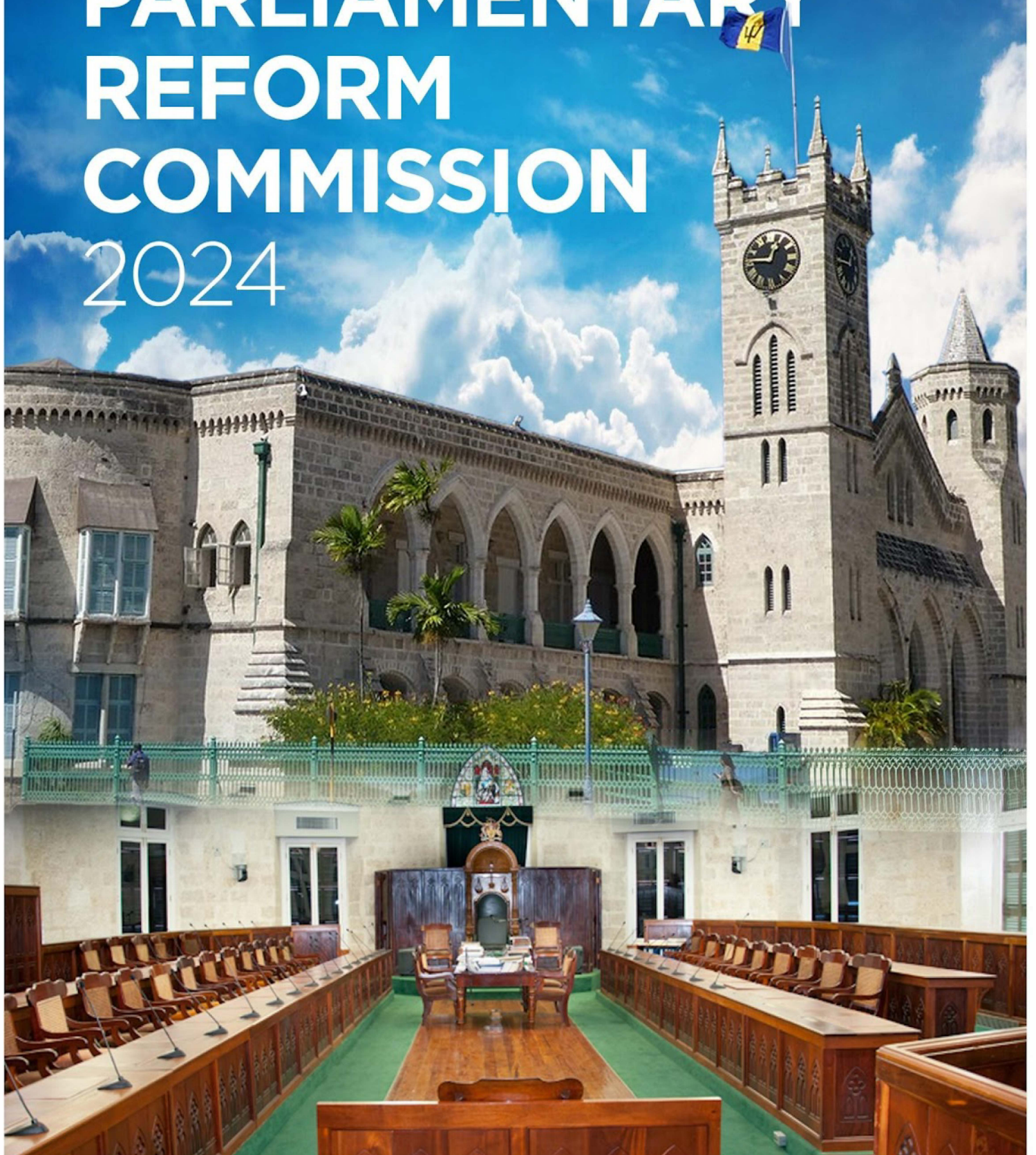


REPORT OF THE PARLIAMENTARY REFORM COMMISSION 2024





REPORT OF THE PARLIAMENTARY REFORM COMMISSION

A Commission of Inquiry established by The President of Barbados pursuant to the *Commissions of Inquiry Act*, Cap. 112 to advise The Government of Barbados on parliamentary reform.

Appointed
8th May, 2023

Report and Appendices
27th June, 2024

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Letter of Transmittal

27th June, 2024

The President of Barbados

Her Excellency the Most Honourable Dame Sandra Prunella Mason, FB, GCMG, DA, S.C., LL.D
State House,
Government Hill,
St. Michael.

Your Excellency,

We, the undersigned, were appointed by Instrument dated 8th May, 2023 under the hand of the then Acting President of Barbados, His Excellency, The Very Reverend Jeffrey D. Gibson, to examine Barbados' Parliamentary System and make recommendations for the strengthening of Parliament and the country's system of democracy.

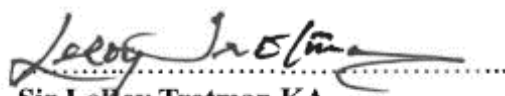
We were, thereby, required to give careful consideration to the question of parliamentary reform and advise as to the measures which, in our estimation, are necessary and desirable to promote good governance in the light of Barbados' transition to a parliamentary republic.

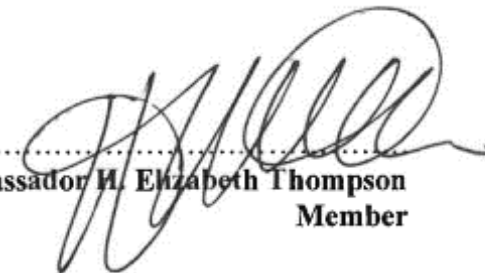
Our said Instruments of Appointment directed us to complete our report within six (6) months of our appointment. Part of our mandate was to consult widely with the public. Therefore, the Commission held a total of ten (10) public sessions. These included one (1) education session and four (4) Town Hall meetings for the general public at locations in the north, south, east and centre of the island. Four (4) further Town Hall meetings were held – one (1) each with the two (2) major political parties – the Barbados Labour Party and Democratic Labour Party - one (1) townhall specifically targeting the Youth and one (1) with the Barbadian Diaspora across the globe, via online communication, a first in the history of national public consultations.

Indeed, the Town Hall specifically for young people was also another first. It was a pleasure and honour for us to be hosted by the Barbados Community College for an exclusive Town Hall with their students. The Commission also received wide and varied written submissions, including from the Barbados Labour Party and the Democratic Labour Party. As such, the public consultation process was lengthy and it proved impossible to complete our report by 8th November, 2023. The Commission therefore sought and was granted extensions until 27th June, 2024.

We now have the honour and humbly submit to Your Excellency our Report on the matters into which we were directed to examine and advise.


.....
Sir Richard Lionel Cheltenham, KA, KC, Ph.D., JP.
Chairman


.....
Sir LeRoy Trotman KA
Deputy Chairman


.....
Ambassador H. Elizabeth Thompson
Member


.....
Ms. Maxine McClean
Member


.....
Dr. Richard Ishmael, GCM, BJH
Member


.....
Mr. Corey Beckles
Member


.....
Dr. William Chandler Jr.
Member

EXECUTIVE SUMMARY

THE COMMISSION

Commissioners: The Commission was appointed on 8th May, 2023. It was chaired by Sir Richard L. Cheltenham, KA, KC, Ph.D. Sir LeRoy C. Trotman KC served as Deputy Chairman. The Commission was also ably served by Ambassador H. Elizabeth Thompson, Dr. Richard Ishmael, GCM, BJH, Ms. Maxine McClean, Mr. Corey Beckles and Dr. William Chandler, Jr. The Commissioners are all grateful for the opportunity to give this type and level of service to their country. It is hoped that the recommendations contained herein will be found useful.

Public Consultation: In the course of its life, the Commission held ten (10) Town Halls/Public Meetings, including a special ‘Zoom-Hall’ for the diaspora, thirteen (13) Private Hearings and fifty-five (55) Internal Meetings. The Commission’s public sessions were viewed online almost thirty thousand (30,000) times. The Commission also invited, received and considered written and oral submissions from the public. The Commission considers that it complied with its mandate to consult widely. It did so using a combination of in-person and online techniques.

Terms of Reference: The Commission’s Terms of Reference required it to seriously deliberate on a number of matters touching and concerning the Parliament and the Executive, some of which are constitutional in nature. The Commission was empowered to examine, consider and inquire into Barbados’ parliamentary system, process and procedures. It was charged with making recommendations to strengthen Parliament and its functions. It was also required to make recommendations to enlarge and strengthen Barbados’ democracy. Particular emphasis was to be given to making Parliament culturally relevant, inclusive and modern. Finally, the Commission’s reform proposals were to be of a nature that would meet Barbados’ new circumstance as a Parliamentary Republic and promote the good governance of the nation.

Recommendations: The Commission considered a wide range of matters, some raised by the public and some raised on the Commission’s own initiative. There were extensive internal deliberations which resulted in a large number of recommendations. These recommendations are overwhelmingly unanimous, but on occasion Commissioners differed in substance or approach. Where appropriate the difference of opinion is reflected in a minority opinion. These opinions are summarised under the issue which it addressed, though lengthier minority views are contained in the body of the Report.

Summary: The Commission’s recommendations are summarised below in accordance with the topic under consideration.

THE PRESIDENT

1. ELECTION

The Commission recommends retaining the current system of election for the Office of President whereby the President is elected at a sitting of Parliament at which Members of the Upper and Lower Houses cast their ballot.

Minority Opinion of Commissioner Chandler on Election of President and Establishment of Office of Vice President: Commissioner Chandler recommends the direct election of the President at the ballot box. He further recommends establishing the office of Vice President. The Vice President should be appointed by Parliament and chair the Council of Elders/National Council which advises the President. The term of office of the Vice President should not be the same as that of the President but one (1) year longer, that is eight (8) years.

2. AGE QUALIFICATION

The Commission does not consider that a candidate for the Office of President should be subject to an age qualification and it so recommends.

Minority Opinion of the Chairman and Commissioners Thompson and Beckles: It is consistent with the status and dignity of the Office of President and the respect it commands that there should be a qualifying age, that is a minimum age of sixty (60), and the minority so recommend.

3. TERM OF OFFICE

At present the President may serve two (2) terms of four (4) years. The Commission agrees with the recommendation of the Forde Commission 1998 that the President should serve a single term of seven (7) years and so recommends.

Minority Opinion of Commissioner Chandler on Term of Office: Commissioner Chandler is of the view that the President should be eligible to serve two (2) terms, each term being seven (7) years.

4. ACTING PRESIDENTS

The current constitutional arrangement is to the effect that any person who satisfies the requirements of *sections 29 and 30 of the Constitution (Amendment) (No. 2) Act, 2021* can be appointed to act in the Office of President. The Commission does not recommend any change to the existing arrangements with respect to such acting appointments.

Minority Opinion of Commissioner Chandler on Acting Presidents: Commissioner Chandler recommends that Barbados should establish the office of Vice President who would then act in the position of President whenever the substantive officeholder is on leave. He further recommends that the Vice President should be appointed by Parliament and chair the Council of Elders/National Council which advises the President in place of the existing Privy Council. Commissioner Chandler is of the further view that the term of office of the Vice President should not be the same as that of the President but one (1) year longer, that is eight (8) years. The Vice President would not automatically become President should the

office of President become vacant for any reason. Where the office of President becomes vacant, the next substantive office holder would be elected by Parliament. If, however, the President is elected by popular vote, then where the Office has become vacant the election of the next President should also be by way of popular vote.

5. **POWER OF ASSENT**

The Commission endorses the power of Assent as part of the legislative process. The Commission recommends that the power remains vested in the President and that no changes be made to the exercise of that power.

6. **INDEPENDENT LEGAL ADVICE**

The Commission recommends that the President should be entitled to receive independent legal advice as and when circumstances so require and that this cost should be borne by the State.

THE ELECTORAL SYSTEM

7. **FIRST-PAST-THE-POST**

The Commission endorses the current First-Past-The-Post system and recommends its retention.

8. **PRIME MINISTER - TERM LIMITS**

The Commission unanimously recommends that there should be no term limit on the office of Prime Minister.

9. **NATIONAL MEMBERS OF PARLIAMENT (NATION MPS)**

This is one of the issues which attracted considerable debate amongst Commissioners. The Commission was of the view that Barbados' democracy would benefit from the introduction of National Members of Parliament (National MPs) who would be specifically tasked with addressing matters of national importance in Parliament. The proposed system would also allow political parties to be able to attract candidates with differing interests and skills.

- (a) The Commission recommends that Barbados introduce a mixed system of representation, that is, one which includes constituency representatives as well as National Members of Parliament.
- (b) The Commission recommends that there should be ten (10) National Members of Parliament.

10. **PARTY LIST VOTING**

The Commission recommends that National MPs be elected using Party List Voting whereby political parties offer a slate of candidates to hold the positions of National MPs. Voters would cast ballots for their constituency representative as they do now. However, the Commission further proposes that the party which forms the Government be allotted five (5) National seats in the House of Assembly in addition to the constituency seats which it won. The party which garnered the second highest number of votes will also be allocated five (5) National seats.

Minority Opinion of the Chairman on Party List Voting: The Chairman is not satisfied with the proposed mechanism by which National MPs will be selected, not elected. Firstly, in practice Independent candidates will be excluded. Secondly, these MPs may all be appointed to Cabinet but not directly accountable for their performance at the ballot box. The Chairman recommends instead that both National MPs and constituency MPs should be directly elected at the ballot box. The Chairman considers this system of election more representative and democratic. It also easily allows for the election of Independent National MPs.

Minority Opinion of Commissioner Thompson on Party List Voting: Commissioner Thompson recommends that political parties should be able to run a slate of both constituency and National MP candidates. Candidates would be selected through internal party processes. Electors would be able to vote for both their constituency representative and National MPs. The political party which wins the largest number of Constituency and National MPs would form the Government and its Party Leader would become Prime Minister.

11. **FIXED DATE OF ELECTION**

The Commission considered but rejected the notion of a fixed date of election.

12. **OVERSEAS VOTING**

Recognising that voting is an important right of citizens, the Commission debated the issue of Overseas Voting at considerable length. Several options were considered. Ultimately, however, the Commission did not consider overseas voting or overseas representation in Parliament feasible for a number of reasons. The Commission therefore endorses the current system of registration of voters and does not recommend that registration be extended to overseas voters.

Minority Opinion of Commissioner Thompson on Overseas Voting: Commissioner Thompson is of the firm view that complexity cannot be a bar to the facilitation of overseas voting. Voting can be facilitated by electronic means which will include security provisions to prevent double voting and other ills. Further, the size of the diaspora may not be representative of the number of overseas voters since not every Barbadian overseas will be interested in voting. Further, the cost of political campaigning will be borne by the political parties and can be kept relatively low by using social and other online media platforms.

Commissioner Thompson recommends the creation of a diaspora constituency represented by a Member of the House of Assembly, directly elected by registered overseas voters as the preferred method of overseas representation. If this option is accepted, it may take some time to be implemented. Diaspora representation should not be delayed in the meantime. Commissioner Thompson, therefore, further recommends reserving one of the seats in the Senate for diaspora representation, with that Senator having full speaking and voting rights, until overseas voting can be accommodated. If, however, the recommendation of an elected representative is not accepted at all, Commissioner Thompson proposes the creation of a Senate seat for the diaspora as an alternative means of facilitating representation in the Barbados Parliament.

13. **NUMBER OF CONSTITUENCIES**

The Commission recommends that, subject to the report of the Electoral and Boundaries Commission, there should be an increase in the number of constituencies in Barbados.

Minority Opinion of Commissioner Thompson on Number of Constituencies:

Commissioner Thompson is of the view that the number of constituencies should not be increased, but rather that constituencies should be increased by size. Commissioner Thompson is of the view that given the changes in canvassing and the advent of social media as a political tool, there is no longer a need to maintain smaller sized constituencies. It is her further assertion that if there is to be a system of both Constituency and National MPs, then the existing constituencies would be better serviced so there would be no need for additional constituency seats. In fact, there could be fewer constituencies in number.

14. **ODD/EVEN NUMBER OF SEATS**

The Commission was concerned that there should never be a tie resulting from an Election and doubt as to which political party is entitled to form the Government. For that reason, the Commission recommends that there should always be an odd number of seats in the House of Assembly.

Minority Opinion of Commissioner Thompson on Odd/Even Number of Seats:

Commissioner Thompson sees the utility in the majority proposal to have an odd number of seats for the purpose of determining the outcome of a General Election. However, she is unpersuaded as to its effectiveness without simultaneously providing for an Independent Speaker of Parliament.

15. **INDEPENDENT SPEAKER**

The Commission considers that there are good reasons for retaining the current system of selection of the Speaker of the House of Assembly and recommends no changes thereto.

Minority Opinion of Commissioners Thompson and Ishmael on Independent

Speaker: Commissioners Thompson and Ishmael recommend that the Speaker of the House of Assembly should not be a sitting Member. All Members of Parliament should be free to advocate on behalf of their constituents and the Speaker should be independent in the sense of being drawn from outside of Parliament.

16. **REGISTRATION OF POLITICAL PARTIES**

This issue is one to which the Commission gave considerable thought. In the Commission's view the below recommendations will achieve the important reforms needed while giving maximum expression to Barbadian's fundamental right to freedom of association. Registration will allow political parties to have a legal standing outside of holding a seat in the House of Assembly and create the legal basis for the implementation of some of the Commission's other recommendations including the payment of the annual subvention and the allotment of Opposition National MP seats.

- (a) The Commission recommends that a procedure be established for the registration of political parties.

- (b) The Commission, however, was concerned not to interfere with the rights of any Barbadian to form or belong to a political party. As such, the Commission recommends that registration requirements be relatively minimal. Firstly, the party must have been registered at least a year prior to the General Election. Secondly, the party must contest five (5) seats. Finally, and among other things it must also meet the requirement of having a Chairman, Treasurer, a principal place of business and a bank account.
- (c) Notwithstanding the above the Commission recommends that if a political party has not been registered, it must remain eligible to run in a General Election as a political party.

Minority Opinion of Commissioner Thompson on Registration Criteria:

Commissioner Thompson is of the view that in terms of setting registration criteria, contesting five (5) constituencies is too few. The party should have contested no less than 40% of the seats in the previous or any election. The grouping must also show some evidence of membership.

17. ANNUAL SUBVENTION

The subvention paid annually to political parties provides vital funding and supports Barbados' multiparty democracy. In the context of the results of the 2018 and 2022 General Elections it was important to arrive at a mechanism which fairly distributes these funds between political parties.

- (a) The Commission recommends that the amount of subvention paid to political parties be increased from \$300,000.00 to \$500,000.00.
- (b) The Commission considers that the current system for allocating the subvention between political parties is unfair in the sense that it may not accurately reflect political support amongst Barbadians. For that reason, the Commission recommends that the subvention should be paid to registered political parties proportionate to the amount of votes that party received in the General Election.
- (c) However, transparency and accountability with respect to the deployment of public monies must remain a guiding principle. As such, in order to qualify and continue to qualify for the annual subvention, the political party must be re-registered annually and comply with the requirement to submit receipts and an Annual Statement of Accounts.

18. WOMEN IN PARLIAMENT

Much has improved for women and Barbados since the Norma Forde Commission tendered its report in 1978. Political participation, however, is not one of the areas which has seen significant or consistent improvement. The Commission accepted that political participation of women is not simply a virtue in its own right. How best to achieve that goal attracted lively and considerable debate among members of the public as well as the Commission itself. The Commission considers the political participation of Barbadian women to be a development goal and imperative and makes the following recommendations:

- (a) Political parties should be encouraged to develop their own gender policy so as to promote more female candidates.
- (b) Parliament should establish a bipartisan female caucus of the Upper and Lower Chambers.
- (c) A Gender Affairs Standing Committee in Parliament should be created to examine legislation in the context of promoting gender equality, ensuring that all

legislation is devoid of discrimination against women and sensitive to their needs and interests.

- (d) Gender quotas should be instituted for Parliamentary Committees.
- (e) The Office of the Ombudsman should be assigned the responsibility of addressing gender affairs and collating information. Gender affairs should be treated by the Ombudsman as a priority issue and form part of his report to Parliament.

Minority Opinion of the Chairman and Commissioner Thompson on Women in Parliament: Both the Chairman and Commissioner Thompson accept the recommendations made at (b), (c) and (d) above. However, the minority note that those recommendations will not increase the number of female Parliamentarians. The Commission has recognised that the representation of women in Parliament is in the national interest. The minority strongly favour and advocate for the institution of gender quotas in Parliament. It is not simply a matter of correcting an area in which women are lagging behind. It is a development imperative for Barbados. Women need to be fully empowered to serve in all capacities. There is no indication that political parties will, on their own, develop and implement the gender policy which the majority has recommended. Indeed, it is likely that they will not. Further, gender quotas have been used in both developed and developing countries for over thirty (30) years now. The evidence is that they are effective and that more women being in Parliaments has redounded to the social, economic and political benefit of their societies. For these reasons the Chairman and Commissioner Thompson recommend the implementation of gender quotas. The Chairman specifically recommends that political parties should reserve 40% of their candidate slate for women and that parties which do not comply should have a portion of their annual subvention withheld.

19. **LOWERING THE AGE OF CANDIDACY**

The Commission recommends lowering the age of candidacy for both the House of Assembly and the Senate to allow for maximum democratic participation by all citizens.

Minority Opinion of Chairman on Age of Candidacy: Maximum democratic participation is a goal for which the Commission has rightly striven in its recommendations. However, the Chairman is of the opinion that the responsibilities of a voter and a representative are massively different and that the current age differential between voter and candidate is justified. In the circumstances, the Chairman does not recommend any change in the age for qualifying for either the House of Assembly or the Senate.

Minority Opinion of Commissioner Thompson on Youth representative in the House of Assembly: Commissioner Thompson agrees with the majority as to the need to lower the age of candidacy in both Houses to eighteen (18). She agrees also with the recommendation to have a Youth Senator. However, she would go even further. It is Commissioner Thompson's recommendation that there should also be a National Youth MP. This MP will be elected by all voters aged eighteen (18) and thirty (30) who will vote by special ballot. These voters will still be able to cast their ballot for their constituency representative as per usual.

20. **DUAL CITIZENSHIP FOR PARLIAMENTARIANS**

Barbados is a society which has been defined in many respects by emigration. The size of its diaspora and the volume of their remittances speaks to this. There are many circumstances in which a Barbadian may acquire citizenship and he/she should not be prohibited from giving important parliamentary service. The Commission does not recommend the re-imposition of restrictions on Members of either the House of Assembly or the Senate holding dual citizenship.

Minority Opinion of Commissioners Ishmael and Chandler on Dual Citizenship: The minority recommend that persons holding dual citizenship should be disqualified from being elected to Parliament unless the candidate's dual citizenship is in respect of another CARICOM country. They consider this recommendation justified on the grounds of national security, the need to avoid conflicting loyalties and ensuring stable government. Holders of high public office must publicly hold allegiance to Barbados. Dual citizenship creates tension between loyalties and should be avoided. However, there is no conflict arising from a Parliamentarian holding a green card.

21. **CAP ON CABINET**

In recent times the Cabinet has been larger than in the past to the extent that the majority of Members in the House of Assembly are also Members of the Executive. The Commission recognises that the effect may be that the Executive is potentially less accountable to Parliament than it would be with a smaller Frontbench.

- (a) At present there is no limit on the number of Cabinet Members Barbados may have or on the composition of the Cabinet. The Constitution simply states that there shall be a Prime Minister and at least five (5) other Ministers. The Commission recommends that there should be no more than twelve (12) Ministers and no more than twelve (12) Ministries.
- (b) The Commission further recommends that there should be no more than four (4) Ministers from the Senate.

Minority Opinion of Chairman on Cap on Cabinet: The Chairman does not recommend imposing any cap on the number of Cabinet Members, though he supports a restriction on Ministers from the Senate to a maximum of four (4). The Chairman is of the view that crisis management is part of governance and the Prime Minister, whomever he or she might be, as Head of Government, needs the flexibility to deploy his/her resources as he/she sees fit when regard is had to national, regional and global circumstances. The Chairman considers that where the public is displeased by the Prime Minister's choices in this regard, this will sound at the ballot box.

Minority Opinion of Commissioner Thompson on the Formula for Restricting Cabinet Size: Commissioner Thompson agrees with the majority on the necessity of restricting the numbers in Cabinet. However, she does not support the institution of a fixed number of Ministries. In her view, the number of elected MPs appointed to Cabinet should not exceed a maximum of 50% of the elected Parliamentarians on the Government side. This is without prejudice to the Prime Minister's ability to appoint a limited number of people (4), to Cabinet from the Senate. Alternatively, Commissioner Thompson proposes: (a) The Two-thirds Rule – a Government with twenty-nine (29) seats would be able to appoint a maximum of nineteen (19)

members of Cabinet from among elected MPs, plus four (4) from the Senate. In this scenario, the Backbench would be ten (10), the Frontbench nineteen (19) and the Cabinet would be a maximum twenty-three (23). (b) Using the 60% Rule, a Government with twenty-nine (29) seats would have a maximum Frontbench of seventeen (17), and a maximum of four (4) Ministers would come from the Senate. In this scenario, the Backbench would be twelve (12), the Frontbench seventeen (17) and the Cabinet a maximum of twenty-one (21). Having set the limitation on general Cabinet size, Commissioner Thompson does not think any further good can be served by limiting the names, types, numbers or compositions of Ministries and hobbling the Prime Minister in forming a Government and the Ministries which that Government comprises.

22. **RIGHT OF RECALL**

No satisfactory mechanism was proposed for a recall or the circumstances in which it would be triggered. The Commission does not recommend the implementation of a right of recall.

23. **CROSSING THE FLOOR**

The Commission endorses a Member's right to cross the floor, form their own party or become Independent. As such, the Commission does not recommend that a seat should be thereby declared vacant and a by-election held. If constituents are displeased with their MP crossing the floor it will sound at the next General Election, as it often has.

Minority Opinion of Commissioner Thompson on Crossing the Floor: Commissioner Thompson is of the opinion that when an MP crosses the floor, a by-election should be triggered in that constituency no more than ninety (90) days of the date of the crossing.

24. **BRIEFING THE OPPOSITION**

The Commission recommends that there should be a briefing of the Opposition once a General Election has been announced. The briefing would be prepared and delivered by the Permanent Secretary in the relevant Ministry. This briefing recognises that the Opposition is a Government in Waiting and will allow it to have a broad overview of what is taking place administratively. Further, it is in Barbados' interest that an incoming Administration should have as much information as possible and to be as ready as it can be to govern. Safeguards should be implemented to ensure that the information provided is not used for campaign purposes.

Minority Opinion of the Chairman and Deputy Chairman on Briefing: The Chairman and Deputy Chairman are opposed to the recommendation that there should be a briefing in the circumstances outlined above. They are adamantly of the view that such briefing should take place after the General Election.

THE SENATE

25. BICAMERAL PARLIAMENT

The Commission is of the view that the Upper House, that is, the Senate has played and continues to play an important role in the national life of the country. The Commission, therefore, recommends that the existing structure of Parliament, that is, bicameralism, should be kept.

26. NOMINATED CHAMBER

There is good and cogent reason for the Senate remaining a nominated Chamber and the Commission so recommends.

27. COMPOSITION OF THE SENATE

The Commission is of the view that it is important to increase the Opposition voice in the Senate as well as to ensure that certain groups are represented in the Senate.

- (a) The Commission recommends an increase in the number of Senators as well as a change in the composition of Senate seats.
- (b) Specifically, the Commission recommends an increase of six (6) Senate seats.
- (c) Government Senate seats should be increased from twelve (12) to fifteen (15).
- (d) The Commission further recommends that the number of Opposition Seats be increased from two (2) to five (5) seats.
- (e) The number of Independent Senators should remain at seven (7). However, of those, only two (2) should be appointed by the President acting in his or her own discretion.
- (f) Five (5) Independent Senators should be appointed by the President to represent an expanded range of communities and interests including the elderly, the youth, LGBTQ, small business, trade unions or the trade union movement.
- (g) However, though other interests may rotate from time to time, it is the Commission's recommendation that labour, business and the youth should always be represented in each Senate.
- (h) The Commission further recommends that there should be a specially designated Youth Senator. In order to be eligible for appointment as a Youth Senator, a nominee must be at least eighteen (18) and no older than thirty (30).

Minority Opinion of Commission Chandler on the Composition of the Senate:

"If the Senate were purely elected all ideas would contend. Similarly, if it were mixed with election and appointment or purely appointed but with no outright government majority, again, persuasion would be the order of the day. Similarly, if the Senate (whether elected, appointed or mixed) had non-voting members, said members who by virtue of holding senior positions in government (including retired Civil Service) and those publicly acknowledged as being deserving (such as those with high national honours, pillars of community); the Senate could boost Parliament by providing an additional role as the chamber securing for Parliament its institutional knowledge. It would also solve the issue of expanding interest representation without skewing the vote and allow for a wide array of demographics including the diaspora."

28. **APPOINTMENT OF OPPOSITION SENATORS**

If the Commission's recommendations on National MPs and Party List Voting is adopted there should always be parliamentary Opposition following a General Election. However, in the event that this recommendation is not implemented and where there is no Leader of the Opposition, the Commission recommends that the Leader of the political party which won the second highest number of votes in the General Election shall nominate candidates for Opposition Senate seats.

Minority Opinion of Commission Chandler on allotment of Opposition Senate Seats: Commissioner Chandler is of the view, however, that in the absence of an Opposition no Senate seats should be assigned to the party which won the second highest number of votes. His position is that given that political parties are now to be included within the structure of the House of Assembly it is logically consistent to avoid including political parties within the structure of the Senate.

29. **DISQUALIFICATIONS FOR MEMBERSHIP IN THE SENATE**

- (a) The Commission endorses the existing categories of disqualification for the Senate.
- (b) However, the Commission proposes that these categories should be expanded. Specifically, the Commission recommends that any person who has been convicted of an offence of serious violence, including rape or sexual assault should be disqualified from being nominated to the Senate.
- (c) The Commission further recommends a change to the existing constitutional provisions in respect of disqualification. Specifically, these disqualifications should take effect from the date of conviction, regardless of whether the person has appealed and remain in place for a period of ten (10) years following such conviction.
- (d) The Commission has declined to recommend the reinstatement of the prohibition against Senators holding dual citizenship.

30. **QUALIFYING AGE**

The Commission recommends lowering the age of candidacy for the Senate from twenty-one (21) to eighteen (18).

Minority Opinion of the Chairman on Qualifying Age: The Chairman recommends that there should be no change in the qualifying age for nomination to the Senate with the exception of the recommended Youth Senator.

31. **MINISTERS FROM THE SENATE**

There may be circumstances in which it is in the public interest to have Ministers from the Senate. Generally, however, Ministers should be accountable to the public at the ballot box. The Commission recommends that there should be no more than four (4) Ministers from the Senate at any one time.

THE HOUSE OF ASSEMBLY

32. FULL-TIME PARLIAMENTARIANS

At present both Members of Parliament and Senators are considered part-time employees, except for those who are Members of the Executive. The Commission recommends that the status of Parliamentarians as part-time should be retained.

Minority Opinion of Commissioner Chandler on Full-time Parliamentarians: Commissioner Chandler recommends that Parliamentarians should be designated full-time, not part-time. It is Commissioner's Chandler's assertion that Parliament has a full-time workload and requires full-time Parliamentarians, both in the Backbench and Frontbench.

33. DISQUALIFICATIONS FOR MEMBERSHIP IN THE HOUSE OF ASSEMBLY

- (a) The Commission endorses the existing categories of disqualification for the House of Assembly but recommends adding to them.
- (b) Firstly, the Commission recommends that no person should be a candidate for the House of Assembly if he/she has been convicted of an offence involving dishonesty.
- (c) Further, any person who has been convicted of an offence of serious violence, including rape or sexual assault should be disqualified from standing as a candidate for the House of Assembly.
- (d) The Commission further recommends a change to the existing constitutional provisions in respect of disqualification. Specifically, these disqualifications should take effect from the date of conviction, regardless of whether the person has appealed and remain in place for a period of ten (10) years following such conviction.
- (e) The Commission has declined to recommend the reinstatement of the prohibition against Members of the House of Assembly holding dual citizenship.

Minority Opinion of Commissioners Ishmael and Chandler: The minority is of the view that dual citizens should be prohibited from serving in either the House or the Senate unless their dual citizenship is in relation to another CARICOM State.

34. PUBLIC ACCOUNTS COMMITTEE

The Public Accounts Committee is a vital organ of Parliament. It plays a considerable role in holding the Executive and its administrators accountable for their use of public funds. There must never be a circumstance in which it does not meet. The results of recent General Elections were unprecedented and had the effect for a period of time of stymying the functioning of the Public Accounts Committee. Flexible arrangements to ensure this never recurs must be introduced. Further, it is important that steps be taken to enhance the independence of the Public Accounts Committee.

- (a) The Commission recommends that where there is no Leader of the Opposition, the most senior Opposition Senator should chair the Public Accounts Committee.
- (b) The Commission further recommends keeping the membership of the Committee at thirteen (13). However, four (4) of those Members should be

non-Parliamentarians, including the Deputy Chairman, who should be appointed by the President after consultation with the appropriate professional associations, including in auditing, accounting and law.

- (c) The Committee should be supported by its own staff.

35. **PROGRESS REPORTS ON LEGISLATION**

Parliament has an interest in all legislation which it passes. However, on occasion legislation is passed but, for a number of good reasons, not brought into effect for some time. In order to promote the Executive's accountability to Parliament on this matter, the Commission made the below recommendations.

- (a) The Commission recommends that the Chief Parliamentary Counsel should notify the Clerk of Parliament when the Act has been proclaimed. The Clerk will then make arrangements to have the proclamation published on Parliament's website.
- (b) The Commission recommends that every six (6) months, the Leader of Government Business should provide the House of Assembly with a progress report on all legislation passed but not yet proclaimed.

36. **REGULATIONS COMMITTEE**

Regulations are made by the Executive exercising delegated legislative power. It is important that wherever a public official exercises this type of delegated power he/she must remain accountable to Parliament. The Regulations Committee has an important role in respect of scrutinising delegated legislation passed by Ministerial Order. However, the Committee has fallen into disuse notwithstanding the fact that Members are appointed at every Session of Parliament. Its vital oversight power is not utilised. The Commission recommends that this important Committee should be reactivated.

37. **QUESTION TIME**

Question Time is a tool which has tremendous potential for holding the Executive more accountable to Parliament. At present it is limited in nature and not routinely used. The Commission has made several recommendations which will, if adopted, make Question Time routine and expand its scope.

Prime Minister's Questions

- (a) The Commission recommends that Prime Minister's Question Time should be introduced and scheduled for thirty (30) minutes at every sitting or for sixty (60) minutes every other sitting.

Questions on the Order Paper

- (b) The Commission also recommends that Questions tabled on the Order Paper must be answered by the Leader of Government Business (whether in the House or Senate) within twelve (12) calendar weeks, excluding any recess period.

Urgent Questions

- (c) Further, there should be a procedure by which urgent questions can be asked of and answered by a Minister and the Commission so recommends. Questions which may be considered urgent should be submitted no later than one (1) hour

prior to the sitting and must be ruled/deemed urgent by the Presiding Officer who will instruct the Clerk of Parliament to notify the relevant Minister personally, if practicable. The Minister may respond with a deferral, but subject to an undertaking to provide the answer at a later date.

Public Question Time

- (d) The Commission further recommends the introduction of Public Question Time whereby questions can be posed by members of the public to any Member of the House of Assembly. The process must be structured, however. The question must be submitted in writing to the Clerk of Parliament and vetted by the Speaker of the House. If approved, it will be placed on the Order Paper and the representative will have twelve (12) weeks, excluding any recess period within which to reply. Public Question Time should be scheduled every other month when the House is in session.

Constituency Time

- (e) The Commission also recommends the institution of periodic debates on constituency matters which will be led by the Member of Parliament for that constituency. That Member will give notice to the Clerk of Parliament of the resolution which he proposes. If the Speaker considers that it is a matter of substance and importance for that constituency, he/she will table it for debate. The Member will lead the debate with a response from other Members while being allowed to make a concluding statement. The resolution will then be put to a vote.

38. HANSARD

Hansard is the official and verbatim record of what has been said in Parliament. It is an important tool for Members of Parliament, the press and public, lawyers and Courts.

- (a) The Commission recommends that transcribing software should be permanently utilised in Parliament.
- (b) The Commission also recommends that if at any time Hansard falls more than three (3) months behind the current debates, the Clerk of Parliament shall notify the Speaker of the House who shall table the issue for debate in the House of Assembly.
- (c) In light of technological advancements, the Commission recommends that Hansard should be made available on Parliament's website, subject to restrictions. Hansard should be viewable but not able to be copied or downloaded. Users should be warned that republication can only be done with the permission of the Speaker of the House of Assembly. A facility for such requests to be made electronically should be introduced and such requests should be determined within fourteen (14) business days.

39. PUBLIC PETITIONS

The Commission proposes that a system of public petitions should be implemented in Barbados. However, in order to trigger a debate, a petition should meet certain criteria. The petition must be endorsed by five thousand (5,000) Barbados ID card holders. Once the petition is submitted the Clerk of Parliament must notify the Speaker who will table the issue for debate within seven (7) days. The Commission

considers this to be a cost-effective method by which Parliament can be more responsive to the concerns of citizens.

40. **MEMBERS' PETITIONS**

Standing Order 12 contains a petition process by which a Member of the House of Assembly can present a petition on behalf of members of the public. The Commission recommends no changes to the existing procedure. However, the process has fallen into disuse. The Commission recommends, therefore, that the Clerk of Parliament should take steps to educate the public on the availability of this procedure.

41. **PRIME MINISTER - CONFIDENCE OF THE HOUSE OF ASSEMBLY**

The Commission recommends that *section 66* of the Constitution should be amended to remove the power of the Prime Minister to call a General Election if he/she has been the subject of a successful vote of no confidence. A Prime Minister in such circumstances has lost his authority so to do and it should not be permitted. Further, the Prime Minister's appointment should be revoked by the President and the Prime Minister should not be required to resign.

42. **ENTRENCHMENT OF THE OFFICE OF DEPUTY PRIME MINISTER**

Certainty in succession and continuity in government are highly desirable objectives. It aids in Barbados' cherished political stability which is necessary for the country's continued development.

- (a) The Commission recommends that the Office of Deputy Prime Minister should be a permanent one, constitutionally established.
- (b) The Commission further recommends that the Deputy Prime Minister should be:
 - (i) appointed by the President on the recommendation of the Prime Minister,
 - (ii) hold office at the pleasure of the Prime Minister,
 - (iii) appointed within ninety (90) days of a General Election or within ninety (90) days of the death, removal, resignation of the person holding the Office of Deputy Prime Minister or through by-election in the constituency of the officeholder, and
 - (iv) a Member of the House of Assembly.

43. **MACE OF PARLIAMENT**

The Mace of the Barbados Parliament features the colonial seal of Barbados and bears the superscription "*Et Penitus toto regnantes orbe britannos*" which translates to '*And the British ruling throughout the whole world.*' The Mace is not simply a colonial relic but a symbol of parliamentary authority which is routinely utilised today. The Commission recommends that a new Mace be commissioned representing an emancipated people and Barbados' Republican status. It is a recommendation which can be simply carried out but which has significant symbolism.

CODE OF CONDUCT

44. A CODE OF CONDUCT NEEDED

To date, Barbados has enjoyed high standards of transparency. However, globally the public views politicians and parliamentarians with greater cynicism. Barbados is not immune to this and steps must be taken to concretise and improve on the perception of Barbados as a transparent country. Accountability should not be at the ballot box only. The Commission unanimously and emphatically recommends the enactment of a Code of Conduct for Parliamentarians which will guide their interaction with fellow Parliamentarians, Parliamentary Staff, constituents and members of the public.

45. ASPIRATIONAL VALUES

The Commission also considers that a Code of Conduct must set out aspirational values with which Parliamentarians should comply. The Commission identified these values as an acronym, that is, TRIDENT - Trustworthy, Respectable, Informed, Dutiful, Ethical, Noble and Truthful - which the Commission recommends as the basis for the 'Trident Code.'

46. ENFORCEMENT PROVISIONS

- (a) The Commission considers that a Parliamentary Code of Conduct must contain certain elements, including investigation provisions and enforcement mechanisms as follows:
 - (i) The establishment of an Ethics Committee;
 - (ii) The appointment of an Independent Investigator;
 - (iii) A Complaints and Investigations process;
 - (iv) The preparation of an Investigator's Report;
 - (v) Provision for a Hearing of the Complaint, including the right of the Complainant and Parliamentarian to be represented;
 - (vi) A procedure for decision-making;
 - (vii) An appeal or review process, and
 - (viii) Sanctions and penalties.
- (b) The Commission recommends, further that all complaints should be determined on a balance of probabilities; that any complaint which has an element of criminal conduct should be referred to the police and the Investigator and Ethics Committee should be immune from suit.

47. SEXUAL HARASSMENT POLICY

Barbados rightly requires employers to develop and implement sexual harassment policies and a complaint mechanism in the workplace. Parliament is also a workplace, though a unique one. Parliamentarians are expected to conduct themselves appropriately at all times in the discharge of their duties. Parliamentarians enjoy positions of power and should treat all persons, including fellow Parliamentarians, Parliamentary Staff, constituents and members of the public with due respect and civility.

- (a) The Commission recommends that a sexual harassment policy should be developed for Parliament and incorporated into the Code as a Schedule. The Commission considers that this policy will regulate the conduct of

Parliamentarians as co-workers and the conduct of Parliamentarians towards Parliamentary Staff, constituents and members of the public. Specific attention will have to be paid to the position of Ministers as it relates to members of the public and civil servants.

- (b) The Commission recommends that there should be regular training on this policy.

48. **ADDITIONAL MATTERS**

The Commission further recommends that:

- (a) The Code should be written in clear and simple language.
- (b) The Code of Conduct must be sworn or affirmed by all Parliamentarians on taking office. Regardless of whether a Parliamentarian has or has not sworn or affirmed, he/she remains bound by the Code. Provision should be made for this in the Code itself.
- (c) A copy of the Code of Conduct should also be available on Parliament's website so that the public can readily access its provisions.

THE ADMINISTRATION OF PARLIAMENT

49. **INDEPENDENT TRUST/BUDGET**

Throughout the Commission's deliberations it was at pains to identify proposals that would have the effect of increasing and enhancing Parliament's independence from the Executive. In that context the Commission recommends the establishment of a Parliamentary Trust Fund akin to that created for the Caribbean Court of Justice (CCJ) which can be utilised to generate income to fund the operational costs of Parliament. It is envisaged that this Fund will afford Parliament financial independence and autonomy.

Minority Opinion of the Chairman on an Independent Trust: The Chairman does not recommend the establishment of an Independent Trust for Parliament. He considers it neither necessary nor desirable to create a separate Trust for Parliament. Equally it is neither necessary nor desirable to have autonomous budgetary arrangements for Parliament. Parliament itself approves the budget which funds it, and it does so against a background of competing interests. Parliament should be funded by Central Government, but the Executive should not control it. The Chairman is in favour of a system in Parliament, mirroring arrangements which already exist in the public service whereby parliamentary staff are not directly answerable to the Executive.

Minority Opinion of Commissioner Thompson on an Independent Trust: Commissioner Thompson sees no necessity for the establishment of a Trust Fund which would have to be funded by Central Government itself and then a mechanism and entity established to oversee it.

50. **MANAGEMENT COMMISSION**

The Management Commission is a statutory body that is responsible for the administration and management of Parliament. At present its members are entirely

made up of Parliamentarians and from time to time it is unable to meet due to the unavailability of some Members because of other pressing public business. Further, the Parliamentarians who compose the Management Commission do not necessarily have training or experience in management or administration. It is also important to ensure that the Management Commission has a greater degree of autonomy and independence from the Executive. In that context, the Commission makes the following recommendations.

- (a) The Commission recommends that the number of Members of the Management Commission should be reduced from twelve (12) to seven (7).
- (b) The Commission further recommends that the Management Commission should constituted as follows:
 - (i) **Chairman**, who will not be a sitting Parliamentarian, appointed by the President on the recommendation of the Speaker of the House and the President of the Senate;
 - (ii) **Deputy Chairman**, who will not be a sitting Parliamentarian, appointed by the President on the recommendation of the Speaker of the House and the President of the Senate;
 - (iii) **One (1) Member**, who will not be a sitting Parliamentarian, appointed by the President acting in his/her sole discretion;
 - (iv) **Two (2) Members**, neither of whom is a Minister or a Parliamentary Secretary, to be appointed by the President on the recommendation of the Prime Minister - one (1) from the House of Assembly and one (1) from the Senate, and
 - (v) **Two (2) Members**, one (1) from the House of Assembly and one (1) from the Senate, to be appointed by the President on the recommendation of the Leader of the Opposition.
- (c) The officers charged with nominating non-Parliamentary or Independent Commissioners should select persons duly qualified in the area of finance, human resource management, accounting, labour or other relevant expertise.

Minority Opinion of Commissioner Thompson on Deputy Chairman of the Management Commission: Commissioner Thompson supports the recommendations made with respect to the Management Commission with the exception that she recommends that the Deputy Chairman should be a Parliamentarian.

51. **CLERK OF PARLIAMENT**

The Clerk of Parliament has an ancient and important role. The Clerk manages the day to day operations of Parliament, including its administration. In modern terms, the Clerk is Parliament's Chief Executive Officer.

- (a) The Commission recommends that the name of the Office of Clerk of Parliament should remain unchanged.
- (b) The Commission recommends, however, that the Clerk should be designated Chief Executive Officer of Parliament under the *Parliament Administration Act*.
- (c) The Commission also recommends that the Clerk should have control of the Parliamentary Buildings and Estate, particularly for the purpose of security.
- (d) The Commission further considers that the seniority and level of responsibility of the Clerk of Parliament merits that the office should be at the level of S1 or Permanent Secretary.

- (e) The Commission still further recommends that the Clerk of Parliament and the Deputy Clerk of Parliament, where they are attorneys-at-law and by reason of length of service they become specialist attorneys in the field of parliamentary process and legislation, should be considered for appointment as Senior Counsel.
- (f) The Commission considers that provision should be made for Parliament to have Assistant Clerks.

52. **AUDITOR GENERAL**

The Auditor General is a constitutionally established office who assists Parliament in holding the Executive accountable for its use of public monies. The Auditor General prepares an annual report which is an independent audit of the public sector. This report is presented to Parliament and debated. The Auditor General also reports to the Public Accounts Committee which performs an important function in parliamentary oversight of public spending.

- (a) The Commission recommends that the Office of Auditor General should remain an independent agency but housed, staffed and financed by Parliament.
- (b) The Commission also proposes that the Auditor General be empowered to recruit his own staff.

Minority Opinion of the Chairman and Commissioner Thompson on the Auditor General: The Chairman and Commissioner Thompson agree that the Auditor General's office must be properly staffed and resourced. However, the independence and public perception of the impartiality of the Auditor General's office is critical to its role. The majority recommendation will have a substantial impact on the functioning of the office and the appointment of the office holder. For instance, at present the Auditor General and his/her staff are public servants. Transferring the office and its employees to Parliament will impact that status. Moreover, the Chairman and Commissioner Thompson are concerned that making the Auditor General an officer of and answerable to Parliament will undermine the office's constitutional independence or, just as importantly, give the appearance that the neutrality of the office has been compromised. In the circumstances, they do not recommend any changes to the existing structure of the office of Auditor General.

53. **CHIEF PARLIAMENTARY COUNSEL**

The Commission recommends that the Office of Chief Parliamentary Counsel (CPC) be transferred to and incorporated into the structure of Parliament. It is expected that this change will allow Backbenchers and Members of the Opposition to utilise the services of the CPC so that they can introduce Bills for debate. Further, it is hoped that this will allow officers of the CPC to attend Parliamentary Sittings so that any delay arising from an amendment, need for explanation or other adjustments will be reduced.

54. **HUMAN RESOURCES DEPARTMENT**

The question of recruiting and keeping competent employees is a difficult and long-standing one. Parliament needs to be serviced by competent, non-partisan staff. The Commission recommends that Parliament should establish a Human Resources Department to, among other things, assist in creating job descriptions as well as in recruiting and training staff. At present no officer in Parliament is trained in human resources and as Barbados modernises its Parliament, it is important to ensure that

Parliament has access to necessary skills and experience. Further, it is contemplated that this Department will play a vital role in advertising positions, vetting candidates and making recommendations with the intent of ensuring the persons who are employed by Parliament are the best available.

55. TRAINING OF STAFF

The Commission recommends that Barbados make the appropriate provision for such training on an ongoing basis. Though training of staff will be a function of the recommended Human Resources Department, the Commission recommends that Barbados make the appropriate provision for such training on an ongoing basis, ideally, by combining its resources with those of other CARICOM states.

56. FINANCE OFFICER

Parliament has a significant annual budget and it is important that qualified staff be employed to assist in ensuring financial oversight and accountability. The Commission therefore recommends that Parliament should have its own duly qualified Finance Officer who will be answerable to the Clerk of Parliament.

57. LIBRARY AND RESEARCH DEPARTMENT

A modern library and research facilities are necessary tools if Parliamentary debates are to be robust and of high quality.

- (a) The Commission recommends that the Management Commission undertake a thorough review of librarial and research resources available to Parliamentarians with a view to their improvement.
- (b) The Commission further recommends an increase in the number of research officers from two (2) to four (4). Of the four (4) officers recommended, two (2) should be dedicated to supporting the research needs of the Members of the Senate.

58. COMMUNICATIONS OFFICERS

It is important Parliamentarians, universities, press, public and diplomatic corps are given timely and accurate updates as to the outcomes of debates. At present the only means by which this information can be ascertained is by listening to hours of debate or relying on press coverage of what has taken place. Improved communication is vital for reasons of efficiency and accountability. The Commission, therefore, makes the below recommendations.

- (a) The Commission recommends the recruitment of Communications Officers whose responsibility it will be to engage with the press and to produce at every sitting, key decisions, synopses of debates, and related material for uploading to Parliament's website and social media platforms or for dissemination to interested parties or entities, including the country's diplomats.
- (b) The Communications Officers should be assigned to the Journal Department.
- (c) The press release should be approved by the Clerk of Parliament before dissemination and will address Parliamentary Sitzings of both the House and Senate.

59. INFORMATION AND COMMUNICATION TECHNOLOGY IN PARLIAMENT

In the past few decades, technology has developed at an exponential rate and it has been put to good use in Parliament as well. Though Parliament is an ancient and esteemed institution, technology must be integrated even more into its daily operations. Covid-19 propelled that to a large extent and the trend must continue. The Commission has already recommended digital production of and electronic access to Hansard. It goes further as set out below.

- (a) The Commission recommends the Standing Orders should be amended to remove any perceived ambiguity with respect to the use of technology in the Chamber. There should be no bar on the use of modern technology by Parliamentarians in the Chamber during a debate, so long as no disturbance is caused thereby. The existing rule that a Member should not read his speech should remain. The rule that displaying objects in support of speeches, using cameras or recording equipment should also remain in place. Members breaching those rules should be disciplined.
- (b) Devices must only be utilised in the Chamber for the purpose of conducting or advancing Parliamentary business, including taking notes, refreshing memory and undertaking research related to the matter being debated. Parliamentarians should not be allowed to use their devices for any other purpose during a debate. Additionally, Members should specifically be prohibited from accessing or posting to social media websites on any matter while Parliament is sitting. There should also be a prohibition on sending instant messages of any kind whilst in the Chamber.
- (c) If a Member abuses his privileges, the Speaker should be empowered to ban that Member from using technology in the Chamber for a specified period of time or whatever penalty/sanction may be considered appropriate.
- (d) Further, given that there is no real difference between the capabilities of laptops, tablets and cell phones, the Commission sees no reason to prohibit the use of one type of technology but allow another.
- (e) It is the Commission's recommendation that all Committee meetings should be open to the public and broadcast, unless the Committee determines that it is necessary to have an *in camera* hearing.
- (f) The House of Assembly permits virtual attendance and voting. It is the recommendation of the Commission, that virtual attendance of the Senate and voting by Members, should also be allowed.
- (g) There should, however, be certain restrictions on this privilege in both Houses, specifically – the quorum must be formed by those in physical attendance at a sitting, the number of sessions that a member can attend virtually should be limited.
- (h) Permission must be sought and granted by the Presiding Officer who should impose reasonable restrictions on virtual attendance, including requiring that the Parliamentarian must be in a private, quiet space with no other person present. The Presiding Officer should also require that the Member be attired as though he/she was physically present in Parliament.
- (i) The Commission also recommends that no Parliamentarian should be allowed to make virtual appearances more than four (4) times in a twelve (12) month period on the basis of government travel or other unavailability.
- (j) There is no basis, however, for limiting the number of virtual appearances by a Member who is unable to attend in person due to ill health but is otherwise

able to contribute to debates. Any application(s) to the Speaker for virtual appearance on grounds of ill-health must be supported by a medical certificate that is valid for three (3) months.

60. **COMMITTEE SYSTEM**

Committees are important organs of Parliament, though the Committee system has not always worked as well as it could for a variety of reasons. The Commission makes the following recommendations:

- (a) The definition of Parliament contained at *section 35* of the *Constitution* should be broadened to include Committees of Parliament.
- (b) Standing Committees should be converted to Joint Standing Committees, that is, provision should be made for the participation of Members of the Senate. Provision should also be made for non-Parliamentarians to be Committee Members. The Commission is of the view that this will increase the oversight of Parliament with respect to legislation proposed by the Executive.
- (c) There should be five (5) additional Joint Standing Committees of Parliament as follows:
 - (i) Governance and Administration,
 - (ii) National Security, Home Affairs and International Relations,
 - (iii) Finance, Commerce, Labour and Trade,
 - (iv) Health, Environment and Food Security, and
 - (v) Social Services and Education.
- (d) The Commission further proposes that these Committees should not include Members of the Executive or Presiding Officers of Parliament and be constituted as follows:
 - (i) A Chairman,
 - (ii) A Deputy Chairman,
 - (iii) One (1) non-Parliamentary Member,
 - (iv) Two (2) Backbenchers from the House of Assembly, and
 - (v) Two (2) non-Executive Senators.

The Commission recommends that the quorum be three (3) of the Members.

Minority Opinion of the Chairman and Commissioners Thompson and Beckles on Constitutional Definition of Parliament: The minority do not support the recommended changes to the Committee System or to the inclusion of Committees in the constitutional definition of Parliament. Firstly, the minority note that Committees of Parliament are internal to the management and administration of Parliament. Administrative and management matters are not normally included in the Constitution which is intended to be a broad framework document including only the most important legal precepts reflecting the fact that the Constitution is Supreme. Additionally, enshrining the Committee System in the Constitution will not guarantee that the system actually works well. For these reasons the minority does not support an expanded constitutional definition. Rather, such a definition can be properly included in the *Parliament (Administration) Act* or similar legislation.

Minority Opinion of the Chairman and Commissioners Thompson and Beckles on reconstituting the Committee System: While it might be an ideal that there

should be no Members of the Executive on Parliamentary Committees, in the context of a small Parliament that recommendation is not pragmatic. Ideals which work well in the context of larger Parliaments are not necessarily transferable to Barbados. Given the current composition of Parliament as well, the majority's recommendation likely means that Committees will be unable to be constituted or to meet without placing extreme pressure on the Backbench. Further, the Executive is chosen by the people to implement its policies and legislative agenda. The successful implementation of those policies through legislative means is in the interest of the Administration. Ministers are the Members who will be most familiar with the legislative goals and policies underpinning the proposed Bill and may often, too, be among the most experienced Parliamentarians. The minority sees no good reason for excluding them from serving on Committees.

Minority Opinion of the Chairman on Increasing the Number of Standing Committees: Though the Chairman accepts that having additional Standing Committees is an ideal, he has grave reservations about the workability of the recommendation in the context of a Parliament of Barbados's size, unsupported by local Government. For this reason, the Chairman does not agree with the majority recommendation to establish five (5) additional Standing Committees.

61. **PARLIAMENTARY TELEVISION AND BROADCASTS**

The Commission endorses the practice of livestreaming Parliamentary debates. The Commission further recommends the establishment of a Parliament Channel through Caribbean Broadcasting Corporation (CBC). Consistent with the Commission's earlier recommendation that all Committee meetings should be open to the public and broadcast, it is the Commission's view that these services can be utilised for that purpose as well.

Minority Opinion of Commissioner Thompson on Parliamentary Television: Though a broadcast channel for Parliament is an ideal, any benefit may not, on balance, be worth the cost and effort. Staff to work on the channel would have to be recruited and there is a cost associated with the production of content. Further, Parliament does not meet on a daily basis. *What will be on the channel when Parliament is not sitting?* Debates are live streamed, as are major government events. Commissioner Thompson is of the view that this is adequate.

62. **PARLIAMENT CHAPLAIN**

The Commission recommends that the Office of Chaplain should be retained. However, to date the Chaplain has typically been from the traditional/established churches. The Commission recommends that the position should be available to all denominations.

63. **PARLIAMENTARY SITTINGS CALENDAR**

The Commission recommends that Parliament should adopt a Parliamentary Sittings Calendar outlining its sittings on an annual basis. Such calendars should outline the days when Parliament is in session throughout the year as well as days on which it is in recess. It should identify plenary sittings as well as committee days.

64. **CONSTITUENCY DEVELOPMENT FUND**

The Commission recommends the establishment of a Constituency Development Fund which will incorporate the existing constituency allowance which in any event has proved inadequate.

- (a) The Commission recommends an increase in the amount of the constituency allowance which is used as a form of social outreach and welfare.
- (b) The Commission further recommends the establishment of a Constituency Development Fund into which the constituency allowance will be paid.
- (c) The Commission also recommends that each constituency be given a bloc vote of funds in the same way that MPs are allocated resources for their staff. The Commission contemplates that these Funds will be established for each constituency but administered by the MP. The Chairman emphasised the need for proper accounting systems in respect of these funds.

65. **PARLIAMENTARY BUILDINGS AND ADDITIONAL FACILITIES**

Any visitor to Parliament will undoubtedly appreciate its beauty and historical importance. However, given the significant increase in the work of Parliament as well as the size of its staff, it is now bursting at the seams. Further it needs to have some facilities in-house.

- (a) The Commission recommends that Parliament should expand its physical plant to accommodate its staff, offices and facilities.
- (b) The Commission further recommends that services like the production of the Order Paper, the printing of debates, the provision of security, housekeeping and maintenance services should all come under Parliament's control. Parliament should also have its own in-house printing facilities.
- (c) Parliament meets at odd and sometimes long hours during which time children of Parliamentarians and Staff need to be cared for. The Commission recommends the creation of a child care facility in the precincts of Parliament which will be available to Parliamentarians and Parliamentary Staff. Hopefully, this will also make Parliament a more attractive workplace to young mothers who may wish to serve as Parliamentarians.
- (d) Non-communicable diseases are on the rise in Barbados. The Government implemented a wellness programme to encourage Barbadians to adopt a healthier lifestyle. A gym and sickbay in Parliament is a logical extension of that programme and the Commission recommends the establishment of these facilities.

TERMS AND CONDITIONS OF PARLIAMENTARY SERVICE

66. **SALARIES REVIEW COMMITTEE**

The compensation of Parliamentarians is always a fraught matter which attracts negative public commentary. For that reason, the Commission agrees that there should be a periodic review of the compensation packages of Parliamentarians.

- (a) The Commission recommends that the Management Commission should be empowered under the *Parliament (Administration) Act* to establish an Independent Committee to review salaries from time to time. This Committee

should consist of professionals who are suitably qualified to review compensation and salaries, for instance, an actuary, labour expert, accountant, etc.

- (b) The Commission further recommends that when the Committee meets it should provide the Management Commission with an advisory opinion which will be brought to Parliament by way of negative resolution.

67. TRAINING OF PARLIAMENTARIANS AND STAFF

Parliamentary service is unique and Parliamentarians who enter this institution for the first time may understandably find themselves not properly equipped or prepared. Training both at the point of entry as well as on an ongoing basis is necessary to allow Parliamentarians to discharge their duties to the best of their abilities. The Commission makes the following recommendations on the issue of training.

- (a) Parliament should facilitate formal orientation and training for new Parliamentarians in parliamentary procedures and resources. The training should also include guidance in the financial rules, the Code of Conduct, the relationship between the political directorate and the civil service, the functioning of pivotal government functionaries and offices such as the Cabinet Office, the Auditor General, the Ministry of the Civil Service, and others. It should also include training in etiquette and protocol matters as well as personal security.
- (b) The Commission further recommends the Government explore the establishment of a Caribbean Institute for Parliamentary Co-operation, which with the input of other Caribbean countries, can provide training to Parliamentarians on an ongoing basis. It is envisaged that this can be accomplished in collaboration with the University of the West Indies.

68. LEADER OF GOVERNMENT BUSINESS (HOUSE OF ASSEMBLY AND SENATE)

Notwithstanding that it has not been legislatively provided for, Leader of Government Business is a vital and demanding role. Leaders are charged with shepherding the Government's legislation through their respective Houses.

- (a) The Commission recommends that the Leader of Government be formally recognised in both the House and Senate.
- (b) Additional compensation should be paid to these officeholders for the work they undertake.

69. LEADER OF OPPOSITION BUSINESS (HOUSE OF ASSEMBLY AND SENATE)

- (a) The Commission recommends that the position of Leader of Opposition Business should be formally established in respect of both Houses.
- (b) The office holder should be compensated for the work which he/she undertakes.

70. COMPENSATION OF PRIME MINISTER

The Commission accepted that the compensation and pension of the office of Prime Minister should be adjusted. The Commission is unanimous in its view that the

compensation of this office is not commensurate with the level of responsibility and complexity of the position, the high demands of the job, the expectations of the public and the long hours worked. The compensation does not appear to be adequate.

71. **COMPENSATION OF DEPUTY PRESIDENT OF THE SENATE**

The Commission accepted that as a Presiding Officer of Parliament the Deputy President of the Senate is in an anomalous position with respect to compensation in that he/she is not compensated for important work which is undertaken. Indeed, the role of Deputy President of the Senate is fulfilled by two officers in the House of Assembly. The Commission considers this to be an incongruity and recommends that the compensation of the Deputy President be corrected to accurately reflect the work of the office.

72. **SENATORS**

The Commission was also of the view that the stipend received by Members of the Senate, with the exception of the President, was woefully inadequate given the qualifications, skill levels, and professional experience of many who serve in the Senate and recommends that there should be an increase in senatorial stipends.

73. **BENEFITS OF PRIME MINISTER AND FORMER PRIME MINISTERS**

The Commission considered it important to thoroughly review the benefits offered to Prime Ministers and Former Prime Ministers outside of basic salaries. A number of glaring omissions were identified and the Commission has recommended that these omissions be addressed as set out below.

- (a) **Out-of-pocket health expenses** - The Commission recommends that while in office, on the assumption that the Prime Minister is a member of a group health insurance plan, all out-of-pocket health costs, that is expenses not covered by health insurance, should be paid by the State in full.
- (b) **Pension Benefits** - The Commission recommends that like the President and Chief Justice, the former Prime Ministers should receive their last salary as their pension. There should also be no qualifying period for pension.
- (c) **Spouse's Pension** - The current *Pension (Prime Minister) Act* should be amended and the term wife should be changed to spouse.
- (d) **Security** – The Commission recommends that the residences of Former Prime Ministers should be secured by way of CCTV cameras which are monitored by the security services or a private company contracted by the Government for this purpose.
- (e) **Medical expenses** – If the Government does not establish a group health plan, or where the former Prime Minister opts out of the plan in retirement, he/she should receive a one-off lump sum payment. Further if the Former Prime Minister's specific illness is not covered by insurance, the cost of his/her care should be borne by the State.
- (f) **Research Assistant** – The Commission recommends that an MOU should be entered into between the Government of Barbados and the Cave Hill Campus of the University of the West Indies to facilitate an office, research space and the publication of the personal papers, books and articles written by Former Prime Ministers. A Research Assistant should also be provided. If the Former Prime Minister remains in good health and is actively engaged in this work, then these facilities should be extended for ten (10) to fifteen (15) years after leaving office.

- (g) **Vehicle** – On retirement Former Prime Ministers should be provided with a motor vehicle befitting the office and changed every seven (7) years thereafter at the expense of the State.
- (h) **Police Orderly** – Former Prime Ministers should not be without a uniformed police orderly on State/public/ceremonial or official occasions. There should also be a facility for provision of a police orderly on at least six (6) non-State occasions or more at the discretion of the Commissioner of Police.

74. **LEADER OF THE OPPOSITION**

The Leader of the Opposition plays an integral role in our democracy and he/she must be in touch with events across the country. The Commission is of the view that additional benefits are required as recommended below.

- (a) The Commission recommends the implementation of a travel allowance for the Leader of the Opposition which is 50% of the travel allowance paid to Ministers.
- (b) The Commission further recommends that the Leader of the Opposition should have official transportation/a police orderly on state, official and ceremonial occasions.
- (c) The Commission also considers that the Office of Leader of the Opposition should be supported by security of the nature afforded to Ministers.

75. **REFORM OF PENSION ARRANGEMENTS FOR PARLIAMENTARIANS**

It was important to review Parliament's contributory pension arrangements and bring it in line with modern realities. The Commission makes the following recommendations on pension reform.

- (a) The age of eligibility for pension should be increased to sixty (60).
- (b) The Commission recommends that Parliament's pension arrangements should not discriminate between Members of the Upper and Lower Houses, but be calculated strictly on the basis of contributions made and period served. The Commission is of the opinion that the existing legislation should, therefore, be amended to broaden the definition of legislators to include Senators.
- (c) Those Parliamentarians who were disqualified from receiving a pension based on the current legislation which is clearly discriminatory in effect should be offered the opportunity to repay their contributions and gain a pension instead.
- (d) The Commission recommends increasing the current tiers of pensionable service for Parliamentarians. There should be a third category of pension for Parliamentarians who complete four (4) terms or eighteen (18) years whichever is the more. A fourth category is warranted as well. Those Parliamentarians who serve five (5) terms or twenty-three (23) years whichever is the more should qualify for a pension at a higher level.
- (e) The Commission recommends that the Prime Minister should have the discretion to add up to nine (9) months of pensionable service for any legislator, including Senators, who fell short of qualifying for pension. Such discretion should not lightly be refused.
- (f) The Commission supports the current criteria for pension which counts the total number of years served by a Parliamentarian, whether broken or unbroken.

76. **HEALTH INSURANCE FOR PARLIAMENTARIANS**

Many employers in recent years have established contributory health insurance schemes for their workers. In this regard Parliament should be no different. The

Commission recommends that Parliament should establish a voluntary, contributory health insurance scheme for all Parliamentarians. The Commission considers that this an important issue which should be afforded priority. Former Parliamentarians should also have the option to continue to remain in the scheme after they demit office. Such insurance should be in addition to any personal health insurance which the Parliamentarian already has. Parliamentarians should be eligible to join the scheme on the date they take the Oath of Office.

77. **SPECIFIC COMPENSATION**

The majority of the Commission, while agreeing that an increase in the compensation for Parliamentarians was necessary, declined to state any specific figures. A detailed minority report was prepared on this issue.

Minority Opinion of the Chairman and Commissioners Thompson and Chandler on Compensation for Parliamentarians: Chairman and Commissioners Thompson and Chandler are of the view that recommendations for specific increases for Parliamentarians can and should be made by the Commission. The majority has already agreed in principle that increases are warranted for a number of reasons. The issue also falls squarely within the remit of the Commission which has been provided ample comparative evidence for making detailed recommendations. Thirdly, though the minority supports the establishment of a Salaries Review Committee, that recommendation may or may not be implemented or may not be implemented for some time. Finally, the Commission should not retreat from making recommendations of actual amounts. The decision of if and when to implement those recommendations is a matter for the Executive which will balance them against the economic interests of the country. The minority also gave due consideration to and applied the principles which inform compensation of Parliamentarians. With that in mind, the minority make the following recommendations:

- (a) **Prime Minister** - The basic pay of the Prime Minister should be increased by an additional \$1,000.00 monthly.
- (b) **Deputy Prime Minister (Compensation and Security)** - The basic compensation of the Deputy Prime Minister should be increased by \$1,000.00 per month and kept at a level higher than even Senior Ministers. The security provisions currently made for the Deputy Prime Minister should be entrenched as minimum standards.
- (c) **Leader of Government Business (House of Assembly and Senate)** - the Leader of Government Business in the House of Assembly should be paid an additional stipend of 20% of the Member's basic parliamentary salary per month. However, that stipend should not be payable when the Leader of Government Business also occupies the position of Deputy Prime Minister or Senior Minister. In respect of the Senate, it is recommended that the Leader of Government Business should also receive an additional stipend of 20% of their basic pay per month. As with the Leader of Government Business in the House of Assembly, however, the stipend should not be payable if the relevant Senator is also a Senior Minister.
- (d) **Members of Parliament (Basic Pay)** - The minority recommends an increase of between \$750.00 and \$1,000.00 per month for Members of Parliament.
- (e) **Members of Parliament (Annual Holidays)** - Parliamentarians should be entitled to annual holiday leave of twenty-eight (28) days on condition that the

Parliamentarian first consult his/her Leader in the particular Chamber. Where the Parliamentarian is also a Minister or Parliamentary Secretary, this holiday entitlement is not intended to be in addition to leave to which he/she already enjoys.

- (f) **Members of Parliament (Resettlement or Relocation Grant)** - The minority recommends the introduction of a relocation grant for Cabinet Ministers who leave Cabinet or Parliament whether through illness, termination, loss of seat or voluntary resignation. The grant should be no more than three (3) months' total salary, including allowances, for a former Minister who served one (1) term or a part thereof. A Minister who served two (2) or more terms should be entitled to six (6) months' total pay, including allowances. The benefitting former Minister must make an application to receive the grant accompanied by a solemn declaration that he/she intends to resume work. If it is later discovered that this oath has been falsely given, the former Minister shall be liable to repay any sums received. Secondly, if any former Minister receives this grant and is subsequently convicted of an offence involving dishonesty or corruption related to his/her period in Ministerial Office, the former Minister should be required to repay any sums received by way of a relocation grant.
- (g) **Members of Parliament and Senior Civil Servants (Death Claim Benefit)** - The Commission recommends that this benefit should apply to Ministers, MPs, Senators and senior civil servants like the Clerk of Parliament, Head of the Civil Service, Cabinet Secretary, Director of Finance and Economic Affairs and the Permanent Secretary in the Prime Minister's Office and others who are required to travel frequently. If a person in this class dies while in the course of public duties the dependents of the family should be compensated by the State by way of a death benefit as follows:
 - (i) no benefit to be paid where the deceased has no spouse or children;
 - (ii) where the deceased has dependent children (meaning under eighteen (18) or over eighteen (18), but still in full-time studies) and a spouse (including a common law spouse), her/his family may receive \$250,000.00;
 - (iii) where the deceased had a spouse but no dependent children, his/her spouse may receive \$100,000.00.
 - (iv) where the deceased had dependent children but no spouse, the children may receive \$150,000.00.
- (h) **Deputy President of the Senate** - The Chairman and Commissioner Chandler recommend that the Deputy President's compensation should be increased to two-thirds of the compensation of the President of the Senate.
- (i) **Senators** - The Chairman and Commissioner Chandler recommend an increase of \$1,500.00 per month for Senators.

THE SECURITY OF PARLIAMENT

78. THE SECURITY OF PARLIAMENT, PARLIAMENTARIANS AND SENIOR CIVIL SERVANTS

This issue is one of national security. Barbados is a generally safe country. However, safety should not be taken for granted, especially when a mass casualty event at Parliament, even a natural disaster like an earthquake, can cause serious injury or

death to Parliamentarians and drastically impact the functioning of Barbados's Government. With that in mind the Commission received helpful written and oral presentations from the Commissioner of Police and the Barbados Defence Force.

To the extent that the matters under consideration should remain *in camera* in the interests of national security, a separate report has been prepared on that issue and submitted to the Cabinet of Barbados. However, there are a number of recommendations made by the Commission which can be disclosed and are set out below.

- (a) The security plan of Parliament should be updated and improved, in so far as it is part of the National Security Plan.
- (b) The Security Plan for Parliament should include a Cyber Security Plan, developed and monitored in conjunction with the requisite experts.
- (c) All Members of Cabinet should have protection officers. Provision should also be made for the security of other Parliamentarians and senior civil servants if and when the occasion demands it.
- (d) A security checkpoint should be erected outside the North Gate of Parliament.
- (e) Barriers which prevent open access to the precincts of Parliament should be installed.
- (f) The monitoring protocols for the security cameras should be enhanced and an alarm bell should be installed.
- (g) There should be a plan for evacuation, managing mass casualty events and drills to address a situation where hostiles storm or take the Parliament, or which seek to prepare occupants and security personnel for other physical risks.
- (h) Parliamentarians should be given a specially tailored security sensitisation, briefing and training to make them more aware of security risks and threats.
- (i) Security training should also be offered to identified Permanent Secretaries and technical officers who often travel to represent Barbados or to accompany Ministers.
- (j) The list of those encompassed by special security arrangements and compulsory security training should be extended to the following public officers – the Head of the Civil Service, the Cabinet Secretary, the Permanent Secretaries in the Prime Minister's Office, Ministry of Foreign Affairs, and Home Affairs or Attorney General, the Director of Finance and Economic Affairs and the Clerks of Parliament. Some consideration should be given to include the person/s in charge of Government's IT.
- (k) The current practice of providing security monitoring by way of cameras at the homes of Members of Cabinet should be extended to include all Members of Parliament, as well as those senior civil servants who the Commission recommends be now included in Parliament's security arrangements.
- (l) The names and contact numbers of all visitors, local and foreign, and all vehicles entering on to the precincts of Parliament should be recorded along with arrival and departure times.
- (m) Either routine or random checks/searches should be conducted of vehicles entering Parliament Yard, including the underside of vehicles. This should also be done at State House and Ilaro Court.
- (n) The institution of routine screening/scanning of all persons, including Parliamentarians, Parliamentary Staff and visitors.
- (o) Scanners should be provided to scan persons, packages and bags entering the precincts of Parliament.

- (p) All Members of Parliament who carry firearms should report the firearm and ammunition to the Clerk of Parliament.
- (q) The security station at the bottom of the steps of Parliament should have the capacity to monitor the inside of the buildings.
- (r) An assessment should be undertaken to ascertain what is the ideal complement of officers to properly secure and monitor the Parliament Buildings, especially when Parliament is in session.
- (s) The security of Parliament should be handled by a new, high level armed security team, the members of which should be specially recruited, and properly trained, with and by the Barbados Police Service. These security officers should be vested with law enforcement powers, including the power of arrest.
- (t) The Commission further recommends that this new security team should be headed by a Chief of Security and answerable to the Clerk of Parliament.
- (u) There should be periodic inspection of the premises of the firms providing catering services to Parliament and vetting of their staff.
- (v) The Commission considers that all staff working at Parliament, even those in catering and table service, should be subject to background security checks when they are appointed. Further, the security of this arrangement should be reviewed and improved from time to time. Indeed, the Commission is of the view that the transportation of these meals should be done by the new Parliamentary Security.
- (w) When Parliament meets there should be a nurse and/or doctor on duty to help care for and stabilise persons, in the event of a security breach in which people are injured, or in the event someone takes seriously ill and has to wait on an ambulance.
- (x) The short, narrow stretch of road between Parliament and Chancery House known as Walcott Street, should be closed to vehicular traffic, except to persons attending or conducting business at Parliament.
- (y) The Commission feels strongly that consideration should be given to creating a security perimeter around Parliament. The purchase of surrounding buildings for additional staff and administrative functions will also assist in the provision of such a security perimeter.

WHY REFORM?

Barbados has had several systems of government in the course of its recorded history. Now we are a Republic, answerable to no foreign person or entity - truly firm craftsmen of our fate. In becoming a Republic, we abolished the Monarch as our Head of State and adopted the system of Parliamentary Republicanism.

At no time in the country's previous history, did the citizens have any say, through direct consultation, as to what they want in and from the parliamentary democracy that we call Barbados. Now that we are a Republic and through this Commission and its public engagement, the people of Barbados, for the first time in history, have a say and choice in all matters relating to Parliament and the governing legislation related thereto. That power of choice is a remarkable expansion of democracy befitting our status as a republic.

The Commission considered that Republican status was an ideal moment at which Barbados should both look back and look forward. After almost 400 years of colonial power and influence being exerted over us, we cast off all vestiges of the oppressive past. It required a serious re-examination of all our systems of governance and laws to ensure that monarchical and colonial remnants which serve no purpose are removed or amended. Much has taken place since 30th November, 1966 about which Barbadians can be justifiably proud. In the fifty-four (54) years between Independence and Republicanism, Barbados made tremendous strides in its development, establishing itself as a stable, peaceful and prosperous country. However, 30th November, 2021 was the appropriate time for us to start charting a new course into the potentially troubled waters of the 21st century.

Like the rest of the world, Barbados confronts serious problems including climate change, disasters, the emergence of new diseases, food insecurity and sustainable development. Our Parliament must be primed to rise to meet those challenges, as it has always done, and the Commission has considered it our duty to ensure that we make recommendations which will help to secure that goal.

Parliament is, of course, one of the major organs of government. Every Barbadian is affected by the laws it makes. However, for much of our history large numbers of Barbadians were excluded by law or social mores and stigma from participating in the law-making process. For that reason, it was part of the Commission's remit to make recommendations to ensure our Parliament is more inclusive of every group of citizen. If Parliament is to continue to serve the needs of ordinary Barbadians and enjoy their confidence, it must be representative of them all.

In the course of our sittings, it became clear that there is a global trend of cynicism as it relates to the integrity and efficacy of Parliamentarians. That trend must be arrested in Barbados. Parliament can only operate effectively if Parliamentarians are held to high standards of accountability. In that context the Commission's recommendations include a Code of Conduct.

Our work is part of a broader review of Barbados' constitutional arrangements which have not been radically changed since 1966. In that context the work of the Parliamentary Reform Commission and the Constitutional Review Commission should be seen as complementary of each other.

The Commission was mindful at all times that we were charged with making recommendations which will strengthen Barbados' democracy and help to make Parliament more inclusive, efficient and responsive to the needs of all Barbadians.

CHAPTER 1

INTRODUCTION



APOINTMENT

On 8th May, 2023 the Acting President of the Republic of Barbados, His Excellency the Very Reverend Dr. Jeffrey D. Gibson, appointed an advisory Commission of Inquiry pursuant to *section 3(1)(a)* of the Commissions of Inquiry Act, Cap. 112 of the Laws of Barbados to examine and advise on the Parliament of Barbados.

1.02 The following persons were appointed Commissioners:

- (a) Sir Richard Lionel Cheltenham, KA, KC, Ph.D., JP. (Chairman)
- (b) Sir LeRoy Trotman KA (Deputy Chairman)
- (c) Ambassador H. Elizabeth Thompson
- (d) Dr. Richard Ishmael, GCM, BJH
- (e) Ms. Maxine McClean
- (f) Professor Velma Newton
- (g) Mr. Corey Beckles
- (h) Dr. William Chandler Jr.

This has been a panel of wide and varied professional experience. Each Commissioner submitted his/her biography as contained at Appendix 1. As a courtesy to each Commissioner his/her biography has not been edited. Given the constraints of space, the Chairman thanks them for their brevity.

1.03 Six (6) members of the Commission, namely Ambassador H. Elizabeth Thompson, Dr. Richard Ishmael, Professor Velma Newton; Ms. Maxine McClean, Dr. William Chandler Jr. and Mr. Corey Beckles were sworn in on 8th May, 2023. Sir Richard L Cheltenham, KA, KC, Ph.D. and Sir LeRoy Trotman, KA were separately sworn in on 10th May, 2023. Mr. Pedro Eastmond, Secretary to the Commission, was sworn in on 29th June, 2023.

1.04 As an outstanding former Librarian of the Law Library, Cave Hill Campus, and having served on previous Commissions of Inquiry, Prof. Newton was a valuable Member of the Commission. Regrettably, however, her other professional commitments necessitated her stepping down on 3rd August, 2023 and she was not replaced. The Commission takes this opportunity to thank Professor Newton, confident that she will complete her ongoing commitments in her usual exemplary manner, and do us proud.

* The Bussa Monument erected in honour of Barbados' first National Hero, Bussa, an enslaved man who led the 1816 Rebellion against slavery. Slave rebellions like the one Bussa led were a major factor in the Emancipation of enslaved persons in the British Colonies in 1834.

TERMS OF REFERENCE

1.05 The Terms of Reference of the Commission of Inquiry were to:

- “(a) examine, consider and inquire into the parliamentary system, process and procedures and all other related laws and matters with a view to:*
- (i) making recommendations for the strengthening of Parliament and its functions; and*
 - (ii) to enlarging and strengthening democracy to reflect the wishes of the people of Barbados as they seek to take full ownership of national institutions and processes in the construction of a culturally relevant, inclusive and modern nation-state that reflects Barbados’ republican status;*
- (b) report in writing, after due examination, study and inquiry, giving the commissioners’ opinions and making recommendations for the reformation of the Parliament of Barbados that, in the commissioners’ opinion, are necessary and desirable and would meet the circumstances of Barbados as a parliamentary republic as well as promote the good governance of the nation; and*
- (c) consider and make recommendations on all other matters which, in the Commissioners’ discretion, are relevant to the attainment of the objectives set out in paragraphs (a) and (b).”*

1.06 The Commission was directed to:

- (a) consult widely with the citizens and organisations of Barbados, whether in Barbados or abroad, in such manner and by such procedure as it considered reasonable and appropriate;
- (b) engage in public consultations on parliamentary reform;
- (c) receive and examine proposals from the general public;
- (d) present the written report within 6 months from the date of appointment of the Commission to the President of Barbados.

ADVISORY COMMISSION

1.07 An Advisory Commission has different functions from an Investigative/Inquisitorial Commission. The nature of the Commission’s Terms of Reference required an assessment of the efficacy of past parliamentary practices and policies as well as an identification of likely alternatives, where necessary. This involved extensive research, an examination of comparable approaches in other jurisdictions, taking advice from experts in various fields, public education, and wide public consultation to allow citizens to give their input. With this in mind the Commission took the steps set out below.

HISTORY OF THE BARBADOS PARLIAMENT

1.08 Barbados has one of the oldest Parliaments in the Western Hemisphere and the third oldest Parliament in the Commonwealth. The island was colonised by the British in 1627 who brought their parliamentary traditions with them. The House of Burgesses, as it was called, was established on 26th June, 1639. At that time the country was divided into six (6) parishes – Christ Church, Saint Michael, Saint James, Saint Thomas, Saint Peter and Saint

Lucy - represented in the House by sixteen (16) members. Shortly thereafter the House was renamed the House of Assembly, as it is still known.

- 1.09 By 1645, Barbados was divided into the existing eleven (11) parishes, each of which sent two (2) members to the House of Assembly under what was then called the “Double Member System.” The Constituency of Bridgetown was established in 1843 and elected two (2) Members to the House. The position of Speaker of the House was established in 1652. The Double Member system remained in effect until 1971.
- 1.10 The Upper House, known as the Legislative Council, was established in 1652 and is the precursor to today’s Senate. For much of Parliament’s history it operated in conjunction firstly with the Vestry System and then with Local Government Councils. However, in 1967 Barbados abolished Local Government Councils and full responsibility for the administration of the parishes fell to Central Government.
- 1.11 Until 1950 when the *Representation of the People (Amendment) Act* granted universal adult suffrage to all Barbadians over the age of twenty-one (21), all candidates for the House were required to be property owners. During the period of slavery which ended in 1834, Black Barbadians were prohibited from voting or standing for election to Parliament. In fact, free Coloured men who satisfied the property qualifications, only gained the right to vote in 1831. Women acquired the right to vote in 1944 but were subject to the same property qualifications as men, thereby making few women eligible to vote. In actuality, for much of our history the average Barbadian was excluded from participating in our country’s governance – either as a voter or as a candidate.
- 1.12 Universal adult suffrage was only realised in Barbados in 1951. Three (3) years later, in 1954, Barbados moved to the Ministerial System of Government. Full internal self-government did not take place until several years later. The movement towards broad democratic participation was incremental, with the last major change taking place in 1964, when the voting age was reduced from twenty-one (21) to eighteen (18).

BACKGROUND TO APPOINTMENT OF THE COMMISSION

- 1.13 Barbados’ independence was negotiated at the Independence Conference held at Lancaster House, London in 1966. The Barbadian Delegation comprised three (3) teams – the governing Democratic Labour Party (DLP) led by then Premier Mr. Errol Barrow; the Opposition Barbados Labour Party (BLP) led by Mr. Frederick Miller; and the Conservative party, known as “the Mottley Group,” headed by Mr. Ernest Deighton Mottley. The British Delegation was led by Colonial Secretary, Mr. Frederick Lee.
- 1.14 The Barbados Delegation all agreed that Barbados must be independent, though there were differing public views about what that independence might look like. The Federation of the West Indies collapsed in 1962 with the withdrawal of first Jamaica and then Trinidad and Tobago. Those countries obtained Independence on their own. Even as late as 1962 Barbados did not view the prospect of independence with confidence. There was a fierce debate about whether a small nation-state could survive on its own as an independent country. Initially Barbados considered gaining independence as part of a new federation known as the “Little Eight.” The proposal was that Barbados, along with seven (7) Islands of the Windward and Leeward Islands such as Dominica, Grenada, St. Lucia and St.

Vincent and the Grenadines would attain independence as a group. There was no discussion about Barbados moving from a colony to republicanism; there were then no models for so doing. Further, the only republics then were large countries, for example, India, South Africa, Nigeria, to name a few. After three (3) years negotiations within the “Little Eight” collapsed and Premier Barrow determined to seek independence “alone.”

- 1.15 In the circumstances, Barbados attained Independence on 30th November, 1966 as a Constitutional Monarchy. It retained the British Sovereign, Queen Elizabeth II, as Barbados’ Head of State, represented in Barbados by a Governor General.
- 1.16 The *First Schedule* of the *Constitution Order, 1966* contains the Oaths which were to be sworn by the Governor General, Parliamentarians, Judges and the Director of Public Prosecutions. The form of oath required the office holder to swear allegiance to Her Majesty the Queen, not the country or its people.
- 1.17 Additionally, several appointments, including diplomatic positions, required the formal approval of the Sovereign, necessitating the Barbados Government having to route nominations through the Palace. While there is no evidence of resistance or objection by the Palace, this system occasioned delay and emphasised the fact that, in some measure, Barbados did not have full control over its affairs. More importantly, however, it was inimical to the dignity of the people of Barbados to seek the approval of a foreign Sovereign for the appointment of national diplomats.
- 1.18 However, with the passage of time, it became clear that independence should not be the final step in the journey towards true self-government. The *Constitution Review Commission, 1998, (The Forde Commission)*, recommended that “*the State of Barbados should become a Parliamentary Republic with the Head of State being a President and with executive power continuing to be exercised by a Cabinet with the Prime Minister as Head of Government.*” In the 1999 General Election, the incumbent Barbados Labour Party (BLP) government campaigned on the basis of transitioning to republican status, but never followed through on this proposed policy. Still in office in 2005, the BLP Government announced its intention to have a referendum on the question of republicanism, but this never took place. The Democratic Labour Party (DLP) also committed to cutting ties with the monarchy in 2015 when then Prime Minister Freundel Stuart announced that Barbados would become a republic by the 50th anniversary of independence. However, no steps were taken to realise this goal.
- 1.19 In the Caribbean Guyana (1970), Trinidad and Tobago (1976), and Dominica (1978) have all become Republics. Similarly, Barbados took the ultimate step in our journey to shed all colonial vestiges in November, 2021. We became a Republic. We removed the British Sovereign as our Head of State and elected the first President of Barbados, Dame Sandra Mason. In taking the oath of office on 30th November, 2021, the President swore allegiance to Barbados as a fully sovereign nation.
- 1.20 Consistent with Barbados’ new national status, it was then felt necessary and important to ensure that Parliament is more representative of Barbadian society by giving traditionally underrepresented groups and all citizens a greater say in national affairs, to make for a more robust democracy and engaged citizenry. In addition, it was felt necessary to offer citizens an opportunity to make decisions about their preferred form of government and parliamentary institutions since they were not given that choice at the time of

Independence. More specifically this Commission was charged with a careful examination of the Parliament – the House of Assembly (the so-called “Lower House”) and the Senate (the so-called “Upper House”).

- 1.21 The Commission’s focus on inclusion is particularly important in the context of the historical exclusion of many sectors of society until 1950. For too long in our history race, poverty, gender and disability were barriers to full participation in public life. However, since 1966 great strides have been made to increase political engagement of marginalised groups and the Commission has made recommendations to ensure that that trend continues.
- 1.22 Another factor which prompted the establishment of this Commission and which has been an area of attention for Commissioners, is ensuring that Parliament, now almost four hundred (400) years old, continues to serve the needs of all Barbadians and enjoys their confidence. In the course of the Commission’s sittings, it became clear that there is a global trend of cynicism as it relates to the integrity and efficacy of Parliamentarians. That trend must be arrested in Barbados and in that context the Commission’s recommendations include a Code of Conduct.
- 1.23 Following the Commission’s establishment the Integrity in Public Life Bill was passed. It addresses the question of corruption of public officials and requires, among other things, that public officials and high-ranking public servants make regular declarations of assets to the still to be established Integrity Commission. The Commission considers a Code of Conduct to be a necessary instrument for governing the conduct of Parliamentarians and consistent with the high standards that the *Integrity in Public Life Act* will bring to Barbados.

PARLIAMENT AND THE WORK OF PARLIAMENTARIANS

- 1.24 It is necessary to outline, briefly only, the structure and work of Parliament which will be examined in greater detail later in this report.
- 1.25 Parliament is the highest Court in the country and according to the Constitution its main responsibility is to pass laws for “*the safety, security and good governance of Barbados.*” It is one of the three (3) branches of Government and is established pursuant to and circumscribed by Chapter V of the Barbados Constitution.
- 1.26 Primary legislation is typically introduced by the Government in the Lower House. However, there is also provision for Private Members’ Bills which is a Bill introduced by any Member of Parliament. Legislation can be introduced, too, in the Senate (with the exception of Money Bills). For instance, the *Data Protection Bill, 2019* originated in the Senate. If a Bill is passed in the House, it is then sent to the Senate for debate. If the Bill passes both Houses, it is then submitted to the President for assent. As such, in its law-making capacity Parliament has three (3) arms – the House, the Senate and the President.
- 1.27 Parliamentary sittings are regulated by the Standing Orders. The Commission did not undertake a review of the Standing Orders.

- 1.28 There is no formal job description for Parliamentarians, whether elected or appointed. The expression Members of Parliament (MPs) refers to those Parliamentarians who serve in the House of Assembly and are elected as constituency representatives. They are also termed “legislators” though it must be emphasised that the appointed Members of the Senate, who have no constituencies, are also law-makers. While law-making is the principal obligation of MPs they have other large and varied duties, both in the Parliament, such as serving on Committees, and in giving service to constituents and the wider community. Parliamentarians are both law-makers and constituency representatives. They are also politicians and some have the additional responsibility of being Members of Cabinet. Each role has its own peculiar demands and can be time-consuming.
- 1.29 This is particularly true in a small community like Barbados which does not have the support of a local government structure. Parliamentarians are called on to answer and remedy community and individual needs. MPs are required to act as advocates and spokespersons for their constituents, both in relation to the public and private sectors. They address complaints such as poor road conditions, electricity and water shortages, hurricanes, floods, house fires, etc. Often MPs have to write to Ministers or telephone public servants. On occasion, too, they must act as mediators and family counsellors.
- 1.30 In the context of Barbados the reality is that MPs act as substitutes for and supplements to the national welfare system. Often Parliamentarians are seen as sources of funding on which individuals and community-based organisations and sports teams can draw in seeking contributions. This may range from providing school and team uniforms, food hampers, sponsoring community events, contributing to awards at Speech Days and other school occasions, to providing assistance to impoverished constituents to buy food or pay bills and helping with funeral clothing for family members and the burial expenses for the dead. Parliamentarians are also called on to assist with job placements and provide references, visit sick constituents, attend funerals, sporting matches, karaoke and dances as well as a wide range of other community events.
- 1.31 In Barbados, MPs typically spend long hours per week in their constituency, including on public holidays and weekends and are expected to be constantly accessible to their constituents. The general expectation is that Parliamentarians must be ‘on call’ and available all days of the week and at all times of the day and night.
- 1.32 Parliamentary service is a form of sacrificial public duty. The demands of parliamentary office have always been intense, but have grown more onerous with the development of modern technology which provides constituents with access to their MP by means of cell phones and instant messaging. The slightest form of discontent also frequently results in the dissatisfied constituent using the technology to broadcast to the globe, both truths and untruths about the Parliamentarian. It is worthy of note, however, that despite the immediate access which personal devices allow, this has not been regarded by the public as a substitute for physical attendance. Barbadians want to see their Parliamentarians in the constituency.
- 1.33 Work on the Standing Committees of Parliament can also be demanding. For instance, the Debates Committee and the Public Accounts Committee require MPs to spend considerable time on these areas of focus. The Public Accounts Committee is chaired by the Leader of the Opposition. Regrettably, it was unable to meet for two (2) years.,

following the 2022 General Election and up to March, 2024 since there was no Leader of the Opposition during that period of time.

SKILLS OF PARLIAMENTARIANS

- 1.34 While law-making is the primary legal responsibility of Parliamentarians, constituents tend to regard personal and community problem-solving, such as assisting with jobs, having street lights, and improving garbage collections, bus services and roads, as their MP's major obligation.
- 1.35 Parliamentarians come from all walks of life and tend to have different skill sets which they developed through their education, life experience and work. Generally speaking, however, in addition to being advocates and problem-solvers, Members must have good analytical, organisational and relational skills. They must be effective communicators and negotiators. They must also have a sound understanding of how national institutions work. As their tenure progresses, MPs must also develop new skills and remain well informed.
- 1.36 Keeping current with national and international affairs, global trends and theories in development and political economy, is vital for understanding and debating legislation and speaking effectively on issues addressed by the House. As such, MPs must spend considerable time reading national, regional, and international news, in addition to broader literature and the many reports that are presented to the House each year.
- 1.37 Speech-making is another necessary skill for Parliamentarians. Members are regularly called upon to speak in the House, in their constituencies and at diverse national meetings of a political, social or charitable nature. Members must also spend time liaising with Parliamentary colleagues and staff, government departments and the media. While communication is a key skill for Parliamentarians, the most important is active listening, both in public and private fora.

PREPARATORY WORK

- 1.38 The Commission was mandated to consult widely. Prior to the commencement of public meetings, the Commission engaged in considerable preparatory work including reviewing materials such as articles, reports, legislation and the reports of previous commissions on similar subjects, such as those of the Forde Commission and the Thorne Commission on Local Government. The Commission also had regular internal meetings and, working closely with the Government Information Service and various media houses, undertook the task of public sensitisation and education. In that period the Commission also developed a plan of work and agreed the scope and ambit of its Terms of Reference.

THE WORK OF THE COMMISSION

- 1.39 The Commission determined that in order to discharge its mandate, it must utilise a combination of public and private meetings. As such its work took the following form:

- (a) **Internal Meetings:** These meetings were for Commission members only and took the form of half-day and whole-day meetings, often twice a week in which discussions were had regarding the Commission's work. There were some **fifty-five (55)** of these as at June 27th, 2024.
- (b) **Public Hearings:** These meetings took the form of Town Halls, each of which was led by a panel of knowledgeable Barbadians and subject matter experts who were invited to start the meetings by making presentations on the theme or aspect of the Terms of Reference, slated for discussion on that day. Each meeting was moderated by a different Commissioner. At Town Halls opinions were solicited from members of the public who were present. There were ten (10) Town Hall meetings hosted by the Commission.
- (c) **Private Hearings:** These hearings took the form of in-person and internet-based "in camera" meetings with government organisations, experts in specific fields and Parliamentarians. There were some thirteen (13) of these.

PUBLIC CONSULTATION

- 1.40 The Commission sought to give expression to its Terms of Reference which directed wide public consultation to ascertain the views of Barbadians on the present parliamentary system and, in particular, to see what changes they would wish brought about – if any.
- 1.41 **Public Meetings:** Ten (10) Public Meetings were held across the country. A full list of the Public Meetings of the Parliamentary Reform Commission is contained in Appendix 2. Consistent with modern technology and preference, the online attendance at meetings, far outstripped the in-person attendance.
- 1.42 **Online Engagement and Views:** The Commission's public meetings were all live streamed. Online participants were able to post questions and comments to which panellists and Commissioners responded in real time. Each Town Hall attracted approximately fifteen hundred (1500) viewers and in total, as at the end of May, 2024, there had been twenty-eight thousand, four hundred and eighty (28,480) online views of the meetings. See the Report of Oversight Co Ltd at Appendix 3.
- 1.43 **Written Submissions:** In addition to the Public Meetings, correspondence was sent by the Commission Secretariat to some forty (40) organisations, advising them of the Terms of Reference and soliciting their views in respect of the said Terms. A full list of these organisations is contained in Appendix 4. The response was disappointing in that only three (3) organisations sent submissions. To those who accepted the invitation, the Commission expresses its thanks.
- 1.44 **Public Notices:** The opinions of Members of the Public were also solicited by way of Public Notice which was run by the Government Information Service on both social and traditional media. A copy of the Notice is contained in Appendix 5. Various Members of the Public responded with written submissions. A full list of the submissions received is contained in Appendix 6. Commissioners also made personal videos for distribution via social media and What's App, inviting public participation at the meetings and contribution by way of submissions.

- 1.45 **Political Parties:** The Commission also invited the participation of the two (2) major political parties – the Barbados Labour Party (BLP) and the Democratic Party (DLP). The Commission met with the DLP at their Headquarters on George Street, Belleville, St. Michael on 30th October, 2023 at a public session. The meeting with the Barbados Labour Party (BLP), took place at their Headquarters on Roebuck Street, Bridgetown on 31st October, 2023. These meetings were useful and the discussions were lively and wide-ranging. Subsequent to the meetings, both parties submitted written memoranda of recommendations which are summarised in Appendix 7. Mr. Grenville Phillips, leader of a minority political party, Solutions Barbados, addressed the Commission at its Town Hall at Princess Margaret on 30th August, 2023. He also submitted a written presentation dated 12th September, 2023.
- 1.46 **Specific Public Meetings:** There were also two (2) sets of “constituency specific” Public Meetings – the first with the Barbadian Diaspora held virtually on 22nd October, 2023, at the Lloyd Erskine Sandiford Centre. The Commission also met with the Youth on 21st September, 2023 at the Queens Park Steel Shed and, again, on 10th October, 2023, at the Barbados Community College.

PRIVATE HEARINGS

- 1.47 The Commission’s Terms of Reference also required it to meet with the Thorne Commission and the Constitutional Reform Commission. The Commission reviewed the report of the Thorne Commission on Local Government and met with its Chairman, Mr. Ralph Thorne, KC, on 3rd August, 2023 and Ms. Krystle Howell, a member of the Thorne Commission.
- 1.48 The Parliamentary Reform Commission met, too, with the Constitutional Reform Commission on 13th July, 2023, and 7th December, 2023. The Commission also reviewed the 2023-2030 National Policy for Improving the Lives of Persons with Disabilities in Barbados (Disability Report) and met with Mr. Edmund Hinkson M.P., who chaired the Disabilities Committee on 3rd August, 2023. Joining Mr. Hinkson, M.P. was Senator Andwele Boyce, a person with a disability and a member of the Disabilities Committee.
- 1.49 The Commission’s review of Barbados’ National Disability Policy and meeting with Mr. Hinkson and Senator Boyce was illuminating and helpful with respect to the important issue of the needs of the disabled community. Disability should necessarily not be a bar to participation in electoral politics, self-actualisation or full participation in civic life. Even before the establishment of this Commission, Parliament made some strides in that regard. Senator Andwele Boyce has served as a Government Senator from January, 2022 to present. Ms. Kerry-Ann Ifill, also a member of the blind community, served ably as Deputy and then as President of the Senate (2012 to 2018). Senator Ivan St Clair Linton who is also blind served in the Senate from 1994 to 2008.
- 1.50 The Commission also had several private hearings, including with the Commissioner of Police; the Chief Electoral Officer and Chairman of the Electoral and Boundaries Commission; national security services; Professor Emeritus Trevor Munroe of the non-governmental organisation, National Integrity Alliance (NIA) in Jamaica, and Devaron Bruce, Political Scientist; Col. Glyne Grannum, former Chief of Staff of the Barbados Defence Force (BDF), and Lt. Col. Carlos Lovell, Military Advisor to the Chief

of Staff of the BDF. A full list of the persons who gave presentations at Private Hearings is contained in Appendix 8.

DISCUSSIONS AND REPORT-WRITING

- 1.51 The Commission concluded its formal consultation process in January, 2024. The Commissioners then reflected on the information and opinions received during the consultation process and held a number of internal sessions at which it debated the issues and arrived at the recommendations contained herein.
- 1.52 The work of the Commission necessitated the convening of two Sub-Committees. The Ethics Sub-Committee was chaired by Ms. Maxine McClean. The other two (2) members of the Ethics Sub-Committee were Dr. Richard Ishmael and Dr. William Chandler Jr. The Terms and Conditions Sub-Committee was chaired by Commission Chairman, Sir Richard L. Cheltenham, KA, KC, Ph.D., JP. Sir Leroy Trotman KA and Ambassador H. Elizabeth Thompson, also served on that Sub-Committee. Each Sub-Committee held multiple meetings on their area of focus and prepared reports for the consideration of the wider Commission. Drs. Ishmael and Chandler, Ms. McClean and Mr. Beckles also formed a Research Committee which explored a number of matters and brought the information back to the Commission to inform its decision-making.

STRUCTURE OF THE REPORT

- 1.53 The Commission's Terms of Reference are detailed and wide in their scope. Typically, Commission Reports are structured into chapters which focus either on a specific Term of Reference or general areas. Given that there is considerable overlap between some of the Terms, the Commission considered that it would be useful to set out its Report under general areas of focus including:
- Chapter 1 - Introduction
 - Chapter 2 - The President
 - Chapter 3 - The Electoral System
 - Chapter 4 - Senate
 - Chapter 5 - House of Assembly
 - Chapter 6 - Code of Conduct
 - Chapter 7 - Administration of Parliament
 - Chapter 8 - Terms and Conditions of Parliamentary Service
 - Chapter 9 - Security of Parliament
- 1.54 The Commission was also required to consider the security arrangements with respect to the Parliamentary Buildings and Parliamentarians as well. On this issue, the Commission received evidence in private hearings. Given the sensitivity of security concerns, a separate report has been prepared by the Commission for submission to the Cabinet of Barbados.

PUBLIC MEETINGS

- 1.55 Each Public Meeting was moderated by a member of the Commission and led by a panel of invited speakers who gave presentations on various aspects of the Commission's Terms of Reference. The idea was to hear all views expressed by the public but to also solicit ideas from national experts and thinkers on which both the public and the Commission

could reflect. Many of these presenters are prominent and experienced Barbadians who have familiarity with the country's public life. The Commission expresses its sincere appreciation to them. The topics addressed a range of matters including the voting system, the structure of Parliament, the terms and conditions of service for Parliamentarians and the involvement of women and youth in the political process and electoral system. A full list of these presenters is contained in Appendix 9.

COMMISSION SECRETARIAT

- 1.56 The Commission was supported by Mr. Pedro Eastmond who was appointed as Commission Secretary on 29th June, 2023. Mr. Eastmond brought invaluable experience as Clerk of Parliament for twenty-two (22) years. The Commission thanks him for his able assistance, particularly on the issue of the Administration of Parliament.
- 1.57 The Commission held its internal meetings and private hearings in the Parliament Buildings. This placed additional demands on the staff of Parliament. Mr. Eastmond was assisted by Ms. Beverley Gibbons, Deputy Clerk, and Ms. Suzanne Hamblin. They were both accommodating of the Commission's many requests and useful in ensuring that the Commission was provided with the information necessary to complete its work. Mr. Wayne Jones, the Marshal of Parliament, and Mr. Adrian Craigwell, Deputy Marshall of Parliament, supported every meeting. These officers and members of the ancillary staff were also present at every Town Hall meeting. Mr. Prince Moore, Senior Reporter, now retired, and Mr. Ricky Jordan, Hansard Reporter, transcribed the records of the Commission's meetings. Ms. Hamblin and Miss J'anne Claire Greenidge have also contributed to the production of the Commission's transcripts. The ancillary and catering staff gave excellent support to the Commission's many meetings which lasted all day or went late into the evenings. The Commission thanks them all and acknowledges that their support was invaluable to the execution of its work.

GOVERNMENT INFORMATION SERVICE

- 1.58 A Commission appointed under the Commissions of Inquiry Act is a public body and the public has an interest in its work, especially, its public sessions. In today's age of online content and communication, traditional advertising alone does not achieve the publicity needed to promote such work.
- 1.59 The Commission found the Government Information Service to be on the frontier of traditional and non-traditional forms of communication, utilising Facebook, YouTube and Instagram. The distinct advantage of proceeding in that manner was to attract the interest of the youth, in whose views the Commission were most interested.

- 1.60 The effort of Mrs. Sharon Austin Gill-Moore, the Government Information Service Officer, who was assigned to work directly with the Commission is particularly appreciated. Her efficiency, responsiveness and enthusiasm played a significant role in the wide public reach which the Commission was able to attain. The Public Affairs Division also lent its support in promoting the last three (3) public hearings.
- 1.61 Oversight Corp, which provided recording, broadcast and live streaming services must be commended for the high quality of its work, the excellent standard of their technical skills, especially on the Diaspora Town Hall with Barbadians from multiple foreign capitals in simultaneous attendance. The fact that the Town Halls were streamed and watched on multiple platforms by almost thirty thousand (30,000) people speaks for itself.

SPECIAL ACKNOWLEDGEMENTS

- 1.62 The Commission explored dozens of issues, eventually making over one hundred and eighty (180) recommendations under eighty (80) or so different topics ranging from important issues affecting the electoral system and the functioning of Parliament, to matters of security and Parliamentary procedure. The Commission also received dozens of opinions in the course of its public and private consultations. The issues raised called for extensive deliberations, research and collation of vast pieces of information.
- 1.63 One of the Commissioners in the Somalia Inquiry, Peter Desbarats, in commenting on the Commission's report-writing process, noted *"assembling, writing and editing a Commission report is a demanding and often unrewarding task. It requires support personnel who have the skills needed to absorb mountains of data, sort it into neat piles and process it into something recognisable and meaningful."* Our Commission was not assigned a Commission Counsel, legal draftsman, researcher or an Independent Secretariat. Additionally, the Commission continued its deliberations even as the Final Report was being drafted, necessitating immediate amendments, corrections and additions. In consequence, completion of the Commission's Final Report was a highly challenging exercise.
- 1.64 Ms. Shelly-Ann Seecharan, Attorney-at-law, agreed to assist the Commission, making considerable professional sacrifices so to do. A National Scholar from Trinidad and Tobago, she came to Barbados for a summer internship and never left. Ms. Seecharan has fifteen (15) years' experience in advocacy across the Caribbean and is a Member of four (4) regional bars. She has worked in the areas of criminal law, public law as well as civil and commercial litigation, appearing on multiple occasions before the Courts of Appeal of Barbados and of the Eastern Caribbean as well as the Caribbean Court of Justice. Her strong foundation in the law was enhanced by her LL.M. in Corporate and Commercial Law (Distinction) including courses in advanced administrative and constitutional law. Ms. Seecharan also served as Co-Counsel with Sir Richard, representing the subject of the Leigertwood-Octave Commission established in St. Lucia.
- 1.65 In respect of this Commission Ms. Seecharan assisted the Chairman in carrying out early research and preparing early drafts of the report. However, because of the challenges the Commission faced, it was necessary for her to become directly involved. She attended fifteen (15) lengthy internal sessions of the Commission where she listened to and interpreted the various viewpoints expressed by the Commissioners. She was able to

simultaneously capture these views in a well-crafted and coherent draft which was displayed in real time on a screen viewable by all Commissioners. She was accurate in so doing, asking questions which added to clarity and consistency. After the internal sessions were concluded, she painstakingly reviewed and corrected the draft again, burnishing it with careful research and style. It was a demanding assignment which she discharged with great skill and professionalism.

- 1.66 Sir Richard's legal secretary of twenty-five (25) years, Ms. Sophia Payne, also agreed to assist the Commission in completing its report. Ms. Payne has played a helpful administrative role as support to Sir Richard in several Commissions of Inquiry across the Caribbean from Antigua to Grenada to Guyana. Often she aided the Secretariat of these Commissions, even in compiling the Final Reports and she, better than most, understands what goes into them and how they should be prepared. She has considerable organisational skills and an ability to keep track of enormous amounts of information. In respect of this Commission, Ms. Payne played an early behind the scenes role in helping the Secretariat to get off the ground, drafting and sending over forty (40) letters of introduction and requests. At the internal sessions, too, Ms. Payne took verbatim notes recording the opinions of the Commissioners. Often in the course of writing this report a need arose for a reference to be made to a specific submission or person. Ms. Payne was quickly able to locate the relevant document containing the information required. Her contributions ensured that the report was prepared as speedily and as accurately as possible.
- 1.67 At all times Commissioner Thompson, as a sitting Senator and Ambassador, had other burdensome public responsibilities. Nonetheless, she always made time to contribute to the conclusion of the Final Report, often working long and odd hours. She played a vital role in the report-writing process, not only writing a Chapter but diligently and considerably improving on early drafts of other Chapters, always with an elegant pen, adding to clarity and context. In the course of deliberations Commissioner Thompson also utilised her diplomatic skills to help break impasses and navigate through difficulties to help achieve consensus. The Final Report could not have been brought to such a satisfactory conclusion without her invaluable input.
- 1.68 In discharging her duties, Commissioner Thompson was ably aided by her intern, Ms. Emerald Moore-Phillips-Medford who attended fifteen (15) internal sessions of the Commission. She is a solicitor-in-training with her LL.B. (Upper Second Class Hons.) and an LL.M. in Maritime Law from Southampton University (Upper Second Class Hons). Ms. Moore-Phillips-Medford took careful and accurate notes filling gaps for Commissioner Thompson when she had to be abroad, late due to other commitments or otherwise engaged. Ms. Moore-Phillips-Medford cheerfully and reliably undertook any assignment necessary to assist the Commission in concluding its report.
- 1.69 The Commission expresses its sincere thanks to this team for their long hours, single-minded devotion and resourcefulness.
- 1.70 The Chairman thanks, too, all Commissioners for their persistence in staying the course and for the many interesting and lively sessions at which a range of views were expressed giving rise to the many recommendations which emerged from our work. Each Commissioner brought unique skills and perspectives to the job at hand. For instance, Deputy Chairman Trotman often usefully addressed matters from his perspective as a trade unionist and labour expert. Commissioner Ishmael, who spent many long hours away from

his practice to serve on the Commission, brought the perspective of a non-lawyer and average citizen. Commissioner McClean contributed her considerable knowledge of management, systems and governance, honed over many years as a Lecturer at the University of the West Indies, Cave Hill Campus. Commissioner Beckles brought his legal mind and experience while Commissioner Chandler presented many fresh ideas for reform.

CONCLUSION

- 1.71 Politics is an area of national life which excites considerable passion and emotion on the part of most citizens. Parliamentarians make the laws which govern every aspect of their lives. No Barbadian can go about his day without the influence of the laws passed by Parliament. However, Barbadians have continually in recent times expressed their disenchantment with their chosen representatives. Notwithstanding Barbados' long history of knowledgeable, devoted and hard-working Members of Parliament, politics has come to be regarded as a dirty business. This perception has been cited by some able citizens, male and female, who have much to offer, as a reason for not coming forward to serve in public life. Research shows this is not a problem unique to Barbados but a global phenomenon of loss of trust of the governed in their governments, political systems and national institutions.
- 1.72 It is the Commission's sincere hope that the recommendations contained herein, if the Executive determines that they should be implemented, whether in part or in whole, will assist in bolstering confidence in Barbados' parliamentary institutions. The Commission hopes, too, that the Report will serve to excite interest in Parliament and its work, that Parliament continues to serve the needs of its citizens, and most importantly, and where the Commission's recommendations are implemented, give the people of Barbados a greater say in their national affairs.

CHAPTER 2

THE PRESIDENT



INTRODUCTION

Section 35 of the *Constitution* provides that the Parliament of Barbados consists of the President, a Senate and a House of Assembly. The President now performs the functions of the Head of State previously carried out by the Governor General. The duties of President include executive, prerogative, legislative and ceremonial functions. The President also appoints seven (7) members of the Senate known as Independent Senators. The law stipulates the circumstances or situations in which the President may act in his/her own discretion or on the advice of the Prime Minister as Head of Government or the Leader of the Opposition.

- 2.02 Perhaps the most prominent monarchical feature which exists today and continues in Barbados is the power of assent. In order for a Bill laid in Parliament to become legislation, it must pass both Houses of Parliament and then receive the formal approval of the Head of State known as assent. In colonial times it was a power reserved for the Sovereign. In the context of Barbados that power was exercised historically by the Governor and then by the Governor General. It is now reserved to the President.
- 2.03 The Constitutional Reform Commission has indicated that it is examining the role and function of the President. Hence, this Commission has confined much of its examination to the President's legislative powers for which there is direct connection to Parliament.

ELECTION OF PRESIDENT

Majority Opinion

- 2.04 Under the present legislation, the President is elected by the Parliament using a procedure whereby members of the House and Senate sit together in a joint session and vote for the President. The President must be elected by a two-thirds majority. In the current system, the President is in effect, elected by the people of Barbados in a vote exercised through the Parliament.
- 2.05 One of the questions which the Commission considered was – *Should the President be elected by popular vote and ballot, in the way that parliamentarians are?* This caused considerable debate with strongly held views in favour of and against this proposition. The majority recommend retaining the current system by which the President is elected. These Commissioners held the view that to do otherwise would be to undermine the dignity of the office.

* National symbols are liberally featured as part of Parliament's decor and design. This Coat of Arms is affixed to the wooden boxes used by the Clerks of Parliament on the floor of the House of Assembly.

The majority felt strongly that such an electoral process held great risk for potentially subjecting the office holder to the kind of invective and salacious commentary that often accompanies political candidates on the hustings. Requiring a prospective President to campaign and canvas for votes is not desirable in that it would effectively make the role a partisan one. In addition, in a highly contested election for the Office of President, with a large divide among the voting public, various interests/persons would militate against support for the candidate(s). Such divides would not be in the national interest.

Minority Opinion of Commissioner Chandler

- 2.06 Were the idea that the President should be directly elected by the public, a number of fundamental questions arise. *Would there be more than one presidential candidate on the ballot? How and by whom would a prospective candidate for the presidency be selected? What form would the campaign for the election of the President take? Would the President be eligible to be voted for by everyone on the electoral list in the same way as political candidates?*
- 2.07 Commissioner Chandler recommends a direct election of the President. He is of the view that a President elected by ballot is to be preferred as it gives the President greater legitimacy and enlarges the national democracy. Commissioner Chandler added:

“The terms-of-reference of the appointing instrument for this Commission reflect a people-centred government deeply desirous of, “enlarging and strengthening democracy to reflect the wishes of the people of Barbados as they seek to take full ownership of national institutions and processes in the construction of a culturally relevant, inclusive and modern nation-state that reflects the Barbados’ republican status. I strongly advocate for The People of Barbados enjoying their natural right to elect their Head-of-State (The President). I further argue for the People’s natural right to elect their President to become a constitutional right to enjoy for their benefit for generations to come.

The reproduction of British parliamentary monarchy through parliamentary election of the President must end. It undermines the great progress we have made and are making for the betterment of our country and ought not to be replicated in the mechanism by which our new Republic chooses its President. Consequently, I strongly recommend that the President of Barbados be elected by popular election at the ballot box. Moreover, if accepted, the President should have the additional (and alternative) title of Cacique in honour of the Arawaks who are, in fact, the first Barbadians of record. Cacique, as we are told, was the title of their Head.”

QUALIFYING AGE

- 2.08 Currently, **section 29** of the **Constitution (Amendment) (No. 2) Act, 2021** states that, “A person is qualified to be nominated for election as President if he is a citizen of Barbados by birth or descent.” The majority of the Commission does not favour the imposition of a qualifying age for the office of President of Barbados.

Minority Opinion of the Chairman and Commissioners Thompson and Beckles

However, the Chairman and Commissioners Thompson and Beckles recommend that a qualifying age, that is a minimum age of sixty (60), should be imposed, considering this consistent with the dignity of the office and the high level of respect which it commands.

TERM OF OFFICE

- 2.09 The majority of the Commission agreed with the recommendation of the Forde Commission that the President of Barbados should serve a single term of seven (7) years.

Minority Opinion of Commissioner Chandler

- 2.10 However, Commissioner Chandler is of the view that the President should be eligible to serve two (2) terms, each term being seven (7) years.

ACTING PRESIDENTS

- 2.11 From time to time, the substantive holder of the Office of President is away from their duties and on leave. In such circumstances, a person is appointed to act in their place. Previously, that person was either the Chief Justice or the President of the Senate. The current constitutional arrangement is to the effect that any person who satisfies the requirements of *sections 29 and 30* of the *Constitution (Amendment) (No. 2) Act, 2021* can be appointed to act in the Office of President. The Commission does not recommend any change to the existing arrangements with respect to such acting appointments.

Minority Opinion of Commissioner Chandler

- 2.12 Barbados should establish the office of Vice President who would then act in the position of President whenever the substantive officeholder is on leave. Commissioner Chandler recommends that the Vice President should be appointed by Parliament and chair the Council of Elders/National Council which advises the President in place of the existing Privy Council. The concept of a Council of Elders was discussed by the Commission as a replacement for the existing Privy Council. However, the Commission was unable to agree as to its composition or duties.
- 2.13 Commissioner Chandler is of the further view that the term of office of the Vice President should not be the same as that of the President but one (1) year longer, that is eight (8) years. The Vice President would not automatically become President should the office of President become vacant for any reason. Where the office of President becomes vacant, the next substantive office holder would be elected by Parliament. If, however, the President is elected by popular vote, then where the Office has become vacant the election of the next President should also be by way of popular vote.

POWER OF ASSENT

- 2.14 The President sits at the apex of the legislative process. Once a Bill has passed both Houses of Parliament, it is submitted by the Cabinet Office to the President for assent in accordance with *section 58* of the *Constitution (Amendment) (No. 2) Act, 2021*. The

President must give his/her formal approval, known as assent, to Bills submitted by the Cabinet Office by affixing his/her signature to Bills along with the words “I assent.” The Bill then becomes an Act of Parliament. Between 1966 (Independence) and 2021 (Republican Status) the Governor General exercised this power. While the Constitution does not provide for a veto, it does provide for the President to withhold his/her assent, though there is no evidence that this has ever been done. Assent represents the end of the legislative process and a Bill thereby becomes an Act. Unless the Act has a specified commencement date, the Executive determines when it comes into effect by publishing it in the Official Gazette.

- 2.15 Bills are the legislative efforts of the country’s elected representatives. There is a legitimate question to be answered as to whether a single person should have the power to withhold assent and prevent Bills from becoming laws. However, there is good reason for the assent power to remain vested in the President and the Commission so recommends. A wise, intelligent and tactful President can and often does offer sound advice to the Prime Minister on many matters, including legislative ones. The President is also a non-partisan figure and it is useful that that person should provide their approval to legislation.

INDEPENDENT LEGAL ADVICE

- 2.16 The Commission accepts that the President may need to receive legal advice on matters of state, independent of the Office of the Solicitor General which acts on behalf of the Executive. These occasions may not often arise, but they have arisen in the past and, no doubt will arise again.
- 2.17 The Commission recommends, therefore, that provision should be made for the President to retain independent legal Counsel in extraordinary circumstances as needed and that cost should be borne by the State.
- 2.18 Commissioners McClean and Chandler agree with the majority that the President should have the benefit of independent legal advice. However, they are of the view that such advice should be provided on an ongoing basis by a legal officer appointed to the Office of the President.

CHAPTER 3

THE ELECTORAL SYSTEM



INTRODUCTION

Changes in the Electoral System in Barbados were incremental. The first major change was the introduction of universal adult suffrage in 1951. The last major change was the reduction of the voting age from twenty-one (21) to eighteen (18) in 1964.

3.02 Since Independence, like many other Caribbean countries, Barbados has retained the First-Past-The-Post System. In the context of Barbados, it has yielded stable Governments. However, recent unprecedented events necessitated a closer look at the Electoral System which has served the country well since 1966.

3.03 The Commission received a number of proposals and suggestions in the course of the Commission's public meetings, as well as written submissions. These proposals ranged from and touched on the implementation of proportional representation, women in Parliament and barriers to female representation, a fixed date for election, the age of candidacy, overseas voting, a cap on Cabinet members, crossing the floor, a right of recall of Members of Parliament, among others. The Commission gave detailed and serious consideration to the public opinions received on these issues and took them into account in making the recommendations set out herein.

NEED FOR CHANGE

3.04 In the General Elections of 2018, the Barbados Labour Party (BLP) won every constituency, gaining all thirty (30) seats in the House of Assembly. There was no allegation of any electoral impropriety. These were historic and unprecedented election outcomes. It must be emphasised that the election of a Government without Opposition, was the will of the people and having occurred in 2018 and then repeated in 2022, shows a deliberate intent on the part of the electorate.

3.05 However, despite the exercise of the conscious will of the electorate, the absence of an elected Opposition after the 2018 polls, triggered concern about the implications for Barbados' democracy, since the absence of a Leader of the Opposition created a constitutional vacuum.

* Prior to the introduction of Universal Adult Suffrage in 1951 many Barbadians were excluded from voting or standing for Election. It was in that first election under adult suffrage which saw Ms. Ermytrude Bourne become the first woman to be elected to the House of Assembly. The Committee Room of Parliament is named in her honour. It stands as a reminder to Barbadians to cherish freedoms long fought for.

This vacuum was filled within two weeks, when a member of the Government's backbench 'crossed the floor' and assumed the position of Leader of the Opposition, thereby also enabling him to appoint two (2) Opposition Senators in the Upper House.

- 3.06 The 2022 General Election again resulted in a clean sweep by the BLP at the polls and in the vacancy of the position of Leader of the Opposition. This triggered the operation of **section 75** of the Constitution, which was amended, to allow the President to act on the advice of the Prime Minister in the event that the position of Leader of the Opposition is vacant and to appoint two (2) additional Independent Senators in the absence of Opposition Senators. The two (2) Senators so chosen acted in their positions until February 2024, when another Government backbencher 'crossed the floor,' becoming Leader of the Opposition. Two (2) Opposition Senators were then appointed to replace the two (2) Independent Senators who took office after the General Election of 2022.
- 3.07 Regionally, similar outcomes took place post-Independence in Trinidad and Tobago in 1971, and Grenada in 1999, 2013 and 2018. Pre-Independence there was no Parliamentary Opposition in Antigua and Barbuda from 1951 to 1971. Barbados came close to this in 1986 when the Barbados Labour Party (BLP) was reduced to three (3) seats in the House and again in 1999, when the Democratic Labour Party (DLP) won only two (2) seats. The 2018 and 2022 elections in Barbados have to date, been the only occasions on which a General Election outcome did not result in a Parliamentary Opposition.
- 3.08 The results of the most recent General Elections in 2022, as well as the move to a Republican Democracy, prompted the need to re-examine Barbados' Electoral System. However, the Commission bore in mind the need to proceed cautiously with regard to constitutional arrangements developed over centuries and which have stood the test of time. In any event, the Constitutional Reform Commission which was appointed on 20th June, 2022 is looking at what constitutional changes Barbados' Republican status will require.
- 3.09 For instance, the *Fixed Term Parliament Act in the UK 2011* was regarded as having led to a quick succession of Prime Ministers and to a period of instability. The issue the framers of the Act were trying to address was the perceived advantage enjoyed by the Prime Minister in being able to call a snap election. In addressing that 'problem,' a more serious one was created. There is a valuable lesson to be learned from this incident in British history.
- 3.10 Change for the sake of change does not benefit a society. By pulling at one constitutional thread in the United Kingdom, a more important one was temporarily unravelled. Barbados' democracy has been continuously stable and, for the most part, the country has enjoyed responsible government. Thus, the anthem's exhortation to be both *strict guardians of our heritage and firm craftsmen of our fate*, is borne firmly in mind. There is a balance to be struck. Changes to the Electoral System must be well thought out as Barbados attempts to craft a new Republican Democracy, built on a solid foundation, which will take us far into the future.

FIRST-PAST-THE-POST SYSTEM

- 3.11 A number of persons have made written and oral representations to the Commission that Barbados should dispense with the First-past-the-post System and move to some type of Proportional Representation. Indeed, this was a matter of serious discussion at the Commission's first Town Hall Meeting at the Barbados Workers' Union Headquarters on 17th August, 2023.
- 3.12 Some members of the public at that meeting expressed the view that Barbados should move away the First-Past-The-Post system on the basis that there is the potential for a party which has not won the popular vote to, nonetheless, form the Government. Dr. Sir George Alleyne, former Chancellor of the University of the West Indies, expressed support for proportional representation at the Diaspora Zoom Hall Meeting. However, Dr. George Belle and Mr. Peter Wickham, well-respected political scientists, who were panellists at the first Town Hall, gave reasoned opinions in support of retaining the existing voting system. Dr. Belle was of the view that proportional representation is likely to allow weak political candidates to successfully seek office while First-Past-The-Post allows for greater direct scrutiny by the electorate. He was also of the view that the latter system allows for the formation of more stable governments.
- 3.13 Barbados has little history of successful and enduring third parties post-Independence with three (3) notable exceptions. In 1989, Dr. Richard Haynes and three (3) other members of the Democratic Labour Party (DLP) formed the National Democratic Party (NDP) and crossed the floor, effectively ousting the then Opposition Barbados Labour Party (BLP), to become the official parliamentary opposition. The NDP contested the 1991 General Election, but all members except the Leader, Dr. Haynes lost their seats.
- 3.14 Within weeks of the historic 2018 General Election in which the Democratic Labour Party (DLP) won no seats, newly re-elected Barbados Labour Party (BLP) M.P., Rev. Joseph Atherley, crossed the floor and became the Leader of the Opposition. Rev Atherley then went on to form his own political party known as the People's Party for Democracy and Development (PdP). Neither Rev. Atherley, nor any of his candidates was successful in gaining a seat in the 2022 General Election. Most recently, in February 2024, BLP Parliamentarian, Mr. Ralph Thorne, crossed the floor to sit "in opposition" to the BLP. Within days, he was re-admitted into the membership of the Democratic Labour Party, which he had left some years before, becoming the DLP's Political Leader and officially, the Leader of the Opposition. The difference between Mr. Thorne and Messrs Haynes and Atherley, is that Mr. Thorne joined and became leader of one of Barbados' old and established political parties. Only time will tell how Mr. Thorne will fare in the next general election should he contest it and whether or not he will have a different outcome from those who crossed the floor and sought to establish third parties.
- 3.15 Noting that Proportional Representation can frequently lead to electoral or political instability, especially where coalition governments are formed, the Commission unanimously recommends that the First-Past-The-Post System should be retained. The Members of the Commission are satisfied that the concerns of those who expressed a

preference for Proportional Representation, particularly, in light of the absence of an elected Opposition in 2018 and 2022, can be accommodated by other changes which are which are discussed and recommended later in this Report.

PRIME MINISTER - TERM LIMITS

- 3.16 Like much of the Commonwealth, Barbados' 1966 Constitution provides no term limits for the office of Prime Minister. Constitutional term limits for Prime Ministers are not the norm. This is undoubtedly because a Prime Minister can only serve for as long as he or she retains the confidence of the majority of the Members of the House of Assembly and the Electorate. Indeed, the Prime Minister must gain the confidence of the public every five (5) years or sooner, if an election is called earlier. The public and the majority of elected Parliamentarians, therefore, have the mechanisms of the ballot box and party caucus to make their judgement on the Prime Minister. Further, in Barbados, as in other countries, including Australia and the United Kingdom, Prime Ministers may voluntarily demit office for a variety of reasons.
- 3.17 Additionally, Barbados' parliamentary system includes provision for a no confidence vote, through which a Prime Minister can be ousted. This provision was triggered in our recent parliamentary history, when in 1994, a vote of no confidence brought by the Opposition against (Sir) Lloyd Erskine Sandiford, the Prime Minister of the day, with supporting votes by several members of the Government, precipitating the calling of a General Election, two (2) years before it was constitutionally due.
- 3.18 For the reasons contained above, the Commission unanimously recommends that there should be no term limit on the office of Prime Minister.

NATIONAL REPRESENTATIVES/NATIONAL MPS

- 3.19 In the course of the Commission's public consultations, several persons expressed strong support for the introduction of a system of National MPs. Indeed, the proposal was put forward by both major political parties, though each advanced a different methodology for the election of such MPs. Mr. Peter Wickham at the Commission's first Town Hall on 17th August, 2023, also favoured the introduction of a system of National MPs in Barbados, also sometimes called 'at large' representatives. Such representatives exist in several democratic societies and at-large voting is used to elect municipal, state or national representatives.
- 3.20 For instance, the system was introduced in New Zealand in 1996. It was reintroduced in the British Virgin Islands (BVI) in 1994. BVI elects four (4) national/at-large representatives in addition to nine (9) district representatives. In Canada, it is used to elect city officials in many municipalities while three (3) Territories - Yukon, Nunavut and Northwest Territories are served by one at-large MP. Several US States also utilise the at-large approach for congressional districts.

- 3.21 Under Barbados' present system constituencies are defined by geographical boundaries and the electors registered in that constituency vote for a single MP to represent their interests in the House of Assembly. Though that person is often involved in law-making which affects the entire country, his foremost duty is to his constituents.
- 3.22 The Commission considers that the time has come for Barbados to implement a system of national representatives whereby at a General Election Barbadians cast votes not only for their constituency representative but are also be able to elect ten (10) National Members of Parliament to the House of Assembly. These National MPs will not represent a specific constituency but instead represent the interests of the entire populace and be empowered to advocate in Parliament on national policy issues. Voters will thereby be able to have direct representation on issues of both national and local importance. In order to implement this system, the Commission makes the further recommendations below with respect to Party List Voting.
- 3.23 This particular issue is one of the most important aspects of the Commission's report as the recommendation made will dramatically alter the landscape of the electoral system and the House of Assembly. The Chairman was persuaded as to the need for the change on the basis of the need to continue to attract the best possible representatives to Parliament. The Commission has already pointed out that the pool of qualified candidates is growing smaller as talented Barbadians turn away from public service.
- 3.24 Further, Parliamentarians wear three (3) caps - constituency representative, law-maker and politician. Some representatives usually find at least one to be ill-fitting. Very few succeed in all three (3) roles simultaneously. Excellent constituency representatives have been poorly suited to dealing with national issues, while those who shine in national and international fora were not necessarily competent at the constituency level. The country needs both types of MPs. By giving potential candidates the opportunity to make a choice as to the type of service they will give, Parliament will in all likelihood attract a greater pool of competent candidates. Voters will also have a larger say as well in the election of Members of Parliament. Instead of casting a single ballot for a single candidate, voters will be able to choose seven (7), or eight (8) or ten (10) MPs, depending on the number of National Seats available.
- 3.25 Given the wide range of issues considered by the Commission, time did not permit it to take certain steps such as the creation of a draft ballot. This must be done since voting should always be as simple as possible. The Chairman is also of the view that a public education campaign, including the presentation of a draft ballot, must precede the implementation of this recommendation. He also considers that the exact number of National MPs is a detail that should be the subject of discussion and agreement between the Electoral and Boundaries and the implementing Administration.

PARTY LIST VOTING

- 3.26 The Commission has already endorsed the existing First-Past-The-Post System and declined to recommend the introduction of proportional voting. However, having also

determined that Barbados should have both constituency and national representatives, the Commission gave serious consideration as to how best National Seats should be allocated in the context of Barbados' voting system. The proponents of this system were often at variance as to the method of implementation. Several possible options were generally discussed including:

- (a) Single Member National Seats where voters cast specific ballots for the candidates vying for these seats. For example, if there were ten (10) National Seats, the ten (10) candidates receiving the highest number of votes would each win one (1) of the National Seats.
- (b) Party-based National Seats allocated by bloc in the House of Assembly to be won on a proportional basis. The seats would be distributed to political parties based on their percentage of the national vote. For example, if there were ten (10) National Seats and Party A wins 30% of the national vote it would receive three (3) of the national seats. If Party B garnered 40% of the votes, it would win four (4) seats and Party C would be allocated three (3) seats with 30% of the vote.
- (c) A fixed number of party-based National Seats allocated in the House of Assembly to both the Government and the Opposition. Each party would have a party list or a general ticket in which it puts forward a slate of candidates. A voter casts just one vote for a constituency representative, as he/she does now, and the party winning a plurality of votes sees its whole slate elected.

3.27 The majority of the Commission favours the third 'party list' approach. The Commission has already recommended that there should be ten (10) National Seats in addition to the existing thirty (30) seats in the House of Assembly. The Commission further recommends that five (5) of those seats should be allotted to the party which won the majority of seats in the election and forms the Government. The other five (5) National Seats should be allocated to the party which won the second highest number of seats and forms the Parliamentary Opposition. If, however, no party is able to form the Opposition on the basis of seats won, those five (5) seats should be allotted to the party which won the second highest plurality of votes in the election.

3.28 The effect of this recommendation is two-fold. Firstly, it ensures that voters have a direct say in matters of both local and national import. Secondly, it guarantees there will always be a parliamentary opposition in the House of Assembly even when the opposition party has failed to win constituency seats. Thus, without the need to radically alter Barbados' voting system, voters who support the Opposition will not be deprived of parliamentary representation. Further, democracy works best and is expected to function in the context of a multi-party state. Opposition is needed to hold the Government accountable and to ensure that the administration governs as effectively as it can. The lack of parliamentary Opposition, even when it is the will of the people, can have the unintended consequence of creating complacent and ineffective Governments.

- 3.29 In making this recommendation the Commission considers it important to outline criteria which will govern the process of electing National MPs. The Commission recommends that each party which wishes to contest National Seats compile a list of candidates who are vying for those seats. In this case, to the extent that the Commission has recommended that the Government and Opposition will each have five (5) such seats, each political party will nominate five (5) candidates on its party list. Each voter will have a single vote. A vote for a constituency representative who is tied to a party should also be registered as a vote for the National Seat candidates on said party list. Specifically, if a voter votes for Candidate Smith of the A Party, his vote would be counted towards the party list for A Party.
- 3.30 The Commission further recommends that each political party should be required to designate its Party Leader on its party list. If that political party is successful in winning the Government, then its Party Leader will become Prime Minister. The Commission contemplates that the Party Leader of the party which forms the Opposition would become Leader of the Opposition. The Party Leader may contest either a national or constituency seat. Where the position of leader is vacant for any reason, the party-list representatives would, by simple majority, designate a new party leader. It is important, therefore, that each party's list of National MP candidates be lodged with the Electoral and Boundaries Commission. Where a national seat has become vacant the Party Leader should elevate a constituency representative to the national seat and a by-election will result in the now vacant constituency.
- 3.31 Nothing in this recommendation should be regarded as shutting out or preventing Independent candidates from contesting National Seats. The majority recommends that specific provision should be included in any enabling legislation to preserve the right of Independents to contest such seats.

Minority Opinion of the Chairman

- 3.32 The Chairman is not satisfied that the mechanism by which National MPs will be selected, not elected, is sufficiently democratic, particularly when one considers that these MPs may all be appointed to Cabinet. Both political parties supported a system of direct election and the Chairman sees no reason for departing from that. The effect of the party list system is that candidates for National MPs will not directly face the polls but simply be nominated by their respective parties and not be specifically accountable for their performance at the ballot box. In effect the majority is proposing to award 'bonus' seats to both the Government and the Opposition.
- 3.33 Further, though the majority has endorsed the need to have Independents contest these seats, party list/block voting does not seem to permit it when the system proposed requires votes for National MPs to be allotted to political parties only. Also, *would National MPs be able to cross the floor or declare themselves independent and what would be the effect of so doing?*
- 3.34 The electorate must be able to see how their votes count, accustomed as they are to the First-Past-The-Post system. The Chairman recommends that National MPs must each be

directly elected by the voters in which Barbados is a single constituency. If there are five (5) National Seats, an unlimited number of persons should be allowed to contest them, whether under a party banner or as an Independent. Voters should select their five (5) preferred candidates and the five (5) candidates who won the most votes should be declared winners of the National Seats. Voters will continue to select their constituency MP in the traditional manner.

Minority Opinion of Commissioner Thompson

- 3.35 It is common to hear members of the electorate saying that they do not see enough of their MPs. The reality is that those who simultaneously hold ministerial office carry a tremendous load in their dual capacities as minister and parliamentary representative and many times do not get into their constituencies as often as they, or their constituents, would wish.
- 3.36 There are people who have the skills and interest in engaging at the constituency level, addressing parochial problems and wrestling to the ground the challenges encountered by citizens in dealing with state agencies, or resolving difficulties in communities. Such challenges may relate to bus services, garbage collection, tax issues, road repair, clearing wells and drains, obtaining house repairs, obtaining street lights, having sports or community facilities erected or debushing overgrown lots or areas. Other persons have skills and interest in large national, or international policy issues and would prefer not to be involved in community based activities or not to make constituency representation their primary focus. The challenge is that in the present system, one cannot choose a national or a constituency role. For these reasons, the current system should be changed to allow for both constituency representatives and national representatives.
- 3.37 Parties should be able to run a slate of candidates of both constituency MPs that is thirty (30), if that number is retained, and of National MPs, that is, ten (10). Candidates would have to be selected by the internal party process as either a constituency or a National MP. Each political party would have a slate of national and constituency MPs. On the ballot, an elector would vote for their constituency MP, or parliamentary representative in the same way he or she currently does. Each elector would also vote on a list of national MPs for each party. The party winning the largest number of national and constituency MPs will form the government and that Party's leader becomes Prime Minister.
- 3.38 A party leader would be selected by the political party by its own internal process and that person could elect to run as a National or as a Constituency MP, but by voting for them and giving their party the largest number of MPs, the public would in effect also be voting for the Party Leader to be Prime Minister. It would also be anticipated that a Prime Minister can choose a majority of National MPs to sit in the Cabinet.
- 3.39 Commissioner Thompson considers this to be a much simpler process than the party list method advanced by the majority.

FIXED DATE OF ELECTION

- 3.40 Some members of the public advanced the view that Barbados should adopt a Fixed Date of Election, such as exists in the United States. Others held the view that Barbados should follow the precedent of a fixed date of election drawn from the United Kingdom. However, in 2022, the British Parliament repealed the *Fixed Term Parliament Act*. The abandonment of this system in the United Kingdom certainly seems to suggest that the British regard it as a failed experiment. Throughout the world, in both Commonwealth and non-Commonwealth countries two (2) broad systems are operating. One being the fixed term system and the other allowing elections to be called at the discretion of an executive President or Prime Minister, depending on the political system of the country.
- 3.41 The submissions to the Commission supported both systems. The Commissioners took the position, however, that in Barbados' new Republic the discretion of the Prime Minister to call elections should be retained.
- 3.42 The Commission recommends that the current flexible arrangements for the exact date of the calling of an election should be retained. The Commissioners also note that while there is no fixed date for an election, *sections 61* and *62* of the Constitution prevent a Prime Minister from exceeding a broad term of five (5) years. This system has worked well in Barbados and has not disadvantaged Opposition Parties in calling elections.

OVERSEAS VOTING

- 3.43 Barbados has a significant diaspora of tens of thousands. The exact number as a percentage of the number of citizens or eligible voters, resident in Barbados, is not known. There is no doubt that Bajans abroad are generally interested in the welfare of Barbados and what takes place here. Using traditional media as well as social media, Bajans living overseas follow national life and events very closely. Additionally, over many decades the remittances which they made contributed greatly to Barbados' economy. Many continue to own land or property here for which they pay taxes. Some are frequent visitors, returning to Barbados for Christmas and national festivals such as Crop Over, to spend time with friends and family or to transact business.
- 3.44 For the purposes of this discussion, a working definition of a member of the diaspora is simply a Barbadian citizen who resides abroad. Persons who qualify for citizenship, for instance by descent, but have not acquired it would be excluded.
- 3.45 Representation has been made to the Commission, including from members of the diaspora, as well as Political Scientist, Devaron Bruce, who met with the Commission on 14th August, 2023, that provision should be made for diaspora voting. This suggestion had three (3) general forms:
- (a) allowing overseas voting for representatives of constituencies already established in Barbados, or

- (b) creating a special diaspora constituency, or
- (c) ensuring that their interests are represented by a Senator whose responsibility it would be to become the voice of the Barbadian diaspora.

This third position was put as a means of including the diaspora's view in national affairs, if the suggestions at (a) and (b) were rejected.

- 3.46 Many developed countries facilitate overseas voting. France and Austria, for instance, grant expatriate citizens voting rights identical to those of resident citizens. Israel and India allow expatriates to vote but ballots must be cast in person. On the other hand, Australia restricts eligibility to citizens who have registered three (3) years prior to leaving and who intend to return within six (6) years. Belgians who live overseas can only vote in national and European elections.
- 3.47 Barbadian citizens living abroad, whose names are on the Electoral List, are at present, entitled to vote, but must return home to do so. In many cases however, the names of Barbadians resident abroad are removed from the voters list. Barbadians working in national diplomatic missions overseas are permitted to vote from their posts just prior to the election and there is an established method for getting the sealed ballots to Barbados, for opening on Election Day.
- 3.48 The first suggestion above (para. 3.45(a)), would see Barbadians resident overseas being allowed to either vote physically at Embassies or Missions, or by the simpler method of online or electronic means, or by returning to the island. In each of these cases, members of the diaspora would vote in the constituencies in which they were formerly resident and are registered. The majority of the Members of the Commission rejected this on the basis that these numbers could be very large and could skew an election result; that those citizens living overseas may not be fully seized of the nuances of issues; some might not be paying taxes in Barbados; and if allowed to vote, members of the diaspora would not be bound on a day to day basis, by the consequences of their vote.
- 3.49 Option two, which was advanced by Commissioner Thompson, was that the diaspora should have a single seat in Barbados for which members of the diaspora vote. The political parties would each put up, or nominate a diaspora candidate who would be a returned national resident in Barbados at the time of the election, but who lived outside of Barbados for no less than seven (7) years, not including any period spent as a student. Canvassing would be done largely by electronic means, Barbadians living overseas would then vote for the candidate of their choice. The Government would be responsible for equipping and maintaining the office of the elected diaspora representative. It is noted that while the size of the "constituency" would be large in number, the diaspora representative would not have to address the plethora of issues which face constituency MPs, such as street light placement, road construction or repair, bus services, garbage collection and the like.
- 3.50 There was also considerable discussion among Commissioners as to whether the diaspora representative should be allowed to sit in Parliament, but not be given voting rights. The idea of a representative who could speak but would not be able to vote, was rejected by Commissioners. This brought about a discussion on Option (C), the creation of a Senate

seat for a diaspora representative, with the same criteria for having lived overseas, but who, like other Senators, would be appointed, although as an “Independent” Senator. This Senator may or may not have voting rights in the Senate.

- 3.51 In considering this issue, the Commission benefited greatly from the advice of, and information provided by the Chief Electoral Officer, Ms. Angela Taylor, and the then Chairman of the Electoral and Boundaries Commission, Mr. Leslie Haynes, KC at the Commission’s meeting with them on 21st August, 2023.

Majority Opinion

- 3.52 The Barbadian diaspora is indisputably interested in and has contributed to the country’s development and continues to do so. Having considered the issue with great seriousness, and at some length, the majority of Commissioners are of the opinion that there are cogent reasons against overseas voting which are set below.
- 3.53 The Parliament of Barbados is charged with making laws for the good governance of the country. Parliament has been typically associated with a geographical location since it has no power beyond its territory. Overseas voting would allow diaspora members a say in the creation of laws which do not bind them.
- 3.54 Additionally, given the large size of Barbados’ diaspora, estimates of which can be had from the census data of the USA, UK and Canada, overseas votes may have a significant impact on the outcome of elections. Importantly, however, diaspora voters do not have to live with the consequences of the elections in which they would play a major role. Members of the diaspora, even though many keep a keen eye on events, have lost touch with the day to day realities in Barbados, much of which may not be the subject of media coverage.
- 3.55 Diaspora voters do not routinely pay certain types of tax, though, of course, those who are homeowners pay property tax. Taxpayers resident in Barbados would have to bear the significant costs associated with overseas voting and the power of their own votes may be diluted thereby. This is particularly so when one considers that the diaspora may well outnumber resident citizens. No cost accrues to overseas voters who will, nevertheless, have a say in how the public purse is spent. The effect of the proposal is that overseas voters will enjoy “representation without taxation.”
- 3.56 According to “*Out-of-Country Voting: A Brief Overview*” by Peter Erben, Ben Goldsmith, Aysha Shujaat, IFES White Paper April 2012, The International Foundation for Electoral Systems, p. 1, the cost of a diaspora vote is estimated as between five (5) to ten (10) times more than a locally cast ballot. The upshot is that fewer resources will be available for the conduct of in-state elections.
- 3.57 In theory, overseas voting would be open to any Barbadian who is currently resident abroad. The specific operational challenges would differ based on the chosen method of voting – in-person, postal or electronic. Regardless, however, the operational and logistical challenges which would arise are considerable when one remembers Barbados’ large diaspora in Canada, USA – Florida, Boston, New York – and the United Kingdom.

- 3.58 The technology and various social media and online platforms would have to be heavily utilised, or political campaigns would become appreciably more expensive as political parties will require large sums to advertise on prominent news networks and newspapers overseas if the traditional media is used.
- 3.59 The Electoral and Boundaries Commission would need greater time to organise and conduct elections, perhaps ten (10) years. The Commission has been advised that considerable changes need to be made to the current Electoral List and that process is ongoing. Significant resources would now have to be allocated to update the List to allow for the registration of overseas citizens. Even with a generous allocation of resources, this process will take many years. Other issues will arise as well. There will be difficulty in determining the eligibility to vote. Specifically, what documents qualify a citizen to vote and are those documents up to date? Does the state then have a responsibility to update those documents overseas?
- 3.60 Issues of equal access will also arise. For instance, should overseas voting be facilitated in New York, but not Florida?
- 3.61 Further, regardless of the system adopted to allow overseas voting, there is also significant potential for fraud and, just as, or more importantly, for the perception of fraud.
- 3.62 The possibility of an overseas seat is subject to many of the same arguments against diaspora elections. Additionally, that member would have the largest single constituency and be unable to service it effectively. This is in addition to the cost of returning to Barbados to fulfil Parliamentary responsibilities which would have to be borne by the taxpayer.
- 3.63 The Commission considered whether a Senate position ought to be reserved to represent the special interests of the diaspora, but was unable to arrive at a consensus on this issue. However, given the size of the diaspora, mechanisms have to be found to facilitate the contribution of the diaspora to national development. The Chairman and Commissioner Chandler are of the view that the opinions of members of the diaspora can be adequately gleaned and represented by way of a non-parliamentary office, for instance, the Ombudsman who may include their concerns in an annual report, or by way of a diplomatic liaison who can report, through the Foreign Service, to the Cabinet.
- 3.64 Other countries, such as the United Kingdom, have addressed the issue by the creation of international branches for political parties, such as Labour International or Conservatives Abroad. In the United States, the Democratic Party created the Democrats Abroad organisation. This organisation has sent delegates to Democratic Party primaries since 1976 and has now voted in primary elections. The cost is borne by the political parties. The Chairman commends the latter practice, in particular, as an effective way of representing diaspora views in Parliament while sidestepping the issues identified in the majority opinion. In any event, this would be to formalise a practice which already exists. Specifically, both major political parties have groups of supporters, largely concentrated in New York City and London. The two (2) major parties also have branches in the major cities where Barbadians are resident, such as New York, Toronto and London. These overseas branches provide small financial contributions to their party of choice. When

Leaders of Barbados' major political parties travel, they often meet with Barbadians abroad, hear their concerns and address them on what is taking place in Barbados.

Minority Opinion of Commissioner Thompson

- 3.65 This has been an interesting discussion with many critical considerations. In relation to Option B set out at para. 3.45, a few of the arguments made revolve around the operational difficulty in organising overseas voting. Complexity cannot be a bar to the facilitation of overseas voting. For practical, cost and reasons of operational management, voting should be by electronic means. The technology can develop a fair system which prevents double voting and other ills. Nor should it be assumed that every Barbadian overseas will be interested in voting. In every election, political parties and candidates bear the cost of marketing in traditional and new media. The parties promote individual candidates and their full slate of candidates. Since canvassing of the members of the diaspora will be primarily by way of social media, the campaign and canvassing of the parties' diaspora candidates will be far lower than those resident in Barbados, since diaspora candidates will not require the posters, placards, paraphernalia, printed material and plethora of candidates' campaign and marketing material, or physical appearances at constituency and national events.
- 3.66 Despite the arguments made, Commissioner Thompson is not persuaded that Option B or C is unworkable. In her view, Option B, that is the creation of a diaspora constituency represented by a Member of the House of Assembly, directly elected by registered overseas voters is to be preferred and she so recommends.
- 3.67 If Option B is accepted it may take some time to be implemented. Diaspora representation should not be delayed in the meantime. Commissioner Thompson recommends that Option C, reserving one of the seats in the Senate for diaspora representation, with that Senator having full speaking and voting rights, should be implemented, until overseas voting can be accommodated. Commissioner Thompson recommends further if Option B is rejected outright then Option C be utilised as an alternative means of facilitating diaspora representation in the Barbados Parliament.
- 3.68 In relation to Option C, the Commission is recommending in Chapter 4 that the number of seats in the Senate be increased and that there should be Senate seats which represent particular interests. In developing its recommendation at Chapter 4 for the adjustment of the number of seats in the Senate, members of the Commission were mindful that the Government of the day must always have a majority of the seats. In Option C, since the Diaspora Senator would hold one of the Independent Senate positions, the numerical balance of the Senate would not be disturbed.

Recognition of Members of the Diaspora

- 3.69 On the matter of diaspora representation a final issue was discussed by the Commission. There is a saying that wherever you go in the world, you will find a Bajan. Barbados exported workers in every category – bus drivers, nurses, doctors, teachers, police officers, business-persons, creatives, artisans, sportspersons, and a range of other professionals. It may well be added that those Barbadians have been largely hardworking and law-abiding,

often rising to the top of their chosen fields while making significant contributions to their adopted communities. In so doing, they have raised the standing and prestige of Barbadians and Barbados in the eyes of the world. For that reason, though it is not within its Terms of Reference, the Commission strongly suggests the establishment of a category in the national award system honouring Barbadians abroad and the diaspora, including the children and grandchildren of Barbadians.

NUMBER OF CONSTITUENCIES

- 3.70 As stated previously, in 1971 there was a major change to Barbados' Electoral System. The Double Member Constituency System was abolished. The number of constituencies remained constant at twenty-four (24). The biggest changes were that St. Michael was divided into eight (8) constituencies and Christ Church into four (4). Other constituencies were reduced from two (2) to one (1), for example, St. Lucy, St. John, Bridgetown and St. James. However, the number of representatives remained unchanged.
- 3.71 The first increase in the number of constituencies since 1843 took place in 1981. Two (2) seats were then added to St. Michael and one (1) to St. James. As such Barbados had twenty-seven (27) MPs. A further increase took place in 1991 when a fifth seat was added to Christ Church (South). In 2003 an additional seat was added to two (2) constituencies – St. Philip (West) and St. James (Central). The number of seats has remained at thirty (30) since then.
- 3.72 The Commission recommends, by a majority, that there should be a further increase in the number of constituencies, subject to the report of the Electoral and Boundaries Commission as to whether and where a new constituency or constituencies should be created.

Minority Opinion of Commissioner Thompson

- 3.73 Commissioner Thompson is of the view, however, that the number of constituencies should not be increased, but rather that constituencies should be increased by size. The argument has always been that to facilitate house to house canvassing, the size of the constituency should be manageable within that context. However, increasingly it is difficult to do house to house canvassing because of a highly mobile population and the plethora of gates, guard dogs and other mechanisms which prevent easy access to homes. Canvassing is now more mass-based at community, social and sporting events and with a higher electronic/technological input, including with the use of telephones and social media. In this regard, Commissioner Thompson is of the view that there is no need to maintain smaller sized constituencies. It is Commissioner Thompson's further assertion that if there is to be a system of both Constituency and National MPs, then the existing constituencies would be better serviced so there would be no need for additional constituency seats. In fact, there could be fewer constituencies in number.

ODD/EVEN NUMBER OF SEATS

Majority Opinion

- 3.74 Following a General Election in Barbados and pursuant to *section 65* of the Constitution, the President appoints the Prime Minister based on his/her judgment as to who commands a majority of support in the Lower House. At present Barbados has thirty (30) seats. An evenly tied General Election result is a recipe for a constitutional crisis and undemocratic political machinations.
- 3.75 The 2001 General Election in Trinidad and Tobago provides a cautionary tale. The General Election resulted in a tie, an even split in the number of seats won by the incumbent Government – the so-called ‘18/18’. The President was called upon to resolve the dispute and effectively selected the next Prime Minister. This is not a desirable outcome in a democracy. What resulted in Trinidad and Tobago, was a constitutional crisis. In order to resolve the impasse, a second General Election had to be called within nine (9) months.
- 3.76 Barbados narrowly averted that crisis in 2013 when the DLP Government won sixteen (16) seats and the BLP Opposition won fourteen (14). This led to the Government and Opposition having a ‘pairing’ system where two (2) Members – one from each side – would go on leave or be absent at the same time so as not to disturb the balance in the House of Assembly. This arrangement was worked out between the Leader of Government Business and the Leader of the Opposition, but there are no guarantees of benign and cooperative arrangements being arrived at between Government and Opposition, hence the possibility of a ‘hung Parliament’ is best avoided.
- 3.77 A close Parliament with the Speaker drawn from the Government presents its own challenges, but a tied Election must be avoided at all costs. There should never be a doubt as to which party can properly constitute the next Government following a General Election, or which Political Leader can legitimately lay claim to the position of Prime Minister.
- 3.78 The Commission emphatically recommends that at all times in the future, Barbados should have an uneven number of constituencies.

Minority Opinion of Commissioner Thompson

- 3.79 The idea of an uneven number of seats so that a clear majority can be obtained by one party is a sound one in principle. Nonetheless, it is not clear that a majority of one will avert “political machinations.” This mechanism can only be truly effective when combined with a Speaker drawn from outside the House so that all elected Parliamentarians are able to vote on matters before the House.

INDEPENDENT SPEAKER

- 3.80 It was proposed to the Commission that the Speaker of Parliament should be a non-elected person, drawn from outside of Parliament, that is a so-called ‘Independent’ Speaker. Quite obviously, the election of a Speaker of the House of Assembly is of great constitutional

import. Following the '18/18' 2002 General Election split in Trinidad, neither political party was willing to 'give up' a man to be elected Speaker. Trinidad and Tobago's 1976 Republican Constitution made provision for the election of a Speaker who was not a Member of the House. Notwithstanding this, its Parliament was unable to elect a Speaker in 2002 and never properly convened.

- 3.81 The failure to elect a Speaker in the House of Assembly would effectively mean that Parliament is not able to be convened since the selection of a Speaker is the first order of parliamentary business following a General Election. It is also undesirable that the Speaker should be called upon to regularly, if not routinely, to exercise a casting vote as currently happens in the United States Senate. It is an invidious position in which to have a presiding officer.
- 3.82 However, independent constitutional offices are typically ones which enjoy security of tenure and protections, for example, Auditor General and Director of Public Prosecutions. The Speaker's position in Trinidad and Tobago is not an independent one as traditionally understood. Provision was simply made for the election of a non-Parliamentarian or an "outside" Speaker, that is a person who is not a current Member of the House. It appears that the Speakers in the Trinidad and Tobago Republican Parliaments were, with one (1) exception, current or former Parliamentarians who were members of one of the major political parties and not independent in the sense of being non-partisan.
- 3.83 The position of Speaker is one which calls for Parliamentary experience and is, in many respects, a political one. He/she needs to have a working understanding of parliamentary procedures and the government's legislative agenda as well as relationships with and the confidence of the majority of Members in the House of Assembly.
- 3.84 The Commission recommends that the Speaker should continue to be drawn from among current Members of the House of Assembly.

Minority Opinion of Commissioners Thompson and Ishmael

- 3.85 However, Commissioners Thompson and Ishmael differ on the issue of an Independent Speaker and are of the view that all Members of Parliament should be free to advocate on behalf of their constituents and that the Speaker should be independent in the sense of being drawn from outside of Parliament. Commissioners Thompson and Ishmael would prefer to see the Speaker drawn from outside the House even if the Country was to go to a system of National and Constituency MPs.

POLITICAL PARTIES

- 3.86 Political Parties are a settled feature of Barbados' democracy. The Barbados Labour Party, established in March, 1938 following 'The Disturbances', is regarded as the oldest political party in the Caribbean. The Democratic Labour Party has been in continuous existence since 1955. Along the way, at different times, Barbados has had political parties, such as the Conservative Party and the National Democratic Party and others which did

not stand the test of time. No doubt, as the country moves further into the new Republican era of development, new political parties will arise.

- 3.87 Indeed, the Electoral and Boundaries Commission has advised that in the 2018 and 2022 General Elections there were an unprecedented number of nominations from third parties and independents. One hundred and twenty-six (126) candidates from nine (9) political parties and eight (8) independents contested the 2018 General Election. In 2022 ninety-nine (99) candidates from seven (7) political parties contested the General Election as well as ten (10) independents. In 2018 four (4) of the nine (9) political parties contested two-thirds or more of the seats while only three (3) did so in 2022.
- 3.88 The concept of a political party is generally understood at the national level and is referred to at *section 21(1)* of the *Constitution*. However, it is not an entity defined by the laws of Barbados. The Commissioners unanimously agreed that the time has come for Barbados to define and register political parties by way of legislation.
- 3.89 In recent times, Jamaica passed laws and regulations requiring political parties to be registered with the Office of the Registrar of Political Parties. A candidate is only allowed to contest a General Election on a registered political party platform or as an Independent. The consequence of non-registration of a political party is that that party will not be allowed to contest elections. In the context of Barbados, however, the Commission does not believe that exclusion from contesting elections should be the consequence of non-registration as this may, without more, constitute an unreasonable restriction on the freedom of association, including the right to form and belong to political parties, guaranteed by the Constitution. Further, the right to stand for elections, though not constitutionally guaranteed, is a vital aspect of representative democracy.
- 3.90 In that light the Commission's recommendations on the registration of political parties set out below are intended to strike a balance between allowing Barbadians to exercise their fundamental rights while still providing a legal basis for recognising political parties and affording those which qualify, a subvention.

REGISTRATION OF POLITICAL PARTIES

- 3.91 The importance of establishing political parties as a matter of law only came into sharp focus in recent years in the absence of a parliamentary opposition. The annual political subvention is currently payable only to parties which have won a seat in the House of Assembly. In consequence of no other political party holding a seat in the House after the 2018 and 2022 General Elections, the subvention was payable only to the Barbados Labour Party. The terms of the governing legislation do not permit flexibility or discretion in that regard.
- 3.92 It should be mentioned that while this Report was being drafted, then BLP Parliamentarian Mr. Ralph Thorne 'crossed the floor,' to become Leader of the Opposition, making him entitled in that capacity to appoint two (2) Senators. Mr. Thorne also formally re-joined the Democratic Labour Party (DLP). Having done so, under the DLP's Constitution, he

automatically became the Political Leader. The DLP is now paid the annual party subvention.

- 3.93 While the public funds cannot now be paid to parties which have not won the confidence of the electorate by attaining a seat, it is indisputable that a properly functioning democracy is characterised by a multi-party system. The importance of political opposition cannot be overstated. It is the Opposition's responsibility to hold the Government to account. Indeed, the absence of parliamentary opposition can lead to a number of issues from inefficient and complacent Governments to a single party state.
- 3.94 According to the 1997 Policy Decision of Parliament's Management Commission in order to be eligible for a subvention, a political party must be recognised by the Electoral and Boundaries Commission in terms of *paragraph 4(1) of the General Elections (Allocation of Broadcasting Time) Regulations: S.I. 38/1990*. In effect, the party must have contested at least ten (10) seats in a General Election and in the succeeding Parliament the party must be represented throughout by at least one (1) Member of Parliament. In order to receive a disbursement, the party must have a Chairman and Treasurer and submit receipts showing expenses over the previous financial quarter. There is also a requirement to submit audited financial statements. The Policy Decision also identifies the category of expenses to which the subvention can be applied.
- 3.95 The recommendation of the Commission is, therefore, that legislative provision for the registration of political parties on an annual basis should be made. Further this registration should be conducted by the Electoral and Boundaries Commission. Political parties would be required to submit an Annual Declaration evidencing that the party continues to be in existence.
- 3.96 The Commission is also of the view that to qualify for registration as a political party, the grouping must run a slate of candidates in at least five (5) of constituencies. The Commission also considers that some of the terms of the current Management Policy Decision that reflect minimum qualifications, for instance the requirement to have a Chairman, Treasurer, principal place of business, bank account, etc., should be used as registration criteria. The party must also apply for registration a year or more prior to the General Election.

Minority Opinion of Commissioner Thompson

- 3.97 Commissioner Thompson is of the view that in terms of setting registration criteria, contesting in five (5) constituencies is too few. The party should have contested no less than 40% of the seats in the previous or any election. The grouping must also show some evidence of membership.

ANNUAL SUBVENTION

- 3.98 The annual political subvention should not be payable on the basis of seats and the Commission so recommends. Seats won may not fairly reflect political support. Additionally, in small societies there are limited sources of financial support available.

And given the overriding objective of trying to maintain and support a multiparty democracy it is imperative that parties not be starved of basic funding. As such there is a good reason for replacing the existing arrangements.

- 3.99 The Commission recommends that the annual subvention be paid proportionate to the amount of votes which a party receives in the General Election, that is, a party that won 40% of the votes cast should receive 40% of the annual subvention. To the extent that public confidence will determine the allocation of public funds, proportionate distribution of the annual subvention may be the most equitable approach to payment. The Commission also recommends an increase in the amount of the subvention. The Commission is of the view that the current amount of the subvention, that is, \$300,000.00 is inadequate and should be increased to \$500,000.00.
- 3.100 However, the prudent allocation of public funds would, in the Commission's view, require that the annual subvention should be paid only to political parties that are registered and subsequently re-registered yearly. Registration will afford the party a legal standing outside of simply winning a seat. In addition to simple registration, in order to qualify for the subvention, the party must submit receipts showing expenses over the previous financial quarter as well as an Annual Statement of Account. There should continue to be a requirement to submit audited financial statements. The Policy Decision also identifies the category of expenses to which the subvention can be applied and the Commission recommends that the subvention should continue to be paid on those bases.

WOMEN IN PARLIAMENT

- 3.101 The question of women in competitive politics arose several times during the course of the Commission's public hearings. Dr. Sandra Ochieng-Springer, Lecturer in Government and Politics at the Cave Hill Campus of the University of the West Indies, made a considered presentation on this issue at the Commission's Town Hall Meeting which was held at the Alexandra School on 7th September, 2023. There was also a thoughtful exchange between the Commission and Ms. Felicia Dujon, Lecturer in Philosophy at the University of the West Indies, Cave Hill Campus, on this issue when the Commission met with the DLP at the Party's Headquarters on 30th October, 2023. One of the public suggestions made at the 'Diaspora Zoom-Hall' meeting on 22nd October, 2023, was also that female representation in the Barbados Parliament needs to be increased.

Unequal Representation

- 3.102 At just over fifty-one percent (51.5%), women make up the majority of Barbados' population. However, in 2018, although the largest number ever of female parliamentarians was elected to serve in the House of Assembly, they still constituted only 20% of all elected politicians, holding six (6) out of a total thirty (30) seats in the Lower House. Following a by-election in St. George North in 2020 and a General Election in 2022, that number increased to seven (7). The 2022 General Election brought one more female Parliamentarian, making for eight (8) women out of thirty (30) MPs. By the beginning of 2024, female representation in the Lower House had increased to 26%, but it

is still far short of parity based on population. In the Senate Chamber, women were 38% of twenty-one (21) appointed members in 2018 and 42% in 2024.

Historically

- 3.103 It must be emphasised that Barbadian women had a late formal start in politics, with the first female Parliamentarian, Mrs. Muriel Hanschell, appointed to the Legislative Council in 1948 and the first female Member of the House of Assembly, (Dame) Ermytrude ‘Ermy’ Bourne, having been elected in 1951. Despite this, Barbadian women have always been a force in the political parties, as canvassers, organisers as well as members of women’s leagues and constituency branches, in support roles for catering and related arrangements and as influential members of the electorate.
- 3.104 There is no doubt that women participated in and helped to support and organise the Bussa Slave Rebellion and the 1937 Disturbances. As far back as May, 1978, the Norma Forde Commission on Women noted the political and economic influence of women in the country. The Commission also recognised that there were no legal barriers to the political participation of women and that the underrepresentation of women appeared to be based on cultural, social and historical factors. The Commission adds that there are no educational barriers as, in recent years, girls routinely outperform boys at secondary and tertiary institutions.
- 3.105 Once women gained the right to vote and hold political office in 1944, Barbados benefitted from fierce, talented and committed female politicians and leaders. By way of example only, Barbados has been well-served by its first female Governor-General, Dame Nita Barrow; the first female Member of Cabinet, who was later appointed as Deputy Prime Minister, Dame Billie Miller. Indeed, this Commission benefitted from the membership of two (2) female Commissioners – Ambassador Ms. Elizabeth Thompson, a sitting Senator and former Minister, as well as former Senator and Minister, Ms. Maxine McClean, both of whom also distinguished themselves in the areas of foreign relations and diplomacy.
- 3.106 Barbados elected Mia Amor Mottley as its first female Prime Minister in 2018. In a previous Administration, in the 1994 to 2008 period, Ms. Mottley served as the country’s first female Attorney General. On becoming a Republic, the first person to be appointed as President was Dame Sandra Mason. For the first time, a woman is Director of Public Prosecutions. Women are rising to the top, though perhaps not as quickly as the country needs them to.

Should We Have More Women in Parliament?

- 3.107 Barbados has no national targets for female representation in Parliament. However, globally various countries have set targets of between one-third and one-half of their national parliaments. Barbados is a signatory to the UN’s Sustainable Development Goals 2030 (SDGs). Goal #5 of the SDGs relates to gender equality and provides that Barbados must, *“Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.”*

- 3.108 Former United Nations Secretary General Kofi Annan noted, “*study after study has taught us, **there is no tool for development more effective than the empowerment of women**. No other policy is as likely to raise economic productivity or to reduce child and maternal mortality. No other policy is as sure to improve nutrition and promote health, including the prevention of HIV/AIDS. No other policy is as powerful in increasing the chances of education for the next generation.*”
- 3.109 It would appear therefore, that the issue is not simply one of checking boxes, or of form and optics. There are discernible social, political and economic benefits to having equity in female parliamentary representation and in other spheres of social and economic activity. Further, if one accepts that Parliamentary democracy should be representative of the population, then women’s participation in parliament is not a question only of gender equality, but rather, about improving democracy.
- 3.110 As noted by Dr. Sandra Ochieng-Springer, at the Alexandra Town Hall, it seems that women may be the largest demographic in political parties. However, they play generally supportive and private roles and there seems to be a bottle-neck with respect to parliamentary service. She noted that critical mass for political representation is considered 30%. Even with its record number of women elected to Parliament to date, Barbados is currently below this percentage in the Lower House. In the Upper Chamber, eight (8) of the twenty-one (21) nominated members are women.

Barriers to Female Representation

- 3.111 As stated above, the barriers to female representation are not legal or educational. However, they may be social, cultural, economic and historic, including:
- (a) disproportionate care-giving responsibilities resulting from traditional gender division of labour;
 - (b) income inequality;
 - (c) socialisation/gender stereotypes – the view that politics or leadership generally is not for women;
 - (d) violence or harassment;
 - (e) political culture - generally seen as robust, masculine and hostile to women, and
 - (f) lack of access to political systems and structures that would promote the successful candidatures of women,
 - (g) the adversarial nature of politics, and
 - (h) entrenched bias and systems of patriarchy.
- 3.112 In the eighty (80) years which have elapsed since women’s suffrage, Barbados has not seen a significant increase in elected female politicians. The issue may not simply, therefore, be one of removing barriers, but a question of promoting women’s participation as candidates.

Possible Solutions

- 3.113 There are two solutions which have been generally used to increase female participation in politics - Mandated Gender Quotas in Parliament or Gender Policy at the level of Political Parties.

Mandated Quotas

- 3.114 Gender quotas are typically of two (2) kinds. The first, reserved seats, requires between 25% to 50% of parliamentary seats to be allocated to women. The second, the legislated candidate quota, provides that a certain number of candidates must be women. The latter is the most common type of quota system and grew in usage, commencing in the 1990s in developing nations, primarily in Latin America, Africa and the Middle East. Both quota systems have also been used effectively to boost the number of women in the parliaments of several European countries. There is no doubt that such quotas immediately and consistently boost female participation in politics and serve the cause of democracy.
- 3.115 However, candidates selected or elected under a gender quota system may suffer a perception problem akin to the perception problem suffered by American Blacks who benefited from affirmative action, that they were undeserving and only there to fill a number. This would be unfortunate and is best addressed by public education, as there is nothing to suggest that female candidates, even those filling quotas, are any less competent or do not make as good parliamentary representatives or ministers as their male counterparts.

Voluntary Political Party Policy

- 3.116 The third option is voluntary party quotas. This is a decision of political parties to include a specific proportion of women as candidates on their slates for elections. Sweden has one of the highest levels of political participation of women in the world. This resulted entirely from the adoption of voluntary quotas by political parties. Some Swedish political parties initially adopted a quota of 40% in the 1990s and later increased it to 50%. Countries which use voluntary quotas include Australia, Canada, the United Kingdom and Finland.

Other Solutions

- 3.117 Aside from adopting a gender quota, whether by way of legislative quota or voluntary quota, there are other ways to address female participation in the parliamentary process:
- (a) A bipartisan female caucus of the Upper and Lower Chambers. Admittedly this would not increase the number of female Parliamentarians, but it may have the effect of ensuring that women's issues are addressed by that caucus;
 - (b) A Gender Affairs Standing Committee in Parliament which can examine legislation in the context of promoting gender equality, ensuring that all legislation is devoid of discrimination against women and sensitive to their needs and interests, and
 - (c) The implementation of gender quotas for Parliamentary Committees.

The Commission recommends the adoption of all these measures.

- 3.118 In addition to the recommendations contained above, the Commission recommends that the Office of the Ombudsman should be assigned the responsibility of addressing gender affairs issues and collating information on this issue. The Ombudsman should include these among the matters on which he reports to Parliament. The Commission appreciates

that the Office of Ombudsman is one which carries many other responsibilities. Notwithstanding that, the Commission regards gender affairs as an important matter and, assuming this recommendation is adopted, it should be treated by the Ombudsman as a priority issue.

Conclusion

- 3.119 Political participation is an important factor in sustainable development and improvement of democracy. The implementation of gender quotas - whether mandatory or voluntary - is in its infancy and its long-term effects in politics are yet to be fully realised. The majority of the Commission is disinclined to recommend the implementation of either reserved seats or mandatory electoral quotas. Female candidates may face a perception problem of competence. This would not enure to their benefit or have the effect of improving Barbados' democracy. It is further recognised that such quotas do not necessarily translate into gender equity.
- 3.120 Commissioner McClean was also of the view that the focus must be on empowering women through legislation, policy and programmes as well as the monitoring of and reporting on these initiatives. She emphasised that the empowerment of women and the pursuit of gender equity has generated important legislation such as the ***Employment of Women (Maternity Leave) Act, 1976***, the ***Succession Act 1975*** and the ***Domestic Violence (Protection Orders) (Amendment) Act 2016***.
- 3.121 The Commission, however, recommends that political parties should be encouraged to develop their own gender policy and make active attempts to recruit and field more female candidates.

Minority Opinion of Chairman Cheltenham

- 3.122 The Chairman agrees with the minority opinion prepared by Commissioner Thompson for the reasons which she has expressed. The progress on this issue has been far too slow since 1944 when women who held property first gained the right to vote. This is the appropriate moment in Barbados' development to make the required changes to ensure the full political participation of women. Indeed, the Terms of Reference require the Commission to make recommendations to enhance the inclusivity and representativeness of Parliament. The Chairman is of the view that in order for Barbados and its people to realise their maximum potential, women cannot continue to be left behind in the political or parliamentary process.
- 3.123 Gender quotas have proven highly effective and have been employed across the globe in both developed and developing countries for over thirty (30) years. The Chairman is of the view that the implementation of such quotas is highly consistent with Barbados' generally progressive outlook. From time to time Barbados has passed legislation to give effect to those views and to encourage economic and social development. One need only look at the ***Tenancies Freehold Purchase Act***. Further, the arguments against the use of gender quotas are not persuasive. In any event, the real advantages of boosting female participation in Parliament far outweigh any perceived disadvantage which, in any event,

can be addressed by public education. It is simply a matter of taking the steps necessary to ensure Barbados' continued development in all areas of national life.

- 3.124 The Chairman recommends that political parties should be required to reserve 40% of their candidate list for women. If a political party fails to meet that requirement it may be sanctioned by the withholding of any subvention, in part, to which the party would be entitled. This is a simple, economical and straightforward way of achieving a goal that has been too long out of reach.

Minority Opinion of Commissioner Thompson

- 3.125 This is a matter of deep concern to Commissioner Thompson. Perhaps, it is best to start by exploring the background and show the infrequency with which women have been elected to Parliament in Barbados, a country which many would regard as a strong and progressive democracy.

Female Representatives in Parliament (Universal Suffrage to Present)

- 3.126 Barbados' first elected female Member of Parliament, Ms. Ermytrude 'Ermy' Bourne, was elected on a BLP ticket, to represent St Andrew, in 1951. It was another twenty (20) years, that is 1971, before Barbados had a second female Parliamentarian, Gertrude Eastmond, elected as the MP for a St Michael constituency, on a DLP ticket. Mrs. Eastmond was also appointed Parliamentary Secretary. Then, in 1976, (Dame) Billie Miller became the country's third female Parliamentarian, elected to represent the constituency of the City. Her electoral victory for the BLP, in that year's General Election was followed by her appointment to the Cabinet of Barbados. With this appointment, Ms Miller became the first woman to so serve in a Barbados Cabinet.
- 3.127 Mrs. Sybil Leacock won the St. Peter seat by one (1) vote for the DLP in the 1986 General Election, becoming Barbados' fourth female Parliamentarian, taking her seat for only a day, as a Court case was brought to contest the election result which was negated. In a subsequent by-election, Ms. Leacock lost to Owen Arthur whom she had beaten in the General Election. Mr. Arthur would remain in Parliament until 2018 having become Barbados' fifth Prime Minister in 1994. In the same 1986 General Election, (Dame) Maisie Barker-Welch was elected as a DLP candidate to represent St Joseph. She was also appointed Parliamentary Secretary.
- 3.128 It was not until 1994, that Ms. Mia Mottley won St. Michael North East and Commissioner Thompson won St James South, both under a BLP banner. Both were appointed to Cabinet. Ms. Miller contested and won her usual riding of the City and was appointed Deputy Prime Minister. That election was historic because it was the first time that more than one (1) woman was elected to serve in Parliament. Further, no woman had sat in Cabinet since Ms. Miller lost her seat in the 1986 General Election. In addition, with Commissioner Thompson's election to the Lower House and appointment to the Cabinet, the first female graduate of the Cave Hill Campus and the Faculty of Law was elected to Parliament and sat in a Cabinet in Barbados. These points are purely for the historical record.

- 3.129 These three (3) elected women were joined by Ms. Cynthia Forde in 1999 and all four (4) remained in Parliament and Cabinet until the BLP lost in 2008. It should also be mentioned that although six (6) women contested the 1994 General Election as candidates for the National Democratic Party (NDP); none was successful in gaining a seat. The DLP Cabinet of 2008 included two (2) women, one (1) elected, Mrs. Ester Byer-Suckhoo, and one (1) appointed in the Senate, Ms. Maxine McClean. A third woman, Mrs. Irene Sandiford-Garner had contested the election, albeit unsuccessfully, and was appointed to the Senate and as a Parliamentary Secretary.
- 3.130 In 2018, Ms. Mia Mottley was elected as Barbados' first female Prime Minister, winning all the seats in the House and appointing larger numbers of women to the Cabinet. After the 2018 election, the number of women in the Lower House was six (6), the Cabinet seven (7) and the Senate nine (9), much larger than had been the norm. Up to that point, the largest number to be elected to Cabinet or serve in the Cabinet at any one time was five (5). The last Owen Arthur Cabinet had four (4) elected MPs and one (1) Senator, Mrs. Lynette Eastmond. The numbers given earlier show the composition of the Lower and Upper Houses over the periods highlighted.
- 3.131 Suffice it is to say, that despite women in Barbados having the right to vote from the mid-twentieth century, that has not translated into women serving at the political and parliamentary levels. In reality, with few exceptions, roughly one (1) woman per decade has been elected to the Barbados Parliament. Similarly, those appointed as Senators and Parliamentary Secretaries have been few, less than 10%.
- 3.132 Barbados currently has seven (7) elected female Parliamentarians out of a total of thirty (30) MPs and eight (8) female senators out of a total of twenty-one (21). After nearly a century of women having the right to vote, these percentages, especially in the case of the elected Chamber's 20%, do not come near to the 40% female participation that is considered to be acceptable. The statistics show that the average Caribbean parliament has only 10-20% female representation.
- 3.133 While the numbers of elected and appointed female Parliamentarians, together totalling fifteen (15) out of fifty-one (51), is at a historic high in Barbados, this is still a low percentage. Of even greater concern is the fact that there is no guarantee that in subsequent elections, Cabinet and Senate appointments may not reverse these positive trends. Indeed, after Billie Miller lost her seat and the BLP lost the government in the 1986 General Election, there was only one (1) woman in the Lower House, that is, Maisie Barker Welch for the DLP, who lost her seat in the 1991 election. There was no woman in the Cabinet until 1994, when, under the BLP, Billie Miller was again elected to the House and appointed Deputy Prime Minister.

Recommendations

- 3.134 When the political realities are placed in context by examination of socio-economic data on comparative unemployment levels, property ownership, poverty rates, job opportunities and salaries, women are still not doing as well as men. Commissioner Thompson's firm

view is that some level of affirmative action is necessary to address these inequities. If used at the political level, such measures will likely exert positive pressures across the public and private sectors nationally.

- 3.135 Of the recommendations made by fellow Commissioners to address the gender imbalance, Commissioner Thompson accepts that a Standing Committee on Gender, which will review policy and legislation with a gender lens to ensure that women's interests and rights are protected and not prejudiced, would have value. This will not however, bring more women into the Parliament. However, Commissioner Thompson does not accept that a female Caucus will be helpful, as it will be a Caucus of the few female MPs, who are already powerless to add to their numbers. Equally, gender quotas for parliamentary committees will do nothing to add to the number of female Parliamentarians.
- 3.136 In light of the foregoing, Commissioner Thompson is therefore persuaded that unless legislation is put in place to establish quota systems, the deeply entrenched roots of patriarchy will continue to make it difficult for women to enter politics and serve. Political parties will not on their own, seek out female candidates, support their candidatures, or be less abusive and disparaging of female candidates, which is a major deterrent to female political participation. Leadership in redressing gender balances must start with the example of Government's moral suasion and by legislation.
- 3.137 In the countries in which quota systems are utilised, women are performing well. In addition to the countries and regions mentioned earlier in the majority opinion as employing quota systems, they are part of the electoral system of seventeen (17) European countries. The best political and socio-economic results are perhaps seen in the Scandinavian countries. Commissioner Thompson adopts the position of former UN Secretary General, Kofi Annan and quoted by the Commission earlier, "*study after study has taught us, **there is no tool for development more effective than the empowerment of women.***"
- 3.138 The slow pace and small number of female political entrants after all these years of having been given the right to vote is, in Commissioner Thompson's view, clear evidence that left to itself without intervention, the system will not be helpful to women and the numbers of women entering politics and contesting elections successfully, will not increase significantly. It is for this reason that Commissioner Thompson supports the establishment of quota systems for Parliament and requirements for political parties to create candidate slates and party environments which support the candidatures of women and their appointment at a high political level.

LOWERING THE AGE OF CANDIDACY

Majority Opinion

- 3.139 **Sections 37 and 43** of the Barbados Constitution state that a Barbadian shall be qualified for the Senate and House of Assembly respectively once he/she has attained the age of twenty-one (21). However, since 1964 the voting age has been eighteen (18) which is also the age of majority. There is certainly an incongruity between the ability to vote and the age of candidacy. The majority of Commissioners support the harmonisation of the two ages.
- 3.140 The minimum age of qualification does not, by itself, guarantee that any particular candidate will be chosen. The majority of Commissioners recommend that the age of eligibility for candidacy of the Lower House and appointment to the Upper House be reduced from twenty-one (21) to eighteen (18) which is the age of majority.
- 3.141 Participatory democracy is not limited to the right to vote. The majority of the Commission is of the view that all adults should be entitled to be fully involved in the democratic process, including by way of candidacy. The majority considers that reducing the age of candidacy will allow all adult Barbadians the opportunity to fully enjoy and realise their fundamental rights, particularly, the right to freedom of association which ultimately underpins participation in Parliament.
- 3.142 Further, Parliament should not be deprived of the skills and talents of otherwise qualified adults by reason of an arbitrary age qualification which may not be reflective of the candidate's appeal and potential. In fact, Parliament may be made the poorer for it. Ultimately, the choice belongs to the public as to whether a young person should be elected to Parliament. The majority sees no good reason for curtailing the public's choices in that regard, particularly when there is a vetting process both at the constituency and party level.

Minority Opinion of Chairman Cheltenham

- 3.143 Globally the minimum age for candidacy in Parliaments ranges from eighteen (18) to thirty (30), even in countries that have a voting age of eighteen (18). Generally, those who propose harmonising the voting and candidacy ages suggest that the age for democratic participation should be the same (that is 18) and that this will increase voter participation. The UK Electoral Commission Report, 2004, p. 5 stated that:

“It is election to office (not candidacy) that gives an individual political power and responsibility. The candidate selection process of political parties and the public election process itself already provide the public with the means to prevent individuals they consider insufficiently mature from being elected.”

- 3.144 The Report went on to recommend the reduction in the age of candidacy. However, there is no evidence that the hope expressed in the UK - that there would be increased voter participation - was ever borne out.

- 3.145 Many eighteen (18) year olds have not yet completed their formal education. Some are in university. It is in their own interest to focus and complete their formal education. Others are looking for jobs having recently left school. Further, the lowering of the threshold is a theoretical exercise. Historically, candidates in Barbados are in their 30s and 40s and very few persons have ever sought office under the age of thirty (30) and none even at the current minimum age of twenty-one (21).
- 3.146 Elected representatives should be capable of demonstrating a degree of maturity that goes beyond the minimum required of those who are entitled simply to vote. Generally, under 21s would be less likely to be able to – or would often have no desire to – act effectively as an elected representative and are not experienced in or mature about the issues that the majority of voters are concerned with - taxes, jobs, parenting issues, etc.
- 3.147 Mature and representative democracies function well with a higher candidacy age which reflects the seriousness and responsibility of the office. A voter is responsible for himself while a representative is responsible for his constituents who have a wide range of concerns.
- 3.148 Youth turnout has been traditionally low and there is no evidence that lowering the candidacy age will increase participation in democracy since, realistically, no political party is likely to field an eighteen (18) year old. In making its recommendation to lower the candidacy age, the UK Electoral Commission specifically stated that it relied on the political process to exclude immature persons. Positive effects of lowering the age of candidacy have simply not been demonstrated and there is no evidence that it has or will result in increased democratic participation of either voters or candidates.
- 3.149 For these reasons the Chairman does not support the lowering of the age for candidacy in either House and recommends keeping the current age qualification.

Minority Opinion of Commissioner Thompson

- 3.150 Commissioner Thompson agrees with the majority recommendation that the age for election to the House, or appointment to the Senate should be reconciled with the age to vote and set at eighteen (18). Young people are taught civics in school. They live in the country and are consumers and users of services and public goods, such as buses, health care and education. They have opinions about politicians, the political process, about their lives, about what their country offers them and their prospects for the future. These are the very issues which engage the time, attention and thinking of “adult” voters. There is also no empirical evidence that youth participation in elections or as voters on election day is low, as has been suggested by the Chair.
- 3.151 The Commission has recommended at Chapter 4 that there should be a Senator appointed to represent the interests of the youth. It is Commissioner Thompson’s recommendation that there should also be one space in Parliament for a National Youth MP to reflect the views of the youth population and represent their interests. That person will go through and win, in a political party’s candidate selection process. On winning, they become their

party's candidate for National Youth Parliamentarian (NYP). The candidate so selected will campaign among electors between eighteen (18) and thirty (30).

- 3.152 On election day, special ballots will be printed exclusively for youth voters, that is, those between eighteen (18) and thirty (30), to vote for a party's youth candidate. As with any other candidate, the person getting the largest number of votes is elected. In this case as NYP. Only young people in the identified age grouping will be allowed to vote for the NYP. Youth voters will also be entitled to vote for their constituency MP or any other persons that the new system may offer.

PARLIAMENTARIANS HOLDING DUAL CITIZENSHIP

Majority Opinion

- 3.153 The majority recommend that dual citizenship should be no bar to holding parliamentary office, either in the House of Assembly or the Senate.
- 3.154 Pursuant to the *Constitution (Amendment) Act, 2018* the Barbados Constitution was amended to remove provisions which had effectively disqualified a citizen from serving in either the Senate or House of Assembly if he/she had obtained dual citizenship or were under some type of allegiance to a foreign government. The provisions had been interpreted to mean that a citizen is disqualified if he/she has acquired dual citizenship, except generally through marriage or by birth. Some countries, like Israel and Australia, require a citizen to take active steps to renounce their dual citizenship, in order to qualify to be elected to the Federal Parliament.
- 3.155 This is a post-independence provision that has appeared in many constitutions and was regarded as necessary to avoid split loyalties. It is, in effect, a constitutional guarantee of loyalty. However, many mature and democratic Parliaments, including the UK, the US, New Zealand and Canada do not have such prohibitions.
- 3.156 Since the start of the 20th century, many Barbadians have received education, training and employment abroad. In many cases, they have cultivated exceptional skills which they could not have acquired at home. In so doing, they started families and acquired citizenship and related rights. Nonetheless, they retain their Barbadian citizenship and identity. They remain loyal citizens, paying close attention to what happens in the country and often owning property here.
- 3.157 There is no doubt that ensuring loyalty is a legitimate aim but questions arise such as:
- (a) Is the remedy of disqualification proportionate to the legitimate aim of securing loyalty?
 - (b) How should the legitimate aim of loyalty be balanced against the need to have a wide pool of skilled potential Parliamentarians?
 - (c) Is taking the oath of allegiance curative of perceived split loyalty?

- (d) Is it proper that persons in the diaspora should be disqualified from parliamentary service on grounds of dual citizenship?
 - (e) If the prospective candidate lives in Barbados but has a 'green card' or citizenship in another country for example the UK or Canada, should this prevent them from running in an election in Barbados?
 - (f) Is residence outside of Barbados, an indication of loyalty to another country and should therefore be an absolute bar to entering politics at the level of a candidate where that person would be returning to Barbados to live while serving in Parliament?
- 3.158 Ordinary citizens are quite obviously under a duty of allegiance to their country, regardless of whether they have taken an oath and even holding a passport can create obligations of allegiance.
- 3.159 However, it is understood that Parliamentarians are under a higher obligation of loyalty. The strongest argument in favour of a prohibition on dual nationals serving in Parliament is that it removes the appearance of conflict and gives a constitutional guarantee of impartiality. This is certainly a legitimate aim and was particularly important in the post WW2 and post-colonial eras as new countries emerged from a time when divided loyalties had dire consequences.
- 3.160 Australia's 1901 Constitution contains an identical provision and the *Joint Standing Committee on Electoral Matters' Report (2018)* makes it clear that this section was imposed by British officials seemingly to preserve loyalty to the British Empire rather than to Australia which was not then a country. The prohibition was intended to secure loyalty to the Empire. *Sections 38 and 44 of the Barbados Constitution* were 'standard form' constitutional precedents and there is no evidence that it was seriously considered or negotiated at the Lancaster House Constitutional Conference in 1966.
- 3.161 Many skilled citizens would be disqualified from using their considerable talents for the betterment of Barbados and this will have the impact of reducing political participation. Research shows that there are at least six (6) Barbadians who have held political office at the level of Senator, MP, and/or Minister who had dual citizenship, or returned home from abroad to live here and participate in the electoral process, or who were born outside of Barbados and entitled to foreign citizenship. The absurd and, the Commission believes, unintended result would be that Barbadians can serve in the United States, United Kingdom and Canadian Parliaments, but not in their own.
- 3.162 Given the history of emigration in Barbados and the benefits which the country has reaped therefrom, this seems a retrograde step which does not square with the reality of Barbados.
- 3.163 The oath of office must be taken before any member can take their seat. Sharma, JA regarded this as a material consideration in *Peters v. Chaitan* (2001) 63 WIR 244 and one which removed the appearance of divided loyalties. In the majority view taking the oath of allegiance to Barbados, is irrefutable evidence of loyalty to the country.

- 3.164 Further, the question of whether a Barbadian acquires or renounces a dual citizenship is entirely a matter of foreign law. As such, foreign powers have the ability to limit the capacity of Barbadians to serve in Parliament. This very idea is repugnant to the concept of Independence or Republicanism. Renunciation can also be time consuming and expensive.
- 3.165 Other strong democracies, including those which have gone to war, do not place such stringent restrictions on Parliamentary service and there is no evidence that dual citizenship has operated to create divided loyalties.
- 3.166 There is no requirement for single citizenship in other areas of national life, including in the judiciary where foreign nationals have and continue to serve without conflict. Indeed, persons are not precluded from serving in Barbados' protective services because they have citizenship elsewhere. If the circumstances arose, it would be open to the country to take action to secure the loyalties of various public officials and the general population, as was done during WW2. Additionally, the offence of treason is still available.
- 3.167 Though a constitutional guarantee of impartiality is a legitimate aim, the method of securing loyalty seems disproportionate to the perceived mischief. Too many otherwise suitably qualified and desirable candidates, including those born here, would be unable to give service to this country.
- 3.168 The key issues are that once elected, a Parliamentarian, elected or appointed, must be resident in Barbados and must take the oath of loyalty to the country.
- 3.169 The majority would, therefore, recommend for the reasons herein articulated above, that the restriction on dual nationals serving in the Barbados Parliament should not be reinstated.

Minority Opinion of Commissioners Ishmael and Chandler

- 3.170 Commissioners Ishmael and Chandler recommend that persons holding dual citizenship should be disqualified from being elected to Parliament unless the candidate's dual citizenship is in respect of another CARICOM country. Put differently, a Barbadian who had acquired American, Canadian or British citizenship would be disqualified but one who acquired Jamaican, Guyanese or Grenadian citizenship would be qualified. Mere residency in another country, for example, a United States 'green card', should not be a barrier to membership in Parliament for an otherwise duly qualified person.
- 3.171 The change in membership of a CARICOM country from full membership to anything less than full membership, save for suspension, should cause the member to either divest that citizenship immediately or cause that member's seat to be vacated within three (3) months from the date said country was no longer a full member.
- 3.172 While the Commissioners are aware that this position may be a form of discrimination, they are also minded that constitutional law, administrative law and wider public law allow discrimination in the public's interest. They consider this position justified on the grounds

of national security and the need to ensure stable government. Dual citizenship creates tension between loyalties and should be avoided. However, there is no conflict arising from a Parliamentarian holding a green card.

- 3.173 Holders of high public office must be publicly held to allegiance to Barbados. The public must never be in doubt as to where a Parliamentarian's allegiance lies and those who may be susceptible to undue influence must not have even the modicum of comfort that another form of citizenship, not linked to Barbados in any way, would bring.

CAP ON CABINET MEMBERS

- 3.174 Throughout the life of the Commission, the public raised the issue of a cap on the size of Cabinet, querying the necessity and cost of a large Cabinet. The Commission had extensive discussions on this matter and members were unanimously of the view that the cost of ministerial salaries is relatively small in comparison to the cost of administering the government. Nonetheless, the Commission also took other factors into consideration.
- 3.175 The 2018 General Election resulted in the appointment of a historically large Cabinet of twenty-six (26) Ministers. Twenty-three (23) out of a total thirty (30) elected Parliamentarians were appointed to the Cabinet. At that time the country was facing a number of crises, including multiple downgrades of the Barbados dollar, a contracting economy, high unemployment, and serious infrastructural disrepair. The crises were existential in 2020 (COVID-19) and 2021 (natural disasters, including Hurricane Elsa, La Soufriere Ash Fall, a freak storm with heavy lightning strikes). The Prime Minister of the day felt that the polycrises born of national circumstances and international threats, and the emergence of new policy areas such as the Blue Economy, warranted a large Cabinet. The number of Ministers was reduced after the 2022 General Election, although there is no doubt that the crises will continue – such is the life of a small island state in the 21st century.
- 3.176 The Commission also noted the case of Dominica which has twenty-one (21) elected Parliamentarians. In the 2019 General Election, the Dominica Labour Party won eighteen (18) of the twenty-one (21) seats in that country's parliament. Fifteen (15) elected parliamentarians were elevated to the Cabinet, leaving three (3) Backbenchers. Three (3) Members of the Senate were also appointed to Cabinet positions, making for an 18-person Cabinet. One saw here the same approach as in Barbados. It could be maintained that in both countries, the arguments in favour of a large Cabinet were the same. On this point, there was no extensive comparative analysis made of regional countries.
- 3.177 The Members of the Commission weighed the arguments for and against the idea of a Cap on the size of the Cabinet. At present *section 64* of the Constitution simply provides that there should be a Prime Minister and at least five (5) other Ministers. By a majority and after discussions at several meetings the Commission decided that there should be such a Cap. It is the considered opinion of the majority of the Commission, that while Backbenchers' primary concern in Parliament is the representation of their constituencies, even with the 'Whip,' and in spite of how they may eventually vote, Backbenchers have

the dual and extremely important function of scrutinising policy and the Frontbench, expressing varied and alternative views, placing wider interests before the Parliament for consideration, serving as a fetter or restraint on Executive abuse and the misuse of Executive power, and holding the Executive to account.

- 3.178 Backbenchers are therefore critical to a well-functioning democracy. The Backbench cannot effectively play its oversight roles if it is so thin that it is ineffective. This oversight role and function of the Backbench is equally blunted or stymied when it has only three (3) or four (4) members, who are also playing the roles of Speaker, Deputy Speaker and Chairman of Committees, which may very well take them off the floor of Parliament and out of the debate.
- 3.179 The Commissioners also queried the reason and benefit of very large Cabinets in the context of small jurisdictions such as Barbados. They noted that in many instances, in 2018, and 2022, what had been a single Ministry before had been broken into two (2) or three (3) new Ministries albeit with different or new names. The majority of the Commission is of the view that a large Backbench encourages broader views and strengthens oversight of the Cabinet.
- 3.180 For these reasons, the majority now recommend that:
- (a) There should be a cap on the size of the Cabinet of Barbados and there should be no more than twelve (12) Ministers, including Ministers from the Senate;
 - (b) The Commission also recommends that there should be a limited and set number of Ministries, specifically twelve (12), and
 - (c) The Commission further recommends that there should be no more than four (4) Ministers from the Senate.
- 3.181 The Commissioners who differ on these positions offer Minority Opinions below. The Majority do not see this as an unnecessary rein on Prime Ministerial authority or ability to choose the Cabinet which he/she thinks best suits national needs. Instead, the majority regard it as being vital to the maintenance of democracy.

Minority Opinion of Chairman Cheltenham

- 3.182 Quotas of the kind being recommended by the majority, may not be reflective of the amount of work, its gravity and complexity or the responsibility to be undertaken by Ministers.
- 3.183 Crisis management is part of governance and the Prime Minister, as Head of Government, needs the flexibility to deploy his/her resources as he/she sees fit when regard is had to national, regional and global circumstances. This is part of responsible, responsive and efficient governance in a democracy. Democracies cited as the example for a cap on Cabinet Ministers are the Cayman Islands and India. The Cayman Islands is an overseas territory in which the Deputy Governor and Attorney General are *ex officio* Cabinet members. The Cayman Islands' model does not reflect where Barbados is in terms of its

development. Conversely, an examination of the Indian electoral system reveals that they have local, state and federal government – multiple layers of governance which do not exist in Barbados. Further, ministerial cap appears to have been enacted in response to a specific political issue in India which does not arise in Barbados.

- 3.184 For the reasons set out in this Minority Opinion, the Chairman does not recommend implementing a cap on the number of Cabinet Ministers. If the country is displeased with the Prime Minister's selection of his/her Cabinet Ministers, it will so indicate at the next General Election. However, the Chairman supports restricting the number of Ministers from the Senate to four (4).

Minority Opinion of Commissioner Thompson

- 3.185 Commissioner Thompson concurs with the arguments made by the Majority on the prudence of limiting the size of the Cabinet as central to the democratic process and providing a layer of oversight of the Executive. It is particularly important in the absence of an Opposition voice in the Lower House and heightens the role of the Senate in performing this oversight function. In her view, the number of elected MPs appointed to Cabinet should not exceed a maximum of 50% of the elected Parliamentarians on the Government side. This is without prejudice to the Prime Minister's ability to appoint a limited number of people (4), to Cabinet from the Senate.
- 3.186 Having set the limitation on general Cabinet size, Commissioner Thompson does not think any further good can be served by limiting the names, types, numbers or compositions of Ministries and hobbling the Prime Minister in forming a Government and the Ministries which that Government comprises.
- 3.187 Commissioner Thompson proposes two (2) formulas: (a) The Two-thirds Rule – a government with twenty-nine (29) seats would be able to appoint a maximum nineteen (19) members of Cabinet from among elected MPs, plus four (4) from the Senate. In this scenario, the Backbench would be ten (10), the Frontbench nineteen (19) and the Cabinet would be a maximum twenty-three (23). (b) Using The 60% Rule, a government with twenty-nine (29) seats would have a maximum Frontbench of seventeen (17), and a maximum four (4) Ministers would come from the Senate. In this scenario, the Backbench would be twelve (12), the Frontbench seventeen (17) and the Cabinet a maximum of twenty-one (21).

RIGHT OF RECALL

- 3.188 Submissions from the public suggested that mechanisms be put in place to "recall Members of Parliament." The Commission treated the "recall of Members of Parliament" as a serious matter and discussed whether that was a measure that should be instituted and if so, under what conditions should members of Parliament be recalled.
- 3.189 The Commission does not recommend that Barbados adopt a right of recall since no objective method or circumstances for implementing such a recall was suggested, though

Commissioner Thompson was supportive of a recall where a sitting MP has been convicted of a criminal offence. Further, the Commission gave consideration to the fact that in today's social media world, there is a real risk of propaganda campaigns and fake news being generated and advanced to the electorate and leading to a recall. A number of issues would arise that would have to be addressed before a recall system can be instituted, including the circumstances which would trigger a recall and the procedure to be employed. Additionally, a recall within a year of a General Election may be needlessly expensive.

CROSSING THE FLOOR

Majority Opinion

- 3.190 Though the Commission has elsewhere recommended the legal recognition and regulation of political parties, the majority of the Commission does not support any barrier to or restriction on a Member of Parliament crossing the floor.
- 3.191 Crossing the floor simply means that a Parliamentarian who has been elected as a candidate for one political party, in the course of a parliamentary session, switches parties. This has happened from time to time in Barbados' history. The most famous instance of crossing the floor involved none other than the celebrated The Hon. Errol W. Barrow who was elected to the Barbados Parliament in 1951 on a Barbados Labour Party (BLP) ticket. He grew increasingly dissatisfied with the BLP during his tenure with them. As such, by 1952 he was openly critical of the BLP on the floor of the House, declaring boldly that he no longer wished to be associated with them. By April 1955, the Democratic Labour Party (DLP) was formed and it has remained a major political force in Barbados since then, alternating periods in office with the BLP.
- 3.192 Aside from potential issues of the constitutional right to freedom of association, the right to cross the floor is an important element of opposition in a democratic society. Specifically, a Parliamentarian may feel that he can no longer associate with or support the political party of which he has been a member. It is in the interests of democracy that he should be free so to do. If the electorate is dissatisfied with his decision, that will be, and often is, reflected at the next General Election. As noted earlier in this report, Dr. Richard Haynes of the National Democratic Party (NDP) was the sole exception, and he retained his seat after crossing the floor.

Minority Opinion of Commissioner Thompson

- 3.193 The minority view here will start at the point at which the opinion of the majority ended. By way of background, however, during the course of the term of the Commission, Mr. Ralph Thorne KC of the Barbados Labour Party (BLP), crossed the floor to become a member, only sitting Parliamentarian and by extension, Leader of the Opposition, of the Democratic Labour Party (DLP). Having been accepted into membership of the DLP, by reason of being a sitting Parliamentarian, Mr. Thorne became that party's Leader. The post of Political Leader is separate and distinct from that of President of the party. Prior to Mr.

Thorne's crossing the floor and acceptance into the DLP's membership, the DLP had no sitting MPs and the party's President effectively performed the role of Political Leader. With Mr. Thorne's crossing he became Political Leader.

- 3.194 Historically in Barbados, it would appear that a Parliamentarian crosses the floor roughly every fifteen (15) years. The Commission already notes that with the exception of Dr. Richard Haynes, no Parliamentarians have crossed the floor and successfully retained their seats. They all cite national interest, altruistic concerns and deep philosophical divides and dissatisfactions with their current party, even though in some cases, he/she would just have gone through an electoral process which would have made it open to him/her to leave their party, run as an Independent or seek the nomination of the other party to which he/she is crossing.
- 3.195 This failure of crossing MPs to retain their seat in the following election and the overwhelming retention of the seat by the party which the crossing MP left, strongly suggest that the majority of the electorate vote for a party and a leader and not an individual candidate. It is fundamentally disrespectful to the voters for a candidate or MP to contest a seat on one party's ticket and then without any discussion with those who elected the MP cross the floor to the opposing party. There is no doubt that such crossings add colour and interest to the political landscape. In the short term they may give bragging rights or an apparent boost to the receiving political party, but should it be allowed?
- 3.196 Elections in Barbados have become very presidential, with a popular party leader having the capacity to influence the electorate, attract votes and electoral victories for weak candidates. In these circumstances, the political lexicon speaks of the length of the coat tail of the Political Leader. The electorate wants this Leader and his/her team elected, not the other party's. The very act of crossing the floor therefore runs counter to the desire of the electorate to have a Leader with a particular slate of candidates.
- 3.197 It is the long-held opinion of Commissioner Thompson that when an MP crosses the floor, a by-election should be triggered in that constituency within ninety (90) days of the date of the crossing. This would allow the MP and the parties to put their cases to the electorate, reduce voter dissatisfaction with a crossing, further empower the electorate in choosing their Parliamentarians and allow all parties to make their case for the election of their candidate.

BRIEFING OF THE OPPOSITION PARTIES

- 3.198 The Commission received a proposal from Mr. Derek Oderson, Attorney-at-law, that there should be a briefing of the Opposition once a General Election has been announced. The briefing would be prepared and delivered by the Permanent Secretary in the relevant Ministry. Such briefings are usually done after the Election if there is a new incoming Administration. The majority of the Commission recommends that such a briefing should be provided by the civil service. It may well be oral and a single meeting. The briefing should be given to the Opposition Parties. This briefing recognises that the Opposition is a

Government in Waiting and will allow it to have a broad overview of what is taking place administratively. Further, it is in Barbados' interest that an incoming Administration should have as much information as possible and to be as ready as it can be to govern. Safeguards should be implemented to ensure that the information provided is not used for campaign purposes.

Minority Opinion of the Chairman and Deputy Chairman

- 3.199 The Chairman and Deputy Chairman are opposed to the recommendation that there should be a briefing in the circumstances outlined above. They are adamantly of the view that such briefing should take place after the General Election.

THE PARLIAMENTARY REFORM COMMISSION

2024



Left to Right, Front Row: Chairman, Dr. Sir Richard L. Cheltenham, KA, KC, Ph.D. and Deputy Chairman, Sir Roy Trotman, KA
Back Row: Her Excellency, Ambassador H. Elizabeth Thompson, LEC, LL.M, MBA, Mr. Corey Beckles, LLB, LEC, Dr. William Chandler, Jr. JD, Dr. Richard Ishmael, GCM, BJH, Mr. Pedro Eastmond, LLB, LEC, Ms. Maxine McClean.

THE COMMISSION AND SUPPORT TEAM AT WORK IN AN INTERNAL SESSION IN THE SENATE CHAMBER



Left to Right: Sir Richard Cheltenham; Sir Roy Trotman; Mr. Pedro Eastmond; Dr. William Chandler; Ms. Maxine McClean; Dr. Richard Ishmael; Mr. Corey Beckles; Ms. Sophia Payne and Ms. Shelly-Ann Seecharan; and (on far right) Amb. H. Elizabeth Thompson

SUPPORT TEAM TO THE PARLIAMENTARY REFORM COMMISSION



Left to Right: Ms. Shelly-Ann W. Seecharan, LEC, LLM (Dist.); Ms. Emerald Moore-Phillips-Medford, LLB, LLM; Mr. Adrian Craigwell, JP; Ms. Suzanne Hamblin; and Ms. Sophia J. Payne, JP

CHAPTER 4

THE SENATE



BICAMERAL OR UNICAMERAL PARLIAMENT

The role and composition of the Senate was another matter which attracted the attention of the public and the Commission. Those submitting proposals to the Commission generally expressed the view that the Upper Chamber is a colonial relic which should be abolished and that Barbados should move to a single chamber Parliament. However, the fact that an institution or practice was rooted in colonialism is not, by itself, sufficient to justify its abolition. Many systems in various areas of national life have a colonial origin. This is not surprising since Barbados was a colony for much of its existence. Rather than deciding simply on the basis of historical and therefore colonial origin, serious scrutiny needs to be applied to the specific institution and consideration given as to how it has functioned, as well as what is its continuing role and relevance, if any.

- 4.02 Further, bicameral legislatures are not necessarily colonial or British in origin. Many countries, including civil law jurisdictions, have bicameral systems which arose in different circumstances, for different reasons and are differently constituted. The only thing these systems have in common is that there is a Second Chamber.
- 4.03 There is no doubt that the Senate's predecessor body, the Legislative Council, began as an expression of colonial power. The Governor chaired the body and nominated its members. Over time, the Premier, and later the Prime Minister, had larger input into the composition of the Upper Chamber. In 1964 the name of Barbados' Upper Chamber was changed from the Legislative Council to the Senate.
- 4.04 There is good and cogent reason to have an unelected Upper House. The appointment system in the Senate allows for the participation of groups which would otherwise not be elected to or be represented in the Parliament. The Upper Chamber allows for greater oversight of the Executive, enables a wider ventilation of disparate views on issues of national importance and adds depth to public discourse. The Senate is the Chamber wherein Barbados can benefit from the inclusion of minority, marginalised or oppressed groups. In fact, when female Senators are appointed, the increased numbers of women move Parliament closer to achieving gender parity.
- 4.05 In its earliest form, the Legislative Council gave political power to elite forces in the country who did not need additional authority. They were dominant in commerce, agriculture and mercantile interests. However, the Senate has evolved beyond its colonial and elitist origins. Since

* Exterior facade of the West Wing of Parliament

Independence, and certainly in more recent times, the Chamber has been transformed into a place where marginalised and oppressed groups can be empowered and given a voice. It enriches Barbados' democracy. The Commission hopes to see the continuation of that trend and therefore recommend that the category of persons represented in the Senate should be expanded to include the elderly, LGBT, small business, trades unions, youth, and other interest groups not ordinarily given the opportunity to present their views on a broad national scale.

- 4.06 The Senate also allows the Executive to appoint persons who might not otherwise be elected to the House to give public service. Some of these persons bring considerable expertise and experience to the Upper Chamber and by extension to national service. Indeed, several competent Ministers of Government, who were not necessarily persuaded into competitive politics, served with distinction as Senators. The Senate has also, in some cases, been a pathway to the House of Assembly as the place in which aspiring politicians can be exposed to policy, high level debate and parliamentary procedure.
- 4.07 There is an additional point in favour of keeping the Senate – recent political events. Historically, the Senate has been seen as a ‘rubber-stamp’ institution and little attention was paid to its proceedings. Undoubtedly this is because until 2018, there was always an Opposition in the House of Assembly and this is where the majority of critical debate and attention on the Government’s legislative agenda was focused.
- 4.08 Recently, however, Bills were defeated in the Senate. Barbados has seen critical assessment of Government legislation and fierce debate, including at the Committee stage in the Senate. The fiction of a ‘rubber-stamp’ has been decisively put to rest. The Commission sees no good reason to dispense with a Chamber that has been the only source of parliamentary opposition in recent years. In fact, in making recommendations as to its composition the Commission has made recommendations to increase and entrench parliamentary opposition in the Senate.
- 4.09 Given that its Terms of Reference require the Commission to make recommendations for the strengthening of Barbados’ democracy, the Commission endorses the Senate as an institution that has played a vital role in Barbados’ modern democracy and continues so to do. The Commission recommends the retention of the Senate.

NOMINATED CHAMBER

- 4.10 There were several calls for an elected rather than a nominated Senate. The Commission also unanimously rejects the proposal that the Senate should be directly elected for the reasons discussed above.

COMPOSITION OF THE SENATE

Increase in Number of Senators

- 4.11 The Commission unanimously recommended that there should be an increase in the number of Senators in the Upper House, that is, an additional six (6) Senators.

Government Senators

- 4.12 There are currently twelve (12) Government Senators. The Commission recommends increasing that number by three (3) to a total of fifteen (15) Government Senators.

Opposition Senators

- 4.13 With only two (2) allocated seats, the Opposition is clearly underrepresented in the Upper Chamber. The Commission recommends that that number should be increased to five (5).
- 4.14 At present if there is no Leader of the Opposition, under **section 75** of the **Constitution** the President appoints two (2) Senators in addition to seven (7) Independent senators. The President made such appointments in 2022. Given the role and function of the President, his/her appointees are regarded as Independent and non-partisan. The majority of the Commission is of the view that it is imperative that the Opposition should at all times have a voice in Parliament even if it has not succeeded in winning a seat.
- 4.15 The Commission's recommendations with respect to National MPs and the Party List System are intended to accomplish the goal of having an Opposition subsequent to every General Election. However, if those recommendations are not adopted the Commission recommends that when the position of Leader of the Opposition is vacant, Opposition Senators should be nominated by the Leader of the political party that received the second largest number of votes in the election preceding the appointment.

Minority Opinion of Commission Chandler

- 4.16 Commissioner Chandler does not support the current or proposed composition of the Senate. He identifies and recommends any of the following options as alternatives to the existing or proposed composition of the Senate:

“If the Senate were purely elected all ideas would contend. Similarly, if it were mixed with election and appointment or purely appointed but with no outright government majority, again, persuasion would be the order of the day. Similarly, if the Senate (whether elected, appointed or mixed) had non-voting members, said members who by virtue of holding senior positions in government (including retired Civil Service) and those publicly acknowledged as being deserving (such as those with high national honours, pillars of community); the Senate could boost Parliament by providing an additional role as the chamber securing for Parliament its institutional knowledge. It

would also solve the issue of expanding interest representation without skewing the vote and allow for a wide array of demographics including the diaspora.”

- 4.17 He is of the further view that in the absence of an Opposition no Senate seats should be assigned to the party which won the second highest number of votes. His position is that given that political parties are now to be included within the structure of the House of Assembly it is logically consistent to avoid including political parties within the structure of the Senate. In the previous Draft Amendment to the Constitution proposed in 2022 the question was addressed as to what action the President should take when/if a major political party did not nominate Senators, the alternative was to allow the Prime Minister to name Opposition Senators which position would be untenable.

Expansion of Interests to be Represented by Independent Senators

- 4.18 Senators appointed by the President acting entirely in his or her discretion, are known as ‘Independent Senators.’ Under the Constitution, such Independent Senators can represent various interests. The Commission supports the retention of Independent Senators with the expansion of interests to be represented, even if those interests have to be rotated and cannot all be represented in the Chamber at the same time.
- 4.19 The Commission further recommends that the number of Independent Senators should remain unchanged at seven (7). However, the range of interests which those Senators may represent should be expanded to include the elderly, the youth, LGBTQ, small business, trade unions or trade union movement. The Commission endorses the practice of representing the religious community in the Senate, however, those persons have traditionally represented the established churches. It is the Commission’s recommendation that faith-based representation should be expanded to include other Christian denominations and other religious faiths.

Appointment of Independent Senators

- 4.20 However, it is the Commission’s view that the manner of appointment of Independent Senators should change. The Commission recommends that of the seven (7) Independent Senators, only two (2) should be appointed by the President acting in his or her own discretion. The other five (5) should represent the interests identified by the Commission or such other interests as may be of national importance at a given time. However, though other interests may rotate from time to time, it is the Commission’s recommendation that labour, business and the youth should always be represented in each Senate. To determine those five (5) Senators, the President should consult the interest or sector to be represented, or representative organisations known to represent those interests or sectors, to nominate a representative for appointment to the Senate.

Youth Senator

- 4.21 The Commission recommends further that a Youth Senator should be appointed in each Parliamentary Session. The United Nations has consistently recognised youth as persons between the age of fifteen (15) and twenty-four (24). This definition was later formalised in General Assembly Resolution, A/RES/50/81, 1995. The Commission recommends that the Youth Senator should be no younger than eighteen (18) and no older than thirty (30).

Voting Rights of Senators

- 4.22 At present all Senators have a vote. The Commission considered the issue of whether Barbados should recommend the creation of non-voting Senators. Having reviewed the matter, the Commission declined to make such a recommendation.

DISQUALIFICATIONS FOR MEMBERSHIP IN THE SENATE

- 4.23 **Section 38** of the Constitution sets out a number of disqualifications which restrict membership in the Senate. For instance, no person qualifies to be appointed to the Senate if he/she is bankrupt, insane, under sentence of death, owes allegiance to a foreign power or has committed an election offence. Additionally, no person may be appointed who holds the position of Director of Public Prosecutions, Auditor General or Judge. The Commission endorses those categories of disqualification and proposes to add to them.
- 4.24 The Commission recommends that the prohibition on serving in the Senate if a person has been convicted of an offence of dishonesty should be retained. However, the category should be expanded. No person should qualify to be appointed if he/she has been convicted of an offence of serious violence, including rape or sexual assault. The existing provision is to the effect that ten (10) years after conviction a person may qualify for appointment to the Senate. The Commission considers this to be consistent with Barbadian values of rehabilitation and forgiveness.
- 4.25 However, the Commission recommends a change to the provisions of **section 38(1)(d)** of the **Constitution**. Specifically, the prohibition should take effect even if the person has appealed. A jury's verdict must be respected. If the person is successful on appeal, he/she will be eligible for service.
- 4.26 The Commission has also recommended in Chapter 3, that the previous disqualification based on dual citizenship should not be reinstated.

QUALIFYING AGE

- 4.27 The majority of Commissioners recommend that the age for candidacy to run in an election and sit in the Lower House, should be reduced from twenty-one (21) to eighteen (18). The reasons adopted by the majority in support of this proposal are set out in detail earlier. The Commission now adopts them in respect of the age of eligibility to sit in the

Senate as well. The Chairman disagrees on the question of lowering the qualifying age for the reasons set out in his minority opinion in Chapter 3.

MINISTERS FROM THE SENATE

- 4.28 The Commission unanimously recommends that at any one time, there should be no more than four (4) Ministers selected from the Senate. While it is appreciated that, from time to time, Prime Ministers will need to call on persons to serve in Cabinet who, for whatever reason, do not wish to pursue competitive politics, this should not happen as a matter of routine. However, there may be instances where it is necessary, convenient or expedient in the national interest, that a person who is otherwise not interested in competitive politics should serve as Ministers, given their skills and experience, and allow the Government to benefit from their talents. Nonetheless, it is desirable that Ministers should generally be answerable to the electorate at the ballot box and to the elected House of Assembly.

CHAPTER 5

HOUSE OF ASSEMBLY



PART-TIME, NOT FULL-TIME

PARLIAMENTARIANS

Ministers and Parliamentary Secretaries are full-time public servants in the context of their ministerial offices. However, all other Parliamentarians are part-time and are often otherwise employed.

Majority Opinion

No submissions were received on this issue, however, the Commission thought it important to discuss whether the time had come to require full-time parliamentary service from Members of the House of Assembly specifically because Parliamentary Committees often suffer from not having a quorum. It should be noted, however, that the inability to have a quorum is often due to Ministers not being able to attend Parliament outside of regular sittings of the House due to their heavy ministerial obligations and which, from time to time, involves overseas travel. Indeed, the experience is that backbenchers often prioritise the work of the House over their private employment.

- 5.03 Often MPs are professionals and usually start their parliamentary service in the early years of their practice. A number of prominent Parliamentarians, including a majority of Barbados' Prime Ministers, and others such as Dr. Richard Haynes, Dr. Ramses Caddle and Dr. Cummins, fall into that category. If faced with the choice of pursuing professional goals or political office, it is quite likely that they would have been lost to public life. Many distinguished MPs balanced their parliamentary public service with celebrated professional careers, Sir Frank Walcott and Sir Roy Trotman, for example. Indeed, it enhanced the quality of debate in the House to have these experienced and talented Barbadians serve. At the point of becoming a Cabinet Minister or Prime Minister, however, the responsibilities demand full-time service.
- 5.04 The majority of Commissioners recommend that parliamentary service continue to be categorised as part-time, otherwise there is the likelihood that gifted Barbadians would decline to run for political office. This would not be in the interest of the country and, indeed, it is noted that it is harder to attract political talent today than it was in the past. That difficulty is expected to increase as a result of the provisions of the *Integrity in Public Life Act* and the added scrutiny the Act will bring to the lives, finances and personal business, not just of those coming to public life, but also on their families.

* The Speaker's Chair in the House of Assembly. The Speaker sits in the Chair when the House is in Session. It was gifted by India on Barbados' Independence. Carved into the chair are the words "Heaven's Light, Our Guide." Behind the chair is a small chamber where from time to time, various Prime Ministers and Leaders of the Opposition would 'meet behind the Speaker's Chair' to privately discuss an issue.

- 5.05 The majority is also of the view that questions of conflicts of interest would rarely arise in relation to backbenchers or members of the Opposition but would be more common with Ministers who are of course prohibited by convention from private work. However, the question of conflicts of interest have been adequately addressed by the *Integrity in Public Life Act* and can also be dealt with by way of the Commission's proposed parliamentary Code of Conduct. There is no need, therefore, to require full-time parliamentary service.

Minority Opinion of Commissioner Chandler

- 5.06 It is the contention of Commissioner Chandler that the question is not whether parliamentarians should be "full-time" or "part-time," but whether the reality of Parliament having a full-time workload necessitates Parliamentarians being fully engaged in parliamentary business. At the forefront of his argument is that the focus must be on the needs of Parliament and not the individual needs of Parliamentarians and that if it is that Parliament's needs conflict with the individual needs of a Parliamentarian, then Parliament's needs should prevail. In conclusion it is Commissioner's Chandler's assertion that Parliament has a full-time workload and requires full-time Parliamentarians, both in the Backbench and Frontbench.

DISQUALIFICATIONS FOR MEMBERSHIP IN THE HOUSE OF ASSEMBLY

- 5.07 At present *section 44* of the Constitution contains several disqualifications on membership in the House. A person is not qualified to be a Member if he is bankrupt, insane, is under sentence of death, owes allegiance to a foreign power, or has committed an election offence. However, the prohibition on service contained in *section 38* of the Constitution, namely that a person is disqualified from serving in the Senate if he has been found guilty of an offence of dishonesty does not apply to the House.
- 5.08 The Commission recommends that the prohibition with respect to dishonesty which applies to the Senate should be extended to any candidate for the House of Assembly. In Chapter 4, the Commission made several recommendations with respect to disqualification for membership in the Senate. It is desirable that there should be a mirroring of existing disqualifications in relation to both Houses and the Commission so recommends. For instance, the prohibition of ten (10) years following a conviction which is relevant to the Senate should apply equally to the House of Assembly. The Commission considers that this is consistent with Barbadian principles which value rehabilitation and forgiveness.
- 5.09 Further, the Commission recommends that any candidate who is convicted of criminal offences involving serious violence against the person including rape and sexual assault should not be allowed to offer himself/herself for election to the House of Assembly.
- 5.10 The Commission also recommends that the current disqualifications set out in *sections 38* and *44* of the Constitution should be retained. For instance, no person who is a Judge, Director of Public Prosecutions or the Auditor General should be eligible to serve in either House. No person who is under a sentence of death or who has been certified insane or declared bankrupt should be regarded as qualified to serve in either House. The disqualification which currently exists in respect of a person convicted or reported guilty of corrupt or illegal practice at election should also be continued. The Commission has

already recommended in Chapter 3 that the previous disqualification based on dual citizenship should not be reinstituted.

- 5.11 The Commission further recommends that the disqualification should take effect even if the person has appealed. Barbadian jurisprudence and its criminal justice system give immediate weight and effect to a jury's verdict and it should be respected. If the person concerned triumphs on appeal, there is no bar to his future service. It is not consistent with the dignity of the House, however, to have a member serving as a convicted person, regardless of whether or not he has appealed. Commissioner Chandler is of the opinion that only convictions obtained in Barbados or CARICOM jurisdictions should serve as a bar to parliamentary service.

PUBLIC ACCOUNTS COMMITTEE

- 5.12 In 2003 the ***Public Accounts Committee Act***, Cap. 10A was passed. The Act established the "*Joint Committee of Public Accounts consisting of members of the Government and the Opposition who shall be from both Houses.*" The "*duties of the Committee extend to the examination of the audited financial statements of all statutory corporations as well as entities owned or controlled by the Crown.*" The Committee is comprised of thirteen (13) members – six (6) Senators and seven (7) Members of the House.
- 5.13 The Auditor General's Reports are considered by this Committee and irregularities in spending of public funds and reporting on the use of public funds are debated. The Committee's meetings are held in public. The Committee must prepare and lay an annual report before both Houses of Parliament. It is fair to say that the activities and meetings of the Public Accounts Committee attract the most public attention. The Committee has a vital oversight function in relation to Government spending. It is one of the important means by which the Executive is held accountable to Parliament.
- 5.14 However, the Committee is to be chaired by the Leader of the Opposition. To the extent that there had been no Leader of the Opposition in recent years, the Committee was unable to meet. The Commission is of the view that the Public Accounts Committee, integral as it is in its oversight role, must always function. For that reason, the Commission recommends that in the absence of a Leader of the Opposition, the most senior Opposition Senator should assume the Chairmanship of the Committee.
- 5.15 In light of previous recommendations made by the Commission for the expansion of both the Senate and the House of Assembly, should those be accepted, the Commission is of the view that there would have to be a consequential adjustment to the size of the Public Accounts Committee consistent with the formula/ratios for membership which is currently used. These changes should be addressed by way of an amendment to the ***Public Accounts Committee Act***. However, four (4) of those Members should be non-Parliamentarians, including the Deputy Chairman. Non-Parliamentary Members should have the appropriate educational and experiential qualities, namely, a background in accounting, auditing, finance, law. These Members should be appointed by the President, after consultation with the Chamber of Commerce and the professional accounting and auditing associations. The Commission also recommends that one of these non-parliamentary Members must be a practising attorney-at-law.

- 5.16 The Commission further recommends that the Public Accounts Committee should be supported by its own staff in order to assist the Committee in discharging its important oversight role. The Commission also considered the suggestion of Commissioner Chandler that the Public Accounts Committee should be recast as a body corporate to allow it to better discharge its functions.

ACCOUNTABILITY PROCEDURES

- 5.17 There are a number of procedural changes which the Commission considers can improve Parliament's efficiency and increase its accountability to the public. These recommendations are set out below.

Progress Reports on Legislation

- 5.18 From time to time, Bills are rushed through Parliament. The urgency of the Bill may be outside of the control of the Executive which may need to take legislative action in order to access funding or meet the exigencies of a situation. However, there have been several instances in which legislation has passed through both Houses and been assented to, but is not proclaimed or implemented for some time. The decision of when, and indeed, if, to proclaim legislation is entirely within the gift of the Executive.
- 5.19 However, both Parliament and the public have an interest in ensuring that legislation which has been passed for the public good is actually brought into operational effect. There might be good and cogent reasons that an Act has not been proclaimed. Often the funding on which the Act is reliant has not come through, resources have not been allocated, headquarters for offices not established or personnel not recruited. However, these issues are often not brought to the attention of either Parliament or the public. Additionally, it has been drawn to the Commission's attention by the Clerk that Parliament itself is not advised when legislation is brought into force.
- 5.20 The Commission recommends, therefore, that every six (6) months the Leader of Government Business should provide the House of Assembly with a progress report on the status of all legislation which has been passed but not yet proclaimed. The Commission is of the opinion that this will aid in holding the Executive accountable to Parliament.
- 5.21 The Commission recommends, further, that the Office of Chief Parliamentary Counsel must notify the Clerk of Parliament when a specific Act has been proclaimed or brought into force. The Clerk should then make arrangements to have the proclamation published on the Parliament's website.

Regulations Committee

- 5.22 It has also been drawn to the Commission's attention that the Regulations Committee has not met for decades, notwithstanding the fact that members are appointed at the commencement of every Parliamentary Session. It is a Senate Committee, perhaps harkening back to the Legislative Council.
- 5.23 Legislative power belongs to the Parliament. In making Ministerial Regulations and Orders, the Executive is exercising delegated authority. In doing so the Executive should always remain accountable to Parliament. Indeed, the purpose of the Regulations Committee is to review Ministerial Orders and Regulations made by Ministers.

Regulations, like all other legislation, impact upon the everyday life of Barbadians and many requirements of the law are contained therein. The inactivity of the Committee has left the public unprotected against the potential overreach of Executive power in that Regulations were not reviewed by the Committee before being implemented.

- 5.24 For instance, in recent times Parliament passed the *Immigration (Biometrics) Regulations, 2015* by negative resolution and without the review of this Committee. The Regulations imposed several onerous requirements on citizens, including that they provide biometric data as a pre-condition of re-entry into Barbados. It is likely that if these Regulations had been subjected to the scrutiny of this Committee, the subsequent outcry against these regulations and the decision of the Executive not to implement them would have been unnecessary.
- 5.25 The Commission recommends that this Committee should be ‘reactivated’ in order to ensure that its important oversight function is discharged. The Commission also considers that this Committee is an important tool for holding the Executive to account.

Question Time

- 5.26 Question Time is a feature of Barbados’ parliamentary system but is little used. In larger parliaments like the UK, it may take the form of a weekly thirty (30) minute session with the Prime Minister wherein questions are posed to the Prime Minister by MPs, including the leaders of Opposition parties. The Commission considers that Question Time is an important mechanism by which the Executive can be held more accountable to Parliament. Additionally, the Commission is of the view that there are a number of changes to the existing procedure set out below which can be implemented to enhance democratic participation by members of the public.

Prime Minister’s Questions

- 5.27 The Commission recommends that Barbados should implement a regularly scheduled Question Time with the Prime Minister during the period of sitting of the House of Assembly. The Commission considers and recommends that the Prime Minister’s Question Time should be scheduled for thirty (30) minutes at every sitting or sixty (60) minutes at every other sitting.

Questions on the Order Paper

- 5.28 In Barbados, Questions are tabled as part of the Order Paper. However, there is no fixed time for answering or a deadline for so doing. It is not unknown for questions no matter how important in the national interest to be ignored. The Commission is of the view that this practice is not in the interest of democracy and must be halted. The Commission, therefore, recommends that Questions on the Order Paper must be answered by the Leader of Government Business in the House or Senate or the Minister with Responsibility for the area to which the question relates, within twelve (12) calendar weeks of the tabling of the Question, excluding any recess period.

Urgent Questions

- 5.29 The Commission also recommends the institution of a procedure that permits questions to be asked of and answered by Ministers as a matter of urgency. It is anticipated that this process will be used to address matters which have arisen suddenly. The Commission considers that Parliament should implement a procedure whereby a fifteen (15) minute period can be designated at a sitting for urgent questions. Such questions should be submitted no later than one hour prior to the commencement of the sitting and must have been ruled/deemed by the Presiding Officer a question which requires an urgent response in the public interest. The Clerk, on instruction from the Presiding Officer, should immediately inform the relevant Minister personally, if practicable. This is without prejudice to the Minister's right to answer the question posed by responding with a deferral but subject to an undertaking to provide the answer at a later date.

Public Question Time

- 5.30 The Commission is also concerned to maximise public engagement with Parliament and with their representatives. In that context the Commission recommends implementing a procedure which will facilitate members of the public asking direct questions of all Members of the House of Assembly. The Commission considers that allowing members of the public more direct participation in this manner will enhance Barbados' democracy.
- 5.31 However, Public Question Time should be a structured one. The Commission considers that a Committee should develop rules which govern this type of question time. For instance, the Commission recommends that questions should be submitted to the Clerk of Parliament in writing and vetted by the Speaker of the House. The representative to whom the question relates should be given immediate notice by the Clerk of Parliament and be permitted to respond within twelve (12) weeks, excluding any recess period. The Commission recommends that public question time should be scheduled every other month once the House is in session.

Constituency Time

- 5.32 The Commission recommends further that provision should be made for periodic debate on constituency matters which will be led by the Member of Parliament for that constituency. The Commission conceives that this process will not be used for frivolous matters but rather for issues of substance and importance to the constituency. The Commission recommends that the following mechanism should be adopted for such debates. Specifically, the Member of Parliament will give notice to the Clerk of Parliament of the resolution which he proposes. If the Speaker accepts that the matter raised is an issue of substance and importance for that constituency, it will be tabled for debate. The proposing Member will lead the debate with a response from other Members, and be allowed to conclude the debate with a statement. The resolution debated shall be put to a vote.

Hansard

- 5.33 Hansard is the official record of parliamentary debates. Hansard was developed by the British Parliament in the course of the 19th century. The name is taken from the official printer, TC Hansard, and contains the record of speeches, written answers to questions and

ministerial statements. It is a verbatim record of Parliament's sittings and is utilised by Parliamentarians, the press, lawyers, courts, academics and members of the public. Hansard is an important source of information for historians but is most often used, perhaps, by Parliamentarians preparing for debates and Courts in interpreting legislation. Hansard also fulfils an important function in that it enhances the public's access to parliamentary speeches and makes the parliament more accountable. However, this is only so if Hansard is current or as nearly so as possible.

- 5.34 The Commission was advised that Hansard is presently several years behind and that debates after 2006 have not been prepared, although some progress has been achieved in getting the reports close to being current by utilising transcribing technology.
- 5.35 In order to address this issue, the Commission recommends that efforts must be made to keep up to date while addressing the backlog. The Commission recommends that transcribing software should be permanently utilised in Parliament to assist the stenographers. The Commission also recommends that whenever Hansard is more than three (3) months behind the current debates, the Clerk of Parliament should formally notify the Speaker of the House and the Speaker should table the issue for debate in the House. The importance of a debate on this issue is that the public will be aware of the delay in preparing and having available to them an important tool for holding Parliamentarians accountable.
- 5.36 Finally, in light of modern technology, the Commission recommends making Hansard publicly available on Parliament's website, though only viewable and not capable of being copied or downloaded. The documents should also come with a warning that republication or citation of Hansard, can only be done with the permission of the Speaker. As such, a facility should also be established for electronic requests which should be determined within fourteen (14) business days. The use of electronic records has a number of additional advantages such as being environmentally friendly and space-saving. Additionally, some mechanism should be introduced to allow members of the public to purchase copies of Hansard at cost.

Public Petitions to Parliament

- 5.37 Suggestions were made to the Commission that it should recommend a system of public petitions. For instance, this issue was raised by Mr. Peter Wickham at the Commission's first Town Hall Meeting on 17th August, 2023. He specifically referenced the UK petition model. In the UK petitions must be started on the Parliament website and meet specific standards. For instance, the petition must call for particular action and be a matter over which the Government or Parliament has control. A minimum of ten thousand (10,000) signatures is required for the petition to be successful. If a petition is successful, the House of Commons must debate the issue raised.
- 5.38 The Commission recommends the institution of a public petition process which will allow members of the public to petition the House directly. A petition should meet certain criteria. In order to ensure that there is no outside influence, the Commission recommends that all signatories must be persons holding a Barbados ID. A person should only be allowed to sign once. Once the petition has received the appropriate number of signatures which should be a minimum of five thousand (5,000) the Clerk of Parliament must notify the Speaker who will, in turn, table the matter for debate within seven (7) days.

- 5.39 This petition process is one which allows issues to be raised directly with Parliament in an economical, simple and timely manner. The Commissioners are also of the view that it will improve and strengthen participatory democracy and allow Parliament to be responsive to the needs and concerns of citizens.

Members' Petitions

- 5.40 Under the *Standing Orders of the House of Assembly* there is provision for a Member of the House of Assembly to present a petition to Parliament on behalf of members of the public. Indeed, it appears that Barbadians utilised this process from time to time up to the 1970s or so. Though it has fallen into disuse, the petition process remains available under *Standing Order 12*.
- 5.41 A petition may only be presented by a Member of the House. He/she is required to make a brief statement of the persons from whom it comes, the number of signatures attached to it, the material allegations and the prayer for relief. Under the Standing Orders no matter may be debated unless it has been endorsed by the Clerk of Parliament as complying with the Standing Orders. Further, no petition may be presented which requests the imposition or increase of any tax. Commissioner Chandler is of the view that the Standing Orders should be amended to remove this restriction.
- 5.42 The Commission recommends that the Clerk of Parliament should take steps to educate the public on the availability of the existing petition process.

PRIME MINISTER - Confidence of the House of Assembly

- 5.43 A Prime Minister can only hold office in so far as and for as long as she/he holds the confidence of the majority of the Members of the House of Assembly. On 7th June, 1994 Prime Minister Lloyd Erskine Sandiford was the subject of a vote of no confidence in the House of Assembly. Technically, the no confidence motion did not succeed as the then Opposition did not have the numbers to win it and one of the opposition members was absent from the sitting. Although the no confidence motion was narrowly lost by the Opposition, four (4) members of the Government voted with the Opposition, opening a serious rift among Government members and making it apparent that the Prime Minister of the day had lost the confidence of his side. Despite being lost, the precipitation of these factors as a result of the no confidence motion forced then Prime Minister Sandiford to advise then Governor General, Dame Nita Barrow, DA that Parliament should be dissolved and General Elections called two (2) years before constitutionally due.
- 5.44 *Section 66(2)* of the current *Constitution* provides for the consequences of a no confidence motion. A Prime Minister who has lost the confidence of the House must within three (3) days either resign, or advise the President to dissolve Parliament. If he/she fails to take either step within the time prescribed, the President must then revoke the Prime Minister's appointment. Presumably, and assuming that no election has been called, the Member who then holds the confidence of a majority of the Members of the House of Assembly will be qualified to be appointed Prime Minister.

- 5.45 This Commission has seen a draft Constitution proposed in 2021 for the consideration of the Constitution Reform Commission. It provides that where the Prime Minister has lost the confidence of the House, his/her appointment shall be revoked by the President. In effect, the Prime Minister's power to resign or call an election within three (3) days would be removed. It makes good sense to this Commission that a Prime Minister who has lost the confidence of the House should not have the power to dissolve it. In the circumstances, the Commission recommends that where a no confidence motion succeeds against a Prime Minister, his/her appointment should be revoked by the President.
- 5.46 If the position of Deputy Prime Minister is entrenched as has been recommended by the Commission below it is expected that the Deputy Prime Minister will fill the vacancy created by a vote of no confidence against the Prime Minister as an interim leader until a new Prime Minister is selected.

ENTRENCHMENT OF OFFICE OF DEPUTY PRIME MINISTER

- 5.47 *Section 64* of the Constitution of Barbados requires only that the Cabinet consist of the Prime Minister and five (5) other Ministers. Since Independence, however, the Office of Deputy Prime Minister in Barbados has been routinely occupied, and Deputy Prime Ministers have served with distinction. In recent times, however, there was a long period when there was no named Deputy (2008 and then 2010 to 2021).
- 5.48 Invariably the absence of a Deputy Prime Minister causes public disquiet as there is no obvious successor in the event of the Prime Minister's death, incapacitation or resignation and there was no clarity on who should act in the absence of the Prime Minister from the country on duty or personal leave. This anxiety or concern is particularly understandable when one considers that three (3) of Barbados' last five (5) Prime Ministers died in office. Of those, two (2) died quite suddenly. Fortunately, on each occasion, there was a smooth transition in government as there was a duly appointed Deputy.
- 5.49 The Commission recommends, therefore, that the office of Deputy Prime Minister should be constitutionally established in accordance with Part VI of the Constitution or any similar part which is later enacted. This is consistent with continuity and certainty in governance which are highly desirable objectives in democratic societies. Indeed, it is for this reason that presidential systems require that a Vice President should be elected or appointed at the same time the President is sworn in. The public and the Prime Minister will also have an opportunity to assess the Deputy Prime Minister as a potential alternative leader. No doubt, if the public has no confidence in that office holder, they will make their feelings apparent.
- 5.50 It is the Commission's view that the Deputy Prime Minister should:
- (a) be appointed by the President on the recommendation of the Prime Minister acting in his or her sole discretion;
 - (b) hold office at the pleasure of the Prime Minister who can remove that person at any time;

- (c) be appointed within ninety (90) days of a General Election, or within ninety (90) days of the death, resignation, removal or By-election in the constituency of the person who holds the post of Deputy Prime Minister;
 - (d) be a Member of the House of Assembly, and
 - (e) have no expectation of an appointment to the post of Prime Minister when there is a vacancy.
- 5.51 The Commission strongly encourages political parties to make appropriate provision for the selection of a new party leader at a party conference within sixty (60) days of the death, resignation or incapacitation of, or successful vote of no confidence against the Prime Minister. Ideally, the Deputy Prime Minister should serve as an interim leader until a new party leader is selected at a party conference.
- 5.52 However, the Commission has no power to require political parties to make such rules. If the party fails to make such rules, the Deputy Prime Minister may serve the remainder of the administration's term as Prime Minister as was done in all three (3) cases in which a Deputy Prime Minister succeeded to the office by reason of the death of his predecessor.

THE MACE OF PARLIAMENT



5.53 Colonialism was a daily part of the lives of generations of Barbadians. Some of them still alive today grew up singing God Save The Queen and Britannia Rules the Waves. Part of the remit of this Commission is to make recommendations that help move away, where possible, from the colonial past to the republican present and future.

5.54 The Mace of the Barbados Parliament was acquired by public subscription in 1812. At the time of its commissioning the majority of the population were oppressed and living under the horrors of enslavement. It features the colonial seal of Barbados depicting the Monarch of the time, King George III, riding the waves as Sovereign (shown) while carrying the Trident. It is this Trident which was broken and used as a symbol of an independent Barbados. The colonial seal was reproduced for each successive Monarch and used on official documents.

The superscription reads "*Et Penitus toto regnantes orbe britannos*" which translates to '*And the British ruling throughout the whole world.*'

- 5.55 The Mace is not simply a colonial relic but a symbol which is routinely utilised in the Barbados Parliament today. The House of Assembly is not in session unless it is displayed in the cradle atop the Clerks' Table. When it rests on the cradle affixed to the side, it indicates that the House is now in Committee. It has been an important symbol of not only the House and of the Speaker, the power of the House and of the Speaker being indivisible, but also of imperialism and monarchy itself.
- 5.56 Not every symbol or memory of colonialism and monarchy can or should be removed. The colonial past, dark as it was, cannot and, indeed, should not be denied and the current

Mace should be displayed in Parliament as a reminder of Barbados' history. However, the Mace of the Barbados' Parliament which is in regular use should no longer carry an imperial seal. The Commission recommends that a new Mace should be commissioned representing an emancipated people and Barbados' Republican status. It is a recommendation which can be simply carried out but which has significant symbolism.

CHAPTER 6

CODE OF CONDUCT



INTRODUCTION

Parliament is established and circumscribed by the Constitution. **Section 48** of the Constitution of Barbados gives Parliament the power to “*make laws for the peace, order and good government*” of Barbados. In that context Parliament must be a beacon of good governance. This requires Parliament, as an institution, to respect values such as justice, fairness, accountability, and mutual respect. However, institutions are made of and administered by individuals, some of whom are shining examples of honesty and good conduct, while others misuse their public office for

gain or abuse their power.

- 6.02 Barbados has been consistently ranked by Transparency International as one of the least corrupt and most transparent countries in the region. Professor Emeritus Trevor Munroe of Jamaica, one of the region’s leading experts on transparency, long-time lecturer at the University of the West Indies, Mona Campus, and founder of the non-profit National Integrity Alliance (NIA), made a Zoom presentation to the Commission on November 2nd, 2023. He drew to the Commission’s attention the following statistics relevant to Barbados:

*“Our countries uniformly score over 80 out of 100 on **Freedom House**’s authoritative Democracy Index. In that regard, Barbados leads CARICOM with a score of 95. On other indicators, you are performing comparatively well: Barbados is perceived as least corrupt amongst Caribbean States on the Corruption Perception Index. More specifically, in respect of Members of Parliament, a study by **The World Justice Project**, published this year, 2023, found that an average of 55% of persons surveyed in 14 Caribbean territories believed that ‘all or most MPs are corrupt.’ In that regard, only 32% of Barbados’ population thought that all or most MPs are corrupt.”*

- 6.03 These statistics reflect a high standard of ethics generally among Barbados’ Parliamentarians. However, in recent times one former Parliamentarian was convicted in a United States Court of money laundering and offences involving money. A second is currently charged before the Barbados Courts for a sexual offence. Globally there has also been growing cynicism towards politicians, fuelled by scandals, allegations of corruption and general misbehaviour. Recent research by the United Nations has documented the growing lack of trust in politicians and institutions all over the globe, pointing to the adverse impacts on democracy and governance. For instance, there were several instances of Parliamentarians across the world flouting the strict

* Bill of Independence framed and displayed at the beginning of the corridor leading to the House of Assembly Chamber.

COVID-19 regulations which they imposed on their countries. This certainly caused many reasonable citizens to question whether there is one set of laws for the average man and another for powerful politicians. The broadcast and publication of these breaches forced the resignation of several Ministers and MPs and a British Prime Minister. Further, only within the last few weeks and in the midst of a re-election campaign, a former United States President was convicted of felony offences.

- 6.04 In some countries, the growing cynicism about Parliamentarians has caused anti-democratic forces to become emboldened, occasionally with violent effect. While Barbados has done well, it cannot be complacent. If the country is to continue on its path of a stable and peaceful democracy, public trust and confidence in Parliament must be strengthened and cynicism arrested and reversed as far as possible. Parliamentarians must be seen as upholding the integrity of the institution. Mechanisms requiring Members to be transparent and accountable are a vital aspect of bolstering public confidence without which Parliament cannot govern effectively. In that regard, Goal #17 of the United Nations Sustainable Development Goals 2030 (UNSDGs 2030) requires nations to “...*build effective, accountable and inclusive institutions at all levels.*”

REVIEW OF LEGISLATION GOVERNING CONDUCT OF PARLIAMENTARIANS

- 6.05 The Commission’s discussions about a Code of Ethics centred around parliamentary ethics, privileges and the recently passed Integrity Legislation. The Commission also examined the Constitution and existing legislation, including the ***Parliament (Privileges, Immunities and Powers) Act***, Cap. 9 of the Laws of Barbados, to determine how best a Code of Conduct should be formulated and what principles should be encapsulated.
- 6.06 While the Constitution makes no specific reference to the conduct of Parliamentarians, there are provisions from which one can extract specific principles concerning the proper conduct of Parliamentarians. For instance, **section 69** of the Constitution of Barbados requires Members of Parliament (MPs) who are appointed as Ministers to swear an oath of due execution before being able to perform the duties of a Minister. That oath imposes a duty to lawfully perform ministerial functions “*for the good management of the public affairs of Barbados*” and to be “*true and faithful*” to the office of Minister.

Parliament (Privileges, Immunities and Powers) Act, Cap. 9

- 6.07 Under the ***Parliament (Privileges, Immunities and Powers) Act*** (“***The Privileges Act***”), Parliamentarians are protected by certain immunities for specific conduct in the execution of their duties in Parliament, including in Committee. Thus, the words spoken, and some acts done by Parliamentarians are protected by privileges and immunities.
- 6.08 These privileges are not conferred for the personal use or benefit of MPs. Rather, the ***Privileges Act*** grants protections to Parliamentarians so that they may discharge their duties in the public interest. For example, MPs are protected from criminal prosecution and defamation suits in respect of statements made in the course of parliamentary debate. This privilege allows Parliamentarians to debate public issues without fear. It should be emphasised, however, that even though a Parliamentarian may not be sued for statements made in the course of parliamentary proceedings, he is still subject to the discipline of the Presiding Officer who has the power to strike statements from the record.

- 6.09 The *Privileges Act* also prohibits Parliamentarians from accepting a bribe, fee, compensation or gift in exchange for voting or speaking in a particular manner (*section 32*). The *Privileges Act*, therefore, has an important role in guiding the conduct of Parliamentarians.

Integrity in Public Life Act, 2023

- 6.10 The *Integrity in Public Life Act 2023* contains a Code of Conduct which applies to the conduct of persons in public life, including Parliamentarians and senior civil servants. That Code requires persons bound by it to demonstrate values and principles such as fairness and impartiality, financial integrity and the avoidance of conflicts of interest. Notwithstanding the provisions of that Code, which governs the conduct of Parliamentarians in some important areas, including in the areas of transparency and anti-corruption, it is recommended and, indeed necessary, for a separate Code of Conduct to be formulated and implemented specifically to regulate the conduct of Parliamentarians in a wider sense.

Standing Orders of the House and the Senate

- 6.11 The Standing Orders of Parliament refer to the conduct of Parliamentarians such as their absence from sittings and matters relating to privilege. However, a distinction must be made between Standing Orders and a Code of Conduct. Standing Orders are mainly concerned with rules of procedure and are only applicable to sittings of Parliament while Codes of Conduct are concerned with rules and guidelines governing the general behaviour of Parliamentarians, not just their conduct during debates.

A CODE OF CONDUCT NEEDED

- 6.12 The Commission is required under its Terms of Reference to make recommendations which would lead to “*the strengthening of Parliament and its functions*.” The Commission was persuaded that notwithstanding the fact that, to date, Barbadian Parliamentarians have enjoyed, for the most part, the trust and confidence of their citizens, current legislative arrangements regulating the conduct of Parliamentarians must be supplemented. A Code of Conduct for Parliamentarians is broader in scope and has the potential to hold Parliamentarians accountable both in and outside “the four walls” of Parliament.
- 6.13 The Commission recommends, therefore, that a Code of Conduct for Parliamentarians must be enacted. There is no doubt that the production of a Code of Conduct which is modern and guided by internationally accepted principles of parliamentary conduct is consistent with a stronger and more accountable Parliament. Public trust and confidence in Parliament and in Barbados’ democracy would be enhanced.

What is a Code of Conduct?

- 6.14 The Commonwealth Parliamentary Association (CPA) defined a Code of Conduct for Parliamentarians as a document that provides guidance on the standards of conduct and

ethical behaviour expected of MPs in the contribution that they make to their parliamentary functions. According to the CPA, the purpose of the Code of Conduct is to:

- (a) encourage ethical conduct;
- (b) reduce risks to the integrity of the Parliament;
- (c) enable Parliament to perform its functions more effectively, and
- (d) enhance propriety and strengthen the community trust in Parliament.

What Should A Code of Conduct Contain?

6.15 Commenting on Codes of Conduct, the Commonwealth Parliamentary Association (CPA) stated that a Code should:

- (a) include aspirational provisions, that is, statements about what parliamentarians ought to do, as well as prescriptive provisions, namely, prohibitions on what parliamentarians must or must not do;
- (b) be seen as the minimum standard for conduct;
- (c) have a different purpose from Standing Orders which are primarily rules of procedure, and
- (d) be written in a style that is simple, clear and specific.

6.16 A Code of Conduct must further ensure that all Parliamentarians are accountable to Parliament, that they act in accordance with national integrity and anti-corruption legislation, and are held to the highest standards of probity in public life.

Aspirational Values

6.17 The Commission gave serious consideration to the aspirational values which Barbados' Parliamentary Code of Conduct should encompass. These values are ones which all Parliamentarians should strive to embody in their public and even private lives. In that context the Commission recommends that consideration should be given to the adoption of the term 'Trident Code' with Trident being an acronym for:

- (a) T - Trustworthy
- (b) R - Respectable
- (c) I - Informed
- (d) D - Dutiful
- (e) E - Ethical
- (f) N - Noble
- (g) T - Truthful

Commonwealth Parliamentary Association (CPA) Guidelines and Benchmarks

6.18 In considering the elements of a Code of Conduct, the Commission examined and was attracted to the CPA ***Guidelines and Benchmarks for Democratic Legislatures*** which recommend that "Ethical Governance" be a parliamentary benchmark. It can be achieved by, among other things, maintaining high standards of accountability, transparency, responsibility and propriety in the conduct of all public and parliamentary matters. Ethical Governance includes instituting mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.

Enforcement Provisions

- 6.19 At the Commission's meeting with Professor Emeritus Trevor Munroe, he referred to the benchmarks prescribed by the CPA and provided the Commission with a thoughtful submission outlining the type of provisions to be included in a Code of Conduct. His submission on this issue, in particular, offered considerable guidance to the Commission which is in agreement with his proposals. It is worthy of verbatim reproduction:

"A. Disclosure and Publication of MPs Interest

This section of the Code should stipulate that all members disclose every interest that may create a perception of conflict between an interest and his responsibilities reflected in principles [of] selflessness, integrity, honesty.

B. Use of Public Property

The Code should outline that Members should only use public funds, properties and facilities in the public interest or as permitted by law.

C. Inducements

Members should not accept any form of inducements that may give [rise] to conflict of interest or influence behaviour. No paid lobbying, no paid advocacy and representation should be done on an equitable basis, free from political or personal affiliations.

D. Civility and Behaviour

*Members should treat each other and the people with respect, dignity, and courtesy. Sexual misconduct is a major concern amongst Commonwealth Parliamentarians so much so that in 2020, the Commonwealth Women Parliamentarians, CWP and Commonwealth Parliamentary Association, CPA, produced a pioneering document in response to this concern, **Anti-Harassment Policy Guidelines: A Toolkit for Commonwealth Parliaments**. In this context, sexual harassment is explicitly identified as a breach of the Code of Behaviour of the United Kingdom Parliament and similarly, for European Parliaments."*

- 6.20 In its deliberations, the Commission discussed whether a Code of Conduct for Parliamentarians should be punitive or simply declaratory in its effect. A punitive Code of Conduct would impose sanctions on those who breach the provisions of the Code. The Commission ultimately determined that a Code of Conduct should specifically prohibit conduct which does not align with ethics, integrity and professional parliamentary propriety.
- 6.21 Barbadians are subject to workplace discipline in their everyday life and Parliament ought not to be treated differently. In order to bolster public trust and confidence, a Code should be specifically enforceable and provision made for the imposition of penalties and the Commission so recommends. The adoption of CPA Benchmarks will make Parliamentarians more accountable to the public in the discharge of their duties.

- 6.22 It is important for the proper functioning of Parliament that complaints made under a Code of Conduct are treated seriously and expeditiously. The CPA recommends the establishment of “*an independent system for investigating alleged breaches*” of the Code of Conduct with a clearly defined, transparent system which follows the rules of natural justice and provides for:
- (a) A Complaints and Investigations process;
 - (b) Hearing of the Complaint with provision for an answer of any allegations or complaints made against a Parliamentarian;
 - (c) A procedure for decision making;
 - (d) Appeal or review of any decision in clearly defined circumstances, such a breach of procedure, failure to consider all the facts, bias, a decision at variance with the facts and other clearly specified criteria, and
 - (e) Sanctions and Penalties.
- 6.23 The Commission recommends that Barbados’ Parliamentary Code of Conduct should include, among other things, provisions for:
- (a) **Independent Investigator:** The appointment of an Independent Investigator within fourteen (14) days of the receipt of a Complaint.
 - (b) **Ethics Committee:** The Investigator should report to an Ethics Committee within six (6) weeks of his appointment.
 - (c) **Investigator’s Report:** The Investigator’s report must be made available to both the Complainant and the Parliamentarian, both of whom should have a right to be heard by the Ethics Committee.
 - (d) **Right to Representation:** Both the Complainant and Parliamentarian should have the right to be represented by an attorney-at-law or by any other person of their choosing.
 - (e) **Sanctions/Outcomes:** The Ethics Committee can dismiss the complaint or impose a reprimand or a warning. They may also impose a more serious penalty for instance, suspension or withholding of pay.
 - (f) **Right of Appeal:** The Parliamentarian should have the right to appeal to the Committee of Privileges against any sanction imposed.
- 6.24 The Commission further recommends that it be made clear that:
- (a) The Code applies to all Parliamentarians, that is Members of the House of Assembly and Senate.
 - (b) Complaints, like all civil matters, should be determined on a balance of probabilities.
 - (c) Any complaint which has an element of criminal conduct should be referred to the police. Parliament has no jurisdiction over such matters. It must be remembered that Parliament is a court with no law enforcement powers and there must be no trespass on the criminal jurisdiction of the Barbados Court system.
 - (d) The Investigator and Ethics Committee should be immune from suit in respect of decisions made by them.

Sexual Harassment Policy

- 6.25 The Commission also considered Professor Munroe's presentation on the question of "**Civility and Behaviour**," more specifically, sexual harassment committed by Parliamentarians. It must be remembered that Parliament is a workplace, and that Parliamentarians have three (3) different hats – politician, law-maker and constituency representative. In these capacities, Parliamentarians relate to a large number of people in the course of their duties, both inside and outside the physical precincts of Parliament.
- 6.26 It is recommended, therefore, that Parliament should develop a sexual harassment policy which regulates conduct between Parliamentarians as co-workers. It should also regulate conduct between Parliamentarians and Constituents, between Parliamentarians and Parliamentary Staff and between Parliamentarians and members of the general public. Special attention may have to be accorded to the position of Ministers as it relates to public servants and members of the public. It is recommended that this policy be incorporated into the draft Code of Conduct as a Schedule. This would also appear to be a natural and logical extension of the ***Sexual Harassment Act*** which requires employers to develop and enforce a sexual harassment policy. The Commission has recommended that Parliament should have a Human Resources Manager. The responsibility for the development and implementation of this policy should be assigned to that officer.
- 6.27 Regular training on sexual harassment policies as well as on the Code of Conduct generally is recommended as well, particularly for new Parliamentarians.

Code to be Drafted and Enacted

- 6.28 The Commission was not assigned a legislative drafter and was unable to produce a draft Code. As such the Commission has simply outlined the provisions which it considers the Code should contain, subject to appropriate changes which may be made by the Chief Parliamentary Counsel or other drafting Counsel.
- 6.29 However, the Commission is of the view that the provisions which are set out herein are necessary to hold Parliamentarians accountable.

Additional Matters

- 6.30 The Commission recommends that any Code should be clear and written in simple language and encapsulate the principles of fairness, honesty, integrity and mutual respect between Parliamentarians; between Parliamentarians and Parliamentary Staff; and between Parliamentarians and members of the public.
- 6.31 The Code of Conduct must be sworn or affirmed by all Parliamentarians on taking office. Regardless of whether a Parliamentarian has sworn or affirmed, he/she should remain bound by the Code and provision should be made for this in the Code itself. The rationale for this recommendation is that a Parliamentarian's refusal or failure to swear or affirm the Code should not be raised as a defence to a breach of its provisions. A copy of the Code of Conduct should also be available on Parliament's website so that the public can readily access its provisions.

CHAPTER 7

ADMINISTRATION OF PARLIAMENT



INTRODUCTION

Barbados' Parliament is almost four hundred (400) years old, tracing its origins to 26th June, 1639. Over time Parliament has occupied various premises, though at one time Members of the House of Assembly met in taverns. Approximately two hundred (200) years ago, the House occupied specially built premises on Coleridge Street which are now utilised by the Judiciary. The current Parliamentary Buildings were constructed in the 1870s in the neo-Gothic style in the Old City and Parliament has met there since that time. However, in the one hundred and fifty (150) years which have since elapsed, Parliament has grown in terms of Parliamentarians, support staff and technology.

- 7.02 At present Parliament is supported by a staff of approximately seventy-nine (79) persons who work to ensure the efficient and smooth operation of parliamentary business. This number includes staff at Parliament, Opposition staff, staff assigned to Members and appointed by the Clerk on the advice of members, that is, Constituency Assistants and Parliamentary liaison officers. That staff is overseen by the Clerk of Parliament and includes librarians, stenographers, secretaries, security personnel, accounts, IT, marshals, housekeeping, and other support staff. Without their assistance, both the work of Parliament, as well as maintenance of its physical plant would not be possible. At present, Parliament has an annual budget of over BBD\$13 million.
- 7.03 The administration of Parliament is a matter that falls within the Commission's remit. The Clerk of Parliament has provided the Commission with a helpful and detailed paper which identifies the main weaknesses that exist, the challenges being encountered and some of the technological services that are available to improve the efficiency of Parliament's administration going forward. But more than advanced technology is needed.
- 7.04 Parliament has a critical role in Barbados' democracy. However, it cannot discharge its important law-making function without appropriate and efficient supports, in terms of both personnel and systems. Parliament needs to be supported, at all times by the best and most efficient staff and that must be kept foremost in mind at all times.

* The Barbados Parliament was built in the Neo-Gothic style in the 1870s as was called 'The Public Buildings' housing a variety of Government Departments. The Buildings are a national treasure, having many beautiful and interesting Gothic features from buttresses to arched hallways, doors and windows. This is one such door, located in the Members' Dining Room in the East Wing.

SOME CHALLENGES FACED IN PARLIAMENTARY ADMINISTRATION

- 7.05 In his paper “*A Twenty-First Century Parliament*” prepared for the Commission, the Clerk of Parliament identified a number of challenges faced by Barbados’ Parliament in creating and sustaining an effective parliamentary administration in a modern world. He has also proposed, quite usefully, a number of pragmatic and well-considered solutions. The Commission has relied heavily on his submission.
- 7.06 The Commission has already identified the considerable backlog in the preparation of Hansard as a major issue and made recommendations with respect thereto. The Commission has been advised that through the use of Artificial Intelligence (AI) for transcription of speeches, the backlog may be eliminated within a few months. However, the existence of such a considerable backlog is perhaps emblematic of a wider administrative problem.
- 7.07 Adequate staffing in terms of numbers, appropriate training and relevant, modern, technology are also major issues confronting Parliament.
- 7.08 An additional issue which attracted the Commission’s attention and consideration is the independence of Parliament’s Administration from the Executive.

INDEPENDENT TRUST/BUDGET

- 7.09 The majority of the Commission is of the view that Parliament should be independently financed. In the opinion of the majority, the best way to accomplish this would be to establish a Trust Fund, akin to that established by the CARICOM Heads of Government to finance the Caribbean Court of Justice (CCJ) or the Caribbean Development Fund. This trust should be created by the Barbados Government for the benefit of Parliament using an injection from the Consolidated Fund along with debt financing. This will have the effect of creating an independent budget for Parliament. Parliament will, therefore, not need to be considered as part of the annual budget of Barbados. The existing annual budget of Parliament is approximately BBD\$14 million and it is expected that if the recommendations of this Commission are accepted, the annual operating expense will increase.

Minority Opinion of Chairman Cheltenham

- 7.10 In the context of the wider Caribbean, with notable exceptions, including Barbados, there has been considerable public concern about the independence of judges and the influence of politicians on judicial decisions. The Caribbean Court of Justice (CCJ) Trust was created as a bulwark against improper political influence and to give confidence in the CCJ as an independent institution. At that time (2005) Barbados was moving from a Court (the Privy Council) in which none of the country’s politicians had a say. CARICOM simply created another such Court.
- 7.11 Constitutional scholars, from Sir Fred Philips to Sir Allen Lewis to Mr. Douglas Mendes, have all recognised that the doctrine of separation of powers does not mean that each branch exists in a silo. Additionally, the doctrine does not apply with the same force as between Parliament and the Executive. In Barbados’ constitutional arrangements there is a

symbiotic relationship between the Executive and Parliament which is both desirable and unavoidable. The Executive puts before the Parliament for its consideration, national policy in the form of legislation. In that context symbiotic simply means harmonious dependence, one on the other.

- 7.12 Barbados, like the rest of the Caribbean, chose a constitutional model which allows Governments to quickly implement policies which the public support. According to Sir Allen Lewis, the middle of the road approach taken in Caribbean constitutions, that is midway between the American and British, was the most developmentally appropriate one for the region. By contrast it is now apparent that the purist American approach is resulting in chaos with the Judiciary, Executive and Legislature of that country, all being at odds with each. In America policies which the public overwhelmingly support can be frustrated by systemic gridlock.
- 7.13 Having reviewed the recent history and constitutional scholarship on this issue, the Chairman of is the opinion that it is neither necessary nor desirable to create a separate Trust for Parliament. Equally it is neither necessary nor desirable to have autonomous budgetary arrangements for Parliament. In this case, Parliament itself approves the budget which funds it, and it does so against a background of competing interests. There is never enough money to meet the needs of all legitimate claimants – infrastructure, education, health, social welfare, etc. However, Parliament quite literally controls the purse strings and decides what the country can afford to allocate to each Government department, including Parliament itself.
- 7.14 From a pragmatic standpoint as well, there is never enough in the public budget to go around. Demands are made in respect of basic necessities, like health, utilities, roads, education, etc. The CCJ Trust of USD\$100 Million was contributed to by a dozen regional Governments. At present Parliament's operational budget is BBD\$14 Million annually. A significant capital outlay will have to be made to generate sufficient annual income to run Parliament in circumstances of competing and more pressing demand and in circumstances, too, in which it is not necessary to give that level of financial autonomy to Parliament. Democracy will not be enhanced thereby.
- 7.15 Barbados has gone a long way to grant operational control and independence to Parliament. The Chairman is in favour of enhancing Parliament's operational control and independence. Indeed, a number of recommendations made in this report including major changes to the Management Commission are intended to accomplish just that. **Parliament should be funded by Central Government, but the Executive should not control it.** For instance, in no Government Department is staff accountable to Ministers. The Chairman is in favour of a similar system in Parliament, mirroring arrangements which already exist in the public service whereby parliamentary staff are not directly answerable to the Executive.

Minority Opinion of Commissioner Thompson

- 7.16 Commissioner Thompson sees no necessity for the establishment of a Trust Fund which would have to be funded by Central Government itself and then a mechanism and entity created to oversee it.

MANAGEMENT COMMISSION

Introduction

- 7.17 The Debates Committee originally managed the administration of Parliament. However, in 1990 Parliament enacted the *Parliament (Administration) Act*, Cap. 10 to revise the laws relating to the Administration of Parliament. **Section 3(1)** of the Act created the Management Commission, a body corporate “*responsible for the administration and management of Parliament.*” Under the provisions of this Act the Management Commission is responsible for the hiring and discipline of parliamentary staff, procurement, building maintenance and other matters.

Structure of the Management Commission

- 7.18 The Commission examined the structure and functions of the Management Commission. At present the Management Commission is made up of twelve (12) persons, specifically the President of the Senate, the Speaker of the House of Assembly, the Prime Minister, the Leader of the House of Assembly, the Leader of the Senate, the Leader of the Opposition, four (4) members of the House of Assembly appointed by the House of Assembly, and two (2) members of the Senate appointed by the Senate. The Commission consists entirely of Members of the House of Assembly and Senate.
- 7.19 The membership of the Management Commission should be reduced and its composition changed to diminish, if not eliminate, the influence of the Executive. The Commission recommends that the number of Commissioners should be decreased from twelve (12) to seven (7).
- 7.20 The Commission further recommends that the Management Commission should constituted as follows:
- (a) **Chairman**, who will not be a sitting Parliamentarian, appointed by the President on the recommendation of the Speaker of the House and the President of the Senate;
 - (b) **Deputy Chairman**, who will not be a sitting Parliamentarian, appointed by the President on the recommendation of the Speaker of the House and the President of the Senate;
 - (c) **One (1) Member**, who will not be a sitting Parliamentarian, appointed by the President acting in his/her sole discretion;
 - (d) **Two (2) Members** - one (1) from the House of Assembly and one (1) from the Senate, neither of whom is a Minister or a Parliamentary Secretary, appointed by the President on the recommendation of the Prime Minister, and
 - (e) **Two (2) Members** - one (1) from the House of Assembly and one (1) from the Senate, appointed by the President on the recommendation of the Leader of the Opposition.

The officers charged with making recommendations in respect of Non-Parliamentary or Independent Commissioners as set out above should select persons duly qualified in the area of finance, human resource management, accounting, labour or other relevant expertise.

- 7.21 The Commission is of the view that these changes will eliminate the role and influence of the Executive with respect to recruitment of staff and the administration and management of Parliament. These recommendations are in keeping with the Commonwealth Parliamentary Association's (CPA's) *Benchmarks for Democratic Legislatures, 2018* *"The Legislature, rather than the Executive branch, shall control the parliamentary service and determine the terms of employment. There shall be adequate safeguards to ensure non-interference from the Executive."*

Minority Opinion of Commissioner Thompson

- 7.22 Commissioner Thompson is generally in agreement with the Commission's recommendations as it relates to the Management Commission with one (1) exception. Commissioner Thompson recommends that the Deputy Chairperson should be a Parliamentarian.

CLERK OF PARLIAMENT

- 7.23 The Clerk of Parliament is a traditional and ancient role having been established in 1640. One of the major responsibilities of the Clerk is to manage the day to day operations of Parliament, including its administration. In modern terms, the Clerk is Parliament's Chief Executive Officer. Though the Commission would not recommend changing the name of this esteemed office, its functions should be updated and modernised. The Clerk is answerable to the Management Commission for the general working and effective administration of Parliament, efficient and economical management of staff and the assets of Parliament.
- 7.24 The Commission recommends that the reality of what obtains on a daily basis in Parliament should be reflected in the *Parliament Administration Act*. Specifically, the Clerk should be designated the Chief Executive Officer of Parliament in the Act. The Clerk should also have control of the Parliamentary Buildings and Estate, particularly for the purpose of security.
- 7.25 In addition, there can be no doubt of the seniority and level of responsibility of the holder of the office of Clerk of Parliament who has oversight of the sittings and functioning of both Houses of Parliament, the smooth functioning of sittings, supporting the work of the Legislature, providing an effective liaison with the Executive, leadership and management of the staff of Parliament, the management of and accountability for the Parliament's budget, relationships with the CPA and other parliaments, and in recent times, the leadership of major construction, redevelopment and maintenance projects at the East and West Wings of Parliament.
- 7.26 Much is asked of the Clerk who functions in multiple capacities. It is noted that the administration of ministries, all major agencies and indeed, the other arms of Government, such as the Cabinet, is carried out by officers at the level of S1, that is holding the post of Permanent Secretary, including the Cabinet Secretary. It is the recommendation of the Commission that the Clerk of Parliament should be at the level of Permanent Secretary or S1. The nature, complexity and responsibility of the role warrant such a level. Further, the Clerk of Parliament is the Chief Administrator of one the three (3) branches of Government. Both the Cabinet Secretary and the Registrar of the Supreme Court who are

Chief Administrators of the Executive and Judiciary respectively are already at the level of S1. This incongruity should be remedied.

- 7.27 The Commission also recommends that the Clerk of Parliament and the Deputy Clerk of Parliament, where they are attorneys-at-law and by reason of length of service they become specialist attorneys in the field of parliamentary law and procedure, should be considered for appointment as Senior Counsel. Commissioner Chandler is of the view that the designation of Senior Counsel should be automatically granted to the Clerk of Parliament and the Deputy Clerk.
- 7.28 The Commission also considers that provision should be made for Parliament to have Assistant Clerks who will be able to attend sittings of both Houses in place of the Clerk of Parliament. This will facilitate the training of future Clerks of Parliament and allow for continuity in the administration of Parliament.

AUDITOR GENERAL

- 7.29 The predecessor to the Auditor General was first established in 1855 under the Act for Better Auditing and Inspecting of Public Accounts. It is an independent office serving both Parliament and the people of Barbados. **Section 113** of the Constitution sets out the functions and powers of the Auditor General. The Auditor General audits the accounts of all government departments and prepares an Annual Report which is submitted to the Speaker and then laid in Parliament.
- 7.30 The Report contains the Auditor General's audit findings and identifies lapses of proper accounting or failure to comply with the Laws of Barbados by the agencies or departments which have been audited. The Auditor General is also subject to appear before the Public Accounts Committee which may question the findings of the Report. In this regard, the Auditor General plays a vital role in assisting Parliament in holding the Executive accountable for its stewardship of public finances.
- 7.31 The Auditor General's report excites tremendous, public, political and media attention. Its findings are the subject of commentary in the public domain, including on social and traditional media. Much of the public discussion over the years, centres around the public's allegations of financial impropriety on the part of successive governments. Very often however, the problem is not one of wrongdoing or financial impropriety, but failure to follow or adhere to strict accounting rules and processes. In these circumstances, the intention is to do the right thing and for the right reasons, but the wrong approach was used. For instance, the Commission learnt at one of its meetings that such breaches may occur when public officers are trying to get projects started or pay persons who have supplied services or goods to government and although a long time has elapsed the contracts have not been signed or are still at the Solicitor General's Chambers, or the allocated funds are in danger of lapsing.
- 7.32 Barbados has generally been well served by holders of the office of Auditor General whose diligent and punctilious discharge of their constitutional obligations has gone a long way in Barbados traditionally enjoying high transparency and anti-corruption standings. The Annual Report has had the effect of generating appropriate public scrutiny, strengthening democracy by providing the public with insights into spending from the public purse and causing important changes in improving accounting processes in the

public sector. The addition of new legislation to enhance procurement in the public sector may be considered one of the positive consequences of the existence and benefit of the office and report of the Auditor General.

- 7.33 Despite its vital role, the office has, however, not typically been given the level of resources and staffing necessary to carry out its duties in a timely manner. At present the Auditor General is wholly dependent on financing from the Executive and successive office holders have identified the lack of financial support as a major challenge to carrying out their vital functions. There has also been a serious difficulty in recruiting and retaining appropriately trained staff from within the body of the civil service. The Commission recommends that this office should, at all times, be well-supported both in terms of staffing and finance.
- 7.34 In light of the majority's recommendation with respect to an Independent Trust which, if implemented, will afford Parliament independent financing the majority further recommends that the office of Auditor General should remain an independent agency to be housed, staffed and financed by Parliament. The Commission further recommends that the staff of the Auditor General should be recruited by the Management Commission of Parliament.
- 7.35 By majority the Commission also recommends a change to the appointment process for the Auditor General. At present the Auditor General is appointed under **section 102(1) of the Constitution** by the President acting on the advice of the Administrative, Technical and Professional Service Commission after it has consulted the Prime Minister. In order to enhance and underscore the impartial role of the Auditor General the Commission recommends that the Auditor General should be appointed by the President on the advice of the Administrative, Technical and Professional Service Commission after it consults with the Prime Minister as well as the Leader of the Opposition or Chairman of the Public Accounts Committee.

Minority Opinion of Chairman Cheltenham and Commissioner Thompson

- 7.36 The office of Auditor General is established by the Barbados Constitution and the post holder operates as an External Auditor of the Government. The office is one which is constitutionally protected and the holder enjoys security of tenure akin to that afforded to the Director of Public Prosecutions and Judges of the Supreme Court. **Section 113** provides that the Auditor General shall not be subject to the direction or control of any person or authority in the exercise of his functions.
- 7.37 The protections given to the office are intended to ensure that the office holder can discharge his/her functions without fear or favour, impartially and independently. These protections are critical to the functioning of the Auditor General who is a public servant. Officers of Parliament are not so classified. Further, and appropriately, the office of Auditor General exists outside of the structure of both Parliament and the Executive, although it works with both. In order to give credibility to the Auditor General's Reports, it is important that this office have operational autonomy. That is the model which Barbados has utilised since independence and it has served the country very well.
- 7.38 The independence and public perception of the impartiality of the Auditor General are critical to the office's credibility and role. The majority recommendation will have a

substantial impact on the functioning of the office and the appointment of the office holder. For instance, there will be implications for the classification of the Auditor General and his staff as public servants. *Will they continue to be public servants? How will the continued independence of this office be assured? To whom will the Auditor General be answerable? If Parliament continues to be funded by the Central Government how will the office of Auditor General be impacted? What is the advantage of relocating this office to Parliament?*

- 7.39 The office has enjoyed a high level of public confidence and trust. The Chairman and Commissioner Thompson are deeply concerned that the recommended changes to the office of Auditor General will undermine the office's constitutional independence or, just as importantly, give the appearance that the neutrality of the office has been compromised with politicians, through the Management Commission, being given a more direct say in the office's affairs and control of its budget. In the circumstances, these Commissioners are emphatically of the view that the constitutional protections of this office should not be interfered/trifled with. The minority do not recommend any changes to the existing structure of and method of appointment to the office of Auditor General which has worked well since Independence. Nor should the Auditor General's budget come from Parliament. The minority agree, however, that the Auditor General's office must be properly staffed and resourced at all times so as to allow for effective and efficient oversight of Government spending.

CHIEF PARLIAMENTARY COUNSEL

- 7.40 The Chief Parliamentary Counsel (CPC) is an Office under the Attorney General's Chambers. Its primary responsibility is to prepare legislative instruments, including Bills, Regulations and Ministerial Orders for the consideration of the Executive and Parliament on the instruction of the Executive. The Bills are approved by the Attorney General and then Cabinet before being laid in Parliament for debate. The Chief Parliamentary Counsel is supported by a staff that includes several attorneys trained in legislative drafting which is a highly specialised field.
- 7.41 The Commission recognises that the Constitution provides that any Member of the Parliament may introduce legislation, whether or not he/she is a member of the Executive. However, in practice legislation is introduced by the Executive almost exclusively, if not completely. As such, backbenchers and members of the Opposition are disadvantaged in this area. Several countries have adopted models whereby the office responsible for drafting legislation is an officer of Parliament whose services are available to all Members.
- 7.42 For many years there was a tradition that an attorney from the Chief Parliamentary Counsel's office would routinely attend sittings of Parliament. This no longer frequently happens for a number of reasons including the heavy workload of Parliament and the shortage of legal drafters in Barbados. The absence of an attorney from the Chief Parliamentary Counsel's Office can result in delays when amendments, explanation or other adjustments to the legislation is required. While it is not the Commission's remit, the Commission would wish to see recruitment programmes for the specific training and engagement of legal drafters in the public service.
- 7.43 To address these issues the Commission, therefore, recommends that the office of Chief Parliamentary Counsel should be transferred to and incorporated into the structure of

Parliament. It is anticipated that this change will strengthen or give effect to the rights of all Members to introduce legislation.

RECRUITMENT AND MANAGEMENT OF STAFF

7.44 Over time many persons working in and about Parliament were appointed on the suggestion of Speakers or prominent members of the Executive. There was no formal interview and selection process. A lot depended on whom you knew and who knew you. Some of those appointments worked out fairly well, others were major disappointments.

7.45 This is well reflected in the statement of the late Hon. Errol W. Barrow, as he then was, on recruitment of staff, made on 14th March, 1972, in the course of the Estimates Debate:

“.....Secondly, I think we have to exercise through the Debates Committee, [precursor to the Management Commission] the greatest care in our selection of the people who served this House. I am inviting the Debates Committee to look very seriously at the qualifications of people, their work record, where they have worked, why they are not working there, how many jobs they have had during their lifetime short or long as it may be, before they foist them upon this House for personal reasons.....”

7.46 Regrettably, not much has changed since then. Politicians are always under pressure to secure employment for constituents. However, going forward, Parliament needs to be an efficiently and professionally managed institution and a major overhaul of its recruitment processes is needed.

7.47 The recruitment of non-partisan professional staff is a prerequisite for the proper functioning of Parliament. The Legislature should be able to recruit, manage and discipline its staff in the manner that would be expected of any serious professional organisation. Further, in light of the recommendation that there be an increase in the number of Standing Committees, the requirement for increased staff is self-evident. The Commission has earlier recommended significant changes to the Management Commission. Additional recommendations with respect to the structure of the Administration of Parliament in order to realise the goal of recruiting professional and competent staff are made below. However, the Commission recommends that gender parity of Parliamentary Staff should be achieved, wherever possible.

HUMAN RESOURCES DEPARTMENT

7.48 The Commission is advised by the Clerk that while the *Parliament Administration Act* sets out the specific qualifications for Clerks, Librarian and the Hansard Editor, the qualifications for other parliamentary staff were left to the Management Commission. However, to date, the Management Commission has not stated any of those qualifications. The Clerk noted that it “*was as if the Clerk was the only important person in Parliament and so long as that person was well qualified an efficient Parliamentary service was a foregone conclusion.*” The Commission agrees that it is not.

7.49 Given that the Parliament employs a number seventy-nine (79) staff members and that the Commission has recommended an increase in staff, the need for professional recruitment and management of staff is evident. The Clerk and Deputy Clerks who manage the staff on

a day to day basis have no formal training in this area. The Commission, therefore, recommends the establishment of a Human Resources Department.

- 7.50 The Human Resources Department should be responsible for creating job descriptions and establishing the qualifications for each category of person needed, advertising vacancies and interviewing and short-listing applicants. The Department would also be responsible for training, employment contracts, creating a Human Resources Manual, Code of Conduct for staff and a Sexual Harassment Policy in addition to establishing a disciplinary and complaints process. The Department should also assist the Management Commission in carrying out periodic performance assessments. In keeping with an efficient service, employees should be accountable to the Management Commission for their performance and, from time to time, an employee may need to be on a performance improvement plan. Every employee of Parliament should be subject to these human resource policies.
- 7.51 The foregoing recommendations are consistent with building a modern, efficient and accountable parliamentary service and consistent also with the Clerk's position that Parliament must be supported by qualified and dedicated staff. The recommendations will also assist in realising Benchmark 5.1.1 of the ***Commonwealth Parliamentary Association (CPA) Benchmarks for Democratic Legislatures, 2018*** which requires that "*the Legislature shall have an adequate non-partisan professional staff to support its operations including the operations of its Committees.*"

TRAINING OF STAFF

- 7.52 If Parliament is to be serviced by an effective and efficient Administration, continuous training of staff is a necessity. The Commission recommends that Barbados make the appropriate provision for such training on an ongoing basis. Though training of staff will be a function of the recommended Human Resources Department, the Commission recommends that Barbados make the appropriate provision for such training on an ongoing basis, ideally, by combining its resources with those of other CARICOM states as discussed later in this Chapter.

FINANCE OFFICER

- 7.53 At present Parliament has a Senior Administrative Officer who heads the Accounts Department, assisted by an Assistant Accountant and two junior officers. While the Clerk is the Accounting Officer named in legislation, this Department deals with Parliament's accounts. Given that Parliament's budget in this year has been \$13 million, it seems to the Commission to make good sense that Parliament should have its own duly qualified Finance Officer.

THE PROCEDURAL DEPARTMENT

- 7.54 The Clerk of Parliament has suggested that the Journal Department should be renamed the Procedural Department and expanded. The existing Journal Department services both Houses of Parliament, the three (3) newly established Standing Committees, namely, including Committee on Governance and Policy Matters, Committee on Economic and Productive Sectors, and Committee on Social Sector and the Environment, as well as the Public Accounts Committee and any other *ad hoc* Committee(s) which have been or will be established over time to consider specific Bills. The current main function of the

Department is to prepare the Order Paper. However, they also service Committees of parliament, send correspondence in relation to sitting, among other responsibilities.

- 7.55 In light of the Commission's recommendation to introduce several new Standing Committees, the work of this Department will be increased. There is, therefore, a commensurate need for an increase in the complement of Procedural Officers. The Management Commission has already accepted the Clerk's proposal that the Department should be expanded to include a Procedural Advisor, Procedural Officer 1 and 2.

LIBRARY AND RESEARCH DEPARTMENT

- 7.56 While Parliament is tasked with holding the Executive accountable, Members, particularly Opposition Members and Backbenchers have limited resources on which they can draw. Additionally, there is a considerable amount of information now available on a number of topics which are relevant to issues that are considered by Parliament. Marshalling that information can be an insurmountable task unless Parliamentarians have access to modern library and research facilities, as well as staff to carry out the research. Proper research resources, including personnel and access to online journals, newspapers and databases, is necessary if the intention is to enhance the quality and robustness of parliamentary debates and to arrive at rational decisions in the public interest.
- 7.57 Recently Parliament made provision for the recruitment of two (2) Senior Research Officers to assist Members in preparing for debates. The Commission recommends that the Management Commission undertake a thorough review of librarial and research resources available to Parliamentarians with a view to their improvement. This is particularly so when one considers that there is no legislative agenda set out at the beginning of the year and Parliamentarians may be given short notice of important legislation to be introduced. The Commission recommends that Parliamentarians should, ideally, be given adequate advance notice of legislative measures which the Government wishes to introduce. Certainly, however, in the absence of time, access to adequate resources becomes all the more necessary. Among the resources the Management Commission may wish to make available is access to the Libraries of University of the West Indies, Cave Hill.
- 7.58 It is also the opinion of the Commission that two (2) research officers to service thirty (30) Parliamentarians and a Senate that will itself be almost thirty (30) members, is not enough; there should be at least four (4) officers. This number would be adequate to support the needs of Parliament as presently constituted, in which Ministers have Ministry staff and Personal Assistants to support them, while Backbenchers have Liaison Officers and benefit from Government briefs. Members of the Senate who are not Ministers have no such supporting staff and would rely heavily on the new Research Assistants. At present Members of the Senate who are otherwise in full-time employment not related to work on policy, are still expected to make substantive contributions on matters of policy and debates on issues of national significance. Of the four (4) officers recommended, two (2) should be dedicated to supporting the research needs of the Members of the Senate and the other two (2) to the House of Assembly. The Deputy Chairman, however, was of the view that the allocation of research officers is a decision which should be left to the Clerk of Parliament. It should be noted that while the recommended four (4) researchers would

be adequate for the current size of Parliament, if the number of Parliamentarians is increased.

- 7.59 If however, the Commission's recommendations for an expanded Parliament and Senate are accepted, there will be pressure on the recommended four (4) Research Assistants to service the expanded numbers.

COMMUNICATIONS OFFICERS

- 7.60 Inquiries are made from the public and diaspora of Barbados, as well as national institutions and overseas entities about the outcome of debates, decisions of Parliament and access to general information. All of this has to go through the Clerks. There is also the glaring omission that universities, members of Barbados' diplomatic corps, professionals, Parliamentarians themselves, and others who have an interest, must either listen to hours of debate, or rely on the reporting in newspapers to learn what has transpired in Parliament. This is a glaring omission that should be corrected.
- 7.61 Often, newspaper reporting is weak, inaccurate, tending toward the most controversial or seeking to create controversy, failing to capture core national issues or demonstrating biases. The Commission is therefore recommending the recruitment of Communications Officers whose responsibility it will be to engage with the press and to produce at every sitting, key decisions, synopses of debates, and related material for loading on Parliament's website and social media platforms or for dissemination to interested parties or entities, including the country's diplomats, foreign diplomats posted in Barbados, and the University of the West Indies, to name a few with serious interest in such material. The Communications Officers should be assigned to the Journal Department. The press release should be approved by the Clerk of Parliament before dissemination and will address Parliamentary Sitzings of both the House and Senate.

INFORMATION AND COMMUNICATION TECHNOLOGY IN PARLIAMENT

- 7.62 Parliament has its own website and this is to be commended. There needs to be further consideration of how the technology can support the work of Parliament, Parliamentarians, staff, the media, the wider public, and broaden democracy by allowing increased access to Parliament or to information relating thereto or the conduct of the business of the Parliament. Toward this broad objective, the Commission has made several recommendations with respect to the production of and digital access to Hansard.

Use of Technology in the Chamber

- 7.63 The Clerk of Parliament has indicated that there are technology issues which should be addressed by the Commission. Firstly, in his opinion the incorporation of technology into Parliament's process should be expressly provided. A close reading of the rubric "*Behaviour of Members Not Speaking*" under the Standing Orders might be used to control or ban the use of technology such as laptops, tablets and cell phones in the Chamber.

- 7.64 Indeed, in 2008 in Trinidad and Tobago the then Leader of the Opposition was suspended by the Speaker for failing to comply with the Chair's directive to close his Parliament-issued laptop. At that time permission was required from the Speaker to use any electronic device in the Chamber. The Speaker relied on *May's Parliamentary Procedure* and cited his concern that laptops may be used for improper purposes. Since 2018, the Trinidad and Tobago Parliament has enforced a rule that only two (2) laptops may be open at any one time during a debate – those of the present speaker and the speaker to follow.
- 7.65 The UK Parliament last considered the issue in 2011 when the Procedure Committee issued its report on *“Use of hand-held electronic devices in the Chamber and Committees.”* A new rule was implemented that *“Members should be allowed to use electronic hand-held devices for any purpose when in the Chamber whilst not speaking, and that the current ban on the use of hand-held electronic devices as an aide memoire, whilst speaking in a debate, should be ended.”* The Administration and Works Committee also recommended a change in the rule governing technology in the House of Lords. The rule provided that *“the use of hand-held electronic devices (not laptops) may be used in the Chamber, provided that they are silent, and used in a way that does not impair decorum; that Members making speeches in the Chamber or in committee may refer to electronic devices in place of paper speaking notes; and that electronic devices, including laptops, may be used silently in committee meetings, including select committees.”*
- 7.66 To the extent that there is an ambiguity, the Commission recommends that Standing Orders should be amended. There should be no bar on the use of modern technology by Parliamentarians in the Chamber during a debate, so long as no disturbance is caused thereby. The existing rule that a Member should not read his speech should remain. The rule that displaying objects in support of speeches, using cameras or recording equipment should also remain in place. Members breaching those rules should be disciplined.
- 7.67 Rules should also be implemented to the effect that devices must only be utilised in the Chamber for the purpose of conducting or advancing Parliamentary business, including taking notes, refreshing memory and undertaking research related to the matter being debated. Parliamentarians should not be allowed to use their devices for any other purpose during a debate. Additionally, no phone, tablet or other device should be used by a speaker for the purpose of recording their speech or interventions, particularly for the purpose of transmitting to others or posting on social media. Members should also specifically be prohibited from accessing or posting to social media websites on any matter while Parliament is sitting. There should be a prohibition on sending instant messages of any kind whilst in the Chamber as well.
- 7.68 The UK Parliament declined to implement such specific rules on the basis of the difficulty of enforcement. However, this Commission, while agreeing that policing these rules may be challenging, considers that there is nothing inherently flawed in prescribing the standards to which all Parliamentarians should adhere. If a Member abuses his privileges, the Presiding Officer should be empowered to ban that Member from using technology in the Chamber for a specified period of time or whatever sanction may be considered appropriate.

- 7.69 Further, given that there is now no real difference between the capabilities of laptops, tablets and cell phones, the Commission sees no reason to prohibit the use of one type of technology but allow another. Many Parliaments which have made such distinctions did so before cell phones were capable of replacing laptops in terms of storage space and function.
- 7.70 Parliament's proceedings are also broadcast in respect of the House and Senate. However, that is not the case with respect to Committee meetings. It is the Commission's recommendation that all Committee meetings should be open to the public and broadcast, unless the Committee determines that it is necessary to have an *in camera* hearing.

Virtual Attendance

- 7.71 The second issue which arises is virtual attendance. COVID-19 drastically accelerated the use of technology in many fields. Courts moved to online hearings, developing rules to facilitate citizens' continued access to justice. Universities replaced in person teaching and exams with degrees entirely administered online. There has been an exponential growth in the number of 'remote' employees who 'zoom' to work on a daily basis. It must be said, however, that the efficacy of online communication in these fields as a substitute for in person interaction remains hotly disputed.
- 7.72 Parliamentary debates are already live streamed and copies of Bills coming before the Parliament are available on Parliament's website. In the Lower House, it is possible for a Parliamentarian to attend a sitting of Parliament utilising the technology for virtual access. It is a reality that from time to time, members of both Chambers are forced to physically miss a sitting of the House because of a conflicting work commitment, personal or professional business, personal or professional travel, family obligations and a range of other reasons. Members of the Lower House can attend Parliament virtually, debate and vote on matters before the Chamber.
- 7.73 However, the Rules do not currently allow for the virtual attendance of the Senate by its Members. In the last year, a Senator missed several sittings of the Senate because virtual attendance was not allowed and a non-functioning elevator, the use of which was essential for the Senator's access to the Senate Chamber, effectively prohibited attendance at Parliament. It is the recommendation of the Commission, that virtual attendance of the Senate and voting by Members, should be allowed as well. There should, however, be certain restrictions on this privilege in both the House of Assembly and the Senate, specifically – the quorum must be formed by those in physical attendance at a sitting, the number of sessions that a member can attend virtually should be limited. The rules between both Chambers should be uniform.
- 7.74 There are legitimate occasions when Parliamentarians should be permitted to make their contribution remotely, including when they might be unable, through ill-health or travel on official business, to appear in person. These should be rare instances and not routinely employed. Additionally, permission must be sought and granted by the Presiding Officer who should impose reasonable restrictions on virtual attendance, including requiring that the Parliamentarian must be in a private, quiet space with no other person present. The Presiding Officer should also require that the Member be attired as though he/she was physically present in Parliament.

- 7.75 The Commission also recommends that no Parliamentarian should be allowed to make virtual appearances more than four (4) times in a twelve (12) month period on the basis of government travel or other unavailability. There would be no basis, however, for limiting the number of virtual appearances by a Member who is unable to attend in person due to ill health but is otherwise able to contribute to debates. Any application(s) to the Speaker for virtual appearance on grounds of ill-health must be supported by a medical certificate that is valid for three (3) months.

COMMITTEE SYSTEM

- 7.76 There has already been an increase in recent times in the number of *ad hoc* or Select and Standing Committees of Parliament. At present Parliament has three (3) Standing Committees, namely, the Economic and Productive Sectors Committee, the Governance and Policy Matters Committee and the Social Sector and Environment Committee. A Standing Committee is a permanent one, that is, every session of Parliament has the same Committee, for instance, the Public Accounts Committee. These Committees are established under the Standing Orders. An *ad hoc* or Select Committee is one that is established for a limited and specific purpose and once its essential aim has been fulfilled, it is collapsed. One illustration is a Committee created to oversee the drafting of an important piece of legislation such as the Medicinal Cannabis and Data Protection Bills. The Clerk has advised that, at present, the Committee System is not an active one. He has also recommended a number of changes with respect to that Committee System.
- 7.77 The Commission accepts the Clerk's proposal that Standing Committees should be converted to Joint Standing Committees, that is, provision should be made for the participation of Members of the Senate. The Commission so recommends. This will also guard against the non-functioning of the Committee System in future in the absence of an Opposition in the Lower House.
- 7.78 With the recommended increases in the Senate and the House of Assembly, Parliament will move to approximately sixty-eight (68) Members – a far cry from the over six hundred (600) in the UK House of Commons, the over one hundred and fifty (150) Members of the Australian Federal Parliament and the almost three hundred and forty (340) Members of the Canadian Federal Parliament. In relation to its neighbours Barbados has a mid-sized Parliament. Between the Upper and Lower Houses Jamaica has eighty-four (84) Members. Guyana has sixty-five (65) and Trinidad and Tobago has seventy-two (72). By comparison Barbados has fifty-one (51) Parliamentarians.
- 7.79 The Clerk has also proposed an amendment to the Standing Orders to allow the establishment of a number of Committees. These are in addition to the already recommended Standing Committee on Gender Affairs. The Commission, while recognising the idealness of the many Committees suggested, is also cognisant of the limitations of a Parliament of Barbados' size. Also, in both the Commonwealth and regional contexts, Parliamentarians have the added support of local government, allowing representatives more time to devote to their parliamentary work. The important distinction between Barbados and those countries is that they have a system of local government which provides important services that in Barbados are supplied by Central Government and MPs. The issue is also one of the daily responsibilities of Parliamentarians as well.

Definition of Parliament

- 7.80 The Commission considered the definition of Parliament and whether that definition should be broadened to embrace Committees. At present there is a definition of Parliament at **section 35** of the **Constitution** which provides that “*there shall be a Parliament of Barbados which shall consist of the President, a Senate and a House of Assembly.*” The Commission further considered whether such an expanded definition should be placed in the Constitution.
- 7.81 The majority of the Commission recommend that the definition of Parliament should include Committees. The majority further recommend that that expanded definition should be stated in the Constitution which already has a definition of Parliament.

Minority Opinion of the Chairman and Commissioners Thompson and Beckles

- 7.82 The minority, that is the Chairman, Commissioners Thompson and Beckles, accept that the definition of Parliament should be broadened to include Committees. However, in their view the appropriate place for this change to be made is in the **Parliament (Administration) Act**, not the Constitution. The minority understand and support the need for an active Committee System. However, they are of the view that this is a management and administration issue which can appropriately and adequately be addressed by way of legislation. Barbados is guided by the principle of Constitutional Supremacy and the Constitution is reserved for the most important issues. Administrative matters are not appropriately placed there. Additionally, enshrining this broad definition in the Constitution will not ensure that the Committee System works more effectively and efficiently than it currently does. Further, once this matter is enshrined in the constitution, a constitutional amendment requiring a two-thirds majority and not a simple vote, will be required to change or fix a management and administrative matter.

Joint Standing Committees

- 7.83 The Commission recommends that Joint Standing Committees of Parliament be established with responsibility for:
- (a) Governance and Administration,
 - (b) National Security, Home Affairs and International Relations,
 - (c) Finance, Commerce, Labour and Trade,
 - (d) Health, Environment and Food Security, and
 - (e) Social Services and Education.
- 7.84 The Commission recommends that these Committees comprise members from both Houses, making them Joint; that these Committees be permanent, making them Standing, and that they also include non-Parliamentarians.
- 7.85 The Commission recommends that these Committees comprise:
- (a) A Chairman,
 - (b) A Deputy Chairman,
 - (c) One (1) non-Parliamentary Member,
 - (d) Two (2) Backbenchers from the House of Assembly, and
 - (e) Two (2) non-Executive Senators.
- The Commission recommends that the quorum be three (3) of the Members.

- 7.86 The Commission further recommends that the Committees should not include:
- (a) a Presiding Officer of Parliament, that is, Speaker, Deputy Speaker, President of the Senate or Deputy President of Senate, or
 - (b) a Member of Cabinet or Parliamentary Secretary.

The above recommendation is made in the context of the recommendation previously made that there should be a Cap on Cabinet.

Minority Opinion of the Chairman and Commissioners Thompson and Beckles

- 7.87 The Chairman and Commissioners Thompson and Beckles do not support the recommendation made above. While it might be an ideal that there should be no Members of the Executive on Parliamentary Committees, in the context of a small Parliament that recommendation is not pragmatic. Ideals which work well in the context of larger Parliaments, particularly ones supported by extensive local Government, are not necessarily transferable to Barbados. Given the current composition of Parliament, the majority's recommendation likely means that Committees will be unable to be constituted or to meet without placing extreme pressure on the Backbench. Further, the Executive is chosen by the people to implement its policies and legislative agenda. The successful implementation of those policies through legislative means is in the interest of the Administration. Ministers are the Members who will be most familiar with the legislative goals and policies underpinning the proposed Bill and may often, too, be among the most experienced Parliamentarians. The minority sees no good reason for excluding them from serving on Committees.

Minority Opinion of the Chairman on Increasing the Number of Standing Committees

- 7.88 Though the Chairman accepts that having additional Standing Committees is an ideal, he has grave reservations about the workability of the recommendation. The recent experience has been that existing Committees of Parliament are unable to meet. The Commission is recommending an additional six (6) such Committees. In a Parliament of Barbados's size, unsupported by local Government, it is likely that the recent experiences will be compounded by adding to the number of Committees. For this reason, the Chairman does not agree with the majority recommendation to establish the five (5) Committees named above.

PARLIAMENTARY TELEVISION AND BROADCASTS

- 7.89 There are a number of well-known international Parliamentary broadcasting channels such as C-Span and BBC Parliament. The cost of traditional public television broadcasting is becoming more and more burdensome on taxpayers. Several countries have collapsed such networks in recent years or have dramatically restructured them. Additionally, fewer households are consuming traditional broadcast media. Most young people get their news, information and entertainment online, including from streaming services.
- 7.90 Notwithstanding that, there is considerable merit in the Clerk's proposal that there should be a broadcast channel for the Barbados Parliament and the Commission so recommends. The Clerk of Parliament has advised the Commission has been advised by the Clerk of

Parliament that Parliament the cost of traditional public broadcasting would relate only to content. Parliament already has broadcasting equipment. The Caribbean Broadcasting Corporation (CBC) would simply need to make a channel available. In the circumstances, the Commission recommends the establishment of a Parliament Channel. The Commission also recommends the continued use of the Barbados Parliament streaming service known as Barbados Parliament Live TV. Consistent with the Commission's earlier recommendation that all Committee meetings should be open to the public and broadcast, it is the Commission's view that these services can be utilised for that purpose as well.

Minority Opinion of Commissioner Thompson

- 7.91 Though a broadcast channel for Parliament is an ideal, any benefit may not, on balance, be worth the cost and effort. Staff to work on the channel would have to be recruited and there is a cost associated with the production of content. Further, Parliament does not meet on a daily basis. *What will be on the channel when Parliament is not sitting?* Debates are live streamed, as are major government events. Commissioner Thompson is of the view that this is adequate.

PARLIAMENTARY CHAPLAIN

- 7.92 At present, Parliament has a Chaplain who participates at the opening of each sitting of each House. It was suggested to the Commission at a Town Hall meeting that the office of Chaplain should be abolished. It is the unanimous decision of the Commission that the Office of Chaplain should be retained. However, to date the Chaplain has typically been from the traditional/established churches. Commissioner Thompson has recommended that the Office should be open for the appointment of 'clerics' from all churches. Commissioners Beckles, Chandler and Thompson further recommend that the Chaplain's duties should include ministering to individual Parliamentarians, providing pastoral care, as requested.

PARLIAMENTARY SITTINGS CALENDAR

- 7.93 At present, the Barbados Parliament meets regularly and can be properly regarded as an active one. In accordance with **section 117** of the *Constitution*, a "session" of Parliament is generally five (5) years long, representing the usual period between the commencement of the first sitting of Parliament after a General Election and prorogation or dissolution ahead of the next one. A session may be shorter if a snap Election is called. Within the context of a "session" and pursuant to **section 60** of the *Constitution*, no more than six (6) months must elapse between sittings of Parliament. However, Parliament has no other guidelines for Parliamentary Sitings, except for the provisions relating to adjournments contained in the *Standing Orders of the House of Assembly*.
- 7.94 The Commission recommends that Parliament should adopt a Parliamentary Sitings Calendar outlining its sittings on an annual basis. Such calendars outline the days when Parliament is in session throughout the year as well as days on which it is in recess. It also identifies plenary sittings as well as committee days.

- 7.95 The adoption of a calendar will allow Parliament, Parliamentarians and Parliamentary Staff to plan their lives and business. This is consistent with recent developments in labour. ***Standing Order 28(2)(b) of the Standing Orders of the House of Commons*** in Canada offers a useful example:

“Calendar tabled by the Speaker: The Speaker of the House shall, by September 30, after consultation with the House leaders, table in the House a calendar for the following year setting out the sitting and non-sitting weeks between the last Monday in January and the Monday following Easter Monday.”

- 7.96 Further, like Canada, ***Standing Order 9*** of the ***Standing Orders of the House of Assembly*** allows the House to be recalled on short notice if the public interest so requires. As such, there is room for flexibility in the proposed Parliamentary Calendar should a Bill need to be debated as a matter of urgency.

CONSTITUENCY DEVELOPMENT FUND

- 7.97 At present Members of Parliament receive a constituency allowance of \$2,550.00 monthly. However, multiple demands are placed on Members of Parliament who frequently have to dip into their own pockets to support various activities and demands within the constituency including purchase of school uniforms, funeral clothes for the deceased and relatives, sporting, cultural and social activities. It is clear that the current allowance is inadequate to meet the demands placed on MPs and should be increased.
- 7.98 The Commission recommends, therefore, the combining of the existing constituency allowance with a newly established Constituency Development Fund. The Commission contemplates that these Funds will be established for each constituency but administered by the MP. These types of funds have been set up in various Commonwealth jurisdictions, including Jamaica and Dominica, to assist in community development. The Commission recommends that each constituency be given a bloc vote of funds in the same way that MPs are allocated resources for their staff.
- 7.99 It is envisaged that these Funds will be used to support a range of activities within the constituency now covered by the constituency allowance in addition to development projects. It must be emphasised that these Development Funds are to be deployed as part of social outreach/welfare and development.
- 7.100 Each MP must file an annual Statement of Account with the Clerk of Parliament accounting for the disbursement of their Development Fund. The Chairman was of the emphatic view that MPs should be accountable for and transparent with these funds lest they be abused. It is vital that accounting controls and reviews be put in place and that no MP be allotted these funds unless he has complied with his statutory obligations in respect of the preceding year.

PARLIAMENTARY BUILDINGS AND ADDITIONAL FACILITIES

- 7.101 Parliament's Buildings, constructed in the 1870s, constitute a relatively small complex. However, it is clear that the West Wing of Parliament is currently under-utilised but staff expansion and increased committees and other work will necessitate more office accommodation, meeting space and generally increased spatial needs. The West Wing houses the office of the Leader of the Opposition, some Committee rooms and the Museum of Parliament.

Expansion of Physical Plant

- 7.102 There is a suggestion by the Clerk that the Government should acquire one of the adjacent commercial buildings to increase Parliament's physical plant.
- 7.103 The Commission accepts the proposal that Parliament should expand its physical plant to accommodate its staff, offices and facilities. Some Commissioners were of the view that the Government could acquire commercial buildings in the immediate vicinity which would be in a condition to be put to immediate use. Commissioner Chandler was of the view that the current Treasury Building could be repurposed or utilised for Parliament.

Expansion of Services under Parliament's Control

- 7.104 The Clerk has also recommended that services, such as the production of the Order Paper, the printing of debates and the provision of security services and staff positions, including those of maid and general worker now carried out by the Ministry of Transport and Works (MTW) should all come under Parliament's full control. The Commission accepts the Clerk's recommendation with respect to the housekeeping staff and general workers who should be answerable and subject to the authority of the Management Commission.
- 7.105 Parliament already has its own printing facilities and the Commission recommends that these be expanded to give Parliament autonomy in the production of its printed material. The Parliament of Barbados should not have to wait in any work or scheduling queues of the Government Printery. It is also the Commission's view that with modern technology, computers and printers with specialised software, the production of printed matter is no longer as complicated or requires large space as it did in the past. Commissioner Chandler is of the further view that where members of the public are desirous of obtaining Parliamentary documents and materials, they can be made available for a fee and this will provide income to Parliament as well.
- 7.106 As previously indicated in the report, the Commission received and considered various security proposals. Given the highly sensitive nature of the material, these proposals have been separately submitted to the Cabinet of Barbados for its consideration. However, since it does form part of the Terms of Reference, the Commission has reflected on the issue of security in more general terms as set out in Chapter 9.

Child Care Facility

- 7.107 The Commission has agreed that there is a need for an increase in the number of female Parliamentarians, though Commissioners disagreed on the proposed mechanisms by which such a worthy goal can be achieved. It was recognised that women are likely to be

inhibited from participating in political life, especially at a young age, because of child-rearing responsibilities. This is a burden which is disproportionately borne by women and which, to date, has meant that the vast majority of women who serve in Parliament are without children or whose children are grown.

- 7.108 The Clerk, quite importantly, proposed that Parliament should have a small child-care facility for the use of Parliamentarians and staff. The Commission accepts the Clerk's proposal on this issue and so recommends.

Sick Bay and Gym

- 7.109 It is well-acknowledged that Barbadians are facing serious chronic, non-communicable illnesses which come at a high social and economic cost. The Government has implemented a wellness programme to encourage exercise and a healthier lifestyle. Parliamentarians should lead by example in respect of health. Additionally, the cost of a gym and sick bay is not likely to be significant and will be a one-off cost. For these reasons, the Commission recommends that Parliament should have a gym and a sick bay.

Catering Services

- 7.110 Catering for Parliamentary sittings is done off site at the facilities of the person or entity holding the contract for catering at any given time. The meals are then transported by a van or other vehicle belonging to the caterer or a person contracted by him. The driver of this vehicle has no security clearance and is not subject to any security checks. The conditions in which the meals are prepared, the quality, and security of the meals are all taken on good faith. Heightened awareness around matters relating to the security of Parliament on this issue is necessary. The matter of off-site catering is a clear area of high vulnerability, both in the preparation and transport of meals. In addition, the risk of food poisoning or other food borne disease, may be addressed by proper and frequent inspection, as well as random checks of the premises of Parliament's service providers, who must also have appropriate liability insurance to guard against the possibility of food poisoning or other related risks. The Commission has also recommended in Chapter 9 that the transportation of meals for Parliament should be done by, or in conjunction with security personnel.

CHAPTER 8

TERMS AND CONDITIONS OF PARLIAMENTARY SERVICE



INTRODUCTION

There is neither any official job description for Members of Parliament, nor any formal educational requirement. There is also no contract of employment or performance evaluation outside of a General Election.

8.02 However, the Commission attempted to identify some of the formal and informal duties of Parliamentarians in the Introduction to this Report. Members of the House have, at all times, to wear three (3) caps – Law-maker/Parliamentarian, Constituency Representative and Politician. Each of these is an exacting role with great burdens and responsibilities. Suffice it to say the job is an important and demanding one.

- 8.03 The remuneration and pensions of Parliamentarians is rarely reviewed. The last comprehensive report of the Select Committee on Proposals for the Review of the Remuneration and Pension Scheme of Parliamentarians was in 1978. That Report helpfully set out the role and responsibility of Parliamentarians, but is now over forty-five (45) years old.

SALARIES REVIEW COMMITTEE

- 8.04 The approach to the review and revision of the salaries and other conditions of service has always attracted some criticism. This is not a new phenomenon. It is clear to the Commission that the public may not be fully aware of the extent of the work carried out by Parliamentarians, nor how relatively low their salaries and benefits are by comparison with executives and professionals who arguably have a much lower level of responsibility.
- 8.05 For that reason the Commission agrees that there should be a periodic review of the compensation packages of Parliamentarians in the same manner as is done for civil servants. The Commission considered the precise mechanism by which this recommendation should be effected. The Commission recommends that the Management Commission should be empowered under the *Parliament (Administration) Act* to establish an Independent Committee to review salaries from time to time. The Chairman's position is that the Committee should always be composed in part of Parliamentarians, though augmented by professionals.

* Bust of Sir William Conrad Reeves (1838-1902), born in Bathsheba in the aftermath of enslavement. The black community collected funds to support Sir William's legal education at Middle Temple, London. He later represented St. Joseph in the House of Assembly. Sir William became the first Black Chief Justice of Barbados in 1886 and was the first black man to be knighted by a British Sovereign.

- 8.06 All Commissioners agree, however, that the Committee should have professionals who are suitably qualified to review compensation and salaries, for instance, an actuary, labour expert, accountant, etc. The Commission further recommends that when the Committee meets it should provide the Management Commission with an advisory opinion which will be brought to Parliament by way of negative resolution.

TRAINING

Frequency and Type of Training

- 8.07 Appropriate training is necessary for successful discharge of any duty. While McGill University does have a training programme, designed by the Commonwealth Parliamentary Association (CPA), and the CPA itself has in-person and online seminars, there is no regular formal training for Parliamentarians and some new MPs find that they are ill-equipped for their roles and responsibilities which can lead to frustration and underperformance.
- 8.08 The Commission recommends that Parliament should facilitate formal orientation and training for new Parliamentarians in parliamentary procedures and resources. The training should also include guidance in the financial rules, the relationship between the political directorate and the civil service, the functioning of pivotal government functionaries and offices such as the Cabinet Office, the Auditor General, the Ministry of the Civil Service, and others. There are several benefits to this. Firstly, it will ensure that there is an institutional memory and information that can be passed down to successive Parliamentarians. Secondly, the learning-curve which is present in any new role can be conquered more swiftly, and MPs can settle down to the people's business in a shorter time frame. Thirdly, it will improve the overall efficiency of Parliament.
- 8.09 While these matters are often taken for granted, cross-cultural engagement with foreign nationals and international travel are part of the job of the Parliamentarian and Minister. In that context, protocol and etiquette are important tools and training in these areas should be provided to Parliamentarians. Cultural practices can lead to behaviours or gestures which have different cultural meanings and levels of importance. Doing the wrong thing can lead to misunderstandings or create offence and insult with foreign dignitaries. For instance, the thumbs up signal is considered rude in some cultures. In others, it is a tremendous insult to pass food with the left hand. Even in Western culture, understanding formal table settings is important. Some societies are very formal and rank and hierarchy are critical to being respectful and accepted. People come to Parliament from varying backgrounds and levels of experience. Tooling Barbadian Parliamentarians to meet every circumstance is critical.
- 8.10 Another area of transition training or preparation which is now entirely neglected is training and understanding of personal safety and security. Barbadians can be very lax about official security including at Parliament, although an insane person entered and tried to grab the Budget Speech of Prime Minister JMGM 'Tom' Adams while it was being delivered in the 1980s. The safety of Parliamentarians or the Parliament Buildings should not be assumed. All senior staff of the United Nations receive instructions and training in a wide range of security matters intended to make them security conscious and prepared for security breaches, whether at home or traveling, bearing in mind that conferences, meetings and places where dignitaries gather can become targets for nefarious persons.

Security training for every member of Parliament should be routine. This matter has been addressed further in Chapter 9 and in the confidential security report.

Caribbean Institute for Parliamentary Co-operation

- 8.11 From colonisation the Caribbean has faced collective threats and challenges which have necessitated the islands acting in concert. The Federation is perhaps the classic example. Of course, out of the Federation came its successor, CARICOM. However, outside of regional meetings of Heads of Government and Ministerial Conferences, it is rare for Parliamentarians to come into direct contact with their regional counterparts. There is simply no forum for non-Executive Parliamentarians to meet regularly in their capacity as constituency representatives and law-makers to discuss common issues.
- 8.12 The Commission recommends that Barbadian Parliamentarians should be allowed to take advantage of the training offered by McGill University outlined at paragraph 8.07 above or any other such programme. Additionally, there is a Caribbean Parliamentary Secretariat which is charged with the training of Parliamentary Staff and Parliamentarians. The Commission prefers to go further and recommends the Government explore the establishment of a Caribbean Institute for Parliamentary Co-operation, which with the input of other Caribbean countries, can provide training to Parliamentarians on an ongoing basis. It is envisaged that this can be accomplished in collaboration with the University of the West Indies. Since civil servants must prepare Parliamentary Briefs, Cabinet Papers, engage in the 'well' of Parliament during Estimates and perform a range of functions which intersect with the Legislature and the Executive, it is the Commission's recommendation that relevant training for senior members of the public service should also be undertaken at this Institute.
- 8.13 There are several advantages in having such a regional institute. Firstly, it may be more cost effective and efficient for a number of countries to share the costs. Secondly, it would provide a forum for regional cooperation and understanding at a lower level than the Heads of Government. Throughout the Commission's deliberations, it was occasionally difficult to find out what Barbados' regional partners were doing in particular areas. However, if there is a regional forum for Parliamentarians, the Commission is confident that it would result in direct information-sharing that would assist the local legislative process and in the sharing of best practices.

CHANGE IN CONDITIONS OF SERVICE

- 8.14 During the period of the Commission's work, the Integrity in Public Life Bill was passed. While the Commission does not propose to address, in any detailed way, the contents of the Bill, it is important to note in passing that it constitutes a necessary, but material, change in the terms and conditions of parliamentary service. The Bill imposes serious obligations on Parliamentarians, Chairs of State Owned Enterprises and senior civil servants to make declarations with respect to their assets, gifts received and directorships. The reporting obligations extend, too, to spouses and children.
- 8.15 The Code of Conduct proposed by the Commission at Chapter 6 would also represent a material change in the terms and conditions of employment for Parliamentarians. While the proposed Code of Conduct and Integrity Bill are predicated on well-understood principles of accountability, transparency and integrity which have always been part and

parcel of parliamentary responsibility, the formal requirements of the Bill and the proposed Code of Conduct are onerous and add to the duties of parliamentary service. There is a reasonable concern that these demands will have an adverse effect on the attractiveness of parliamentary service to capable Barbadians. As such, the Commission accepts that there is a real need to re-examine the terms and conditions of parliamentary service to ensure that it continues to be appealing to appropriately qualified citizens, which is already a small pool of persons.

REMUNERATION AND COMPENSATION OF PARLIAMENTARIANS

Parliamentarians Generally

8.16 There are eight (8) categories of Parliamentarians:

- (a) elected Members of the House of Assembly who have no ministerial responsibilities,
- (b) elected Members of the House of Assembly who simultaneously hold ministerial office,
- (c) elected Members of the House of Assembly who simultaneously hold office as Parliamentary Secretaries;
- (d) elected Members of the House of Assembly who hold parliamentary office, such as the Speaker, Deputy Speaker and Chairpersons of Committees,
- (e) appointed Members of the Senate with ministerial responsibilities,
- (f) appointed Members of the Senate without ministerial responsibilities,
- (g) appointed Members of the Senate who hold parliamentary office, such as the President and Deputy President, and
- (h) appointed Members of the Senate who simultaneously hold office as Parliamentary Secretaries.

8.17 Non-executive elected Members of Parliament are permitted to engage in private employment for which they can be remunerated, separate and apart from the compensation they receive for their service as elected Parliamentarians. Elected Parliamentarians who simultaneously hold ministerial office serve in that dual capacity. It has long been argued that Ministers who are also MPs should be compensated for this dual responsibility. The accepted labour principle is that workers should be compensated for work done. The Commission endorses that principle and so recommends. It is the further recommendation of the Commission that where an elected or appointed Parliamentarian carries additional duties as listed above, he/she should be compensated for the additional workload. The Commission recommends that Members of Committees should be compensated for their work as well.

Leader of Government Business (House of Assembly and Senate)

Establishment and Compensation

8.18 Barbados' parliamentary system has not formally recognised, that is established in legislation, the position of Leader of Government Business, either in the House of Assembly or the Senate. In some Commonwealth countries the office is known as Government Whip.

- 8.19 Notwithstanding that it has not been legislatively provided for, Leader of Government Business is a vital and demanding role. Leaders are charged with shepherding the Government's legislation through their respective Houses. At any one time, he/she must have knowledge of the whereabouts of their members and have an understanding of the likely votes of every legislator, whether in government or otherwise, in order to ensure the passage of legislation. Indeed, Parliamentarians must seek the approval of the Leader of Government Business in order to be absent. Failure to seek such approval may result in disciplinary action at the party level.
- 8.20 The smooth running of the House and Senate depends on the discipline, skill and judgment of their respective Leaders and on the relationships he/she has developed with members of their own party and with members of the Opposition, or in the case of the Senate with Independent Senators. Leaders, particularly in close Parliaments, where there is a slim Government majority, arrive at agreements with members of the Opposition which are vital to the operation of the House and the implementation of the Government's agenda. Indeed, between 2013-2018 when Barbados had a close Parliament, Leaders had to institute a 'pairing system' which allowed Members to travel on Government or personal business. Two (2) Members – one from each side – would go on leave or be absent at the same time so as not to disturb the balance in the House of Assembly. The Leader is not able to be late or absent even for short periods, unless another Member is acting in his/her stead.
- 8.21 According to the New Zealand Parliament website: (<https://www.parliament.nz/mi/get-involved/features/what-is-a-party-whip-and-what-do-they-do/>) some of the responsibilities include:
- (a) preparing lists of MPs from their party to speak in debates;
 - (b) ensuring MPs of their party are in the House at the time of their speech and at voting;
 - (c) ensuring MPs attendance at Select Committee meetings;
 - (d) negotiating with the Opposition Whip, and
 - (e) helping to settle differences within the caucus.
- 8.22 The Commission recommends that the role of Leader of Government Business should be formally established in both the House and Senate and, further that additional compensation should be paid to these officeholders for the considerable work they undertake.

Leader of Opposition Business (House of Assembly and Senate)

Establishment and Compensation

- 8.23 In practice there has been an unofficial Leader of Opposition Business in both the House of Assembly and in the Senate. The Commission recommends that the position of Leader of Opposition Business should be formally established in respect of both Houses and the office holder compensated for the work which he/she undertakes.

Compensation of Prime Minister

- 8.24 The Commission accepted that the compensation and pension of the office of Prime Minister should be adjusted. The Commission is unanimous in its view that the compensation of this office is not commensurate with the level of responsibility and complexity of the position, the high demands of the job, the expectations of the public and the long hours worked. Further, when compared with the compensation packages given to Prime Ministers in countries of a similar development level the compensation does not appear to be adequate.

Compensation of Deputy President of the Senate

- 8.25 Further, the Commission accepted that the Deputy President of the Senate is in an anomalous position. In the House of Assembly, the Deputy Speaker of the House receives approximately two-thirds of the compensation of the Speaker. However, the Chairman of Committees in the House, because of his workload, receives a higher level of compensation than the Deputy Speaker. In the Senate, the role of Chairman of Committees and Deputy Presiding Officer are combined in the person/office of the Deputy President. However, that office holder receives only a small stipend and is not compensated for either role. The Commission considers this to be an incongruity and recommends that it be corrected in relation to the Deputy President of the Senate, who should be compensated for performing this critical double function.

Senators

- 8.26 The Commission was also of the view that the stipend received by Members of the Senate, with the exception of the President, was woefully inadequate given the weight of the position, the demands of senatorial service as well as the qualifications, skill levels, and professional experience of many who serve in the Senate. Further, in many instances, like Members of the Lower House, Senators make financial sacrifices, sometimes serious ones, to give this national service. The Commission recommends that there should be an increase in senatorial stipends.

Specific Compensation

- 8.27 Having reached this consensus, the Chairman invited the Commissioners to indicate what figures they felt represented adequate compensation in the context of these realities and having regard to the social and political culture of Barbados. All were deeply conscious that the public generally resists the idea of proper compensation for Parliamentarians.
- 8.28 Deputy Chairman, Sir Roy Trotman, opined that the Commission ought not to recommend a specific increase for Parliamentarians, as the Members of the Commission did not have the requisite expertise to perform this function; that recommendations of specific increases should be the subject of comparative study, as well as a formal process and exercise informed by empirical data; and that no recommendations of specific sums should be made outside of the context of, or before the completion of the system wide salary review process which was currently ongoing for the civil service. The Deputy Chairman felt that to make such recommendations at this time was imprudent and counterproductive.

- 8.29 The majority of the Commission, while agreeing that an increase in the compensation for Parliamentarians was necessary, declined to state any specific figures for the reasons expressed by the Deputy Chairman. Notwithstanding that, the Commission unanimously agreed that the recommendations set out under **Benefits of Prime Minister and Former Prime Ministers; Leader of the Opposition; Reform of Pension Arrangements and Health Insurance** below should be implemented. A minority report on compensation was also prepared by the Chairman and Commissioners Thompson and Chandler below.

BENEFITS OF PRIME MINISTER AND FORMER PRIME MINISTERS

- 8.30 The following specific recommendations are made by the Commission with respect to the office of Prime Minister.

Medical Insurance

- 8.31 Below the Commission has recommended the establishment of a contributory health insurance scheme which will also be available to all current and retired MPs, including Prime Ministers. The Commission considers that such a scheme should be treated as a matter of priority and should be implemented with dispatch.

Out-of-pocket health expenses

- 8.32 The Commission recommends that while in office, on the assumption that the Prime Minister is a member of a group health insurance plan, all out-of-pocket health costs, that is expenses not covered by health insurance, should be paid by the State in full.

Former Prime Ministers

- 8.33 The office of Prime Minister is both burdensome and exacting in terms of its national, regional and international commitments. After a thorough review of the office, the Commission recommend the following changes:
- (a) **Pension Benefits** - Notwithstanding the recommendation to establish a Committee to review salaries, the Commission was unanimous in recognising the incongruity between the offices of President, Chief Justice and Prime Minister, in relation to pension which should be rectified. At present the Prime Minister is the only one of the three (3) office holders who does not retire with his salary as his pension. In consequence, the Commission recommends that, like the President and Chief Justice, the former Prime Ministers should receive their last salary as their pension. Indeed, it could be argued that each represents an arm of Government and that the Prime Minister carries by far the largest burden of the three (3). There should also be no qualifying period for pension.
 - (b) **Spouse's Pension** - Additionally, the current *Pension (Prime Minister) Act* should be amended. Specifically, the current legislation only contemplates a male Prime Minister with a wife. This should be changed to the term spouse.
 - (c) **Security** – While in office, the protective forces provide security for the Prime Minister. While security personnel may not be required in retirement at the same level, the Commission recommends that the residences of Former Prime Ministers

should be secured by way of CCTV cameras which are monitored by the security services or a private company contracted by the Government for this purpose.

- (d) **Medical expenses** – The issue of a medical plan was raised earlier, however, if the Government does not establish a group health plan, or where the former Prime Minister opts out of the plan in retirement, he/she should receive a one-off lump sum payment. Further if the Former Prime Minister's specific illness is not covered by insurance, the cost of his/her care should be borne by the State.
- (e) **Research Assistant** – Barbados belongs to an oral tradition and leaders infrequently write about their roles in the history of the country. As a result, much political history has been lost or interpreted by non-politicians. The country must try to capture some of this knowledge and information and the invaluable historical perspectives of Barbados' Prime Ministers. All Former Prime Ministers still alive should be encouraged to write on major events or policies that characterised their term in office. To this end, an MOU should be entered into between the Government of Barbados and the Cave Hill Campus of the University of the West Indies to facilitate an office, research space and the publication of the personal papers, books and articles written by Former Prime Ministers. A Research Assistant should also be provided. If the Former Prime Minister remains in good health and is actively engaged in this work, then these facilities should be extended for ten (10) to fifteen (15) years after leaving office.
- (f) **Vehicle** – On retirement Former Prime Ministers should be provided with a motor vehicle befitting the office and changed every seven (7) years thereafter at the expense of the State.
- (g) **Police Orderly** – Consistent with the dignity of the office, Former Prime Ministers should not be without a uniformed police orderly on state/public/ceremonial or official occasions. However, there should also be a facility for the Commissioner of Police to authorise the provision of a police orderly on non-state occasions, for instance, at large public sporting events or funerals of prominent persons. It is not expected that this will occur more than six (6) times annually, unless the Commissioner of Police considers it necessary to extend it on a greater number of occasions.

LEADER OF THE OPPOSITION (COMPENSATION AND BENEFITS)

- 8.34 The Commission considers that the position of Leader of the Opposition should always be a Member of the House of Assembly. If the Commission's recommendation on National MPs on the Party List System is implemented, then the Leader of the Opposition will always be a Member of the House of Assembly.
- 8.35 The Leader of the Opposition has an important role to play in critically assessing and challenging aspects of Government policy and legislation and in the creation of a robust democracy. Effective Leaders of the Opposition can achieve legislative and political compromise with the Government which is in many instances, in the widest interests of the public.

- 8.36 The Leader of the Opposition receives a basic salary which is approximately 85% of a Ministerial salary. The Leader of the Opposition is not a full-time position and he/she is still able to devote time to his chosen career, though his responsibilities are significantly higher than those of the ordinary MP. The Leader has to be in communication, not just with his own constituents, but with voters across the country. The office-holder must also be up to date on conditions across the country – water shortages, road slippage, etc. As such, there is a need for that person to travel regularly across Barbados. However, the Leader of the Opposition does not receive a travelling allowance. The majority recommend that a travelling allowance should be implemented for the Leader of the Opposition. It is consistent with the obligations attendant on that Office. The travelling allowance should be 50% of the travel allowance paid to Other Ministers.
- 8.37 The Commission further recommends that the Leader of the Opposition should have official transportation/a police orderly on state, official and ceremonial occasions. The Commission also considers that the Office of Leader of the Opposition should be supported by security of the nature afforded to Ministers.
- 8.38 Commission Chandler was of the opinion that the Office of Leader of the Opposition should also have the benefit of legal Counsel paid for by the state. He also considers that the Leader of the Opposition should be afforded medical benefits equal to those which are given to the Prime Minister. Additionally, he considers that the Leader of the Opposition should be afforded official transportation at all times.

REFORM OF PENSION ARRANGEMENTS FOR PARLIAMENTARIANS

- 8.39 Parliamentarians receive a pension predicated on their number of years' service. A Parliamentarian is entitled to reduced contributory pension after serving two (2) terms or eight (8) years whichever is the greater, while a full pension is received for twelve (12) years or three (3) terms of service whichever is the greater.
- 8.40 The Commission recommends increasing the current tiers of pensionable service for Parliamentarians. There should be a third category of pension for Parliamentarians who complete four (4) terms or eighteen (18) years whichever is the more. Additionally, those Parliamentarians who serve five (5) terms or twenty-three (23) years whichever is the more should qualify for a pension at a higher level.
- 8.41 Parliament's pension scheme is contributory. At present Parliamentarians continue to contribute to the pension plan even after they have qualified. The Commission considers that the Parliamentarian who qualifies for maximum pension by reason of twenty-three (23) years or five (5) terms should be given the choice of opting out of the scheme. Alternatively, if the Parliamentarian continues to contribute he/she should qualify for a higher category of gratuity which takes into consideration the additional years of contribution past the point of qualification.
- 8.42 Another anomaly was drawn to the Commission's attention as it relates to pension arrangements for Parliamentarians. At present, only Parliamentarians who have served at some point in the House of Assembly may qualify for pension. If the Parliamentarian

serves the qualifying period in the House, there is no issue and he/she receives their pension. Alternatively, if the Parliamentarian serves *some* of the qualifying period in the House and the remainder in the Senate, he/she also receives a pension. However, a Parliamentarian who has only served in the Senate, even as a Minister/Parliamentary Secretary, is excluded from a parliamentary pension. This anomaly arises from the fact that the term 'legislator' in the legislation governing pension only refers to Members of the House. This discriminatory treatment exists notwithstanding that the Senator made pension contributions. Unless the Senator had served in the House at some point in his/her tour of duty, at the end of their term, instead of receiving a pension they are refunded their contributions with 4% interest.

- 8.43 The effect of these provisions is that a Senator who had served for many years as a Minister or Parliamentary Secretary would not receive a pension, notwithstanding the fact that he/she contributed and were considered full-time employees of the Executive. Indeed, because they are full-time employees of the Executive and unable to work elsewhere, a Minister/Parliamentary Secretary from the Senate forgoes many productive years which would otherwise have counted towards some other type of pensionable service. As a consequence of their years of national service, he/she would be unlikely to qualify for a full pension under another contributory scheme like NIS. In such circumstances, the return of contributions with 4% interest is cold comfort. No Parliamentarian should be asked to make such a sacrifice especially when the national interest does not require it.
- 8.44 The Commission recommends, therefore, that Parliament's pension arrangements should not discriminate between Members of the Upper and Lower Houses, but be calculated strictly on the basis of contributions made and period served. The Commission is of the opinion that the existing legislation should, therefore, be amended to broaden the definition of legislators to include Senators.
- 8.45 Moreover, to the extent that the current arrangements may have created injustice to persons who have given national and sacrificial service, the Commission further recommends some facility should be made to remedy this wrong. Senators who have been prejudiced and are still alive, assuming they served the qualifying period, should be offered the opportunity to repay their contributions and be afforded a pension instead. They will be few. Any interest which accrued on these contributions should be waived.
- 8.46 The age of eligibility for pension also needs to be revisited. The Commission recommends that the qualifying age should be increased to sixty (60) years. Commissioner Chandler supports retaining the status quo which is that Parliamentarians qualify for pension at age fifty (50). He is of the view that the position of Parliamentarian is one of great national importance and one which carries significant obligations and stresses including social stability, economic growth and national security.
- 8.47 There are a number of Parliamentarians who have served but who fell short of pension through no fault of theirs, but because of the vagaries of politics. Several members have been prejudiced by the current pension arrangements, though they have made contributions and provided public service. In one case a Parliamentary Secretary who served in the Senate failed to qualify for a pension since he was not an elected Parliamentarian. In the case of another Parliamentary Secretary, he only served a short term in the House of Assembly before going to the Senate where he continued to serve as a Parliamentary

Secretary. In another instance a Minister who served for 7.5 years who was a Senator did not qualify because of an early election. He found himself in financial difficulties later in life.

- 8.48 The Commission recommends, therefore, if a legislator, including a Senator, falls short of qualifying for pensionable service, the Prime Minister should have the discretion to add up to nine (9) months of pensionable service. Such discretion should not lightly be refused.
- 8.49 The Commission supports the current criteria for pension which counts the total number of years served by a Parliamentarian, whether broken or unbroken. The Commission is of the view that this should be continued.

HEALTH INSURANCE FOR PARLIAMENTARIANS

- 8.50 The Commission recommends that Parliament should establish a voluntary, contributory health insurance scheme for all Parliamentarians. The Commission considers that this an important issue which should be afforded priority. Former Parliamentarians should also have the option to continue to remain in the scheme after they demit office. Such insurance should be in addition to any personal health insurance which the Parliamentarian already has. Parliamentarians should be eligible to join the scheme on the date they take the Oath of Office.

Minority Opinion of the Chairman and Commissioners Thompson and Chandler

- 8.51 The majority of the Commission declined to recommend specific increases in compensation for any category of Parliamentarian on the basis that this exercise should be undertaken by the recommended Salaries Review Committee. The minority did not agree with this position for four (4) reasons.
- 8.52 Their view is, firstly, that the Commission's Terms of Reference are strictly related to Parliament and the question of compensation is a matter which falls squarely within the remit of the Parliamentary Reform Commission. Secondly, the issue of increases for civil servants is a matter purely between the Executive and the trade unions which represent civil servants and is not within the purview of this Commission. Further, just as there is an ongoing salaries review for civil servants, it is within the mandate of this Commission to treat the terms and conditions of Parliamentarians.
- 8.53 Thirdly, unlike some other jurisdictions, Barbados does not have a Salaries Review Commission which regularly reviews all salaries paid by the Government. The issue of Parliamentarians' remuneration has always been addressed by a parliamentary committee. For the last fifty (50) years that responsibility was undertaken by a group of Parliamentarians known as the Select Committee, assisted by the Clerk of Parliament. There is no need to convene other experts to undertake the review of the compensation for Parliamentarians, except hereafter for the new Salaries Review Committee recommended by the Commission. Moreover, the Commission has had the benefit of the recently completed *Commonwealth Parliamentarians Pay and Remuneration: Survey and Outcome Report (2020-2021)* which has thoroughly stated the compensation paid to

parliamentarians across the Commonwealth and is a useful resource document that positions the Commission to make such decisions.

- 8.54 Finally, the Commission can only make recommendations. The decision whether to accept and when to implement a recommendation is a matter solely within the discretion of the Executive. Recent examples include the Prime Ministers of Jamaica and Trinidad and Tobago, who declined to accept or implement recommended increases for members of the Executive, based on the state of the economy. It would not be proper for this Commission to appear to be dictating to the Executive when a recommendation should take effect. This is particularly true when the precedent set over the last thirty-five (35) years, at least in Barbados, has been, in the majority of cases, that the Executive only approves parliamentary increases simultaneous with an increase for public servants. If at any time the country is displeased with an increase for Parliamentarians, it will be reflected at the next General Election.
- 8.55 Commissioner Thompson also opined that since the Commission was unanimous in its view that the salaries of Parliamentarians were inadequate, then there was no reason to wait for the setting up of the new Committee which may be accepted or rejected by Government and the establishment of which might take a year or more, before some attempt is made at addressing the issue.
- 8.56 The paragraphs here following reflect the position of the Chairman and Commissioners Thompson and Chandler and their recommendations.

Principles of Compensation

- 8.57 The 1978 Select Committee was chaired by the Speaker of the House of Assembly and ably assisted by Mr. George Brancker, the Clerk of Parliament. Members included Mr. Harold St. John, later Sir Harold, Ms. Billie Miller, later Dame Billie, Dr. Richard Cheltenham, later Sir Richard, and Mr. Vic Johnson. That Report adopted and advanced the following principles which can still serve as useful guidelines today:
- (a) Remuneration is strictly related to the issue of fair compensation for the duties to be discharged;
 - (b) Remuneration must be unrelated to the circumstances of the individual office holder – either their private means or formal qualification. The fact that the office holder may forfeit his right to pursue a lucrative private career is of no moment;
 - (c) Compensation must be approached by finding a median between the public and private sectors but must be relatively competitive;
 - (d) Ministers are full-time employees, while ordinary MPs are not, although the duties and responsibilities of an MP are still very demanding, and
 - (e) The remuneration should allow the office holder to be able to satisfy his ordinary needs, but his salary should not be a cushion in office, a windfall or a source of profit which is not available to others in the community.

Prime Minister – Compensation

- 8.58 **Basic Pay** – The basic pay of the Prime Minister should be increased by an additional \$1,000.00 monthly given the serious responsibilities of the job.

Deputy Prime Minister - Compensation and Security

- 8.59 The Office of Deputy Prime Minister is an onerous and roving one. It has duties which are not carried out by ordinary Ministers, or even Senior Ministers. This is particularly true when, in an increasingly globalised world, the Prime Minister has often and good reason to be overseas on public business which may be national, regional (CARICOM) and international and which may consume up to 3-4 months a year.
- 8.60 After a thorough review of the office, the minority recommends that the basic compensation of the Deputy Prime Minister should be increased by \$1,000.00 per month. The dignity and demands of the office merit a basic monthly compensation higher than even Senior Ministers. It cannot be a high sounding but empty reward.
- 8.61 The Commission has privately reviewed the security arrangements for the Deputy Prime Minister. For safety reasons these arrangements are not recited here. However, the Commission recommends that those arrangements should be entrenched as minimum security provisions. There may be occasions when the security services determine that for a short period, greater security measures need to be taken, but at no time should the measures fall below what is currently provided.

Leader of Government Business (House of Assembly and Senate)

- 8.62 The recent *Commonwealth Parliamentarians Pay and Remuneration: Survey and Outcome Report (2020-2021)* suggested that there are two (2) approaches to compensation for the Leader of Government Business – a fixed sum approach or a percentage approach. The minority favour a percentage approach and recommend that the Leader of Government Business in the House of Assembly should be paid an additional stipend of 20% of the Member's basic parliamentary salary per month. However, that stipend should not be payable when the Leader of Government Business also occupies the position of Deputy Prime Minister or Senior Minister.
- 8.63 In respect of the Senate, it is recommended that the Leader of Government Business should also receive an additional stipend of 20% of their basic pay per month. As with the Leader of Government Business in the House of Assembly, however, the stipend should not be payable if the relevant Senator is also a Senior Minister.

Members of Parliament - Compensation and Benefits

- 8.64 In this report, the Commission has attempted to define the role of Member of Parliament and articulate their responsibilities. The obligations are serious and burdensome. An MP is always expected to be 'on call' and available to attend to the needs of constituents at the shortest notice. Technology has increased that burden. Previously, a constituent might call on an MP during 'odd hours' only in the direst circumstances. Instant messaging and cell phones mean that many constituents reach out to their MP – day or night – and expect to be answered. Yet, this has not relieved the MP from their obligation to be physically present in the constituency on normal occasions. MPs are still expected to traverse the

length and breadth of their riding but do not receive a travelling allowance. This supports the case for an increase in basic pay.

Basic Pay

- 8.65 In 2023 Jamaica approved an increase in compensation for Parliamentarians and Ministers which ranged between 100% and 250%. Prior to that increase, Parliamentarians had been working with the same pay scale for thirty-seven (37) years. Opposition Member of Parliament for South East St. Ann, Jamaica, the Hon. Ms. Lisa Hanna, broke with her party to support the Government's increase of compensation for several public sector workers, including Parliamentarians and Ministers. She noted that public servants have security of tenure, holidays and designated working hours which Parliamentarians decidedly do not have. Ms. Hanna noted, too, that MPs have to reapply for their job every five (5) years.
- 8.66 After a thorough review of the office, the minority recommends an increase of between \$750.00 and \$1,000.00 per month for Members of Parliament as being reasonable.

*** See Tables of Compensation of Parliamentarians as of April 1, 2024 on pages 161-162*

Annual Holidays

- 8.67 It is recommended further that Parliamentarians should be entitled to annual holiday leave of twenty-eight (28) days on condition that the Parliamentarian first consult his/her Leader in the particular Chamber. Where the Parliamentarian is also a Minister or Parliamentary Secretary, this holiday entitlement is not intended to be in addition to leave to which he/she already enjoys.
- 8.68 It is in the interest of the Parliamentarian, their health and their efficiency that they should have a reasonable period of annual leave. The minority recommends that there should be no policy of accumulating or 'rolling over' leave from year to year. Parliamentarians must take their leave and no Parliamentarian should be able to be on holiday leave for more than twenty-eight (28) days in a year. If, due to the exigencies of their office, the Parliamentarian is unable to take annual leave, he/she should be allowed to 'cash out' that benefit at the end of the period when the leave is due. If the Parliamentarian does not take the leave or fails to 'cash out' their holiday pay, they simply forfeit the benefit.

Resettlement or Relocation Grant

- 8.69 Some Parliaments, including the UK and Australia, make provision for a resettlement grant for any Parliamentarian who leaves Parliament 'involuntarily' either as a result of losing an election or failing to secure the endorsement of their party. Parliamentarians who resign or choose not to contest an election, are not eligible for the grant. The Australian benefit arose after a number of considered parliamentary reports and decisions which focused on offsetting the employment dislocation of Parliamentarians who lose their seat with 'redundancy' payment. In these jurisdictions the grant allows former Parliamentarians to re-establish themselves in the workforce following a defeat.

- 8.70 However, while the minority considers that there is merit in the Australian and UK positions, extending the benefit to all Parliamentarians, it has been repeatedly stated in this report, Parliamentarians who are not Members of the Cabinet are part-time employees who are often engaged in other full-time work. However, Cabinet Members are full-time Government employees, but subject to considerable uncertainty of tenure since they serve at the pleasure of the current Prime Minister and of the Electorate. Of import is the fact that Members of Cabinet make contributions to the NIS while employed in their ministerial position but do not qualify for unemployment benefits.
- 8.71 In the circumstances, the minority recommends the introduction of a relocation grant for Cabinet Ministers who leave Cabinet or Parliament whether through illness, termination, loss of seat or voluntary resignation.
- 8.72 In Australia the grant is available to all Parliamentarians and amounts to six (6) months of pay. However, the Australian calculation is based on the fact that their Parliamentarians are not entitled to holiday leave which can be cashed out.
- 8.73 To the extent that Barbadian Ministers have holiday leave the minority propose that the relocation grant should be no more than three (3) months' total salary, including allowances, for a former Minister who served one (1) term or a part thereof. A Minister who served two (2) or more terms should be entitled to six (6) months' total pay, including allowances. This would reflect the fact that he/she has been out of private work for a significant period.
- 8.74 This grant will assist those who leave Ministerial office in regaining their place in the world of work. The minority adds two (2) important caveats. Firstly, the grant should not be paid to a retiring Parliamentarian who does not intend to resume paid employment. The benefitting former Minister must make an application to receive the grant. The application must be accompanied by a solemn declaration that he/she intends to resume work. If it is later discovered that this oath has been falsely given, the former Minister shall be liable to repay any sums received. Secondly, if any former Minister receives this grant and is subsequently convicted of an offence involving dishonesty or corruption related to his/her period in Ministerial Office, the former Minister should be required to repay any sums received by way of a relocation grant.

Death Claim Benefit

- 8.75 At present when an MP or senior civil servant travels abroad he/she is covered by insurance taken out by the State if they die or are injured while in the course of public duties. Commissioners have not been provided with the information as to the exact amount of the coverage, the beneficiaries or the precise nature of the policy.
- 8.76 However, in addition to this insurance, the minority recommends that the dependents of the family should be compensated by the State by way of a death benefit. It might be useful to create categories of benefits. For instance, where an MP leaves no spouse or children his/her surviving family members (for instance, uncles, cousins) should receive no benefit. If the MP has dependent children (meaning under eighteen (18) or over

eighteen (18), but still in full-time studies and a spouse (including a common law spouse), they may receive \$250,000.00. Where the MP has a spouse but no dependent children, his spouse may receive \$100,000.00. Where he has dependent children but no spouse, the children may receive \$150,000.00.

- 8.77 The recommendation of the minority is that this benefit should apply to Ministers, MPs, Senators and senior civil servants like the Clerk of Parliament, Head of the Civil Service, Cabinet Secretary, Director of Finance and Economic Affairs and the Permanent Secretary in the Prime Minister's Office and others who are required to travel frequently on Government business.

Deputy President of the Senate

- 8.78 The Deputy President of the Senate has seriously demanding responsibilities during the sitting of the Senate and can be regarded as its workhorse. The position is akin to the role of Chairman of Committees in the House of Assembly which is an exacting one. The Deputy President presides over the Senate when it is in Committee, reviewing and debating legislation clause by clause. Committee work may take up much or even most of a Parliamentary Sitting.
- 8.79 Bearing in mind the principle that Parliamentarians should be paid for the work they do, it must be emphasised that the Deputy President has considerable responsibilities over and beyond that of the ordinary Senator. The Deputy President can only be absent with the coordination and the support of the President in the organisation of the business of the Senate, as where the Deputy President is absent, another Senator must act as the Chair of the Committee. The Commission has accepted that the office is, at present, under-rewarded in relation to the duties the holder must discharge.
- 8.80 In respect of the House of Assembly, the Deputy Speaker receives approximately two-thirds of the Speaker's compensation. As such, there is an incongruity which currently exists as it relates to the Presiding Officers of both Houses.
- 8.81 The Chairman and Commissioner Chandler recommend that the Deputy President's compensation should be increased to two-thirds of the compensation of the President of the Senate. This serves to adequately compensate the Deputy President and to rectify the inconsistency in pay for the positions of the Presiding Officers between the House of Assembly and the Senate. This recommendation was made without the input of Commissioner Thompson.

Senators

- 8.82 A Senator does not qualify for a retirement benefit unless he/she has also served as a Member of the House or as a Minister. The only benefit Senators receive is a basic stipend of \$1,700.00 per month.
- 8.83 While the duties of Senators are not on par with or comparable to those of Members of the House, the reality is that the stipend is low by today's standards. Chairmen of State Owned

Enterprises receive similar stipends though they generally meet only once monthly. It is also fair to recognise that inflation has overtaken and eroded the value of the stipend paid to Senators who are still, nonetheless, expected to be current on all matters debated in the Upper House, many of which require extensive and careful research to enable contributions of value.

- 8.84 The Chairman and Commissioner Chandler recommend, therefore, an increase of \$1,500.00 per month for Senators. They consider this to be the first point of respectability.
- 8.85 This recommendation is made in the context of a busy Parliament, meeting every week. Many Senators are professionals who sacrifice paid income in order to serve. Additionally, those who serve, and are not Ministers or Members of the Government, have no access to facilities or resources which are needed in order to speak effectively on a range of topics at the national level. As such, they spend additional time outside of the Chamber on their senatorial duties.

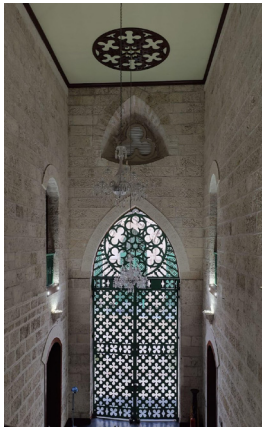
<u>Approximate Compensation of Parliamentarians (Rounded up as at 1st April 2024)</u> Per the <i>Senate and House of Assembly (Remuneration and Allowances of Members) Order, 2023</i> and <i>Ministers and Parliamentary Secretaries (Conditions of Service) Order, 2023</i>					
Position	Emolument	Entertainment	Traveling	Total Compensation	Minority Maximum Recommended Increase
Prime Minister	\$18,800.00 monthly \$226,000.00 annually	\$5,333.00 monthly \$64,000.00 annually	Official Car	\$24,100.00 monthly \$290,000.00 annually	\$1,000.00 monthly
Deputy PM	\$16,000.00 monthly \$192,000.00 annually	\$3,600.00 monthly \$43,600.00 annually	\$3,200.00 monthly \$38,000.00 annually	\$22,800.00 monthly \$273,000.00 annually	\$1,000.00 monthly
Senior Minister	\$16,000.00 monthly \$192,000.00 annually	\$3,600.00 monthly \$43,600.00 annually	\$3,200.00 monthly \$38,000.00 annually	\$22,800.00 monthly \$273,000.00 annually	N/A
Ordinary Minister	\$14,100.00 monthly \$170,000.00 annually	\$2,300.00 monthly \$28,000.00 annually	\$2,300.00 monthly \$28,000.00 annually	\$18,800.00 monthly \$226,000.00 annually	N/A
Parliamentary Secretary	\$13,750.00 monthly \$165,000.00 annually	\$1,500.00 monthly \$18,000.00 annually	\$1,500.00 monthly \$18,500.00 annually	\$16,800.00 monthly \$201,500.00 annually	N/A
Opposition Leader	Salary: \$12,000.00 monthly \$144,000.00 annually Duty Allowance: \$1,580.00 monthly \$17,000.00 annually		N/A		\$1,150.00 monthly*
Speaker	Salary: \$12,000.00 monthly \$144,000.00 annually Duty Allowance: \$2,000.00 monthly \$24,000.00 annually	\$1,785.00 monthly \$21,400.00 annually		\$15,365.00 monthly \$182,400.00 annually	N/A
Chairman of Committees (See next page)	Salary: \$9,000.00 monthly \$108,000.00 annually	\$1,280.00 monthly \$15,400.00 annually	N/A	\$11,860.00 monthly \$140,400.00 annually	N/A

Approximate Compensation of Parliamentarians (Rounded up as at 1st April 2024) Per the <i>Senate and House of Assembly (Remuneration and Allowances of Members) Order, 2023</i> and <i>Ministers and Parliamentary Secretaries (Conditions of Service) Order, 2023</i>					
Position	Emolument	Entertainment	Traveling	Total Compensation	Minority Maximum Recommended Increase
Chairman of Committees (continued)	<u>Duty Allowance:</u> \$1,580.00 monthly \$17,000.00 annually				
Deputy Speaker	<u>Salary:</u> \$7,300.00 monthly \$87,500 annually <u>Duty Allowance:</u> \$1,580.00 monthly \$17,000.00 annually	\$1,580.00 monthly \$19,000.00 annually	N/A	\$10,500.00 monthly \$123,500.00 annually	N/A
President of the Senate	\$7,300.00 monthly \$87,500.00 annually	N/A	N/A	\$7,300.00 monthly \$87,500.00 annually	N/A
Deputy President of the Senate	<u>Duty Allowance:</u> \$2,100.00 monthly \$25,000.00 annually	N/A	N/A	\$2,100.00 monthly \$25,000.00 annually	\$2,760.00 monthly
MPs	<u>Salary:</u> \$5,500.00 monthly \$67,000.00 annually <u>Duty Allowance:</u> \$1,580.00 monthly \$17,000.00 annually	\$1,280.00 monthly \$15,400.00 annually	N/A	\$8,400.00 monthly \$99,400.00 annually	\$1,000.00 monthly
Senators	<u>Duty Allowance:</u> \$1,700.00 monthly \$20,000.00 annually	N/A	N/A	\$1,700.00 monthly \$20,000.00 annually	\$1,500.00 monthly

* This sum is included pursuant to a unanimous recommendation of the Commission set out at paragraph 8.36 above

CHAPTER 9

THE SECURITY OF PARLIAMENT



INTRODUCTION

The Commission had the privilege of and is grateful for its three (3) separate meetings with Col. Glyne Grannum, the former Chief of Staff of the Barbados Defence Force (BDF), Col. Carlos Lovell, Military Advisor to the current Chief of Staff of the BDF, the Commissioner of Police Richard Boyce and the senior management team of The Barbados Police Service. The discussions were frank on all sides. It was agreed by the Members of the Commission that there would be a short chapter on security since it formed part of the Commission's remit and there were concerns that the Commission very much wanted to express.

However, given the sensitivity of the issue, the Commission proposes to send the Reports and recommendations given by the security personnel to the President and Cabinet under confidential cover and will not include them as part of the report for public consumption. In this chapter on security, the Commission will raise general concerns and give broad overviews and recommendations, but the full substance of security matters will be reported separately.

- 9.02 The Parliament of Barbados is the third oldest in the Commonwealth. The Parliament building is of historical, architectural and national significance. Located in the heart of the Capital of Bridgetown, it enjoys a place of prominence in the life of the City and country. It houses the Upper and Lower Chambers of the Parliament. The Mace dates back to 1812 when it was acquired by public subscription. The thrones or seats of the Speaker and the President were donated by the Government of India on Barbados' Independence.
- 9.03 The East Wing of Parliament houses the two Chambers, a public gallery for "strangers" to view the proceedings of the Lower House, meeting spaces for parliamentarians, offices for the Clerks and other categories of Parliament's staff and dining facilities which are used for events and are on occasion, used for meetings. The West Wing is currently under repair but holds offices, a museum of important artefacts and memorabilia and the offices of the Leader of the Opposition among other facilities.
- 9.04 Parliament has a complement of seventy-nine (79) staff members who are on the premises daily. During meetings of either the Lower or Upper House, when regard is had to the presence of Members of the sitting Chamber, civil servants in attendance, members of the public, security personnel, catering staff, service providers of various types and other persons, the number of people occupying the building could swell to between 150 and 200. These numbers do not include the staff of the Ministry of Public Works currently undertaking the redevelopment of the West Wing, whose numbers vary daily and who now seem to be an embedded presence on the precincts of Parliament.

* Interior view of the main entryway to the East Wing of Parliament.

- 9.05 Entry into the courtyard of Parliament is by two (2) large gates at the North and South sides of the Courtyard. The Parliament is bordered on the East, West and North by busy public roads and on which vehicular parking by the public is also permitted. The Parliament Buildings are surrounded by commercial buildings all within 100 yards or less – a large bank, restaurant, stores, pharmacy, law chambers, betting and gaming shops, makeshift kiosks, rum shops and cook shops, roadside vendors of fruit and vegetables, vans from which vending is done and myriad other enterprises of multiple types, many existing immediately outside the North Gate.
- 9.06 These vending places are open when Parliament is in session. At the kiosks, one can often find a number of chairs and benches, some literally in the road, placed for the use of the patrons of these establishments. The roadside seating is occupied by locals and tourists in various states of inebriation and one often has to manoeuvre one's vehicle around them as they do not "give way" to vehicular traffic.

SECURITY CONCERNS

- 9.07 From the onset of its term, the Commission has had serious concerns about the very relaxed atmosphere which attends the security of Parliament. The Members of the Commission, as lay persons, are deeply troubled that there is not a sufficient security presence, plan or guidelines for the security of the building or the people who work in it as Parliamentarians, or in any other capacity. While the Commission is cognisant of the relative safety of Barbados, as well as the history and culture of the country which allows all kinds of properties to exist cheek by jowl, the current global environment requires that matters of security should be treated with the utmost seriousness.
- 9.08 To heighten the concerns of the Commission, two (2) troubling incidents occurred during its term. The first was the following of the Chairman, into the courtyard, by a random stranger, unchecked by the security personnel. The stranger then confronted the Chairman and demanded money. The second was the theft from the West Wing of valuable memorabilia of former Premier of Barbados and former Prime Minister of the West Indies Federation, (the Rt. Excellent) Sir Grantley Adams and former Prime Minister, (Rt. Excellent) Errol Barrow, two (2) National Heroes of Barbados. No one has been able to say with certainty how long, prior to discovery of the theft, the priceless artefacts had been missing. What is more disturbing, is that a vagrant, commonly known as "Ninja Man" has since been charged with the theft of the items. This incident begs the questions –
- *How does such a person get into the West Wing, remove the artefacts and memorabilia and walk away entirely undetected?*
 - *Were the items taken by day or night?*
 - *What effort is made to secure the memorabilia and artefacts in the museum?*
 - *Why was the area not properly locked and secured?*

SECURITY RECOMMENDATIONS

- 9.09 The Commission was unanimous in its recommendations on the issue of the security of Parliament and Parliamentarians. It recommends that the security plan of Parliament should be updated and improved, in so far as it is part of the National Security Plan. The Security Plan for Parliament should include a Cyber Security Plan, developed and monitored in conjunction with the requisite experts.
- 9.10 The Commission recommends that attention be given to the issue of the security of Parliament and has identified some broad issues on which there could be possible focus. These issues are set out as a succinct list because of the more detailed recommendations made by the security experts. Nonetheless, in keeping with the transparency with which the Commission has conducted its business, some level of presentation of broad recommendations in relation to security is made below:
- All Members of Cabinet should have protection officers. However, there may be occasions when circumstances call for security protection for Parliamentarians or senior civil servants and provision should be made for such.
 - The erection of a security checkpoint outside the North Gate of Parliament.
 - The installation of barriers which prevent open access to the precincts of Parliament should be considered.
 - The monitoring protocols for the security cameras should be enhanced and an alarm bell should be installed.
 - There should be a plan for evacuation, managing mass casualty events and drills to address a situation where hostiles storm or take the parliament, or which seek to prepare occupants and security personnel for other physical risks. Such security breaches have happened in and outside the Caribbean and in the past, an intruder in the Barbados Parliament actually snatched the Budget Speech from the hands of Prime Minister JMGM “Tom” Adams who was actually in the course of presenting the Budget.
 - On initial election to the House of Assembly or appointment to the Senate, and at periodic intervals thereafter, Parliamentarians should be given a specially tailored security sensitisation, briefing and training to make them more aware of security risks and threats, especially when travelling at international meetings where the level of threat might be significantly greater. It was noted that all the senior officers of the United Nations are given mandatory security training and required to pass tests that will earn them a certificate to ensure understanding of the training given.

- Having regard to the fact that Permanent Secretaries and some technical officers often travel to represent Barbados or to accompany Ministers, the security training should also apply to them.
- In view of their seniority and closeness to state matters, the Cabinet and Parliamentarians, the list of those encompassed by special security arrangements and compulsory security training should be extended to the following public officers – the Head of the Civil Service, the Cabinet Secretary, the Permanent Secretaries in the Prime Minister’s Office, Ministry of Foreign Affairs, and Home Affairs or Attorney General, the Director of Finance and Economic Affairs and the Clerks of Parliament. Some consideration should be given to include the person/s in charge of government’s IT.
- The current practice of providing security monitoring by way of cameras at the homes of Members of Cabinet should be extended to include all Members of Parliament, as well as those senior civil servants who the Commission recommends be now included in Parliament’s security arrangements.
- The names and contact numbers of all visitors, local and foreign, and all vehicles entering on to the precincts of Parliament should be recorded along with arrival and departure times. It is not uncommon to see tourists wandering around the yard and buildings. While the Commission is happy to have the building open to visitors, especially students, greater attention must be paid to who these persons are and where on the premises they wander, there should therefore be the means to monitor their movements.
- Either routine or random checks/searches should be conducted of vehicles entering Parliament Yard, including the underside of vehicles. This should also be done at State House and Ilaro Court.
- The institution of routine screening/scanning of all persons, including Parliamentarians, Parliamentary Staff and visitors.
- Scanners should be provided to scan persons, packages and bags entering the precincts of Parliament and all Members of Parliament who carry firearms should report the firearm and ammunition to the Clerk of Parliament.
- The security station at the bottom of the steps of Parliament should have the capacity to monitor the inside of the buildings.
- An assessment should be undertaken to ascertain what is the ideal complement of officers to properly secure and monitor the Parliament Buildings, especially when Parliament is in session.

- The security of Parliament should be handled by a new, high level armed security team, the members of which should be specially recruited, and properly trained, with and by the Barbados Police Service. These security officers should be vested with law enforcement powers, including the power of arrest. The Commission envisages that the security officers will work collaboratively with the Barbados Police Service and the Barbados Defence Force. The security of Parliament should not be left solely to the police and government security guards. The training level of Government Security Guards is inadequate for guaranteeing the safety of high value protectees. Moreover, Government Security Guards are not answerable to the Clerk of Parliament and they are rotated between different Government buildings.
 - The Commission has already recommended in Chapter 8 that the Clerk of Parliament should have full control of the Parliamentary Estate. The Commission further recommends that this new security team should be headed by a Chief of Security and answerable to the Clerk of Parliament.
 - Parliament is serviced by two (2) reputable catering firms. However, there has been no inspection of their premises or vetting of their staff. The Commission considers that all staff working at Parliament, even those in catering and table service, should be subject to background security checks when they are appointed. Further, in as much as the food preparation for Parliament is done off site and meals transported to Parliament, the security of this arrangement should be reviewed and improved from time to time. Indeed, the Commission is of the view that the transportation of these meals should be done by the new Parliamentary Security.
 - When Parliament meets there should be a nurse and/or doctor on duty to help care for and stabilise persons, in the event of a security breach in which people are injured, or in the event someone takes seriously ill and has to wait on an ambulance.
- 9.11 The short, narrow stretch of road between Parliament and Chancery House known as Walcott Street, should be closed to vehicular traffic, except to persons attending or conducting business at Parliament.
- 9.12 The Commission feels strongly that consideration should be given to creating a security perimeter around Parliament. The purchase of surrounding buildings for additional staff and administrative functions will also assist in the provision of such a security perimeter.

APPENDICES

APPENDIX 1

BIOGRAPHIES OF COMMISSIONERS



Sir Richard Lionel Cheltenham, KA, KC, Ph.D., is a distinguished Barbadian who was born in 1941. In recognition of his outstanding career as an advocate, Sir Richard was recently named by the Caribbean Court of Justice as a Legendary Legal Practitioner. He left Barbados to pursue his tertiary education in 1962 and obtained his BSc in Economics and his MSc in Government from UWI, Mona Campus. Sir Richard then simultaneously pursued his Ph.D. at Manchester University along with his Degree of the Utter Bar, completing both within three (3) years. A member of fourteen (14) Bars across the Caribbean, Sir Richard is a regional generalist with over fifty (50) years of legal practice. He has appeared in over (100) murder cases, both as defence Counsel and prosecutor and practised with great success, too, at the civil bar. His clients have ranged from sovereign Governments, Heads of State, prominent Government officials and average citizens. Sir Richard has

appeared several times before the Privy Council as well as the Caribbean Court of Justice. Over the last thirty (30) years he has developed a specialty in Commissions of Inquiry, having appeared in twelve (12) Commissions, as Counsel for a party, Commission Counsel, Commissioner and Chairman. While pursuing his legal practice, Sir Richard was also a career politician - a Member of the House of Assembly for twenty-three (23) years, later serving two (2) years as the President of the Senate. Sir Richard is married to Colleen, Lady Cheltenham and is the proud father of five (5) children. He is a regular church goer and in his free time he enjoys travel, listens to music and watches cricket.



Sir Cardinal LeRoy Trotman, KA was born in Bathsheba, St. Joseph on 9th May, 1944. Sir Roy received his secondary school education at the Foundation Boys' School. He later attained his BA from the University of the West Indies, Cave Hill and his Master's in Education from Rutgers University, New Jersey. Sir Roy was awarded an honorary Doctorate of Laws by the University of the West Indies in 2006. He was a career educator, having taught at his alma mater, Foundation School, and then St. Leonard's Boys and the Modern High School. He also served as Principal of St. Anthony's and was a part-time lecturer in Industrial Relations at the University of the West Indies. Now retired as General Secretary of the Barbados Workers' Union which position he held for twenty-two (22) years, Sir Roy has been a dedicated and influential trade union leader, locally, regionally and internationally. He distinguished himself as President of the Caribbean Congress of Labour (1989-1995); President of the International Confederation of Free Trade Unions (1992-2000); Chairperson of the Workers' Group of the

ILO and one of its Directors (2002-2011). Sir Roy also served as Chairman of the Commonwealth Trade Union Council (1995-2005) as well as a member of the Barbados Reconciliation Committee. He was also a member of the Cave Hill Campus Council and founder of the Congress of Trade Unions and Staff Associations of Barbados. From 1992 to 2011 Sir Roy played a foundational and critical role in the Social Partnership of Barbados which is an important public/private sector alliance. He also founded and was Chairman of United Commercial Autoworks Limited, embodying his continuing effort to realise workers' democracy in Barbados.



Ambassador H. Elizabeth Thompson is Deputy President of the Senate and Ambassador Extraordinary and Plenipotentiary, with Responsibility for Climate Change Law of the Sea and Small Island Developing States. She has tremendous parliamentary experience having served as a Member of Parliament and Minister from 1994 to 2008 and then as Leader of Opposition Business in the Senate, from 2008 to 2010. As a former Assistant Secretary General of the United Nations, she is familiar with the governance structures of multilateral organisations. During her three terms in Cabinet, she held multiple portfolios including Energy and Environment, Housing and Lands, Physical Development and Planning, and Health. Liz was admitted to the Barbados Bar as an attorney at law in 1987. She holds an LLB from the University of the West Indies, an LEC from the Hugh Wooding Law School, an MBA with distinction from the University of Liverpool and an LLM from the Robert Gordon University. She is trained in commercial arbitration. She has given lectures or served on panels on

issues relating to development, sustainability, energy and environment at the University of the West Indies, the University of Waterloo, and Harvard. She previously led a regional consultancy group which advised governments, commercial entities and international organisations. Liz is the author of three books. Her work has been published in academic journals and magazines on sustainability and related issues.



Dr. Richard G. Ishmael, GCM, BJH, FACC, FRCPC, FESC was born in Barbados in 1950 and was educated at The Lodge School. He read Medicine at the UWI in Jamaica where in addition to his academic studies, he was very active in sports being Captain of The UWI Cricket and Tennis Teams and played football for the Mona campus. After doing his Internship at the Queen Elizabeth Hospital in Barbados he proceeded to New York where he pursued a career in Cardiology doing a Fellowship at the prestigious NYU Medical Centre. Dr. Ishmael returned to the QEH in Barbados in 1982 as a Consultant Cardiologist but was recruited back to New York in 1985 where he was Assistant Professor of Paediatric Cardiology at State University Hospital/Downstate Medical Centre as well as Consultant/Attending Cardiologist at North Shore University Hospital and Brookdale Hospital Medical Centre. While there he set up a programme whereby Barbadian and

Caribbean children were able to have heart surgery free or at significantly reduced cost. Approximately 500 Caribbean Children benefited from this programme. He returned to Barbados and the QEH in 1988 where he pioneered the development of an Invasive Cardiology and Open Heart Cardiac Surgical Programme and was the Head of the Department of Cardiovascular Services for its first 10 years. He is Associate Lecturer of Cardiology of the Cave Hill Campus of UWI, was President of the Caribbean Cardiac Society (2016-2018), and Governor of the Caribbean Chapter of the American College of Cardiology (2014-2016). He retired from the QEH in 2019 and is busy in private practice having developed an Interventional Cardiology programme at Bracebridge Medical Centre. He is Chairman of the Barbados Accreditation Council, and was Deputy Chairman of Grantley Adams International Airport Inc. (2013-2018). He is married and the proud father of 4 children, 2 of whom have followed him in the medical field.



Ms. Maxine McClean who hails from Black Rock, St. Michael, is a former Member of the Cabinet of Barbados, where she served from 2008 until 2018, first as Minister in the Prime Minister's Office with responsibility for Immigration, and later as Minister of Foreign Affairs and Foreign Trade. During this time, she also served as Leader of Government Business in the Senate. Prior to her entry into political life, Ms. McClean spent seventeen and a half years as a Lecturer in Management at the University of the West Indies, Cave Hill. She also used her expertise in this area while serving as a non-Executive Director on the Boards of leading Barbadian and regional companies, including the Goddards Enterprises Ltd., Caribbean Commercial Bank and its successor RBTT Bank, Bridgetown Cruise Terminals Inc., Barbados Stock Exchange Inc., and the City of Bridgetown Cooperative Credit Union Ltd. The first female Trustee of the Anglican Church in Barbados, she has always had a keen interest in current affairs and in ensuring that the average

Barbadian is given a voice on the issues that affect them, which led to her being a moderator on the popular call-in programmes Tell It Like It Is and Down to Brass Tacks. Now officially retired, she nevertheless continues to speak out on national issues, both as a commentator and as a member of the Parliamentary Reform Commission.



Mr. Corey H. D. Beckles is the Senior Attorney-at-law at the Law Firm CBL Chambers, Attorneys-at-law. Mr. Beckles has a passion for sharing knowledge. He has shared his legal knowledge in conferences, seminars, on radio and in the newspaper for over ten (10) years. For the last two (2) years, Mr. Beckles has advocated for the health and prosperity of all older persons in Barbados. Through his law firm, he has presented draft legislation and policy frameworks to the Ministry of People Empowerment & Elder Affairs and the Barbadian public, and he continues to assist the Ministry with its efforts to protect older persons from all forms of abuse. Along with his Bachelor of Laws and Legal Education Certificate, Mr. Beckles holds an Executive Diploma in Cyber Laws, a Certificate in Anti-Money Laundering and Countering Terrorist Financing, a Diploma in Public Administration and a Diploma in Business Administration. Commissioner Beckles is married to Cherise and is the father of one.



Dr. William Chandler Jr. is an expert in Political Economy and Constitutional Law. He read for the Bachelor of Science in Political Science with International Relations at The University of the West Indies Cave Hill Campus before attaining the Master of Arts (Research) in Political Economy from The University of Manchester. Dr. Chandler holds a Level 7 (Master) Certificate in Strategic Management from The Chartered Management Institute UK. Dr. Chandler is also a qualified and trained jurist holding the Juris Doctor (PhD-equivalent) from The Queen's University of Belfast with specialties in Constitutional Law and the Public Regulation of Private Bodies.

Chairman's Note: This has been a panel of wide and varied professional experience. Each Commissioner submitted his/her biography above. As a courtesy to each Commissioner his/her biography has not been edited in any way. Given the constraints of space, the Chairman thanks them for their brevity.

APPENDIX 2

TOWN HALL AND PUBLIC MEETINGS

MEETING	DATE	DESCRIPTION/VENUE
1st	17th August, 2023	Public Meeting at Barbados Workers Union
2nd	24th August, 2023	Public Meeting at Foundation School
3rd	31st August, 2023	Public Meeting at Princess Margaret School
4th	7th September, 2023	Public Meeting at Alexandra School
5th	14th September, 2023	Public Meeting at Lester Vaughn School
6th	30th September, 2023	Public Meeting at Queens Park
7th	9th October, 2023	Town Hall Meeting with Students at Barbados Community College
8th	22nd October, 2023	Zoom Hall Meeting with Diaspora at Lloyd Erskine Sandiford Centre
9th	30th October, 2023	Public Meeting Democratic Labour Party (DLP) Headquarters
10th	31st October, 2023	Public Meeting Barbados Labour Party (BLP) Headquarters

APPENDIX 3

REPORT FROM OVERSIGHT CORP. ON THE ONLINE VIEWERSHIP NUMBERS AND RESPONSE TO THE PARLIAMENTARY REFORM COMMISSION OUTREACH

Overview

The Parliamentary Reform Commission conducted a series of town hall meetings streamed across various channels between August 17, 2023, and October 31, 2023. The objective was to engage the Barbadian population at home and in the diaspora. The outreach utilised multiple platforms, resulting in diverse and cumulative viewership.

Viewership Summary

The cumulative total views for all town hall meetings across all channels amounted to 28,480 views. These numbers have remained consistent since the immediate weeks following the live streams.

Channel-Specific Viewership

1. **Barbados Parliament YouTube Channel:** 6,952 views
2. **BLP NEWS YouTube Channel:** 10,837 views
3. **WE GATHERING YouTube Channel:** 406 views
4. **PAD YouTube Channel:** 186 views
5. **BCC YouTube Channel:** 307 views
6. **BLP Facebook Live:** 2,652 views
7. **PAD Facebook Live:** 103 views
8. **WE GATHERIN' Facebook Live:** 428 views
9. **GIS Facebook Live:** 5,348 views
10. **Zoom Live Participants:** 122 views

Key Metrics

- **Overall Total Viewership:** 28,480 views
- **Average Viewership per Channel:** 2,848 views
- **Peak Viewership Date and Location:** August 17, 2023, with a total of 10,254 views, primarily driven by high viewership on the BLP NEWS YouTube Channel and GIS Facebook Live.

Viewership Trends and Statistics

1. **Peak Day:** The peak viewership was recorded on August 17, 2023, with a total of 10,254 views across all channels. This date featured significant contributions from the BLP NEWS YouTube Channel (2,600 views) and GIS Facebook Live (533 views).
2. **Consistent High Performers:** The BLP NEWS YouTube Channel consistently attracted the highest number of viewers, with a cumulative total of 10,837 views. The GIS Facebook Live channel also had strong performance with 5,348 views.
3. **Diaspora Engagement:** The special town hall meeting for the diaspora on October 22, 2023, garnered a total of 1,525 views across various channels, indicating robust interest from the international Barbadian community.
4. **Date-Specific Insights**
 - **August 24, 2023:** Second-highest viewership day with 9,352 views, showing strong initial engagement.
 - **September 14, 2023:** Significant spike in GIS Facebook Live with 2,100 views.

- **October 31, 2023:** Notable high engagement with 4,110 views, indicating sustained interest towards the end of the outreach period.

Conclusion

The Parliamentary Reform Commission's outreach through town hall meetings successfully engaged a diverse cross-section of the Barbadian population, both locally and internationally. The use of multiple channels significantly contributed to the cumulative total viewership of 28,480. The data indicates that certain channels, such as the BLP NEWS YouTube Channel and GIS Facebook Live, were particularly effective in reaching larger audiences. The peak engagement on specific dates highlights the effectiveness of the Commission's efforts in drawing attention to key discussions and events. Overall, the outreach initiative was successful in fostering a broad and engaged audience.

APPENDIX 4

LIST OF ORGANISATIONS AND INDIVIDUALS TO WHOM THE COMMISSION WROTE SOLICITING SUBMISSIONS/PRESENTATIONS

Auditor General	Mrs. Angela Taylor, Chief Electoral Officer, Electoral and Boundaries Commission (EBC)
Anglican Diocese of Barbados	Ms. Lynette Holder, Chief Executive Officer, Small Business Association
Barbados Association of Medical Practitioners (BAMP)	Ms. Toni Moore, J.P., M.P., General Secretary, Barbados Workers' Union (BWU)
Barbados Association of Retired Persons	Principals of all Public Secondary Schools
Barbados Bar Association (BARP)	Professor Cynthia Barrow-Giles, Department of Government, Sociology, Social Work and Psychology, Faculty of Social Sciences, The University of the West Indies (UWI, Cave Hill Campus),
Barbados Chamber of Commerce & Industry (BCCI)	Professor Eddy D. Ventose, Dean of the Faculty of Law (UWI, Cave Hill Campus)
Barbados Christian Council (BCC)	Professor Violet Eudine Barriteau, Deputy Principal, Department of Gender and Public Policy (UWI, Cave Hill Campus)
Barbados Coalition of Service Industries	Roman Catholic Diocese of Barbados
Barbados Employers' Confederation (BEC)	Rotary Club of Barbados
Barbados Labour Party (BLP)	Senator Andrew W. Mallalieu
Barbados Muslim Society	Senator Dr. Kristina G. Hinds
Barbados Muslim Women Association	Senator Dr. Rev. John A. Rogers
Barbados Registered Nurses Association	Senator Dr. the Hon. Chelston W. DaC. Brathwaite, CHB
BCC Student's Guild	Senator Kevin J. Boyce
Bishop Joseph Atherley, J.P.	Senator Miss Crystal N. Drakes
Commissioner of Police, Barbados Police Service	Senator Mr. Christopher A. Maynard
Commodore Errington Shurland, Chief of Staff (Barbados), Barbados Defence Force	Senator Ms. Monique C. Taitt, Q.C.
Democratic Labour Party (DLP)	Senator the Hon. Lindell E. Nurse
Diaspora	Sir David Simmons, K.A., BCH, Former Chief Justice
Dr. Carla Natalie Barnett, PhD, CBE., Secretary General, CARICOM	The Barbados National Youth Parliament
H. E. Dame Billie Miller, D.A., Former Deputy Prime Minister	The University of the West Indies (UWI)
Kiwanis Club Pride	UWI Student's Guild
Men's Educational Support Association (MESA)	
Mr. Alister Alexander, Barbados Association of Retailers, Vendors and Entrepreneurs (BARVEN)	
Mr. Freundel J. Stuart, Q.C., Former Prime Minister	
Mr. Richard Green, General Secretary, National Union of Public Workers (NUPW)	

APPENDIX 5

PUBLIC NOTICE

August 15, 2023

PARLIAMENTARY REFORM COMMISSION ACCEPTING SUBMISSIONS

The public now has an opportunity to submit written suggestions and recommendations on Barbados' parliamentary system, process and procedures, and all other related laws and matters.

The Parliamentary Reform Commission has advised that written submissions, which must be no more than five to seven pages, should be sent to Secretary of the Commission, Pedro Eastmond, by Friday, September 29. They may be emailed tPRC@barbadosparliament.com, or sent to Mr. Pedro Eastmond, Secretary, Parliamentary Reform Commission, Parliament Buildings, Bridgetown.

Several meetings will be held to allow members of the public to present their views in person or online. The first discussion will be on Thursday, August 17, at the Barbados Workers' Union Headquarters, Solidarity House, St. Michael, beginning at 7:00 p.m. The times and venues for the other public consultations will be announced shortly.

Persons who desire to supplement their written submission with an oral presentation should notify the Commission by writing or emailing the Secretary, at least seven days in advance of a meeting.

The Parliamentary Reform Commission was established by the President of Barbados on May 8, this year. The Commission is mandated to make recommendations for the strengthening of Parliament and its functions, and must present its report to the President by November 8, 2023.

The Terms of Reference of the Parliamentary Reform Commission are:

- (a) to examine, consider and inquire into the parliamentary system, process and procedures, and all other related laws and matters with a view to:
 - (i) making recommendations for the strengthening of Parliament and its functions, and
 - (ii) enlarging and strengthening democracy to reflect the wishes of the people of Barbados, as they seek to take full ownership of national institutions and processes in the construction of a culturally relevant, inclusive and modern nation-state that reflects Barbados' republican status.
 - (b) report in writing, after due examination, study and inquiry, giving the commissioner's opinions and making recommendations for the reformation of the Parliament of Barbados that, in the Commissioners' opinion, are necessary and desirable and would meet the circumstances of Barbados as a parliamentary republic, as well as promote the good governance of the nation.
- (SA/BGIS)**

APPENDIX 6

ORGANISATIONS AND INDIVIDUALS WHO SUBMITTED WRITTEN PRESENTATIONS

1. Mr. Devaron Bruce
2. Ms. J. Celeste Carter
3. Ms. Kim Penfold
4. Mr. Wayne Nurubakari
5. Mr. Eric Smith
6. Dr. Grenville W. Phillips II
7. Mr. Martin Cox and Mr. Selwyn Smith, Former Permanent Secretaries
8. Mr. Peter Wickham
9. Mr. John Beale
10. Mr. Peter Laurie
11. Mr. Cyprian LaTouche
12. Mr. Leigh Trotman, Auditor General
13. Ms. Yeva Jones
14. Col. Glyne Grannum, Former Chief of Staff, Barbados Defence Force
15. Lt. Col. Carlos Lovell, Military Advisor to the Chief of Staff of Barbados Defence Force
16. Mr. Randy Batson
17. Sen. Dr. Chelston Brathwaite
18. Mr. Jabari Clarke-Pennegan
19. Mr. Anthony L. Reid
20. Ms. Freida V Nicholls, JP, OLY
21. Mr. Kai Xavier Allman
22. Democratic Labour Party
23. Barbados Labour Party
24. Barbados Police Service
25. Mr. Derek Oderson, Attorney-at-law

APPENDIX 7

SUMMARY OF SUBMISSIONS RECEIVED FROM POLITICAL PARTIES

Following the Commission's public meeting on 30th October, 2023, at the Democratic Labour Party (DLP) Headquarters the DLP furnished the Commission with a written submission. Similarly, following the meeting with the Barbados Labour Party (BLP) at their Headquarters on 31st October, 2023, they, too, made a written submission dated 7th January, 2024.

Given the standing and longevity of these two political parties, the Commission thought it useful and important to summarise their submissions as set out herein.

Barbados Labour Party Submission Summary

Composition of the Senate: The BLP recommends that the Senate should be increased by three (3) Senators, with Government having fifteen (15), the Opposition having five (5) and the number of Independents being reduced to six (6). The BLP considers that this will enhance the representation of the Opposition. The BLP recommends further that the Independent Senators should be appointed from among particular interests and communities – Business, Labour, Youth, Elderly, Disabled and Faith-Based Organisations.

Composition of the House of Assembly: The BLP recommends that the membership of the House of Assembly should be changed to a Mixed Member System which will include seven (7) National MPs in addition to the existing thirty (30) constituency MPs. National MPs would be elected using the First-Past-The-Post system with the seven candidates having the highest number of votes being declared the winners. Voters will therefore cast a ballot for their constituency MP and also be asked to select seven (7) National MPs from a list. National MP candidates may be independent or run on a political party platform. National MPs will be required to focus on the national agenda. The BLP further recommends a non-elected Speaker of the House of Assembly.

Election to Parliament: The BLP recommends maintaining the current first-past-the-post system. The BLP also recommends lowering the qualifying age for both Houses of Parliament to eighteen (18). The BLP proposes that a right of recall should be implemented whereby a MP would be removed by a 2/3 vote of electors in his constituency. Additionally, the BLP recommends that a by-election should be triggered when an MP 'crosses the floor'. The BLP does not support overseas voting at this stage on the basis that there is little clarity as to how it will operate in practice and, given the size of Barbados' diaspora, there is the potential for the dilution of the voting power of resident voters. Finally, significant decision making power would be given to citizens who are not ordinarily resident in Barbados.

People's Participation: The BLP supports the recommendation of the Thorne Commission for the establishment of People's Assemblies as a means of fostering greater public participation in policy making and legislation.

The Executive: The BLP recommends keeping the current procedure for the selection of Cabinet Ministers. Specifically, Cabinet Ministers may be selected from either House and there should be no limitation on the size of the Cabinet. However, more Ministers should be drawn from the House than from the appointed Senate. Constitutional provision should be made for the

post of Deputy Prime Minister who will be a Member of the House of Assembly. Constitutional provision should also be made for the office of Senior Minister.

Code of Conduct: The BLP recommends the creation of a parliamentary Code of Conduct in accordance with the Commonwealth Parliamentary Association “Recommended Benchmarks for Codes of Conduct applying to Members of Parliament.” The Code should apply to Members of Parliament and to Ministers in all aspects of their public life and should complement all procedural and other rules of Parliament.

Financing Political Participation: The BLP is of the view that further research is required before it makes a specific recommendation on this issue and it is continuing to review the experiences of other countries before making recommendations on this issue. A balance needs to be struck between public and private financing.

Democratic Labour Party Submission Summary

Fixed Term Parliament: At present General Elections may be called at any time and there is a need to reduce the Prime Minister’s power to do so since it may facilitate political and partisan interests. The DLP recommends that General Elections should be fixed every five (5) years, perhaps in May. If the current Administration desires to call a General Election outside of the fixed period, it can only do so with the approval of 2/3 of both Houses of Parliament. Such a vote cannot be debated until the current session of Parliament has passed three (3) years and six (6) months after the last polling day. Additionally, measures should be implemented to ensure that the current government does not present a budget to tie the hands of an incoming Government.

Term Limits on Prime Minister: The DLP recommends that the Prime Minister should be constitutionally limited to three (3) terms, whether consecutively or separately. The DLP considers this to be in the best interests of prime ministerial succession and that term limits will promote political and executive dynamism. Unlimited prime ministerial terms also pose an unnecessary risk to good governance. Additionally, former Prime Ministers should retain the title of Prime Minister. The former Prime Minister should, at their request, also be provided with an office in retirement and staff, including an assistant and researcher. The provision of such an office and staff will allow a former Prime Minister to write about their experience.

Public Accounts Committee: Currently the Public Accounts Committee is composed of seven (7) Members of the House of Assembly and six (6) Senators. The DLP recommends that there should be comprised of independent experts from outside of Parliament. Seven (7) members, including the Chairperson, should be appointed by the President. The Government and Opposition should each be allowed to appoint three (3) members. All members should serve for a term of six (6) years.

The First-past-the-post Electoral System: The current electoral system has a propensity to produce heavily skewed parliaments. The party receiving the largest number of seats does not necessarily have a comparable proportion of the votes cast. The DLP recommends the creation of a hybrid system whereby the current first-past-the-post model will be retained for all existing constituencies. However, the DLP further recommends that national seats should be introduced in the House of Assembly which can be determined by the percentage of votes cast in favour of a

political party in the General Election. The candidates will be determined by political parties using a list system. Persons holding national seats will be full Members of the House of Assembly and have the same rights and privileges as other Members.

Election of Speaker and Deputy Speaker of the House of Assembly: An important characteristic of the Speakership is neutrality in maintaining order and managing the business of the House. However, the Speaker is chosen by the Prime Minister from a pool of the governing party's Members and is open to the possibility of political bias. The DLP recommends that the position of Speaker and Deputy Speaker should be filled by persons who are not elected Members of the House. The President will nominate persons to hold these positions and the House will vote on these nominations. A 2/3 majority is required for a successful vote. If a first vote is unsuccessful, the President, Prime Minister and Leader of the Opposition will agree on a second slate of candidates who will also have to secure 2/3 of the vote. Speakers and Deputy Speakers should be elected every two (2) years but neither person should hold office for more than twelve (12) years.

Attorney General: The Attorney General is the Chief Legal Advisor to Cabinet, Government, Parliament and Government Departments. The DLP submits that the Office of Attorney General is an impartial and independent one and that conflicts may arise between his role as a constituency representative and his role as Attorney General. The DLP recommends that the Attorney General should be selected by the President from outside of the House and serve a tenure of no more than twelve (12) years. The DLP further recommends that the Attorney General should not sit in Cabinet and ministerial duties such as crime and law enforcement should be assigned to another minister.

Political Parties not recognised in the Constitution: The DLP recommends that political parties should be recognised in the Constitution and that there should be subsidiary legislation to regulate these parties. The State should also finance political parties in the area of General Elections. This would assist in a more equitable distribution of finances for electoral efforts. Campaign finance regulations can promote transparency, accountability and good governance.

Insufficient oversight over Parliament: There is insufficient non-parliamentary participation in the routine responsibilities of Parliament and an accountability deficit. The DLP recommends the establishment of independent Standing Committees in key areas such as education, finance, labour, the environment, security, the Prime Minister's office and civil service. These Committees will oversee the policy, finances and public relations of these ministries. The Committee members should be nominated by the President, Prime Minister and Leader of the Opposition which a tenure equal to the life span of that session of Parliament. The DLP further recommends the introduction of Question Time. The DLP also recommends the introduction of the petition system. Specifically, if a petition garners 5,000 electronic or written signatures from Barbadians, the issue outlined in the petition must be debated in Parliament within a reasonable time.

Overseas Voting: As at 2020 there were almost 100,000 Barbadians living abroad. These Barbadians make a significant contribution to Barbados' economy in the form of remittances which averaged approximately 3% of GDP between 1990 and 2019. The DLP considers that overseas voters have a right to vote and the issue is that of facilitation. One model is to establish overseas constituencies based on three (3) electoral zones. Each overseas constituency would elect a Senator and the composition of the Senate should be changed to accommodate this. Voting can take place by postal ballots or in person at High Commissions and Consulates.

Insufficient Judicial Independence: The Judicial and Legal Service Commission (JLSC) is composed of persons appointed by the current Prime Minister which gives rise to concerns about the independence of the Commission. The DLP recommends that the JLSC should be reconstituted to include persons appointed by the Chief Justice and President. Further, the Prime Minister should not be the authority to advise the President to commence the process of removing a judge.

Government Subvention to political parties: Political parties which win a seat in the House of Assembly are entitled to an annual subvention of \$150,000. The DLP recommends that the subvention should be payable even in circumstances in which a political party has not won a seat but rather where it has achieved a significant and substantial number of votes.

APPENDIX 8

LIST OF ORGANISATIONS AND INDIVIDUALS WHO GAVE PRESENTATIONS AT PRIVATE MEETINGS

Constitutional Reform Commission	13th July, 2023 7th December, 2023
National Advisory Committee to Guide on the Establishment of a Commission for improving the lives of Persons with Disabilities Mr. Edmund Hinkson, SC, MP, Chairman Senator Andwele Boyce, Committee Member	3rd August, 2023
Thorne Commission on Local Government Mr Ralph Thorne, MP, KC, Chairman Ms. Krystle Howell, Commissioner	3rd August, 2023
Mr. Devaron Bruce, Political Scientist	14th August, 2023
Electoral and Boundaries Commission Mr Leslie Haynes, KC, Chairman Ms. Angela Taylor, Chief Electoral Officer, Mrs. Roslyn Springer, Assistant Chief Electoral Officer	21st August, 2023
Col. Glyne Grannum, Former Chief of Staff, BDF	18th September, 2023
Lt. Col. Carlos Lovell, Military Advisor to the Chief of Staff, BDF	19th October, 2023
Professor Emeritus Trevor Munroe, CD D.Phil. of Jamaica	2nd November, 2023
Members of the Senate	6th November, 2023
Former Permanent Secretaries Mr. Martin Cox Mr. Selwyn Smith	9th November, 2023
Backbenchers in the House of Assembly	16th November, 2023
Commissioner of Police Senior Management of Barbados Police Service	4th December, 2023

APPENDIX 9

PANELLISTS AND PRESENTERS AT PUBLIC MEETINGS

Barbados Workers Union - 17th August, 2023

Public Education Session

Dr. George Belle, Dean Emeritus of the Faculty of Social Sciences, The University of the West Indies, Cave Hill Campus - *“Public Perception of the Utility of Parliamentary Reform”*

Mr. Bobby Morris, former Member of the House of Assembly and Historian - *“High Points in Parliamentary and Constitutional Development”*

Mr. Peter Wickham, founder of Caribbean Development Research Services (CADRES), Political Scientist and Political Journalist - *“Composition of Parliament and Rights and Privileges of Prime Ministers and Members of Parliament in a Democratic Republic”*

Christ Church Foundation School - 24th August, 2023

Ms. Jacqueline Celeste Carter

Mr. Edwin O’neal

Princess Margaret School - 31st August, 2023

“Role and Function of Parliamentarians”

Mr. Rudolph “Cappy” Greenidge, Former Member of the House of Assembly and Former Deputy President of the Senate

Mr. Stephen Lashley, Former Member of the House of Assembly and Government Minister

Sir Roy Trotman, Trade Unionist and Former Parliamentarian

Alexandra School - 7th September, 2023

“The Role of the Senate, Is it an Outdated Talkshop or a Useful Institution?”

Ms. Vere Brathwaite, Attorney-at-Law and former Senator (NDP)

Ms. Kerryann Ifill, former President of the Senate

Dr. Sandra Ochieng’-Springer, Lecturer in Government and Politics, University of the West Indies, Cave Hill Campus

Lester Vaughn School - 14th September, 2023

“The Role of Ministers and their Relationship with the Parliament”

Mr. Adriel Brathwaite, QC., Former Attorney General

His Honour Senator Reginald Farley, JP, President of the Senate

Ms. Maxine McClean, former Minister of Foreign Affairs

Queens Park - 30th September, 2023

Youth Meeting - “How Can the Country Give Young People a Greater Voice in National Affairs?”

Ms. Tia-Adana Belle, Barbadian Olympian - *“The Future of the Barbados Parliament”*

Ms. Nyangie Bradshaw, Student of the Lodge School - *“What Do You Want from Your MPs and Your Government?”*

Mr. Taahir Bulbulia, Moderator Brasstacks and Youth Advocate - *“What Should Your Parliament Deliver to Future Generations of Barbadians?”*

Mr. Daunte’ Harvey, Member of the Youth Parliament

Ms. Shaquani Hunte, Student of the Barbados Community College

REPORT OF THE PARLIAMENTARY REFORM COMMISSION

2024