you are suspicious of somebody, at least the person would be in front of you. You have them within your sight for a certain amount of time. If that person does not live with you, that is where the stalking starts. That is where the phone calls start. That is where the harassment starts. That is where the insecurity really kicks in. For years, we have been agitating that if you only amended the Protection Orders legislation in one respect, it should be amended to include people who are in a visiting relationship, and I am exceedingly happy to see that we are now recognising a reality of Caribbean and Barbadian life.

I say upfront that I recognise the sanctity of marriage and I encourage and promote marriage, responsibility in marriage, fidelity in marriage and all the good things that come with that. I am saying that upfront, so if anybody takes anything I say out context now, that is their fault.

Asides.

Senator W. A. ABRAHAMS: Having said that, the reality is that in Barbados a lot of people step outside of their marital relationships. This Act and the capturing of the visiting relationship would even cover where there is an outside partner. You know what? Let us not frown on that. The fact is we have to protect the victim wherever that victim is. Wherever that victim is found, that victim has to be protected. Let us not judge their morality. Let us not condemn them because they are the outside person. The reality is if the person in a marital relationship starts to stalk them, they are as much in danger as if he or she were not married. Therefore, I commend the introduction and the capturing of the visiting relationship under this umbrella.

I have a difficulty. I am glad to see that in the other place they recognised one of my fundamental issues when the legislation first came out, and that was third party responsibility and reporting. In the legislation as initially drafted, there is a provision that if anybody was aware of violence against a child and failed to report, they would be liable on criminal conviction to a fine or a term in prison. I do not believe in that.

Madam, there is a provision that if anybody was aware of violence a child and fail to report, they would be liable to a criminal conviction to fine or a term in prison and, Madam, I do not believe in that. Everybody should their neighbour's keeper, that is the idea but you should not be able to criminalise somebody because they did not report on something, which is not their concern. I have a responsibility to those who are dependent on me. I have a responsibility for my children, a doctor has responsibility for his patient, a teacher has responsibility for his students and we can see where the burden of responsibility would develop but if Dr. Jacobs lives next to somebody or two houses down from somebody and she knew that I was abusing my child and she should not be held criminal liability, so I am glad that they took it out between the Other Place and here, so that amendment that I was going to push out has already been satisfied, which takes me to the other issue. Madam, under the new legislation, the Police Act, a subordinate police has the power to issue an Emergency Protection Order without the consent of the victim. We are threading on exceedingly dangerous grounds in granting that power to the police. We must be aware of making knee-jerk reactions to certain things. Yes, I understand that people are afraid, yes, I understand that we want to protect the individuals and that people say the police do not act but we also have to do what is in the law. We are lawmakers and in granting the police the power to grant the emergency protection order, we are even giving a sergeant in the police force more power than a sitting magistrate has under the same legislation. Under the same legislation, a magistrate cannot grant a protection order, or an interim protection order unless they have heard evidence

under oath or unless the application is supported by an affidavit, so the magistrate has to consider sworn evidence before they can even grant an interim protection order. Madam, under this amendment, the police has the right to grant an emergency protection order without the consent of the victim and that gives the police more power than a magistrate. I do not think that is properly thought through and I think it is something that we need to revisit. It puts us in a very dangerous position.

Madam President, the police also have that power when the person is already under arrest because that section kicks in when the police has arrested the person, so there is an arrest clause attached. If the sergeant has already arrested the person why do we need to give the police the power to grant a protection order because the police has the person in custody, so the magistrate should deal with it at that point in time. Madam, it is a dangerous situation and it unnecessary.

Madam President, my argument would be different if the police just had the total power to grant a protection order and you go and pick the person up, who is not yet in custody. Madam, I cannot over-emphasise this point. If the person is already in the custody of the police, why do we need to give the police a further power to grant a protection order? It is not necessary.

Madam President, the legislation says that when an officer has arrested the person under Subsection 4, then they can grant the emergency protection order, so that presupposes that the person has been arrested. Madam that is my point. It presupposes that the person has already been arrested and is in custody. You can then bring that person in the normal course of things before the magistrate. Madam, that needs to be thought through.

Madam President, another is that there is a clause in this legislation which says the police can enter without a warrant and arrest if there is a suspicion that an offence has been committed or is about to be committed or if it is imminent. Madam, I am very skeptical about arresting someone for something that has not yet happened. When do we stop? The thing is that if we start back by saying that for the most part, every incidence which can constitute an act of domestic violence under Act is something that offends an existing law, then if the police has to act to prevent a crime, they can do so under existing legislation. If I say to you "Fraser"... I cannot take it anymore, I am going to kill you, or I am going to chop you up, that is threats of violence, so the act of violence has not yet happened, so the police can arrest on that, so whatever act constitutes the evidence, on which the police infers that an act of domestic violence is going to be committed is of itself arrestable. If it is not, then I say that to give the police the powers to anticipate and make a preemptive arrest where no law has been breached is very likely

unconstitutional. You cannot arrest me because you are thinking for me and you presume that I am going to do something. What if the police officer is wrong, then who answers to that. The very first time that happens, we are going to be met with a constitutional action. When they arrest you what do they put on the charge sheet, anticipated rape or anticipated abuse. Madam that is the whole point. Our laws do not contemplate assault charge or a charge based on someone else's interpretation. Madam, these are very shaky grounds. I understand the need to give the police increase powers but this is not the way to do it. We have to take a step because if that section is invoked, the next thing that will follow is a constitutional and the person is going to win because it is unsustainable. We cannot act in these things which are unconstitutional. Madam, even if we pass the legislation today, we need to look carefully at the possibilities for abuse and we need to look carefully in the firing line or in the line that we have to defend itself on a breach of somebody's constitutional right.

Madam President, there are some who argue that a lot of the amendments to the domestic violence Protection Order are unnecessary. I have heard that alleged and I have heard that argue but it goes back to education and training. Senator McClean spoke about it that for years we have situations where the police are quite hesitant to take action and quite often they will not go if it is domestic violence. I have been in a police station in Barbados and I present for something else as an attorney on a Friday afternoon. The police answered a phone call and said, "Madam, we do not have a car. We cannot come because we do not have a driver. When we get a car, we will send the car." Madam, I am looking outside and there are a number of vehicles out there. When the officer put the phone down, I asked him, "Why did you do that". He said, "Mr. Abrahams, they have fights every single Friday. He comes home drunk and she calls us. To be honest, you get tired. I said, but skipper, the one day that you do not go may be the day that she gets killed. I stayed in that police station and I called the Commissioner of Police and they sent a vehicle."

My point is, it has to do with training. We could pass the simplest piece of legislation granting the police all the powers in the world, but if the police do not appreciate what their role really is, then we are wasting time. The police still have the powers to arrest and deal with criminal activity, and I started by saying that violence is an act. All the Acts that can constitute domestic violence are in themselves taken as criminal acts alone, so the police had the authority all the time. You go to a household and somebody is there battered and bleeding then you can arrest the person. You do not back out because it is a husband. When you come there and you knock on the door and the husband answers the door and you say that we got a call from this house, can you see your wife, and he is making an excuse and the police insists and she comes to the door beaten or face swollen. If you say, Ma'am, are you

okay, what do you expect she is going to say? The perpetrator is right there next to you, but she says, yes, officer. I am fine. I walked into a door, and the police turns and go, "That is what I mean". Sometimes you give something a name and you create a mystery to it and you allow people to hide or evade the responsibilities in virtue of having given it a name. We gave it a name, domestic violence, it is coined, it is criminal behaviour, it is offensive against the persons, it is brutality, it is stalking and absolute, there are criminal acts, which happened to happened within a domestic situation. The police need to understand what their role is, they need to clearly understand it.

About 10 years ago, the police did intensive training for some of the officers and I think they included a course at the police training school on this and the police brought out a Domestic Violence Protection Order Handbook 1 and then they brought out a handbook 2 when it needed some updates. It got its pulse in the public usage and it was for public usage and it was quite useful. I used to walk with it to Court because it had the Act in there and you had phone numbers for, I think at that time it was National Forum against Domestic Violence so it had a lot of information and it was a neat handy package. I got that free you have to pay for the Act so I walked with that one, but the point remains that about 10 years ago the police embarked upon a serious course of training for their officers and I believe that should continue and be enhanced. I actually believe that on every shift there should be one officer specifically trained in responding to domestic violence calls and dealing with domestic situations, you have many police officers. We have a Court incentivise them for it but at any given time you should have one officer who has done a mandatory sensitization training and is equipped mentally and by virtue of their training to deal with the domestic situations. One should be on duty in every station in every shift, that is my ideal but we want to see that but we also cannot step there.

We need to go a little bit further. Domestic violence is about education, we need to conduct a serious study and investigation into the root causes of domestic violence in Barbados because right now we are patching the sore. We are trying to put legislation in place to deal with people who would have committed it already, which we need to have a structured programme to stop the violence before it occurs. There is cited of domestic violence, Senator McClean alluded to it. Children who grow up in hold houses where a father has violent to their mother, or one party has emerged to violent to the other party it there will likely end up being victims or perpetrators of violence of violence.

In normal behaviour that child knows that the way to answer a disagreement is by the use of fists, or violence or anger. Parents and those responsible for children need to

understand and appreciate that children practices what they see. We have to set examples for children. I notice that there is provision in the new legislation for mandatory counselling for perpetrators of domestic violence. I applaud that there is also provision that the Court can order that the victim would be counselled to it as well.

I think we should go a step further. If you have taken the time to bring your protection order before the Court I think both parties should have to undergo some form counselling because violence damages a victim and violence also damages the perpetrator so the perpetrator has to know who to control his/her anger and how to better deal with potentially violent situations and come out with a positive result while the victim should be taught that they do not have to be a victim, that you can walk away, that there are avenues available to you.

Madam President, there was another section of the legislation that caught me a little by surprise. There is a section here that specifically targets the men and I have a fundamental difficulty with that because if you are saying that domestic violence, there is no accrue by virtue of gender and victimology also does not accrue by virtue of gender then we cannot be putting things in our legislation that specifically targets one sex. I speak in particular on page 15 of our print out which is Section 6:

“Where an order referred to in Subsection (4) is made against a male respondent, the Court shall direct that the respondent enrol in an appropriate programme that is facilitated by the Ministry responsible for Social Care.”

Why is it limited to a male respondent? The section above it says:

“A protection order shall, in each case, provide that the respondent against whom the order is sought, attend the Family Services Division of the Welfare Department or such other agency as the Court specifies, for the appropriate counselling and therapy.”

It specifically places an addition - I would not say a burden - mandatory requirement on male respondents. I do not know if there is some good and fundamental reason why it only attaches to males. I think it should be to any respondent because if a female is guilty of domestic violence or commits an act, then she should have to do whatever is necessary to make good and it not be that the man has to do more because once again, by putting that in, we are saying to ourselves that this is a male disease.

The Protection Order legislation is not where we create any new offences, it is a protective legislation, it is meant to protect the individual. The aim is not to criminalise so that is why in the majority of instances here, the burden of proof is our balance of probabilities which is

the proof in a civil court which is like 51 per cent. It is not 51 per cent really that this person is telling the truth and against this person. The criminal standard is not applied in our legislation because the Court has, once again, recognised ... If you wish to take it further, you can institute criminal proceedings so the fact that you bring a Domestic Violence Protection Order does not eliminate your option to proceed criminally against the perpetrator, it is not one or the other.

The purpose of the Domestic Violence Act is to allow you to get before the court quickly, within 48 hours, so that the court could have some oversight in your matter and make an interim Order to protect you before making a final Order or before the police have a chance to do their prosecution. It is if you are arrested under an arrest clause that it should be 24 hours.

Actually, that is a timely intervention there because my other complaint is that an arrest clause is necessary to arrest somebody for breaching a Protection Order, or it is mentioned in the legislation. Before somebody could have been arrested without a warrant for the breaching of a Protection Order. Madam President, that has caused so many problems down the line it is not funny because when persons initially apply for a Protection Order, a lot of them do not remember to ask that an arrest clause be attached to the Order, so once the arrest clause is not in and the Order just says refrain from doing X, Y, and Z, without the penalty of being arrested with a warrant endorsed at the bottom of it, if that person breaches the Order and you call the police, historically the police have said that there is no arrest clause on there, and would tell you to apply to the court for breach of the Protection Order. By putting in the arrest clause we have allowed another avenue for somebody who is not diligent in doing their duty to say we do not want to take this responsibility, and I think we may need to look at taking out the arrest clause out of the Protection Order legislation so that if a breach occurs the police can arrest. I submit that if a crime occurs the police have the right to arrest in any event, but as I said they historically hid behind the domestic situation preferring not to get involved.

What the new legislation does is that it has updated with the reality of what is going on. Senator McClean said at the beginning that statistics tend to show that men are in the majority in terms of being perpetrators. It would be interesting to know, with the new class of what could constitute domestic violence, which includes cyberstalking, Internet harassment, defamation on the Internet and other things of that nature, monitoring text and email messages and going through somebody's phone, whether it would still be the case that men are in the ascendancy, somehow I think it may balance itself out.

Having said that, Madam President, I salute that update. The reality is that stalking and violence has gone past what we contemplated 20 years ago. We are now well past that. The reality is that you could do more damage to somebody now by going through their phone or hacking their text messages or posting posts about them on Facebook than you can by a defamatory word or cursing them in the streets or physically hurting them. The recognition in the new legislation that cyber-stalking, I do not want to go through all of them, the normal ways of harassing persons are now capable of constituting domestic violence. I firmly applaud that and it would be interesting to see that one through the court because it is my humble submission that the nonviolent forms of violence, the stalking, invading the privacy, hacking of email and going through phones, far outnumber the instances where the blows come. You know what, maybe they are the harbingers of the actual violent situations. It is because the person is going through your text messages, it is because the person is going through your emails and it is because the person is posting things about you on Facebook that quite often it escalates out of control, so it is good that we have classified that, that was something that was really missing from the old legislation.

Madam President, I have one further hope. We are expanding the categories of persons who can apply for a Protection Order on the behalf of an individual and I am suggesting that we should expand it even further that anybody can apply with the leave of the court. Parties can apply as agents for a victim and as agents for a victim, it means that you have the victim's consent, so quite often a Child Care Board officer can apply pretty much as of right, but if I cannot make it to court and I say to Dr. Jacobs, I need you to go for me, I will sign the form, can you go and apply for me, with the leave of the court she can apply but I do believe that we have to go past that. Any person concerned enough to approach the court and apply on behalf of someone else even without their consent, if the court asks them the questions to verify that it is not malicious, especially the fact that there is now a provision in here for malicious reporting, and the court is satisfied that the report is coming from a genuine place, then I believe the court should have the jurisdiction to entertain the Protection Order because quite often we know what is happening to our neighbours, we know what is happening to our family and we know what is happening to people but they cannot get the strength of themselves to make that report on their behalf.

Somebody laughed when it was said, "He beat me because he loves me", but that is real. For those of us who have ever signed Protection Orders that happens so often it is not funny. You run all hot and bothered to protect the individual, they say they were being beaten, you sign a Protection Order on their behalf, you push it in the court and that person comes back at the substantive hearing to

say I do not want to go any further. It happens with criminal proceedings as well. Persons have sat in my office and said to me, "I know I should not be taking the blows but he only beat me because he loves me".

Madam President, domestic violence affects the mind. Being a victim is a sickness in the same way that being a perpetrator is a sickness, and we have to be able to act on the behalf of people who cannot act on their own behalf, so I would like that concern to be looked at again. I think that if you put the caveat that it can only be done with the lead of the court, that protects you in some way against the malicious reporting and people looking to make mischief. It also allows concerned people to take action on the behalf of people who they are not in the household with or who they are not family with and who they have no other obligation other than a duty of care as a good Samaritan to someone else.

Madam President, years ago when I was at The Lodge School I was visiting my friend and while I was visiting her I heard the most horrible thing coming from next door, the walls were almost paper thin, and I heard somebody clearly being beaten badly and I got up to go and see what was happening and she begged me please do not go, that happens all the time, they are going to settle down eventually. The other person was screaming blue murder. They were also students of The Lodge School. I went outside and others from the block were outside in front of that apartment but nobody went to the door and I went and rapped on the door and the fellow eventually came, and I said can I speak to the young lady, and he did not want to let me speak to the young lady and I pushed past him and went into the house and I said to her you need to do something about this and she said just please do not get involved, and I walked out.

Asides.

Senator W. A. ABRAHAM: I am being very serious. It was a Thursday and the Friday morning I went to the Registrar of The Lodge School and reported what happened. They did an investigation and that boy was expelled from The Lodge School and sent back to his country and years later that young lady thanked me for what I did, but nobody at that time wanted to intervene on the behalf of somebody they sat in a class with and we used to wonder why she was not at school often and we then knew the reason; so my point simply is, any person who is concerned enough to make a report or to do the application should be entertained by the court. The court can examine that person to verify their bona fides and then take what steps are necessary, but if we look at the fact that this legislation is supposed to be geared at protecting the individual, then we will understand the framework within which we need to operate. For this we need to think outside the box.

The last thing, Madam President, I have some suggestions. We spoke about the new powers of the police but I also believe that inherent in the legislation should be some obligations put upon the Ministry with responsibility for Social Care. I believe that the Ministry of Social Care should be responsible for:

a. promoting and developing educational programmes for the prevention of domestic violence;

b. Studying, investigating and publishing statistics and other relevant reports on domestic violence in Barbados

c. its causes, manifestations and scope;

d. consequences and actions for confronting and eradicating it in conjunction with the Royal Barbados Police Force;

e. identify the groups and sections of the society in which domestic abuse is manifested;

f. educating these groups and sectors making them aware of the skills required to combat domestic violence;

g. be responsible for creating an awareness amongst the society with regard to the needs of the victims of domestic violence and their families;

h. developing strategies to encourage changes in policies and procedures in Government agencies in order to improve their response to the needs of the victims of domestic violence;

i. establishing programmes, information, support and counselling services for victims of domestic violence;

j. encouraging the establishment of shelters for victims of domestic violence;

k. encouraging programmes and services to boys and girls who come from homes where there is abuse and violence;

l. providing training and orientation services for persons who assist in the treatment and counselling of victims of domestic violence and abuse; and

m. analysing and carrying out in conjunction with other studies of a need for education and retraining of persons who engage in conducts that constitute domestic violence and abuse and further rehabilitation.

Asides.

Senator W. A. ABRAHAMS: Ma'am, the document I am reading from is that I took... I was very frustrated at the amount of time it was taking and I said, to appease my own conscience I was not going to let another person in Barbados die without actually sitting down to draft the legislation myself, so a few years ago I drafted, in conjunction with someone else, a whole Domestic Violence (Protections) (Orders) Act, a brand new one. I circulated it very widely. I circulated to those in the Attorney-General Chambers, to the other organisations that deal with domestic violence and other people I knew were consulted on the new legislation.

I am pleased to see that a number of suggestions that I had were taken into account in the final draft but I also believe that we can go a little bit further and in the same way that we need to define for the police their role in domestic violence and its eradication, I believe the time has come for us to define for the ministry with responsibility for social services what their role is as well and cement it in the legislation, so that everybody knows where they stand and everybody, in looking at the legislation, is always reminded of where we hope to be and what we need to do to eradicate this scourge and sickness from Barbados. We need to end the cycle of violence and we need to do whatever it takes to see that, for the benefit of our children and for the benefit of Barbados. Madam President, I am obliged to you.

Madam PRESIDENT: Senator Fraser, you have the Floor.

Senator Prof. Sir Henry S. FRASER: Madam President, I wish to lend my 100 per cent support for this Bill and I wish to congratulate the Leader of Government Business for a comprehensive, very well-illustrated presentation on the Bill and I wish to congratulate Senator Abrahams for a wonderful, eloquent and very detailed account of some his experiences. Both Senator McClean and Senator Abrahams have had tremendous experience at various stages of their lives and their careers and they have illustrated in a wonderful way the extent to this problem, the depth of the problem and the difficulties relating to resolving the problem.

Now, Madam President, I think that this is an issue which we need to grapple with urgently. I was on my way to a meeting yesterday and I was listening to British Broadcasting Corporation (BBC) and I heard an announcement that there was going to be some kind of investigation of domestic violence in the Caribbean, specifically in Barbados and Grenada. Now, I was late for my meeting and I had to leave the car and I do not know the details of that, and I have not had time to research it, but the fact that the BBC is saying that domestic violence is a major issue in the Caribbean and there is some kind of activity that is going to happen in Barbados and Grenada,

the rest of which I do not know, is a source of some concern to me that this should be one of the things for which our beautiful paradise is famous.

Madam President, to me, understanding and grappling the issue has five components, understanding why it occurs is terribly important and there has not been enough research, enough discussion or anything else to look at the reasons it occurs. Prevention, I think, is where we should be focusing. This Bill is at the other end of these five issues. Help for victims is a major issue and some countries do provide resource centres and hostels for victims of domestic violence and I am not sure where a victim would go today for that kind of help if obliged and recognising the need for them to get specific help. The issues of this Bill deal with so effectively in most instances are the issues of protection and the issues of punishment for those who carry out criminal domestic violence or other kind of abuse as Senator Abrahams pointed out.

Madam President, stalking, for example, is a particular issue. I had a medical colleague, for example, who was being stalked, persecuted, abused and harassed, to the extent that he had to secretly move house. He had to relocate his place of living because the police would not take seriously that this capable mature man was going to allow himself, as they put it as he said to me, to be a victim of a stalker, but he had to move house and relocate completely miles away from where he lived, in secret. He had to carry out the move at night in order to attempt to hide the fact that he had relocated from this kind of persecution.

Now, I have not got the broad experience of an attorney dealing with domestic violence or even a family practitioner like Senator Lady Haynes, who I am sure would have a great deal more experience in counselling persons, but as a physician over my lifetime I have certainly dealt with women in particular who had been victims of violence, usually emotional abuse, but also of men who have been victims of domestic threats and violence. Madam President, the issue of threats to kill and to do other things is a very, very real event because the victims are usually far too afraid to take any action.

Senator Abrahams referred to the issue of what is known in the profession as a victim complex. There are people who, it would appear, cannot change their personality, or adequately do not have enough self-confidence to deal with it and the perpetrators often succeed in persuading people that they do it because they love them, and the change in mood, the change from being an aggressive abuser to one of someone who is profoundly apologetic and swearing eternal love can occur in a matter of minutes which then persuade the victim that the person really does love them.

Of course, those who have been reading Naipaul over the years would be aware of that sentence in "Me Gal Street" where someone simply said, "Trinidad man does beat wife". Now, this is very poor reflection on the culture of Trinidad and I hate to vocalise this in this Honourable Chamber, but it was a fact of the culture of the working-class Trinidadian as perceived by Nobel Laureate Sir V.S. Naipaul, that it was a part of Caribbean culture and we can debate a lot of time about the causes of the problem. We have often said that much of the violence in our Caribbean society harks back to the days of slavery, 170 years ago. That may be highly relevant, and yet domestic violence occurs in all societies.

We can debate for a lot of time about the causes of the problem. We have often said that much of the violence in our Caribbean society harks back to the days of slavery 170 years ago, and that may be highly relevant. Yet domestic violence occurs in all societies. In many cultures, the woman who is regarded as chattel and property must be a great deal more likely to face and have to deal with domestic violence than even women in Western societies. That is an issue that we have not really sorted out. Of course, both victims and perpetrators who both have what Senator Abrahams would have referred to as a disease -- this is a mental disease -- are rather like Henry Thoreau's famous statement that most men lead lives of ultimate desperation, or something akin to those words, because a lot of people are extremely unhappy people. That leads me really to say that beyond the last two points of the consideration of domestic violence, the protection of the victim and the punishment of the perpetrator, we have to be looking more seriously in a comprehensive way and having a national discussion about the understanding of the causes, the prevention of the actions, and the help for the victim. Those are the three elements that I think are just as important, in fact very much more important. As a physician, it is no point to use, again, Senator Abraham's phrase of plasters and sores; we need to get to the bottom of the problem, we need to have a more thorough understanding at a national level of the causes, and we need to prevent it.

In Caribbean society, again going back to slavery and the issue of families and marital status is perhaps something we can hark back to and find explanations for, but in fact the focus on the family that is a part of Western Christian societies is something that has been sadly lacking in our own society in recent times. The responsibility within a closely knit family unit to provide the examples that people have spoken of, the examples of loving care between a couple who have formed a stable union, usually and hopefully in the status of marriage, is the important basis for our human relationships. People often say that the schools cannot solve the problems that are created in the homes, and that the schools cannot provide the parenting

that the parents are not providing, but it is a symbiotic relationship.

I worry a great deal that the most important aspect of any society is the relationships; the ability to form appropriate domestic relationships, parenting relationships and working relationships across the society. When you think about it, our schools do not make any serious attempt to do that. We have had proposals in the past for programmes of education in schools in human values. A lot of time was spent on some of those discussions that I was familiar with in the Ministry of Education and Culture, and at the time when I think they were discussed, they were thought to be inappropriate for our society: Programmes teaching children ethics and human values and, if you like, civics which have been done in some schools. I am not sure whether anything like that is being done at either primary or secondary school level in Barbados, and therefore a lot of the issues that relate to human values, human relationships and effective, successful, caring inter-relationships between people is something that it is assumed that people would simply acquire. It does not happen for many people. The examples are lacking for most people in a society where there are visiting relationships, single parenting and not the wonderful, outstanding example of a model of a family which is cohesive, loving and caring.

I do not think our society, Madam President, is making any serious attempt to resolve this deficiency in our schools or in our society. There are roles for priests, for social workers, for counsellors, psychiatrists, psychologists, family practitioners, but many family practitioners and many priests to whom people might turn for help have no formal training in this area of counselling, no legal appreciation of the options in terms of very severe cases of abuse. I think that it is something that we need a national discussion on before we can really make a headway to correct it. Thank you, Madam President.

Asides.

Madam PRESIDENT: Senator DePeiza, you have the Floor.

Senator Ms. VERLA G. A. DePEIZA: Thank you, Madam President. I rise to lend my support, unqualified, to the Domestic Violence (Protection Orders) (Amendment) Bill, 2016. I want first to put it in its historical context so that we understand where we were and where we are looking to be. I agree with Senator Abrahams that all of the ills that are addressed in this piece of legislation also qualify to be considered as criminal acts under one piece of legislation or another, in particular the Offences against the Person Act, CAP 141. The international scourge, though, of domestic violence - that is, the attack on family life -- is what was considered to be a special circumstance within

the overall criminal situation, with the understanding that persons who have some familiar nexus may have a difficulty creating a criminal out of someone with whom they had a heart connection, at least at one point or another even if it does not exist now. Worldwide, not just in Barbados, a decision was taken to hive off the domestic situation from criminal law and treat it like a civil matter. What that did was make the approach to the court a lot easier, because there was no need for the intervention of the police to begin with, since charge usually moves from the police; and I say usually because there is such a thing as a private prosecution, and there may be applications simple enough that a child literally could fill out the application and approach the court.

What happened, though, is that in so doing the traditional first responders, the police, were given a back seat in relation to domestic situations. The more the legislation was put to work, the more the reality that first responders are given that title for a reason came to the fore. Take a situation where on a Friday night, there is disturbance in the home, sufficient to arouse the attention of not just the persons involved but neighbours, and police are called. However, it is a domestic situation, and the courts are not open again until Monday morning, because Saturday court is about bail. It has a criminal jurisdiction. What is a person supposed to do? Therefore, we have come to the point now in 2016, several administrations on the other side later, and I say that without reservation because the 1992 Act was the Democratic Labour Party administration at the time recognising that the situation needed to be addressed. Even though we were experiencing all of these difficulties, it took this long and another Democratic Labour Party administration in order to address that issue. The issue is that we need to have protection of persons who are under threat; that is simply it. The protection of persons who are under threat. I will say that the original legislation, the 1992 legislation, was also gender neutral. It spoke to a person and not understanding a gender relationship.

That is important because we have had several misconceptions as to whom the Act applies, but the most glaring exception that was met several times in courts was that persons who were not in the same household could not apply for a Protection Order. I came face to face with this reality most violently in relation to a matter that I dealt with where the lady and gentlemen, using the term most loosely did not live in the same household and she was not granted the Protection Order. Madam, less than one week later she was waylaid, dragged off a bus, which was public transport and shot in the head and it is only God's mercy that she is alive today. Those are the stark realities that this society is dealing with. He was eventually found guilty of attempted murder. Madam, that might be a worst case scenario but the reality is that was not the first instance in their relationship where there was violence and I daresay

that in the majority if not all of the cases that come before the courts, it is not the first time. It is the time when they cannot take it anymore, the last straw, the straw that breaks the camel's back. We have come to this point now looking to address the lacuna that we have found in the existing legislation.

Madam President, I am happy that we have retained its gender neutrality, unfortunately, not copied in the Sexual Offences (Amendment) Act, but what that means is that no matter what type of relationship you are in, and I do not wish you to think that it has to be a sexual relationship because siblings can have Protection Orders against each other. You can have a protection order against your roommates because you do not have to have that relationship consanguinity despite what the Opposition might think. It is simply not worded in that way that particular Section has not been repealed, it remains, and what we are speaking about today are amendments but that particular Section, Section 3 in the original Act remains. I want you to disabuse yourself of the notion that you no longer have in the repertoire. We have added two categories. We have not taken out any and that has to be the message that is understood, we have added to the categories, we have not taken out those repeated. What I am happy about most particularly and I will leave discussion in relation to other points to others because ...

Senator W. A. ABRAHAM: Madam President, I rise on a Point of Order. I do not think it comes from a bad place but I do believe the Senator is misleading the Chamber. In the amendment, the Principal Act is amending by deleting Section 3 and substituting the following, and it then sets out the Protection Order thing that I had referred to so, Section 3 which had 'or some member of the household' has been deleted. We now deal with the new definitions and it does not include members of the household. It is based on family and on relationship.

Senator Ms. VERLA G. A. DePEIZA: Madam President, I am not speaking to the definition section which is Section 2. Those definitions have been extended and expanded but under the original application, Section 4 allows for any other member of the household not being spouse or child to make an application. Madam that is not in any way altered by the amendments under discussion today. Madam, I stand by my argument. Those categories of persons remain able to bring a complaint. I will go so far as to say that the Commissioner of Police always was able to bring a complaint but that never, in my several years of practice has ever been exercised.

Senator W. A. ABRAHAM: Madam President, I rise on a Point of Order.

Senator W. A. ABRAHAM: Madam President, if you look at the amendment, the Principal Act is amended

by deleting Section 4 and substituting the following. It then says that an application for a Protection Order and effectively who can do it. It does not say member of the household. Madam that is the solid point. The definition of member of the household has now been removed and I believe it was inadvertent and should be put back in but Section 4 has been deleted and a new Section 4 substituted and it does not cover an application by a member of the household.

Senator Ms. VERLA G. A. DePEIZA: Madam, what we have here in the new Section 4... Madam, I do not believe that I believe to get into argument with the Other Side. We can agree to disagree but the application to the Protection Order can be made by a spouse against a spouse or a child, against any other person in a domestic relationship with the person against whom the order is sought, where an Act of domestic violence has been committed against that person and in the definition of domestic relationship under Section 2, it means a relationship between a perpetrator of domestic violence and a victim who is spouse, former spouse, child, dependant considered to be a relative by virtue of consanguinity or affinity. It is not just consanguinity and includes cohabitational and visiting relationships. We can agree to disagree but my point is, Madam, it is has not taken anything away, it has added categories and the Senator on the other is free to have a different opinion. Madam that is what we lawyers have. It will be tested at some point in time and I stand by my argument on that point. Madam President, I hope that I do get back my minutes because this is an important debate and I would hate to think that having had one hour for himself, he just took some minutes of mine.

Madam President, I will state because the crux of my contribution to the debate is in relation to the new Section 11A to 11E because I think they are of critical importance and somewhere along the line persons have forgotten what already exists and have come to the conclusion that this is a new invention. Madam, all that has happened as I will demonstrate shortly is that provisions have been listed from elsewhere and placed within this particular Bill with the intention that there is some understanding since, even though we have given the police again, responsibilities, we have not gone the cycle put this legislation back where I submit, Madam, where it belong and that is within the purview of criminal. It is a being treated as civil infractions with the police having certain emergency powers. Madam, I wish to speak to those hopefully without unnecessary interruptions because it is important that persons understand what it is that the police now can do on their behalf. I prefer to speak to it that way, Madam President, because even though it is a reactionary piece of legislation I do not think that our society has moved to the point yet where we wish brother to be in our bedrooms so our legislation tends to be reactive because it is hoped that

somewhere you collide with the justice system you would have taught the morality of existence in a society to the extent that you would not have to engage criminal agencies on your behalf or against you as the case may be.

Having said that, Madam President, because we recognise that we are living in an imperfect society, the police have been given back their rightful place being able to respond and they do not just respond they have duties what situation we find ourselves in here in Barbados is that the police did respond but they felt themselves impotent in what they could do once they got there because as the legislation was drafted, they did not have a role to play until the very end. They must respond to every case of reported domestic violence, there are no options anymore so long as those two words are spoken, it triggers action in the police now. They must record that they have been called to a domestic incident, they have to keep a register. This is important because several times, the police are called and nothing comes of it and then there is some larger issue and you hear, you never reported that to the police yet or where is the record that this behaviour perpetrated. Now that you have to keep a record, it may be noted that there was an incident whether it goes further or not and that is important, Madam President, because we do not know what the future holds. The police must render assistance so if they cannot and someone is in need of medical help they have secure medical help. If the person is in need of a more stringent intervention the police also are to be engaged in that process and the entire idea is to prevent further breaches of the law. I do not know why anyone would have a problem with such a provision. For one it is not unusual as far as police conduct is concerned.

The Police Act CAP 167 of the Laws of Barbados at Section 20G already states and this is in relation to the police powers to arrest without a warrant, that the police can arrest without warrants any person suspects upon reasonable grounds of having committed - now listen carefully - or deemed about to commit an arrestable offence. You cannot on one hand, say that all we are discussing within the Domestic Violence Protection Order Bill codifies to be treated as criminal acts and then have a difficulty when the police exercise the powers that they already have in relation to criminal acts in a domestic violence situation. It does not make sense, Madam President. That is not the only place where the police have that authority. The Criminal Law (Arrestable Offences) Act CAP 125A of the Laws of Barbados at Section 4(5) dealing with arrests without warrant also says that a police officer may arrest without warrant any person who is or who he with reasonable cause suspects to be about to commit and arrestable offence. How is this different from the Clause that is causing so much trouble on the Other Side, in relation to this Bill under discussion today. I submit, Madam President, it is entirely the same power that the police already have in relation to criminal matters that they

are now being called upon to use in a repertoire when dealing with domestic violence situations and it is absolutely necessary, Madam President, because one of the primary responsibilities of the police is the protection of the public. Madam President, another one is to secure safety and to keep the peace and all of these things are under threat in your average run of the mill domestic violence situation so it would make no sense to give the police increased powers and then do not allow them to do the thing that police do in removing persons from a situation before they have the opportunity to cause harm. That is what Sections 11A to E are intended to address and I have heard reservations about the Emergency Protection Order and I use the example I gave earlier, what if it happens on a Friday and Court does not open until Monday? What is a victim supposed to do? There is no Protection Order available in the moment at the critical hour unless the police are given the opportunity to issue one. It is an emergency order, it has an expiry date that is short, that allows for the victim on the next available Court date to seek the formal assistance of the Court and again it is intended to separate warring factions, let us not pretend. It is intended to put space using the example that Senator Abrahams used in his contribution that it is different when facing Senator Hunte across the table from when he is dealing with someone who lives in his house. The whole point is to create space. Please understand that just like being put out of your house under a protection order or under an order of the Court in relation to the Family Law Act, it does not disturb your property rights, it disturbs your residence only and in this case, it disturbs your residence for a short period of time. Let us call it a cooling off period, to allow reason to return to the parties, to allow rational thinking to have some play in the events that have transpire, that is what we are looking to achieve with this amendment, looking to make sense of the attempt to preserve rights 9:17(no more audio) ...

There were intermittent breaks in the audio recording.

Senator Ms. VERLA G. A. DePEIZA: ...what the purpose is, as we would say in law, the evil that you are intending to address and then ask yourself if these provisions make sense. I suggest, Ma'am that they do. The police have to be allowed to bring peace in a home. They are not breaching familial relationships. The Police Force has to be allowed to address a situation where a perpetrator is likely to continue the minute they turn their backs. It does not have to be that the police arrest the person but if the police do arrest it does not have to be that he is charged and if he is not charged it does not have to be that he remains in police custody, so on the off chance that a person is arrested but does not remain in police custody, then the Emergency Protection Order kicks in. It is very possible to be arrested and nothing comes of it.

Madam President, I cannot appreciate that these are clauses that would be difficult to understand in a pressing situation such as domestic violence. It is not just about vacating premises, it is about diffusing a situation, so firearms and other weapons also have to be removed from the household, and that too makes sense. There is no question as to whether it is legal or not, but you do have to surrender your licence if you have one and if you do not have one, we will take everything in here that we find in here that is a potential weapon. Again, it is about safety, that is what the crux of the matter is, protecting people.

Ma'am, I am satisfied that this legislation goes far to address the deficiencies that we found. I can think of ways that we can go further. I have not produced a document, as Senator Abrahams claims to have done, but did not make it a document of the Senate, but I will say that the Amendment that came up from downstairs, and I know that we are not supposed to have any significant comment on what happens below but it has reached us now, which deletes "attends to, examines or otherwise interacts with a child" will now not touch our coaches who have significant interaction with children to the extent that children view them as surrogate parents and may well confide certain things to them and they are now removed from the responsibility of reporting, and I consider that, Ma'am, with all due respect to be a tragedy, and perhaps we can revisit that at another time.

Madam President, I hope too that magistrates do not find themselves constrained as they were not before because the language of the Amendment speaks to complainants and respondents continually to the extent that it actually says, an Order made against a respondent. I have been in cases where the complainant is found to be the person..

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A further break in audio occurred at this point.

Senator Miss VERLA. A. G De Peiza: Even though magistrates are creatures of statutes, I do believe that commonsense would prevail in relation to that and we would not have these circumstances although there is a cure by having cross complaints filed, there is always that cure.

Madam President, I wish to address another concern raised by Senator Abrahams, and that is in relation to the arrest clause. Now, under the old legislation, the Power of Arrest was only upon breach of the Order and the way that the clause reads by Senator Abrahams is worded suggests that would not be the case in relation to matters brought now.

Madam PRESIDENT: The Honourable Senator has two more minutes.

Senator Miss VERLA A. G. De Peiza: Ma'am, does that include the minutes that were captured?

Madam PRESIDENT: Certainly.

Senator Miss VERLA A. G. De Peiza: Oh dear, what a pity. I will try to truncate, Ma'am.

The new Clause 10 which is on page 20 which substitutes Section 14 A speaks to the fact that a member of the Police Force may, with or without a warrant, enter any premises for the purpose of giving assistance to anyone present:

(a) If he has reasonable grounds to suspect that the Emergency Protection Order, an interim Protection Order or a final Protection Order has been breached.

At Subsection 2, where a member of the Police Force exercises the power under subsection (1), he shall, as soon as is reasonably practical after exercising the power, submit to the Commissioner of Police through the Station Sergeant...

A further break in audio occurred at this point in time.

SUSPENSION

The Senate was suspended so that the audio difficulties could be sorted out.

RESUMPTION

Madam PRESIDENT: This Senate is resumed. Senator Crichlow, you have the Floor.

Senator the Very Rev. H. E. CRICHLLOW: Madam President, first I must congratulate the Leader of Government Business in the Senate for her very fine presentation today, and also other Honourable Senators who spoke after her. The Honourable Member has covered so many areas of the subject that I shall be very brief as usual. I always enjoy listening to the two younger legal luminaries.

Madam President, I will speak on the subject of domestic violence which as Senator McClean said is a universal problem and so we should not be surprised to find it here. All of you know the Barbadian saying "come see me and come live with me" are two different things.

Asides.

Senator the Very Rev. H. E. CRICHLAW: That is very true, as much that you only get to know a person when you are living very close to them, so we should expect that there will be tensions in the family. I once said on the radio, I think it was, because I have been talking about this subject for years on the radio programme that Olga Lope-Seale used to have. Madam President, a lot of my 55 years of ministry was spent in counselling married couples and families with problems and so do not be over worried, especially if you are young and find that you are having problems understanding each other in marriage. It will take time but just remember that the love you have while you were courting that it is warm, passionate and so on but that as you grow together, as you take each other for granted, things will change but you will still love each other and that you will be able to make it, taking one day at a time.

I remember I said on radio some time ago that a husband and wife who were having a quarrel would prefer to sleep at the edge of the bed, rather than in the middle where they can touch each other. I said that on a morning devotion some time ago and as soon as I got home, a lady rang and asked me what I was doing in her bedroom last night. Only a day or two ago I was told by somebody that I was found in somebody's bedroom one night, so I then had to explain. I am sure that somebody will do the same thing after I have said it here again.

Those of you who are in the Scouts or Guides will know about sending messages, you will know about when one message is sent from one person or another that it changes and so on. The message, "the enemy advancing in large numbers, send re-enforcement, prepare to advance", when it reached its destination, it was "send us I am going to dance", so you cannot go with everything you hear.

Senator Professor Fraser spoke about the relationships being taught at school or even at home, relationship between the genders. This is very true, most people are afraid to talk about this area of life. I was very impressed when one of my own masters at secondary school -- he taught mathematics - took a period off and talked about all that glitters is not gold. I am thinking of this is about 1950. Under that subject he told us about venereal diseases. There was nothing called AIDS at that time. He told us about syphilis, gonorrhea and so on. Madam President, most of us, if not all, I am sure have forgotten the mathematics he taught us, but we do remember the warning he gave us and that is important.

I tried it from time to time in my own teaching career. I remember in Jamaica I took a period off to talk about the boy/girl relationship and before I looked around, the pornographic magazines came up on the desk, they had them inside the desk. They never thought that a master would talk about a thing like that. Nowadays I think in the

biology textbooks the first chapter deals with reproduction, the diagrams are there. I think some teachers forget that they themselves were children but I have found that children respond very well to this kind of exposure. It has to be done properly. Of course, they will laugh and so on but then they would see the serious side of it and I am sure that they will be helped. It is not easy really for some parents, especially if they do not have the vocabulary, to even explain to their children about puberty and the things that happen during that time. Violence is not the way to settle differences, and that is what has to be taught. Language is a better tool to use and that is why we really need to spend a lot of time helping our young people to communicate, because that is the best way really to avoid violent confrontations.

I promised that I would not be long, but I listened to the two legal Senators. I always like to listen to them. When one speaks, I always say to myself that I hope that the other speaks as well. I do enjoy listening to Senator DePeiza and Senator Abrahams. I learn much about the law then. Because of my own field, the Bible tells us what to do. The answers are there, and if we try to follow the advice given, we will get through without the violence, but it is a fact of life that these matters sometimes can raise our blood pressure, and so we tend to reach out for something to strike the other person in some way or other. Therefore, we need legislation to curb this, so I support fully the Bill and hope that this will make our society a little safer to live in. Thank you very much, Madam President.

Madam PRESIDENT: Senator Hunte, you have the Floor.

Senator REGINALD A. HUNTE: Thank you very much, Madam President. I rise to support the Bill before us, the Domestic Violence (Protection Orders) Amendment Bill, 2016. Madam President, I enter this debate as a legislator. I do not speak on this matter from the background as either an offender or a victim of domestic violence. I have never experienced it and I did not see it in my home; so from that point of view we all live in communities and districts, and we know what we saw, and off course, we know what we did not like, and we know what we did not like to hear. Domestic abuse, Madam President, was really ventilated here this afternoon, of course, between my colleagues: Senator DePeiza, and on the other side of the table, Senator Abrahams. I thought this was one of his best days in the Senate since he came here, and of course we have to give Jack his jacket, so to speak. These are the tools with which he works. Any lawyer would have to work with legislation, with Acts, with laws, rules and regulations, and obviously they are more informed because it is part of their job. For those of us whose domain it is not, we can read, and we either understand or ask for matters to be explained to us.

I do not know what laws we can introduce that can curtail bad attitudes within a domestic setting. I try to refrain from using the word “criminal” because this is not supposed to be a matter to attribute crime to anybody as far as domestic matters are concerned. However, it is all over the world, and we saw it in pictures when we used to watch pictures and see men taking advantage of women whether they were their women or not, white, black, all colours, and this sort of created the acts of domestic violence.

I was looking at one or two matters. The committee that was set up to look at this and to redraft this piece of legislation; one of the countries whose legislation they looked at was Trinidad and Tobago. Only last month I was reading a matter that occurred between a man and a woman. She was 49 years old and wanted to break off this relationship because of the abuse. The women always seem to put their case in the public domain and get sympathy in terms of abuse and so on. This man the police found him and forbade him from trespassing and tried to restrain him in that way. This is a place whose legislation we have borrowed, so I wondered what had happened there. The last thing he did was to run her across the street and she jumped into a bus. Of course, the bus was not in motion, and he threw a liquid on her and was about to set her alight. What saved her or who saved her? The driver and another man. He drank a poisonous substance and, of course, he died before the police came to the scene. That was only last month in Trinidad.

I mentioned that because here it is that in most of this legislation there is always talk that the man is the offender, he is the perpetrator. Now here is a case where two men saved a woman’s life because she was a would-be victim at the hands of a male perpetrator. I say that and I use that particular reference because we have to balance this thing called domestic violence, even though traditionally the men are usually the perpetrators. I was hearing a case downstairs in which a man was talking about his setting, being one of 11 children. Every weekend when the father came home, he used to beat the mother. She “chopped” him, in Bajan language, and of course, he called the children and asked, “You see what your mother did to me?” and he never did it again.

Madam, where does it start and where does it end? I do not think that we can put any legislation on the statute book that can create an attitude in people no matter how many Committees you set up. Madam, we are a country of law and we have to put these things in place because they must be able to be used when it is necessary to use them but it is not going to stop because people on the spur of the moment, sometimes it is lack of money that makes people burst into these kinds of moods and create these kinds of act because you do not know sometimes what people are going through or what they have gone through. Madam, even though we can say that nobody has the right to do and

nobody has the right to do that, in fact, they have been saying that from time in memorial and it still occurs.

Madam President, on the other side now, in reports from England (1:15) in 2013, a young man, 18 years old attempted ... and was sentenced to 21 years in prison because he stabbed them them badly. Madam, his concern was that could not get a girlfriend, he was a virgin and of course he said that all of us want killing.

Madam President, when we look at these things and look at the kinds of acts people commit, this thing is far left, it is far right and, of course, we have legislation in the centre.

Madam President, as I have said, I have worked in a community and is seen fighting and all kinds of things taking place in the homes of some people and sometimes some of these perpetrators end up dead at their own hand. I made reference to the guy in Trinidad but there was also a case that took place in Barbados some years ago, where this guy used to beat this particular woman but from the time he comes into the area, she starts shouting. Madam, this was in the early sixties and, of course, she was not a Barbadian, and in those days it was not easy to get a baseball bat but he had one and he took the baseball bat, faced her right next to the tree, and swung at her with all intents and purposes planning to knock off her head and she ‘ducked’ and his weight and that of the bat caused him to break his neck on the tree in the Bayland. He died at his own hands. I can call his name now because he is now dead. Madam, his nickname was Tarzan.

Madam President, believe it or not, I do not see a lot of that happening now in communities people seem to move out and go their different ways and I do not see it in the district in which I was born and raised up. I do not hear a lot of that fighting taking place in houses in communities. I certainly do not hear it but I grow up hearing it in my district but you do not hear a lot of it now. Madam, you do not hear people around now carrying on now. Madam, we talk about what is taking and why it is taking place. Madam President, I think what has happened today is that people, particularly women, are beginning to use the opportunity to educate themselves better and they are not as dependent on men as they were 30, 40 or 50 years ago. Madam, that is true. Of course, even though some of them are educated, some are working and some are not, it really does not stop them from reaching out to see what they can get from others. Madam, that is the thing that goes on and we all experience it as men. I think that I should say something about it, that in these days, a woman will ask a man for \$500 and that kind of thing.

Madam President, these things happen and even though women of yesteryear were trying to get what they could get to feed their children, nowadays it is nails and

Remy hair and, Madam, we have to look at that. Madam, young mothers today are not as committed and they do not have the patience as far as children are concerned as yesteryear. I am speaking about what I know. It has moved from one extreme to another, where if people are not happy here, they are moving on to the next place to see if they can gain more than they gained before. Madam, this a fact of life.

Madam President, in our society, sometimes you cannot speak all of what you know and all of what you see but there is a lot of 'gimme, gimme' and see what you get is manifesting itself into a lot of very young children both boys and girls. I think the kinds of thing that you are seeing in the schools, the indiscipline and the insubordination that is taking place in our places of learning can be attributed sometimes to the home and the attitudes of parents, both men and women. Madam, I should put it a different way, both fathers and mothers because every man and every woman do not have children, so I say fathers and mothers.

Madam President, nowadays children have more money than their children and some mothers do not even ask them where they get that money from. You should hear the quarrels between mother and daughters in the districts. Madam, it is a small community and we hear things all because that responsibility that first begins with the parents of children do not seem to exist anymore and, Madam, it is unfortunate. Madam, we live in a society now where everybody except the parents of the children know that the children are doing and it is unfortunate.

Madam President, this is why this is such an important piece of legislation and every single member in this Chamber either here or elsewhere should speak on it but I under elsewhere that other refuse to make themselves available to speak on it.

Every single Honourable Member in the Chamber either here or elsewhere should speak on it, although I understand that elsewhere others refuse to make themselves available to speak on it, for whatever reasons. Every legislator should speak on this. The sections, subsections and clauses, et cetera, is left to the persons who use this opportunity to be tools at their disposal and I respect that. Madam President, in the legislation I was concerned about a section which I felt was a little hard when I first read it. I had to re-read it and I have heard it explained since then, that is section 6(2) on this of course looked at dislocation of men in the home whether it is your home or not. Do you imagine that a restraining order can be issued for you to leave your own home? That is a hard thing for a man and even if he has a mortgage on it, he must continue to pay that mortgage or continue to pay the rent. That section had concered me greatly because sometimes those things, rather than solving a situation creates something else, but the understanding of it is that it is to be used as a cooling off

period. For how long that cooling off period would be would probably be determined by the Courts but that section concerned me because, they like they want me to remain a bachelor for the days of my life, but that section did concern me but if sometimes you have to separate the sheep from the goats so as to bring some settlement or some understanding to the situation, it is temporary and I am sure that in a lot of those cases, magistrates, I understand, will use their discretion and look at a situation and, of course, an affidavit have to be made before the Court and all that sort of thing so I do not expect, despite the criticism of our justice system, I still believe that there are persons who are in the system and when you have to try these matters, of course, they would use their better judgment. I am not going to put my neck out there and say that they are biases and so on that exist in the system, I think biases exist in anything but men have always been at a disadvantage in a lot of these matters. Men should say to their children always walk away from these situations. I know big men because they feel that they are around politics they may know certain things when so and so happens what you think I should do. I say but you already got a little home there, what are you going to do. He would say, man I got my daughter and my thing I will go along, men always tend to walk away. It happens and it happens in a lot of cases where men just walk off for peace sake and all that sort of thing, they go on and allow, whatever she does, she does my children would get tend to, but there have a lot of cases have created dislocation and all sorts of things in families where, depends on how the children are treated, and did not show any respect to their fathers. We men are saying that eventually we can bring a lot of cases and matters that take place in the communities and we can express our own feelings of them. I have seen it, it has happened to a lot of people. They had an article a couple a years ago where they showed a man sleeping in a sheep pen in the back. The wife and the rest live in the house and he was out in a sheep pen, it was in the papers a couple of years ago. He was not what we would call bedridden, but that is where he was forced to sleep and that is why he slept out there. A lot of unfair things have taken place to fathers, I say fathers because all men are not fathers, but to all fathers and so on, but some one-sided affairs in these matters. Everybody cannot walk away from situations. I have been walking away from relationships for years and I live to fight another day. A guy said to me, you can divorce your wife but you cannot divorce your children and I feel very happy with my six children and I will talk about them all the time because I am not here and they are there apart from the two that lives overseas but they visit me and who do not visit me call me and I do the same thing with them. I do not think I got a very good temper, my temper is not a very good one but I use my temper if I have to defend myself but I can walk away. Learn to do things for yourself, let your mother teach you how to cook and wash. I have been doing it for years for myself. I am saying that sometimes everybody cannot take that, they feel they must

lash out, they feel this is my property but when you talk about domestic violence I want to give you (7:15) (inaudible) that lady now lives in New York obviously for about 10 years but the son reluctantly asked, and she is a very good friend of mine. To be honest with you she said to me, a guy whom she did it too she has a child from, he has a business in Barbados and stayed in Barbados and she told him what she did. She went into the house, turned off the main switched and as he entered the house and turned on the light there was no electricity and she gave him a lash in his stomach, lashes all over with a 2 x 3 and he was in his place bandage up and a lot of people did not know but she told me that. Do you know why she told me that? Because I was a good friend and I knew what she was going through with her other man before him and I tried to see what I could do. I went to see when she left the house and I went to talk with him and I tried to get things working again but it did not work out. Sometimes there are people who are victims of circumstances and they never seem to get over those circumstances and, of course, she was a victim of circumstances - a nice looking girl - when she was conceived, her mother got pregnant, she came from high society and she got pregnant in Guyana but the child was given up for adoption and probably as she got older and got to understand and to know of her circumstances she never got over it. I do not know now, because she is probably in her 60s or so now but I do not know what are her circumstances now but she had a very challenging time and there are some people who just do not get out of and over their circumstances in which they find themselves. Boys, for example, come along seeing their fathers or not their fathers, stepfathers beating their mothers and this is the part that will always bother me.

Your mother is a woman, you see a man, whether it is your father or not, beating your mother, well then when you think that boy would grow up respecting them; rather than that he turns out abusing her too, and that part has always bothered me. Your mother is a woman and you should be loving and respecting her, but no he turned around and he decides, one, two, three, he is going to beat all of them.

We have had some challenges and still do in how legislation is going to solve this because some of the same police officers might be victims of circumstances as well, and sympathy goes there or it goes here, and they themselves might not have been brought up in that kind of setting. These are really difficult circumstances. People go through all sorts of traumatic circumstances in their homes. How is legislation going to solve that? You have to come from that background. It has to start with you from early respecting women. My best friends are women not necessarily intimately and I have always love them that is a fact. If you could stay up or sit down in talking to anybody and you cannot really express this dissatisfaction and hate and so on, either women talking about men or men talking

about women, I cannot do it because I never experienced it and I do not know how to talk about that because I have never experienced it because from very early in my age I have always walked away. That is one reputation that I did not own. I am decent. Nobody in Barbados can say that about Reggie Hunte.

Madam President, I therefore speak on this because I think it is necessary. Hopefully it would be helpful and able to curtail some of the domestic violence that we have had in Barbados in the homes. I hope it would solve or help to solve some of those problems, I really hope so.

Madam President, I do not need to say much more on this. I think that I just had to bring my personal experience to it because it is a Bill that people should speak on, express their feelings, their belief and their circumstances, that is how I feel about it. The legislative side of it has already been defined.

Madam President, there is no perfect legislation because we have to amend and that is why the world was created in the first place, therefore it is not something that I have to even offer any solutions to because I know it is your background, where you came from. A lot of us come out of poor backgrounds but as they say in those days you were decent. I knew my mother to be a Christian, nothing else but a Christian and when my father left Barbados, I was the last of five and I was six weeks old and when he came back to Barbados from the United States of America I was nine years old but I never saw another man in our house, and my father came back to Barbados in 1958. I am sorry in a way because it stopped me from seeing my first test match. I would have seen Pakistan versus the West Indies because I used to go to the old man next door and when Mohammed made 332 and Everton Weekes 197 not out, I would have gotten... I had to wait until 1959/60 to see England versus the West Indies, my first test match at Kensington Oval. I was born near the Empire Ground so obviously I saw a lot of cricket up there.

Madam President, I am really glad for the opportunity to express my feelings and so on. I will not get too emotional about it because you get emotional if you experience these things but I have not experienced it so therefore there is no emotionalism in me, it is just a matter of observation and expression. I am glad, Madam President, that whatever can be done, whatever legislation we can put on the statute books to keep families together or to make them better, I wholeheartedly support.

With that, Madam President, I express my support for this Bill. Thank you very much.

Madam PRESIDENT: Senator Watson, you have the Floor.

Senator J. A. WATSON: Thank you, Madam President. Like Senator Hunte, I also agree that after the presentations of the Leader of Government Business and the two legal luminaries who are senators, we would have had enough of this debate to just pass it, but I also agree with him that all of us would have some sort of comment to make on legislation such as this.

I would like though to speak very briefly, and I am going to speak really on one issue. I am encouraged to speak on that issue because of my experiences recently. Madam President, it has to do with the way we look at authority in Barbados. Why I thought about this is that recently when there was a lot of discussion on social media, Facebook to be exact, with this young lady who has a problem with a school, I was sort of amazed at some of the comments that were being made regarding the integrity of the Principal. I believe in Barbados we have started a movement of people criticising, disrespecting and questioning the decisions of people in authority. I want to speak on this, Madam President, because in this legislation one of the important aspects of it has to do with the decision of the police in matters of this nature, where a policeman could go into a home and take certain actions. I think that most people who I have heard who have spoken on this legislation became very concerned about that because they believe that the police could do anything and create problems.

Many times I have heard lots of people making comments about the sorts of things that people in authority will do, simply because they have the authority. I could not believe some of the things that I have heard because when a person reaches a position of authority that person would have gone through a series of training and would have gathered a lot of experience over time before actually getting into that position. For example, when we talk about a principal, I can imagine that a principal had to go through training before becoming a teacher; as a teacher he would have been trained, he would have gone through teaching at some real level and all of that, so over time that person would have gained lots of experience.

Madam President, in the same way a police sergeant, I believe, would have gone through training at the Police Training College, he would have worked years as a constable and would have worked his way up. At the point of being a sergeant he would have had adequate training and adequate experience to make reasonable decisions.

I think that we have to instill in Barbadians a belief in that kind of process so that we know to trust people more. I always use the example of drivers, we trust drivers on the road. There is no driver who has switched from driving on the left hand side of the road to driving on the right hand side. When you see a car coming in your direction, you trust that person to stay on their left and you

stay on your right. I think that there are a lot of instances when we do not trust people and as a result of not trusting people, we rather create some notions in our mind and take some decisions that create problems. Very often if you trust the situation, you would find that it would work out okay.

I have a friend who gives a story all the time about his daughter. I do not remember if I gave it in here but I know that I have repeated it several times because it is an example of a boy at school beating up on a girl. The daughter came home one day and told her father that this guy was hitting her at school at the time. The father asked her what does she do when he beats up on her. She said, nothing. The father then asked her why she would not hit him back. The girl then told her father that if anything happens to her again at school, that she was not going to tell him, she would tell her mother, the reason for that is that her father would get her into trouble at school because if she did hit back the boy at school, then both she and he would be in trouble. She said that she would report the matter to the teacher and the guy would be dealt with, that if she hits him back, then she would be in trouble too. Madam President that is a perfect example of the sort of research that people need, in circumstances where it seems the best thing to do is to hit out and I think that I would really like to see some research on this.

Madam President, I have feeling that there are so many men who suffer silently who, without that restraint, would really hit out, and that it really does not come from him being hit or lashed but that it comes from a period of psychological violence. I think that a lot of men experience that type of thing very silently. Only now and then you would find a man who is willing to tell you anything about his experiences with his girlfriend, wife or some person with whom he is related, about the difficulties that he has in his relationship, that is why I got a bit concerned with the Sexual Offences Act because a man and his wife are the only two people in a bed.

Madam President, I am not a policeman, so I am not sure how rape is determined, except by evidence of the person who was raped and it is very easy for that to be 'set up', if that is a way of putting it, so that if a wife calls the police and says these things, there has to be some way of making sure that the man is not being unfairly treated.

I am not really trying to say that men are not responsible for violence, I think that a lot of men, too many men, in fact, resort to violence against women. I remember when I first came here and I spoke to the Family Law Act, I really do believe that there are too many men who still treat women as their chattel. I think the values that we need in our lives to cause us to have better relationships is missing more and more. I think that in my days growing up we had values, we went to school, to church and that type of thing. I get the impression these days that is not the case. I

remember mentioning in here that there are young boys who do not even know there are Commandments that exist.

The important thing about enabling the police in this Act is by having them really read through it. I want to go back to that because I believe that is the only part of this Bill that I really want to speak about because I believe that is the important part in getting many parts of this Bill implemented.

Madam President, when an officer goes to investigate any crime, specifically domestic violence, he has to be so well trained. I remember Senator Abrahams mentioning the fact that they were specially-trained people and I take his point that during the time at the police station, the different shifts in the police station, that there should be an officer on duty who has the training to deal with domestic violence. It is not easy dealing with those sorts of situations because there are a lot of emotions there. When a person is emotional, it is very difficult sometimes to have a reasonable conclusion to any conversation that you are having because emotions are going to run high and reasoning is not going to be easy at all and therefore the officer there must be able to control that situation and must be able to make sure that what he is doing it in the best interest of each person.

Madam President, the other part about the police officers, my understanding is that the Police Force has several vacancies presently and if this Act is going to be properly implemented, apparently there are a lot of documentations that have to be made. If that is going to be done effectively, I think we are going to have to make sure that the Police Force is definitely staffed properly, 100 per cent staffed.

I do not think that you should have to be in a Police Force now that is dealing with the existing crime and escalation of crime, the increase in the way crime is done, and still deal with something like this with the sort of documentation we have. I think the importance of staff in the Police Force effectively now is going to be something that needs to be dealt with. I had an experience recently, Madam President, and I just want to use this to give an example of the sort of staffing in the Force. I had a reason to go to a police department over the last week or two, and when we got there, it was a big building, well-appointed and everything, but there were two officers. One was dealing with someone, and the other one obviously was doing a project, maybe writing a report or something. It took him maybe about ten to 15 minutes before he got to us. When he got to us and we told him what it was all about, he said that he could not deal with it then, but he would take the information and that we would have to make an appointment again to come back. I thought that the way he handled us was very good. I was impressed with his way of handling the situation. He explained to us the

number of officers in the division and the work they had to do. He gave a good explanation of the constraints under which they were operating there. We made the appointment and as we were leaving, he cautioned us that when we came back, we should make sure and set aside at least two hours. I thought that was a lot of time to spend, but he had his reasons; he knew that in between his appointment with us he would be doing other things, or taking calls or something. In that division, obviously, I am sure that they were understaffed by about 50 per cent, and in spite of the quality of the service we got there, I cannot see how you can get that continuously with that level of staff. You have to have the complement of staff that you need, and it is no wonder then that we hear of these delays in cases and that type of thing.

The court system, as was mentioned earlier, is probably worse. I do not know what are the staffing problems there, but certainly within the Police Force I think that is something that we really need to look at as a country because, do not forget, we are a country that depends heavily on tourism and we also rely on international business. Both of those sectors are very responsive to good security in a country. People like to feel safe wherever they are in Barbados, and if we ever reach the stage where we are not safe, then it would be threatening our lone income-generating sector.

Madam President, I am supporting this legislation. I understand the comments that were made, especially by Senator Abrahams with his couple of concerns, but I also take the point that it is ten years in coming and therefore, we can do it now and any changes we need to make we can make later. I think that this is a standard that maybe we can follow in the future of getting things done, because if you do it now and do it fast, then you can make the changes within a short time. If you wait too long, you would just extend the time in which you get in and complete it.

Madam President, I want to just conclude by reiterating my desire to see our school system play a larger role in the development of our young people. I am not going to spend any time on it now, because I believe I will get another opportunity, but some of the things that were said during this debate point to the fact that our young people need values. Our young people need training. I was sitting on a little committee recently and, I may be corrected but I understand now that in order to get a school-leaving certificate, students have to do about 30 hours of community service. That is a good start, and I hope that that is in all the schools of Barbados because that is what part of our development is all about. Madam President, I want to thank you for giving me this time to ramble on about the trust that we need to put in people in authority in Barbados, and also for us to really understand that the police in Barbados need to be staffed and trained properly. Thank you.

Madam PRESIDENT: Senator Boyce, you have the Floor.

SENATOR Darcy W. BOYCE: Thank you, Madam President. I also support this amendment to the Domestic Violence (Protection Orders) Act. Before I go any further, let me assure Senator Watson that the lack of staff in the Police Force is not something that the Government has not tried, and is not continuing to try, to correct. The issue is that the persons who we need within the Police Force have got to meet the standards required for a police force, and therefore, we keep looking for those people and those standards. The positions are there, the money is there, but we have to get the right recruits to go into the Force, and we have to get the right recruits to go into several other areas which are very sensitive areas and which are areas of high security. It is not for lack of trying, and that is an issue which has come through all the administrations in recent years; probably for a decade and a half. It reflects, of course, the other problems we have in the society; who we recruit into our public service and into our businesses really and truly reflect what else is happening in the society.

I also want to correct just one point that Senator Watson raised that the school system has to do more to instill values and so on in our children and in our people. I wish to put it a different way: Maybe we have to teach the parents how to instill any values in their children and what those whole values are. Maybe they are the ones who have to instill the values. I worry when I hear the constant requests for the school system to be everything to our youngsters; but then I do not hear the call being made for those people who brought the children into the world to take the responsibility which is theirs and to bring up their children.

Madam President, I have two brothers who were teachers and those brothers worried and fretted about the challenges at the schools more than they had to worry about their own children. I keep asking them why they fret so much and they tell me that they cannot help it because they like children but there is nothing they can do because without the support of the parents they can only do so much. I am making an appeal to parents to do their job because they have brought them into the world so they must instill the values in them. Madam, I will continue to say to parents that if they cannot raise their children that maybe they should not get any. Madam, that may not be politically correct but I have said it because that is how I feel ultimately.

Madam President, I support this piece of legislation. I do with a certain degree of sadness that the society has so much violence in it that we have to have a section that deals with domestic violence. Violence between people that once loved each other. People who still claim to love each other. People who have to live in close proximity to each

other. People who are to share the same household and that will bring us to the stage where we can attempt to solve issues by violence. Madam, it is not only physical violence but there are some people who set out to hurt you purely by their attitude to you and purely by the language they use to you, the cutting use of their tongues is enough to destroy your reputation and your professional career. Madam, all of that is violence. It is unfortunate that we have to hurt others like that. It is a total disregard for the humanity of others that we have to get into that type of situation.

Madam President,.....(inaudible) A sense of egotism. I am all that there needs to do in the world. I am the only one that exists. I am the only one that matters and, therefore, if you do something that I think is not in my interest, then you must pay for it. My mother used to say to us that remember the scriptures say: Vengeance is mine sayeth the Lord, and you are not the Lord, therefore, you have no right to extract vengeance from anyone.

Madam President, quite often when we get offended by things it because of something that we think belongs to us and our conscience is hurt and if we think about what is the effect of that action, it often pales into insignificance. Madam, a person might hurt and think it is so bad but if they think about it, it really has little impact. If you give yourself time to think about the full impact and the true meaning of what has happen it often helps you avoid snapping back at the person. Madam, the old people always use to tell you as well that "a soft answer turneth away wrath". Madam, my mother they lived it and my father lived it as well.

Madam President, if you walk away from a situation and give yourself time to think about it and give the other party time to reflect on what they are doing, in a moment, it goes away. We also have to practice that thing call anger management and we will save ourselves the trouble of lashing out. I think that is the real problem we have in our society.

Madam President, it this absence of humility that makes us feel so great that we have to fight over everything.

Madam President, this calls for counselling those people who are perpetrators of violence. I have to agree with Senator Abrahams and Senator De Peiza that they should insist on the people on whom domestic violence is perpetrated because violence leave scars. If a child comes up where he is never allowed to speak in the home, when that child becomes a grown person going into to work, then that child does not know how to speak in the workplace, that child's whole potential is suppressed by the scars of being told to be seen and not heard and this continues right through his life. I am not saying that a child should be rude but a child should be allowed to be a little bit precocious

sometimes because it helps to bring out the strength in them. Madam, these scars are there and we have to find the time and resources to work with these people not only those who are the perpetrators but upon those whom the violence is wrought.

Madam President, we have tried but we have to do more. We have to be available more to help those persons because we just do not have sufficient counsellors or sufficient trained persons in the Public Service or in private practice to deal with all of the persons who need to get psychological counselling to help them deal with the problems that they have. We have to make sure that as we go forward with this piece of legislation that we have the resources that can help in the implementation of the process. Madam President, these are not resources to deal with the adults, these are resources to deal with the children because when children in the school are behaving a certain way and you cannot understand why they are not behaving properly chances are they are dealing with some issues they have in their home environment that they need that psychological counselling. Madam, normally when they get to the stage where they are chased out of school or they are suspended or any such things, they need it before that comes so that you can help them to manage that situation that they face. We have to find a way in time that we staff our schools adequately with the appropriate therapist and psychiatrist and so on. If there is anywhere we will see that we do not have the money, money has to come where we would make the judgment where it is cheaper and have the preventative resources in place than have to do the curative work afterward. That is important for our young people and for our society. Long after, when we shall all have gone, it is those little ones, who will take over this society. We used to be able to deal with those youngsters.

I want to say a few matters about the authority and the police force with certain powers and Senator Watson was right. There is a view that people in the systems of power do not know anything about they are doing and so every Tom, Dick and Harry, Mary, Jane and Susie, knows more about what is happening and what is to be done than those people who are charged, trained and who have a leading responsibility to do those things and it is a dangerous part of society trends that we have to look at. It does not say that you should not be able to criticise, constructive criticism is criticism that used to turn around the fabric of this society and in the same way the violence, particularly domestic violence to resemble the fabric of our society an attack on our institutions, an attack on our social structures, an attack on our responsibility structure are sad and tear us apart. The social fabric that binds keep this country going through thick and thin.

Madam President, I am not going to keep you all much longer. I must say I support this Bill and I want to urge all those around to remember what our parents and

grandparents taught us. A soft answer turns away wrath. Another one is, do not let the sun go down upon your wrath.

Madam President, I am much obliged. Thank you.

Senator the Hon. Miss M. P. O. McCLEAN: Madam President, I beg to move that further consideration of this Bill be deferred until Wednesday, 17th February at 11.00 a.m.

On the motion of Senator the Hon. Miss M. P. O. McCLEAN the motion was passed without division.

ADJOURNMENT

On the motion of Senator the Hon. Miss M. P. O. McCLEAN the Senate adjourned until Wednesday, 17th February at 11.00 a.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. Order No. 2, speech of Senator Ms. V. G. A. DePeiza. The source records ‘There were intermittent breaks in the audio recording’, and twice ‘A further break in audio occurred’, and her speech resumes mid-sentence (‘...what the purpose is’). The Senate was then suspended ‘so that the audio difficulties could be sorted out’. Parts of the speech appear to be missing. Printed as in the source.

Q3. Bills, Order No. 3. The heading reads ‘BILLS ORDER NO.3 THE SEXUAL OFFENCES (AMENDMENT) BILL, 2016 DEBATED IN THE HONOURABLE SENATE ON FEBRUARY 10, 2016’ and the Bill is then read a first time, although it was not among the three Bills read a first time under Introduction of Bills. Printed as in the source.

Q4. Papers and Order No. 2. Papers items 2 to 4, two clauses quoted by Senator W. A. Abrahams and a passage quoted by Senator DePeiza are set in the source as procedural (italic) lines. Printed as in the source.

Q5. Speech labels. Senator DePeiza is labelled ‘Senator Ms. VERLA G. A. DePEIZA’, ‘Senator Miss VERLA. A. G De Peiza’ and ‘Senator Miss VERLA A. G. De Peiza’. Printed as in the source.

Q6. Announcements. The President’s announcement reads ‘Senators Watson and and Worrell’. Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The Senate met on Wednesday, 10th February, 2016 at 11.00 a.m., with the President, Senator Miss Kerryann F. Ifill, in the Chair; prayers were led by Rev. Father Errington Massiah. The President congratulated Mr. Wayne Jones and Mr. Adrian Craigwell on their appointment as Marshal and Deputy Marshal, and the Minutes of 9th and 16th December were confirmed. The Leader of Government Business, Senator the Hon. Miss M. P. O. McClean, laid seven papers, among them Loan Contract No. 3542/CH-BA with the Inter-American Development Bank, the Savings Bonds (Amendment) Regulations, 2016,

the Excise Tax Regulations 2016 and the Annual Report of the Grantley Adams International Airport Inc. for 2014. Standing Order 45(2) was suspended and the Companies (Amendment) Bill, the Domestic Violence (Protection Orders) (Amendment) Bill and the Sanitation Service Authority (Amendment) Bill, 2016 were read a first time.

Senator McClean moved the second reading of the Companies (Amendment) Bill, 2016, amending the Companies Act, Cap. 308 to provide for incorporated cell companies. She placed it within the Barbados Growth and Development Strategy 2013-2020 and the work of the Joint Policy Working Group set up in 2004, and said Barbados ranked seventh as a domicile for international insurance, with companies writing about \$33 billion in premiums on an asset base of about \$120 billion. Senator Dr. Sir Trevor A. Carmichael, Senator P. M. T. Todd and Senator Jepter Ince supported the Bill, Senator Ince noting possible problems with FOB contracts within a cell. After lunch Senator W. A. Abrahams stressed the importance of the court system to the sector, and Senator the Hon. D. W. Boyce said international business generated close to 10 per cent of GDP. The Bill passed through Committee, with the Deputy President in the Chair, and was cited as the Companies (Amendment) Act, 2016.

The Sexual Offences (Amendment) Bill, 2016 was then read a first time, and the Senate agreed to a cognate debate on it with Order No. 2, the Domestic Violence (Protection Orders) (Amendment) Bill, 2016. Senator McClean set out its objects, among them a comprehensive definition of domestic violence, wider classes of victims and of persons who may intervene on their behalf, counselling and therapy for victims and rehabilitative programmes for perpetrators.

Senator Abrahams supported the Bill but questioned a clause directing only male respondents into a programme, arguing that domestic violence is not confined to one gender, and called for a study of its root causes and counselling for both parties. Senator Prof. Sir Henry S. Fraser gave his full support. Senator DePeiza traced the history of the legislation and the role of the police as first responders, and Senator Abrahams rose twice on points of order about the new section 4; her speech was interrupted by breaks in the audio recording, and the Senate was suspended to correct them.

On resumption Senator the Very Rev. H. E. Crichlow, Senator Reginald A. Hunte, who referred to the committee’s study of Trinidad and Tobago’s legislation, Senator J. A. Watson, who spoke on attitudes to those in authority, and Senator Boyce, who called for more trained counsellors, all supported the Bill. On the motion of

Senator McClean, further consideration was deferred, and		the Senate adjourned until Wednesday, 17th February at
		11.00 a.m.