



MINUTES OF PROCEEDINGS

OF

The Honourable The Senate

The Senate met in the Senate Chamber, Parliament Buildings on Wednesday, the 25th day of January, 2017 at 11.00 o'clock a.m.

PRESENT

Her Honour Senator Miss Kerryann F. Ifill, B.Sc. (Hons.), M.B.A. (*President*)
His Honour Senator the Very Reverend H. E. Crichlow, G.C.M., B.A. (Hons.) Dunelm (*Deputy President*)
Senator Dr. the Hon. E. R. Byer Suckoo, M.B., B.S.
(*Minister of Labour, Social Security and Human Resource Development*)
Senator the Hon. D. W. Boyce, B.Sc. (Econ.), M.B.A. (Fin.), CMA, F.C.A. (*Minister in the Office of the Prime Minister*)
Senator the Hon. P. M. T. Todd, B.Sc. (*Minister of State in the Office of the Prime Minister*)
Senator Mrs. V. I. Sandiford-Garner, CIM, Dip. Mng., M.B.A. (*Parliamentary Secretary, Ministry of Tourism and International Transport*)
Senator H. A. Husbards, M.L.I.R., B.Sc. (Public Administration) (Hons.), Ed. Cert. (U.W.I.) (*Parliamentary Secretary, Ministry of Education, Science, Technology and Innovation*)
Senator J. Ince, J.P., BB.A., M.B.A., DIP (Mgmt.) (*Parliamentary Secretary, Ministry of Finance and Economic Affairs*)
Senator R. A. Hunte, J.P.
Senator Rev. Dr. D. L. Durant, D. D. (Hon.)
Senator A. R. Worrell, B.A. (Hons.)
Senator Miss V. A. G. De Peiza, B.Sc. (Hons.), LL.M. (Merit)
Senator Dr. J. X. Walcott, M.B., B.S., F.R.C.S. (Edin.), J.P.
Senator W. A. Abrahams, LL.B. (Hons.)
Senator Sir Roy Trotman, K.A., M.A.
Senator Prof. Emeritus Sir Henry Fraser, K.A., G.C.M., B.Sc., M.B., B.S., Ph.D., FACP, FRCP
Senator Dr. Sir Trevor Carmichael, K.A., L.V.O., Q.C., B.Sc. (Econ.), M.A., Ph.D.
Senator A. A. Adams, J.P., B.A., Ed. Cert., M.Sc. Ed.
Senator J. A. Watson
and
Senator Carol Lady Haynes, GM, BCH, M.B., B.S., Hon. DSc.

ABSENT

Senator the Hon. Miss M. P. O. McClean, B.Sc. (Hons.), M.A., M.B.A. (*Minister of Foreign Affairs and Foreign Trade*)(*Leader of the Senate*).

Prayers were led by His Honour the Deputy President.

**ANNOUNCEMENTS BY HER HONOUR
THE PRESIDENT**

Madam President announced that she was in receipt of excuses for absence from Senator the Hon. Miss M. P. O. McClean and for lateness from Senators Mrs. V. I. Sandiford-Garner and A. R. Worrell. Madam President welcomed Senators, Staff and other functionaries back to duty in the Senate.

MINUTES

The Minutes of Wednesday, 16th November, 2016, Wednesday, 7th December, 2016 and Wednesday, 14th December, 2016 were confirmed.

PRESENTATION OF PAPERS

Senator the Hon. E. R. Byer Suckoo by command laid the following:

1. Loan Agreement between Caribbean Development Bank and Barbados and Student Revolving Loan Fund Management Committee.
2. Barbados Investment and Development Corporation Annual Report 2014/2015.
3. Health Services (Smoking) Regulations, 2017.
4. Health Services (Packing and Labelling of Tobacco Products) Regulations, 2017.

**MOTIONS RELATING TO THE BUSINESS
OF THE SENATE**

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo Standing Orders 22(1) and 45(2) were suspended for the remainder of the Sitting.

INTRODUCTION OF BILLS

Senator Dr. the Hon. E. R. Byer Suckoo gave notice of the following:

1. International Bank for Reconstruction and Development (Membership of Barbados) (Amendment) Bill, 2017.
2. Health Services (Amendment) Bill, 2017.
3. Profession, Trade and Business Registration (Amendment) Bill, 2017.
4. Resolution to approve the Ministers and Parliamentary Secretaries (Remuneration and Allowances) Order, 2016.
5. Resolution to approve the Senate and the House of Assembly (Remuneration and Allowances of Members) Order, 2016.

FIRST READING OF BILLS

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo the following Bills were read a first time:

1. Holidays with Pay Bill, 2017.
2. Labour Department (Amendment) Bill, 2017.
3. Minimum Wage Bill, 2017.
4. Banks (Tax on Assets) Bill, 2017.
5. Tax on Assets Bill, 2017.
6. Profession, Trade and Business Registration (Amendment) Bill, 2017.
7. Health Services (Amendment) Bill, 2017.
8. International Bank for Reconstruction and Development (Membership of Barbados) (Amendment) Bill, 2017.

PUBLIC BUSINESS

ORDER NO. 8

**PROFESSION, TRADE AND BUSINESS REGISTRATION
(AMENDMENT) BILL, 2017**

On the Order being called for Senator Dr. the Hon. E. R. Byer Suckoo to move the second reading of the Bill entitled an Act to amend the Profession, Trade and Business Registration Act, Cap. 373 to make provision for a reduction in the fees and licences related to certain professions, trade and businesses, the Hon. Member spoke and moved that the Bill be read a second time.

Senator W. A. Abrahams spoke.

Senator Dr. the Hon. E. R. Byer Suckoo spoke in reply.

The Bill was read a second time.

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo the Senate resolved itself into Committee, the Deputy President in the Chair.

Clauses 1 to 7 and the Schedule were called and passed without debate on the separate motion of Senator Dr. the Hon. E. R. Byer Suckoo.

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo the Deputy President reported the passing of the Bill in Committee to Madam President who resumed the Chair and reported accordingly.

On the separate motion of Senator Dr. the Hon. E. R. Byer Suckoo the Bill was read a third time and passed and the title read and agreed to.

ORDER NO. 1

HOLIDAYS WITH PAY BILL, 2017

On the Order being called for Senator Dr. the Hon. E. R. Byer Suckoo to move the second reading of the Bill entitled an Act to repeal and replace the Holidays with Pay Act to make better provision for the granting of an annual holiday with pay to employees,

the Hon. Member spoke and moved that the Bill be read a second time.

Senator W. A. Abrahams spoke.

Senator Sir Roy Trotman spoke.

SUSPENSION

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo the Sitting was suspended until 2.30 p.m.

At 1.05 p.m. Madam President suspended the Sitting.

RESUMPTION

On resumption Madam President resumed the Chair.

PUBLIC BUSINESS (resumed)

ORDER NO. 1 (resumed)

Senator R. A. Hunte spoke.

Senator A. A. Adams spoke.

Senator Carol Lady Haynes spoke.

Senator Prof. Emeritus Sir Henry Fraser spoke.

Senator H. A. Husbands spoke.

Senator the Hon. D. W. Boyce spoke.

Senator Dr. the Hon. E. R. Byer Suckoo spoke in reply.

The Bill was read a second time.

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo the Senate resolved itself into Committee, the Deputy President in the Chair.

Part 1 (Clauses 1 to 2); Part 2 (Clauses 3 to 8); Part 3 (Clauses 9 to 17); the First and Second Schedules were called and passed without debate on the separate motion of Senator Dr. the Hon. E. R. Byer Suckoo.

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo the Deputy President reported the passing of the Bill in Committee to Madam President who resumed the Chair and reported accordingly.

On the separate motion of Senator Dr. the Hon. E. R. Byer Suckoo the Bill was read a third time and passed and the title read and agreed to.

ORDER NO. 2

LABOUR DEPARTMENT (AMENDMENT) BILL, 2017

On the Order being called for Senator Dr. the Hon. E. R. Byer Suckoo to move the second reading of the Bill entitled an Act to amend the Labour Department Act,

the Hon. Member spoke and moved that the Bill be read a second time.

Senator Sir Roy Trotman spoke.

Senator Dr. the Hon. E. R. Byer Suckoo spoke in reply.

The Bill was read a second time.

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo the Senate resolved itself into Committee, the Deputy President in the Chair.

Clauses 1 to 3 were called and passed without debate on the separate motion of Senator Dr. the Hon. E. R. Byer Suckoo.

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo the Deputy President reported the passing of the Bill in Committee to Madam President who resumed the Chair and reported accordingly.

On the separate motion of Senator Dr. the Hon. E. R. Byer Suckoo the Bill was read a third time and passed and the title read and agreed to.

SUSPENSION

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo the Sitting was suspended until 5.10 p.m. At 4.50 p.m. Madam President suspended the Sitting.

RESUMPTION

On resumption Madam President in the Chair.

Order No. 4 was called. Senator J. Ince sought and obtained leave to introduce Orders Nos. 4 and 5 in a cognate debate.

ORDER NO. 4

Senator J. Ince spoke on the following Resolution:

WHEREAS on the 13th December, 2016 a Resolution was passed by the Honourable House of Assembly and the Honourable Senate on the 14th December, 2016, approving the Government borrowing USD\$15.0 million from First Citizens Bank Limited in Trinidad and Tobago by way of a revolving credit line, the proceeds of which will be used to fund projects approved by the Government in accordance with the requisite criteria for the utilization of funding available to the Government from the Development Bank of Latin America;

AND WHEREAS the Resolution numbered 21 of 2016 was assented to by the Governor-General on the 16th December, 2016;

AND WHEREAS it has been determined that the Resolution be rescinded;

BE IT RESOLVED that Parliament approve the rescission of the said Resolution passed in the House of Assembly on the 13th December, 2016 and in the Senate on the 14th December, 2016 and numbered 21 of 2016.

APPROVED by the House of Assembly the 18th day of January, Two thousand and seventeen.

and moved that the Resolution be passed.

Senator the Hon. P. M. T. Todd spoke.

Senator Sir Roy Trotman spoke.

Senator W. A. Abrahams spoke.

Senator the Hon. D. W. Boyce spoke.

Senator J. Ince spoke in reply.

The Resolution was passed.

ORDER NO. 6

Senator J. Ince spoke on the following Resolution which on his motion was passed:

WHEREAS by section 2 of the *Special Loans Act*, Cap. 105 the Government is authorised from time to time to borrow from any government, bank, corporation, company or other institution sums of money not exceeding in the aggregate BDS\$2,500,000,000 on such terms as may be agreed upon between the Government and the lender of any such sum of money;

AND WHEREAS by section 3 of the said Act it is provided that any money borrowed under the authority of the Act shall be appropriated and applied to such purposes as Parliament may approve by resolution and that such money and any interest payable thereon is charged upon the general revenues and assets of Barbados;

AND WHEREAS the Government considers it necessary to borrow the sum of USD\$15.0 million from First Citizens Bank Limited in Trinidad and Tobago

by way of a revolving credit line, the proceeds of which will be used to fund projects approved by the Government in accordance with the requisite criteria for the utilization of funding available to the Government from the Development Bank of Latin America;

AND WHEREAS the said sum of USD\$15.0 million is borrowed on the terms and conditions contained in an Agreement, the main provisions of which are set out in the *Schedule*;

AND WHEREAS the said sum of USD\$15.0 million is within the authorised borrowing limit given to the Government under section 2 of the said Act;

RESOLVED therefore that Parliament approve the borrowing of the said sum of USD\$15.0 million from First Citizens Bank Limited in Trinidad and Tobago by way of revolving credit line on the terms and conditions contained in the Agreement, the main provisions of which are set out in the *Schedule*.

APPROVED by the House of Assembly this 17th day of January, Two thousand and seventeen.

SCHEDULE

TERMS AND CONDITIONS

Borrower:	Government of Barbados.
Lender:	First Citizens Bank Limited in Trinidad and Tobago.
Amount:	USD \$15,000,000.00
Purpose of loan:	To provide a revolving line of credit to fund Projects which will be executed in Barbados and approved by the Government of Barbados which meet all the requisite criteria for the utilization of funding available to the Government from the Development Bank of Latin America.
Facility:	Revolving Credit Line.
Term:	6 months
Repayment:	Principal and interest at maturity.
Interest rate:	Six (6) month Libor plus 5.6% (current effective 6.891% per annum); to be set 2 days prior to disbursement. The rate may be increased by 0.5% to 0.75% per annum in the event that there is a further downgrade in the Borrower's credit rating during the term of the loan.
Prepayment:	Allowed without penalty.
Fees:	1.375% of facility amount due on disbursement. Additionally, a fee of 0.25% of the unutilized balance to be payable on a quarterly basis. Legal fees and charges as well as costs and expenses arising from the transaction are for the account of the borrower.

SCHEDULE

TERMS AND CONDITIONS – Cont'd

- Security: Executed Letter of Offer, Promissory Note and Letter of Undertaking.
- Conditions precedent: The execution of this transaction will be subject to the fulfilment of the following general conditions precedent:
- (1) The duplicate of the Letter of Offer duly signed on the Borrower's behalf;
 - (2) A gazetted copy of the Parliamentary Resolution authorizing the borrowings;
 - (3) The Loan Agreement and any additional documentation as may be advised by the Lender's legal counsel must be duly prepared, executed, stamped and delivered to the Lender;
 - (4) A Letter of Undertaking from the Ministry of Finance and Economic Affairs in Barbados indicating that they will utilize a Development Bank of Latin America loan facility obtained for the repayment of the proposed facility;
 - (5) Obtaining of all approvals, authorizations, consents, exemptions, licenses, permits and registration ("collectively referred to as "Consents") required from any regulatory, governmental, parliamentary or other authority or persons in order for the Borrower to be a party to the Facility;
 - (6) An opinion from the Solicitor General of Barbados confirming that the Government will receive all requisite Consents and that the execution by the Borrower of the proposed Letter of Offer and any related legal documentation as well as the performance of the obligations undertaken by the Borrower do not and will not contravene any law, regulation, directive or judgment to which the Borrower is subject;
 - (7) A letter from Development Bank of Latin America to the Government of Barbados authorizing the funding and confirming that all conditions have been met and stating the disbursement amount relative to each project;
 - (8) Evidence of all required approvals authorizing the execution of the project;
 - (9) There must not be prior to disbursement, any further downgrade in credit ratings of Barbados or any other change in the financial condition of the Borrower, or in the financial or economic conditions in Barbados, which, in the reasonable opinion of the Lender, may have a material adverse effect (as defined in (10) below) on the ability or willingness of the Borrower to comply with any of its obligations under the Letter of Offer;

SCHEDULE

TERMS AND CONDITIONS – *Cont'd*

Conditions precedent:
– *Cont'd*

- (10) A "material adverse effect" means
- (a) a material adverse effect on the economic or financial condition or stability (whether financial, political or otherwise) of the Government of Barbados;
 - (b) the Borrower's ability to perform its obligations under the Letter of Offer or any related loan or security document;
 - (c) the validity or enforceability of the Letter of Offer or the rights and remedies or benefits available to the Lender under the Letter of Offer or under any related loan or security document.

Representations and warranties:

The following representations and warranties are made by the Borrower to the Lender:

- (1) The obligations assumed by the Borrower under the Letter of Offer constitute valid, legal, binding and enforceable obligations;
- (2) Neither the execution of the Letter of Offer (or any other document contemplated therein) nor the performance or observance of any obligation contained therein will conflict with or result in any breach of any law, regulation, obligation, duty, agreement or other instrument by which the Borrower is bound;
- (3) The entry by the Borrower into the Letter of Offer (or any other document contemplated therein) and the exercise by it of rights and performance of its obligations under them will constitute private and commercial acts performed for private and commercial purposes. The Borrower will not be entitled to claim immunity on the grounds of sovereign immunity or otherwise from suit, execution, attachment or other legal process in any proceedings taken in relation to the Letter of Offer or any other financing or security document made in relation to the Facility thereunder;
- (4) There exists no litigation or administrative or arbitration proceedings (pending or threatened in writing) against or affecting the Borrower before any court, government, authority or arbitrator which would have a material adverse effect on the financial condition of the Borrower;
- (5) The Borrower is not in any breach of or in any default under any law, statute, regulations, mortgage, charge, lien, agreement or other instrument, arrangement, obligation or duty by which it is bound;

SCHEDULE

TERMS AND CONDITIONS – *Cont'd*

Representations and warranties: – *Cont'd*

- (6) The Borrower also affirms that it will use all of the proceeds of the loan only for the purposes specified;
- (7) The Borrower agrees to provide the Lender with prompt notice of any material litigation proceedings or dispute threatened in writing or commenced against the Borrower and to provide all information reasonably requested by the Lender concerning the nature and status of the same.

Events of default:

The following are the events of default:

- (1) Ceasing to be a Member of the Development Bank of Latin America;
- (2) Any default of the Borrower in the stipulated payments when due;
- (3) Any statement, certificate, warranty or representation given in pursuance of the Letter of Offer proving to be untrue, false or misleading in any material respect;
- (4) Breach of any other of the Borrower's obligations under the facility for more than fourteen days after written notice from the Lender to the Borrower requiring such breach to be remedied;
- (5) Any creditor or creditors of the Borrower becoming entitled to declare that any debt or part of the debt remains unpaid in whole or in part;
- (6) Any security agent, trustee or a holder or holders under a lien, loan or other arrangement declaring a breach and legally entitled to accelerate payment obligations under these arrangements in which the Borrower is a party and which would have a material adverse effect (as defined under conditions precedent at 10 above) on the Borrower's ability to make the payments as stipulated or to repay the facility under the Letter of Offer;
- (7) Default by the Borrower in the payment of any of its debt obligations or admission by the Borrower of its inability to pay its debts generally as they fall due;
- (8) The Letter of Offer or any related loan or security document shall fail to be in full force and effect if the Borrower denies or repudiates its obligations thereunder or does any act or thing evidencing an intention to deny or repudiate its obligations thereunder;
- (9) The Borrower making any arrangement or assignment for the benefit of creditors or to compromise with its creditors with a view to general adjustment or rescheduling its payments;

SCHEDULE

TERMS AND CONDITIONS – *Concl'd*

- Events of default:
– *Cont'd*
- (10) The Borrower declares a general suspension of or a moratorium on payments of the Facility or on the indebtedness of the Borrower;
 - (11) Any proceedings or action taken by or against the Borrower arising from its defaulting in the payment of its debt obligations or its inability to pay its debts;
 - (12) Any circumstance or change of situation of the Borrower as represented or warranted by the Borrower which in the opinion of the Lender, is likely to materially or adversely impact on the ability or willingness of the Borrower to perform any or all of its obligations under the Facility Letter, any related Loan Agreement or other related legal documentation as the case may be;
 - (13) An event or circumstance at any time in which it becomes unlawful for the Borrower to perform or comply with any or all of its obligations under the Letter of Offer.
- Priority of the loan: The Borrower shall not enter into any obligations which have priority to this debt without the Lender's stated written consent. Where this condition is breached, the following shall apply:
- (1) Should the Borrower enter into any subsequent agreement with any other lender during the term of the facility letter which provides for benefits or terms more favourable than those contained in the Facility Letter, then the Facility Letter shall be deemed to be modified to provide the Lender with those more favourable benefits and terms including but not however limited to any terms by which the Borrower undertakes to enhance the other lender's collateral; or to grant the other lender a security interest in any fixed assets of the Borrower.
 - (2) The Borrower shall notify the Lender promptly of the existence of any more favourable benefits and terms mentioned at (1) above. Any collateral enhancement to security interest granted by the Borrower to the Lender pursuant to this clause shall rank *pari-passu* with the collateral enhancement or security interest granted by the Borrower to the other lender. If requested in writing by the Lender, the Borrower shall execute an amendment to the Facility Letter to include the more favourable terms and conditions and all costs associated with such a transaction will be for the account of the Borrower.
- Taxation: All payments by the Borrower will be made free and clear of all present and future taxes, withholdings or deductions of whatsoever nature. The Borrower will also be responsible for the due payment of all levies, imposts, taxes and duties or charges incurred in connection with the facility.
- Governing law: The law of Trinidad and Tobago.

ORDER NO. 6**BANKS (TAX ON ASSETS) BILL, 2017**

On the Order being called for Senator J. Ince to move the second reading of the Bill entitled an Act to provide for the imposition of a tax on the domestic assets of a bank and for related matters the Hon. Member sought and obtained leave to introduce Order No. 7 in a cognate debate.

Senator J. Ince spoke and moved that the Bill be read a second time.

Senator W. A. Abrahams spoke.

The Bill was read a second time.

On the motion of Senator J. Ince the Senate resolved itself into Committee, the Deputy President in the Chair. Clauses 1 to 13 were called and passed on the motion of Senator J. Ince and without debate.

On the motion of Senator J. Ince the Deputy President reported the passing of the Bill in Committee to Madam President who resumed the Chair and reported accordingly.

On the separate motion of Senator J. Ince the Bill was read a third time and passed and the title read and agreed to.

ORDER NO. 7**TAX ON ASSETS BILL, 2017**

On the Order being called for Senator J. Ince to move the second reading of the Bill entitled an Act to provide for the imposition of tax on the assets of

(a) a deposit taking licensee under Part III of the Financial Institutions Act, Cap. 324A; or

(b) an insurance company,

the Hon. Member spoke and moved that the Bill be read a second time.

The motion was passed.

On the motion of Senator J. Ince the Senate resolved itself into Committee, the Deputy President in the Chair. Clauses 1 to 14 were called and passed on the motion of Senator J. Ince and without debate.

On the motion of Senator J. Ince the Deputy President reported the passing of the Bill in Committee to Madam President who resumed the Chair and reported accordingly.

On the separate motion of Senator J. Ince the Bill was read a third time and passed and the title read and agreed to.

ORDER NO. 11

On the Order being called for Senator the Hon. P. M. T. Todd to move the passing of the Resolution following, the Hon. Senator and sought to obtained leave to introduce the Resolution together with Order No. 12 in a cognate debate.

Senator the Hon. P. M. T. Todd spoke on the following Resolution:

RESOLVED that the Parliament approve the Ministers and Parliamentary Secretaries (Remuneration and Allowances) Order, 2016 made by the Minister responsible for Finance on the fifteenth day of April, 2016 under section 5 of the Ministers and Parliamentary Secretaries (Remuneration and Allowances) Act, Cap. 8.

RESOLVED that His Excellency the Governor-General be asked to assent and take the necessary steps given to effect this Resolution.

APPROVED by the House of Assembly the 29th day of January, 2017.

and moved that the Resolution be passed.

Senator W. A. Abrahams spoke.

Senator J. Ince spoke.

Senator the Hon. D. W. Boyce spoke.

Senator H. A. Husbands spoke.

Senator R. A. Hunte spoke.

Senator Dr. the Hon. E. R. Byer Suckoo spoke.

Senator the Hon. P. M. T. Todd spoke in reply.

The Resolution was passed.

On the motion of Senator the Hon. P. M. T. Todd the following Resolution was passed.

RESOLVED that the Parliament approve the Senate and House of Assembly (Remuneration and Allowances of Members) Order, 2016 made by the Minister responsible for Finance on the fifteenth day of April, 2016 under section 8 of the Senate and House of Assembly (Remuneration and Allowances of Members) Act, Cap. 13A.

RESOLVED that His Excellency the Governor-General be asked to assent and take the necessary steps given to effect this Resolution.

APPROVED by the House of Assembly the 24th day of January, 2017.

ADJOURNMENT

On the motion of Senator Dr. the Hon. E. R. Byer Suckoo the Senate was adjourned to Wednesday, 1st February, 2017 at 11.00 a.m.

At 7.15 p.m. Madam President adjourned the Sitting.

N. R. JONES
Deputy Clerk of Parliament.

The Minutes were certified correct and confirmed the _____ day of _____, 2017.

President.

SENATE CHAMBERS
PARLIAMENT BUILDINGS
BRIDGETOWN.

SENATE

FIRST SESSION OF 2013 – 2018

MINUTES

Wednesday, 25th January, 2017.
