
THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1976 – 81

HOUSE OF ASSEMBLY

Friday, 15th May, 1981

Pursuant to the adjournment, the House of Assembly met at 2.15 p.m. o'clock.

PRESENT

His Honour W. C. B. HINDS, J.P., (Speaker); Mr. R. St.C. WEEKES, C.B.E., J.P.; Hon. L. S. CRAIG, (Minister of Housing, Lands and the Environment); Hon. C. L. BOLDEN, LL.B., (Minister of Communications and Works); Hon. H. deB. FORDE, Q.C., M.A., LL.B., (Attorney General and Minister of External Affairs); Mr. L. E. SANDIFORD, M.A., (Econ.); Mr. E. E. GREAVES, B.A., Ed.M.; Mr. D. A. C. SIMMONS, LL.M.; Hon. Miss B. A. MILLER, (Minister of Health and National Insurance); Hon. L. B. BRATHWAITE, (Minister of Agriculture, Food and Consumer Affairs); Mr. J. G. ODLE, B.Sc., (Chairman of Committees); Mr. M. C. C. WARD; Mr. V. L. JOHNSON, M.A.; Hon. L. R. TULL, M.A., (Minister of Education and Culture); Mr. L. L. SISNETT; and His Honour E. E. ALLEYNE, LL.M., (Deputy Speaker).

Prayers were taken by Archdeacon F. A. Cayless.

MINUTES

Mr. SPEAKER: I am advised that there are no Minutes ready for confirmation.

PAPERS LAID

Hon. L. S. CRAIG: Mr. Speaker, Sir, I am commanded to lay on behalf of the Honourable Attorney General:

Report on the Registration Office and Supreme Court Registry for the year 1977.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: Mr. Speaker, I beg to give notice on behalf of the Rt. Hon. Minister of Finance and Planning:

A Bill to amend the Companies Act.

Also a Bill to amend the Property Transfer Tax Act.
Also, Mr. Speaker:

The Bill to amend the Patents Act.

FIRST READING OF BILLS

Hon. L. S. CRAIG: Mr. Speaker, Sir, on behalf of the Rt. Hon. Minister of Finance and Planning, I beg to move that a Bill to amend the Companies Act be now read a first time.

Hon. C. L. BOLDEN: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. L. S. CRAIG: Also, Mr. Speaker, on behalf of the Rt. Hon. Minister of Finance and Planning I beg to move that a Bill to amend the Property Transfer Tax Act be now read a first time.

Hon. C. L. BOLDEN: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. L. S. CRAIG: Mr. Speaker, Sir, on behalf of the Rt. Hon. Minister of Finance and Planning, I beg to move that a Bill to amend the Patents Act be now read a first time.

Hon. C. L. BOLDEN: I beg to second that.

The question was put and resolved in the affirmative without division.

Mr. BRADSHAW entered the Honourable Chamber and took his seat.

Hon. L. S. CRAIG: Mr. Speaker, Sir, on behalf of the Honourable Attorney General, Sir, I beg to move that a Bill to provide a system of free legal services to persons of insufficient means be now read a first time.

Hon. C. L. BOLDEN: I beg to second that.

The question was put and resolved in the affirmative without division.
2.25 p.m.

Hon. L. S. CRAIG: Mr. Speaker, I think the Prime Minister intimated at the last sitting that he would like to have this Bill and two or three others done in all their stages today, and I would just like to draw this to the attention of members on the other side.

I therefore beg to move that a Bill to make better provision for the care and protection of children be read a first time.

Hon. H. deB. FORDE: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. L. S. CRAIG: Also, a Bill, Mr. Speaker, to amend the Prevention of Cruelty to Children Act, I beg to move that it be read a first time.

Hon. H. deB. FORDE: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. L. S. CRAIG: Also, Sir, a Bill to amend the Adoption Act, I beg to move that it be read a first time.

Hon. H. deB. FORDE: I beg to second that.

The question was put and resolved in the affirmative without division.

ORAL REPLIES TO QUESTIONS

Hon. C. L. BOLDEN: Mr. Speaker, I beg to give notice that the answer to Parliamentary Question No. 62 asked by the hon. member for St. John is now ready.

ORDERS OF THE DAY

Mr. SPEAKER: Government Business is the instant Order of the day.

SUSPENSION OF STANDING ORDERS

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that Standing Orders 6, 16, 18, 20, 42 and 44 be suspended for the remainder of today's sitting.

Hon. H. deB. FORDE: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that Item No. 1 under Government Business be the instant Order of the day.

Mr. SPEAKER: Item No. 1.

THE COMMUNITY LEGAL SERVICES ACT, 1981

Hon. H. deB. FORDE: Mr. Speaker, a few Tuesdays ago when this House was discussing the Supreme Court of Judicature Bill, a Bill to reform the Supreme Court of Judicature Act, the hon. member for Christ Church East said that one of the omissions he considered up to the time of the Government's reform programme was the programme of legal aid....
2.35 p.m.

I indicated to him then that Government was reasonably far advanced in bringing legislation before this House dealing with the expansion of the legal aid scheme. In Barbados up to date legal aid has been considered as being primarily a court concern to ensure that a person who had insufficient means to engage the services of a lawyer is not thereby deprived of the right to have his side of the case or defence properly presented before the courts of justice, but only in circumstances where the person is accused of a capital or other serious crime for which he stands in jeopardy of his life or of losing his liberty for a long time.

In 1977 by an amendment to the Legal Aid in Criminal Cases Act, Cap. 139, Government expanded this category of cases to cover minors who would have been charged on indictable offences as well as of course persons who had been charged on serious cases or where the case was one involving exceptional difficulty or a point of law of public importance; but despite these changes in 1977 legal aid has still not been conceived of as being a social service which in addition to the function of assisting to bring about a quality of representation before the law to all the citizens as a vehicle just like the medical or welfare services for bettering the social and economic condition of life of the less fortunate citizens of the community.

Mr. Speaker, perhaps the primary cause for this is because in our community it is difficult to provide for all of the necessary wants and needs of the community at the same time having regard to scarce resources, and it has been as much a matter of priority in the regulation of allocating those resources as indeed it has been a matter of psychological feeling among the community for legal aid as a matter of luxury. However I think people

ought to appreciate that legal aid and advice service to the poor which extends beyond mere court representation would help to increase the legal awareness of persons of their responsibilities and not only of their legal rights, and it would encourage dependence on the law and the legal aid system as a peaceful way of resolving problems and disputes. It would also focus attention on those areas of the law in which there is need for reform of a social nature and which would benefit the broad mass of the community.

At present, Mr. Speaker, the sources of legal aid in Barbados are essentially three. There is that provided under existing statutory legislation, the Legal Aid in Criminal Cases Act, Cap. 139 by the Government, and the amount of money provided annually was increased by the Government in the last three years from a figure of something like \$3,000 first to \$8,000 and in the last year to \$16,000. The second source of legal aid in Barbados is the money provided by the Government through the Welfare Department under the Ministry of Community Services where funds are provided to retain on a permanent basis a private Attorney-at-Law who renders assistance in cases involving family matters, essentially maintenance and affiliation orders. And the third source of legal aid at present is that rendered by individual members of the legal profession to their friends or to poor litigants or sometimes of course to members of their own political party, and I should also under this area include the provision of legal aid by the trade union, at least the Barbados Workers' Union, to some of its members in matter involving employer/employee relations as well as matters of severance payment. I do not think people even recognise that the Union as part of its duty and as part of its relationship with its worker members give assistance to some extent and as far as its resources would allow it in this type of case.

I think that although these four areas are admirable, we would all be agreed between us that they are not adequate, and it is because of this that as early as November, 1976, within a few months of the Government of this party assuming the government of the country and of my having the responsibility for the Ministry of Legal Affairs, we drew up a scheme, a proposal and a project which was submitted to the Inter-American Foundation asking for assistance in funding legal aid over a period of five years. The Inter-American Foundation showed an early interest and in 1977, I believe it was February, 1977, we had extensive discussions with them about giving us assistance for this project. Regretfully these discussions did not come to fruition because of the fact, Mr. Speaker, that we could not get the whole-hearted support of the Bar Association, and it was a condition of the project that the Bar Association should show an interest in and should be seriously committed to making through all of its members an overall

contribution to the scheme either by their time on a free basis or at an agreed reduced level of fees.

I am still awaiting in respect of that initial discussion a letter from the Bar Association to tell me what their level of fees happen to be. But I remember the President of the Bar Association, a former member of this House who was the then hon. member for St. Michael South Central saying at the discussion that he could not be expected to drive his air-conditioned Jaguar down to District "E" for the meagre sum of \$150 in order to defend any litigant, that that could not even pay for his gasoline, and since that expression of opinion seemed to have been symptomatic of the approach of the then Counsels of the Bar to the matter, the Inter-American Foundation did not see why it should advance its funds to assist a legal aid project in Barbados. Indeed Mr. Speaker, I am reciting the historical development in this project to say that I regretted very much later when the Canadian Bar Association sent a delegation down to the Caribbean islands including Barbados to advise on the expansion of the legal aid project in Barbados that that delegation reported back to Canada that it found neither enthusiasm nor sufficient interest among the Bar Association as a whole for making a contribution to legal aid and the matter rested there for some time.

Mr. Speaker, we have always considered this to be an important area where the social services ought to be extended and I continued not only to press and succeed in getting from the Ministry of Finance some additional funds to expand the areas of legal aid, but also to expand the quantity and quality which is still being provided now; and hence in 1977 as I said, we passed Statutory Instrument No. 10 of 1977, the Legal Aid in Criminal Cases Order.

2.45 p.m.

In addition, Mr. Speaker, we were fortunate in that the Chief Justice of Barbados became a member of the American Legal Services Association and as a result, that Association made a grant to Barbados of some U.S. \$12,000 to help us look at the possibility of again reviving the Legal Aid Scheme and also to launch a pilot project which would eventually enable us to make an application to the Inter-American Foundation for further assistance.

A Committee was set up with the Chief Justice, the Dean of the Faculty of Law of the University of the West Indies, Professor Thelford Georges as he then was, the Solicitor General or his nominee, the President of the Bar Association or his nominee and myself and that Committee helped devised or devised this Bill which is now before the House which has received the approval of the Bar Association as a means of expanding the concept of legal aid and setting up an independent authority

which will eventually have responsibility for the expansion of legal aid in Barbados.

That Mr. Speaker, is roughly the background to this legislation. I should let the House know that at present from the existing scheme, the following persons have been granted assistance for legal aid during the last few years. In 1976 there were 80 persons. In 1977 there were 22. In 1978 there were 23. In 1979 there were 30. In 1980 there were 70 and the amount of money spent in those years was \$4,385; \$3,930; \$4,135; \$3,425 and \$3,245.

What I want to comment on here is that those low numbers bear testimony to the fact that the scheme is very limited. It is not that there are not many more cases of need, but because of the limited categories under which legal aid can be given, the people who are in need have not been successful in obtaining assistance and in none of the years of which I spoke has the full amount voted by this House been spent.

The other thing I wish to speak on, Mr. Speaker, is that the fees paid to the lawyers who appear have not been revised since 1969 and I believe that there are in need of revision. Indeed, it is possibly almost two years now that I invited the Bar Association to submit to me their estimate of what they considered should be a proper increase in the fees paid for legal aid, and I am still awaiting their letter on this matter.

I would like, however, despite the fact that I have had to advert to some aspects of the project which did not meet with the full support of the Bar Association to underscore to this House that there have been individual members of the Bar who have rendered outstanding service in giving legal aid on their own accord to many litigants whose cases would have gone unassisted were it not for this assistance of members of the Bar and, certainly, as a lawyer myself, I am very indebted to them for this support.

I myself when I was practising at the Bar almost made a point of spending some of my time in assisting people freely and I always appreciate those members of the Bar, both senior and junior members, who have also given their assistance.

Let me say also that the new President of the Bar, Mr. Elliott Mottley, has shown an increasing interest in cooperating at this level and has himself been particularly interested in the expansion of this project.

I should underscore to the House that because of lack of funds the Government cannot set up a comprehensive Legal Aid Scheme at this time to cover all aspects of human life which would call for legal assistance. We have therefore had to bring a Bill which has in it the potential for such a comprehensive expansion but which,

at the same time, would look at those areas most in need of assistance and you will have noticed therefore, Mr. Speaker, in Part II of the First Schedule to this Bill, that we intend to expand the Legal Aid Scheme to the area of Family Law in maintenance proceedings and in other matters, to all matters affecting minors, that is, people under 18 to matters affecting tenants and tenancies, landlord and tenant matters and matters affecting the plantation tenancies in particular to applications under Section 24 of the Constitution.

Mr. Speaker, these applications deal with fundamental human rights. Where a person alleges that his fundamental human rights have been abused either by the State or by any other person and that person cannot undertake his or her own defence or prosecution of the case, the Scheme will now come to his or her assistance.

Finally, the Scheme will be extended as well to another area of the liberty of the subject and that is application for a writ of *habeas corpus* and I think it is important that this should be done because we would not need the subject at any time for his liberty to be curtailed without his being able to challenge the executive in this sphere.

Mr. Speaker, parenthetically I take the opportunity to explain, I hope not for the benefit of any members of this House but for people who are lacking in knowledge like a former member of this House, Mr. Cameron Tudor that the reason an Attorney General goes down on a *habeas corpus* proceeding is that in effect the liberty of the subject goes to the Court and it is important where the executive action is being challenged or it is being alleged that executive action of the State, like in the Biggs case, the Chief Immigration Officer is holding some one incarcerated in the prison, it is the proper practice, in Britain and elsewhere, for the Attorney General to turn up and do the case, not because he is intervening, but because he has a sense of his duty and decency, something that Mr. Cameron Tudor is obviously lacking in when he writes the nonsense I see him pouring out in the Press for short-term political purposes.

I am sorry that I have to take the opportunity sometimes to teach people who should know better, who have gone through the corridors of this House, and who has been a Deputy Prime Minister, the basic thing that he ought to have an understanding in. His inefficiency in the Ministry of Education apparently never gave him the opportunity to learn something like this so I have taken the opportunity to let him know that there are reasons why the liberty of the subject is so important that an Attorney General has a duty to the Court and a duty to the country to be there in case the person is being unfairly held, not merely to put forward the case of the executive but if necessary before the Court to put forward the case of that person and it is time that he

tries to write sense and tries not to talk nonsense in areas in which he has no understanding.

Our commitment to the liberty of the subject and the fundamental right is so strong that the Government consider it right that those persons who may not be able to deal with themselves to defend their own liberty to make the means available to them to have legal aid and legal assistance.

2.55 p.m.

That is the purpose of the Schedule. The other parts of the Bill that I should highlight for Honourable Members is that the Commission will be independent of Government influence both in appointment and of the members on the Commission, the composition of the Commission and the manner in which the Commission is expected to function. The Commission will consist of two members appointed by the Chief Justice on the nomination of the Council of the Bar Association, another member appointed by the Chief Justice on the nomination of the Dean of the Faculty of Law of the University of the West Indies, two members appointed by the Chief Justice in his absolute discretion, one member selected from among the public and selected by the Minister the Attorney General, the Solicitor General *ex officio* or his nominee and the person holding the office of Director of Community Legal Services. It was felt, Mr. Speaker, that the public should be represented on such a body and that the constitution of the Commission in relation to its membership has met with the full approval of the Judiciary as well as of the Bar Association.

The other point I should like to emphasise, Mr. Speaker is that it is intended in setting up this system of legal aid to make full use of the University of the West Indies and the students who are going through a course or Legal Training at the University of the West Indies, as well as at the Council of Legal Education, or the Law Schools in Trinidad and Jamaica and hence, you would see that they are now allowed to render some legal services under of course, the supervision of an Attorney-at-Law, but clinical education of this nature is a very vital part of legal education, just as a young, trainee potential medical practitioner is allowed to perform minor operations and to do clinical work under the supervision of a qualified medical practitioner so too in future a legal trainee would be permitted to do some clinical legal work under the supervision of an Attorney-at-Law. I think that this will go towards improving the quality and standards of young Attorneys-at-Law who we are turning out from our University and Law Schools and at the same time, it should go to sensitise the future Attorneys-at-Law about the needs of the poor because sometimes we go through a career of Law without recognising the needs of the poor and the Law as it affects poverty and I believe that to this extent, we

would eventually be able to widen the areas where Law is used as a catalyst towards economic and social development in our community.

These features of the Bill which is now before the Honourable House having passed the Honourable Senate are to be strongly commended, they are innovative, they are new, they are reformatory and I believe that they are properly conceived in the context of the changing social patterns and structure in our community. I anticipate, Mr. Speaker, that we will continue to operate this scheme in the initial year at the level of about \$60 000, but it is expected that now that the independent Commission is being set up, such a Commission would be able to get funding from overseas sources. I spoke earlier of the Inter-American Legal Foundation. In 1977, had we managed to reach agreement with the Bar, on this matter, we would have been provided with funding of the level of \$250 000 for a period of three years with a possibility of a renewal for another two and in my view that would have been in excess of or about BDS\$1.25 million. Had that come about, legal aid would have been expanded and I am sure, Mr. Speaker, many a litigant would already have benefitted from the provisions of the funds of the Inter-American Foundation. The Foundation has continued to express an interest in seeing such a project developed in Barbados, particularly, if it is geared towards the system in the maintenance of human rights and the liberty of the subject towards helping the genuine poor in our community who cannot afford to pay for legal services in circumstances such as I have outlined in this debate.

With those words, therefore, Mr. Speaker, I beg to move that this Bill be now read a second time.

Hon. L. B. BRATHWAITE: I beg to second that.

Mr. SPEAKER: The question is that this Bill be now read a second time.

Dr. R. L. CHELTENHAM: Mr. Speaker, Sir, I am happy to welcome this Bill which is before this Honourable Chamber. For a long time, we, members of the Bar have been complaining that the notion, the theory of equality before the Law will only exist as a bare skeleton and will not be given flesh and blood in any vigorous and dynamic sense until the Law is acceptable to a large number of people on easy terms through legal aid. It is for that reason, Sir, that we as lawyers have a basic and fundamental interest in seeing the rule of Law strengthened through giving body and meaning to equality of the Law which is the premise on which our whole legal system and indeed our Constitution is structured.

We who live in these plantation societies for the most part can testify to the fact that widespread inequality exists in these societies. We are equal in the

eyes of the Maker, we are equal before the eyes of the Law, but, in truth and in fact, there are large differentials in means, in aptitudes and abilities and in the area of access to medical care and access to health care, these societies, and also access to legal services, these societies have been very unequal indeed, the widespread inequality in these societies. We feel that the Rule of Law can only be strengthened and the notion of equality before the Law given full meaning when in truth and in fact, a large number of people have easy access to legal services such as would be provided by this Legal Aid Bill now before the Honourable House.

I hope that all members of the legal profession, Mr. Speaker young and old will appreciate that they have a basic responsibility to strengthen the Rule of Law through the full functioning of this system and therefore make themselves available for service under the legal aid pattern. Apart from the fact, Mr. Speaker that only a restricted number of offences in the past attracted legal aid, murder, treason, manslaughter, infanticide, concealment of birth and rape. That is one partial explanation why less than \$3 000 per year was spent on legal aid. It is also a fact, Mr. Speaker that the poorest litigants in our community often regard the service as cheap in value and to that extent they never felt that they were getting the best value taking advantage of the Government's legal aid system. A poor man would prefer to strike a deal with lawyer, if indeed he could pay him like a coolie man and get the service of one whom he considers to be a top lawyer rather than make use of the Government's legal aid system. That is because of the fact, that to some extent a number of senior lawyers in this country have within recent years not made themselves available for legal aid services. In addition to that, Mr. Speaker, I have known of a tendency that has grown up, whereby some members, lawyers that is, whose names are on the panel would at times get a Clerk in the Registry to show them the file first to ensure that there is a viable defence before they undertake the representation through some apparent fear of losing the case.

3.05 p.m.

I think, Mr. Speaker, that we have got to recognise our responsibility as lawyers. If you are determined to help in this regard to strengthen the rule of law to give extended and added meaning to the notion of equality before the law, that we as lawyers have to accept whatever assignment comes our way, once we volunteer to serve under legal aid, and I would hope that this notion of picking and choosing, or making excuses on the flimsiest grounds rather than taking a case because it comes under legal aid, via the legal aid route, Sir, will be a thing of the past.

My plea at this point, Sir, is that all of us as lawyers should express our commitment to the rule of law and our interest in giving meaning to the notion of equality

before the law by serving, and serving to the best of our ability. I can understand that there may be occasions where because one is overworked, or one has to travel, that one may not be able to take a case, but except for rare circumstances which would provide a good excuse, I think that all of us, seniors and juniors, at the Bar should make ourselves available to participate in the scheme.

I appreciate, Mr. Speaker, that the Government cannot cover all possible situations in terms of legal aid, it cannot cover all offences, cannot cover every category or every class of dispute that is likely to appear before the court, but I still consider that the scheduled offences in relation to the criminal law are still too narrow. Take infanticide and concealment of birth, two of the five scheduled offences which have been there for a long time. I think the record will reveal that in the last ten years, for example, there have been no more than five of these offences. The learned Attorney General corrects me by saying probably three. I myself have taken part in one case of concealment of birth in ten active years at the criminal Bar, and that goes to show, Mr. Speaker, how rare is that offence. On the other hand, I feel that the liberty of the subject is so important that even though a man charged with, let us say, arson or breaking into a dwelling house, might be charged as the result of his own mischief and wrongdoing, to the extent that the offence is likely to attract a sentence well beyond two years, that whenever a sentence of beyond two years is involved, regardless of the nature of the offence, that legal aid should be available.

Way back in 1962, Mr. Speaker, the Lord Chief Justice of England in a circular sent to all the members of the legal profession, and indeed to the members of the public, said that it was his view that the rights of persons appearing before the court are not protected unless they are represented. I feel particularly strong about that, Sir, I endorse those sentiments, I adopt them virtually as my own, and I make the point that whenever a sentence of more than two years is involved that one should have the right to representation. I have been grieved on more than one occasion to walk into the court and see the court about to sentence even to five years imprisonment, I have even seen sentences of ten years imprisonment, and those persons were sitting there unprotected and helpless in the face of a denial and a deprivation of their liberty for what may turn out to be upwards of one-sixth of their life. To sentence a man to ten years imprisonment without representation is in effect to take away one-sixth or one-seventh of his life, and I feel that no man should be subjected or exposed to the likelihood of his losing one-tenth of his life or one-sixth of his life in prison, in incarceration, because he did not have legal representation.

I think the situation in England is now that all offences which attract more than one year's sentence in

turn attract legal aid. I think that that is the position in England. Although I am not suggesting that ours is an economy that is today so strong that we can afford to cover all, to cover each and every class of case that may attract the attention of the court, I feel that any offence that is likely to attract more than two years' sentence in Barbados should in turn attract legal aid.

On the civil side, Mr. Speaker, I think the point ought to be made that the problems of poor people are no less complex, no less intellectually demanding than the problems of the rich or *vice versa*. The rich may be better off and may bring cases involving points of company law and taxation, but the poor will bring cases involving landlord and tenant relations, employer and employee relations, cases involving hire purchase that will be no less intellectually stimulating or demanding than a problem brought by a well-to-do client, and in the area of the civil law I would like myself to appeal to the learned Attorney General to see if at a soon date we will not be able to extend the class of case that will attract legal aid. I am thinking in particular, notwithstanding the laudible initiative of the Barbados Workers' Union in providing legal aid in some employer-employee disputes through their legal adviser, I would like to think that matters involving dismissal, matters involving applications for severance pay — and this Severance Pay Act is a convoluted and complicated piece of legislation which has proved to be a mine field for many an experienced lawyer — I feel that these are two areas that should attract legal aid. I also feel that some areas of hire purchase should also attract legal aid.

An amendment was made to the present legislation, the legislation currently on the Statute Book, a few years ago whereby presiding Magistrates or Judges, if they thought the matter was one of sufficient complexity, could recommend or could direct that the litigant before them be given legal aid. In truth and in fact this has been a provision very little used, because in my experience quite often the Magistrate had no understanding, and indeed could not have, of what would unfold, of what circumstances would unfold in a case until he was at the end of the case. It is very rarely that before a case is heard before you you know the complexity of the matter, because as soon as the litigant appears you as the Magistrate can say that you feel it is going to be a very involved case, involving difficult points of law and direct that legal aid be offered. Quite often the Magistrate only knows at the end, let us say, of a preliminary, after the case is completed before him that in truth and in fact it is likely to be a complicated case, and that provision has turned out to be very ill-effective indeed. I can think of very few instances in which Presiding Officers have given adjournments in the midst of cases, or at the outset of a case and anticipated, because of anything that he might have heard that the case is likely to be so involved and complicated as to be one that ought to attract legal aid.

3.15 p.m.

The provision relating to the use of law students in the system is very much to be welcomed. I think it is right to offer them an opportunity not only to read of cases with fictitious clients, the John Does, but also to see at an early stage in their legal training actual flesh and blood clients. It is one thing to read of situations in the law books, it is another to be confronted with a human being like yourself who has a real problem, what I call a flesh and blood client who is describing to you the particular dilemma in which he finds himself. But on the other hand, I think if a bit too many law students as opposed to practitioners are seen to be carrying the load rather than the practitioners themselves, that the scheme is likely to attract a certain amount of discredit. That is why it is important for the practitioners themselves to be involved in large numbers.

No provision has been made in the Act, no scale of fees has been set out, but I am assured by the Learned Attorney General that the scale of fees by way of remuneration for the attorneys will be set out in a tariff. I hope that an acceptable mean is struck between what I considered — and I saw the view of the Bar Association about a year and a half ago and I think that the fees that they are all asking for in some instances were arguably too large, but on the other hand there can be no doubt that the existing fees, Mr. Speaker, are far too inadequate, too low. If I may just illustrate, the maximum that one can get now for a murder case would be 100 guineas which assuming the pound to be less than \$4.80 would be less than \$504, and if that murder case were to last three weeks or to raise multiple issues of the utmost complexity, the maximum that you can get for a murder case under the present legal aid system would be, assuming \$4.80 is the exchange for the pound, would be \$504, and for that it would have to last over five days because you start at \$100 for the first day and every succeeding day thereafter \$50 to a maximum of \$504; and I cannot tell you, Mr. Speaker, the number of murder cases that I have done in my time for \$150 or \$200 ending in two days. That is a reality and clearly that is too inadequate.

On the other hand, I think that we have got to understand and appreciate as lawyers that we are making a contribution and that we should not necessarily ask for \$3,000 or \$4,000 as the minimum, because the Treasury may not be able to bear that sort of load. That is why I express the hope that some accommodation can be reached between the upper limits of what we are asking for and the very depressed position which I believe is still the Government's offer at this point.

One final point before I conclude. I am not too sure that any expressed provision has been made in the Act for a proper system of data collection with respect to legal aid cases. There is provision that our report be filed which may not be the same thing as a proper

system of data collection and analysis, but this system if properly administered and if a proper system of data collection and data analysis is carried out can result in a few years in our having a much clearer understanding of how the law affects poor people and the workings of the law in relation to the poor of our community.

This Bill is very much to be welcomed. It is an important piece of social legislation notwithstanding the limitations to which I have referred, which I have no doubt will add meaning to the notion of equality in our society. It will give it added meaning, added life and for this reason I am happy to associate myself with its passing.

Mr. SIMMONS: Mr. Speaker, I want to make a small contribution on this Bill. I think Mr. Speaker, that the time is ripe when lawyers should see themselves as providers of a social service. I made that point of my introduction to the Bar of Barbados in June, 1970, and I have held to that view throughout the eleven years of practice in Barbados. It was to some extent conditioned, Mr. Speaker, on my experience at my University in England, the London School of Economics and Political Science, and I am grateful that the Attorney General has seen it fit to include in this Bill a provision which gives university students an opportunity to participate in the dissemination of legal advice to persons who cannot afford to pay for it.

Now at the London School of Economics, we had a thing known as the Poor Man Lawyers' Society and second year and third year degree students were assigned under the supervision of one of the Professors or readers, I cannot remember if we went as low down as ordinary lecturers or senior lecturers, but certainly readers and professors were assigned to an area in North London where we met, if I remember correctly, on Thursday nights, and we met with persons from the Bar who had legal problems and were asked to give on the spot advice and sometimes you had to go and research the matter and give written advice. Now it was a good training for ultimate practice for those of us who went into practice later on, even for those who did not go into practice but went into the academic world, you got some basic training in the preparation of legal opinions and legal writing and I believe I have read if not a criticism a cautionary note about the use of university students in this programme.

I would disagree with those who are agitating not using university students. The professional Bar I do not believe would be able to carry the full load and burden of providing legal services under the Commission set up by this Bill. Even if they could, there could be no harm in getting assistance through the use of university personnel in the provision of legal services. I think most busy practitioners would have one general complaint, and

that is that with the amount of legislation that has come down in the last five years, the legal appetite is now suffering from indigestion. It is virtually impossible and it is not at all easy for those who double law with politics to keep abreast, know, understand and remember as you are required to do in law all of the legislation that has come down whether in the form of amending legislation or actual innovative legislation.

5.25 p.m.

Then you have to read reports. Most of us get the reports from England every week, and you have to read the cases in there or you should read them but one finds that 24 hours in a day is too short with all the other exigencies of business, to cope with the mass of literature and learning that is constantly being put out locally and from overseas sources.

Now, if there is one advantage that University students and University personnel have is that they are able to keep abreast if only for exam purposes, to keep abreast of the latest position on a particular legal problem and there can be no harm in attracting to the system set up by the Bill, persons who are keeping abreast and up-to-date with the latest legal learning on particular topics.

As the hon. member for Christ Church East said, Sir, there is a world of difference between the academic world of law and the professional practical work and it is as well that university students of a certain maturity and I do not mean in terms of their age but in terms of their period of study. I would say persons who are in the final year or perhaps second and final year, they should be the ones drafted on to the system but not a first-year student who is now barely learning the rudiments. Second and third-year students, I believe, are better able to offer sounder advice and to be more familiar with the nuances of the particular topic.

Mr. Speaker, I think that the Bill needs to be seen also in a wider context. This Government has done many things since it has been in power for the benefit and ultimate enhancement of the quality of life for the people in Barbados. This is a piece of legislation of great social significance. In its underlying philosophy must mean, Mr. Speaker, that as far as possible people who do not have the financial wherewithal to pursue their legal right now have the chance to get some measure of equality before the law.

It is going to promote the system of the rule of law which obtains in all jurisdictions. It is going to give once again those persons in our society who are worse off and less able to fend for themselves, the opportunity to have a service that is available, it is true on the payment of a fee, to persons better off than they and yet for all of that there will still be talk of this Party and this Government

being a middle-class elitish Government only interested in the big people and the white people and the merchants and all of that.

The time is not too far distant when some of us will be able to explain to the masses across this country, not only the philosophy of this Party but also the way in which this Party has been able to make that philosophy have meaning and life for the average person in this community and this is but one example of the manner in which the Government has shown its social conscience in respect of those in our community who are not well off.

Now, I have made a practice, Mr. Speaker, ever since 1970 of offering my name every year as a person willing to contribute to the present legal aid system. I do not believe I have been offered a case. You see, I might not be a good lawyer, so that is probably why they do not offer me but I have not been offered a case on legal aid since about 1973, Sir, and every year I put up my name.

I have never gone and checked the files to see whether the case is a winner or loser because I do not do law in that way. There are some people who see representation in that light, winning or losing. I have a different standpoint and it is, Sir, that there are two sides to a case, plaintiff and defendant or Crown and accused and one has got to succeed in the claim or whatever and one had got to fail. Both cannot win so lawyers must see themselves as providing services of representation rather than winning or losing a case.

You cannot think in terms of winning or losing because the lawyer does not make the decision. The decision whether you "win" or "lose" is made by the Judge or Jury. You are only there to put the facts and the Law as instructed from your particular side and I think if lawyers would approach their work more on the basis of representing and articulating a problem for clients on the basis of certain skills they have acquired rather than on winning and losing, many more people who are eligible for legal aid (ASIDES) I do not know about obeah, Sir. I only read to the Court what was on the deposition. Mr. Went and a member of the Opposition can tell you about obeah, Sir. But Mr. Speaker, Sir, the present system of assigning legal aid work to lawyers I do not believe has been done on any organized basis. There was a time when you used to see the same set of lawyers coming up all the time doing legal aid work.

There are persons who have more experience than others, place their names on the panel and who never get called. I said that I have only refused one case in my life at Sessions and that was because it was a victim of rape and I know the victim of rape and she had

discussed the matter with me and then I found that I was assigned to represent the accused. Well, no way the ethics of the profession would allow me to function with such a conflict of interest.

If this Bill and the Commission set up under it, if the Commission will now be able to disseminate work on a more systematic and organized basis, and that undue burdens will not be placed on a few lawyers but there will be a fair spread of work among the legal profession, I think, Sir, that there is much that will inure to the benefit of the poor people in this country. I am particularly happy for the provision in the Bill for assistance in respect of maintenance matters and I hope that that includes affiliation matters, Sir.

3.35 p.m.

I hope that that includes affiliation matters, tenancies, tenants, landlord and tenants problems and so on. I will tell you why, Sir. Many an unmarried mother has lost a case before a magistrate sitting in a domestic jurisdiction in a court in this island not only one court, all over the island in every court because the mother has gone to the Social Welfare Department. The social Welfare Department has a number of standard forms of complaint, which they fill in the blank spaces for the unmarried mother who then lodges it with the court. At the time it used to be twenty-five cents, it must have gone up since the Budget. It used to be twenty-five cents, for twenty-five cents so she brings a case against a person who is assumed to be the father. The case is properly lodged and made out. When she reaches the court, she attempts to give evidence she does not know that she has certain legal requirements to satisfy by the adduction of evidence. She does not know that she need to have that evidence corroborated by another witness. After she has given her evidence, the magistrate asks her, "Do you have a witness?" "No Sir." The case is automatically dismissed, it must be dismissed for lack of corroboration.

Now, there are hundreds of people in this country who suffer because they are not familiar with the legal requirements and attempt to do cases on their own and the Law has certain rules which the presiding officer, the magistrate can only follow. If you do not provide corroborative evidence, the case goes through the eddoes. Now, if this Bill — it does not specifically refer to affiliation proceedings — the Honourable Attorney General has indicated to me by the nod of a head that affiliation matters are included. If that is so, Sir, I believe that a great benefit would be brought to unmarried mothers in this country many of whom have justifiable claims against men who have got them pregnant and did not accept their responsibilities in respect of the children born. I hope that they will now be getting legal assistance, so that the cases will not be dismissed for want of corroboration, or by reason of some legal technicality.

I am grateful, Sir, that the Bill is as comprehensive as it is and particularly requires that the Commission lays a Report to both Honourable Houses of Parliament, a report and statement of accounts as it were and whoever assumes the responsibility for the Director of the Commission, I think there is a Director to be appointed, the Director of Community Legal Services, I take this provision very seriously and have laid in Parliament, as soon as his financial year is ended a report and statement of accounts for the preceding year so that Honourable Members will have a chance to assess whether the system is working well, or otherwise.

I am satisfied, Mr. Speaker, with most of what I see in the Bill. I share, my colleague's, the Honourable Member for Christ Church East concern that perhaps the scope of legal aid should be widened to include persons committing offences where a penalty of two years imprisonment or more is likely to be visited upon them. I think that this is a good first start and as we progress as a country and as there is more money in the Treasury, or as we receive grants and aid from overseas organisations, perhaps the scheme or the provisions of the First Schedule could be widened to give this a more all embracing jurisdiction.

Mr. Speaker, the question of fees does not bother me. The fees under the current Act, Cap. 139 are out of tune with today's inflationary situation, but I have no doubt that in the tariff that is to be set up the Commission will take account of today's prices not in the private sector of the Bar, Sir, at least in the upper echelons of the private sector like the Honourable Member for Christ Church East and others, the fellows who charge big fees, but they would take account of paying a reasonable fee while at the same time making it clear that what is being provided is a service to unfortunate brethren. So that, tinged with that philosophy or from that attitudinal premise, one would expect the fees to be enough to cover gas, Sir.

Mr. Speaker, I trust that the response from members of the Bar and the profession as a whole because we tend to speak only as advocates, but there is a lot of work to be done in the area of non contentious work, or in the area of land Law, where solicitors have a particular interest and in many cases, a great expertise and I hope that members of the profession who were trained as solicitors will also come forward and lend their support.

Mr. Speaker this is a very worthwhile piece of legislation and I endorse the comments made by the Honourable Member for Christ Church East and I wish to pledge my own support for the system when it is fully operational, indeed, as I have done in the past. I think that it is also fair, Sir, before I sit down to pay tribute to the Honourable Attorney General. Now, even Mr. Cameron Tudor on Wednesday could not resist

firing some hot shots at the Honourable Attorney General and the Honourable Attorney General has been a beating stick for all and sundry from the Rt. Hon. Leader of the Opposition and even Eric Flies, from, I was almost going to say from the sublime to the ridiculous. I am certain about the ridiculous, but I am not certain if I should speak of sublimity in relation to the Rt. Hon. Leader of the Opposition, but what cannot be gainsaid Sir and indeed what must be said is that there has not been, since this country has been an independent nation, there has not been an Attorney General who has produced more legislation of far reaching consequences of great significance than the current holder of that office, the Honourable Member for Christ Church West. There has not been any Attorney General since independence who had the depth of knowledge and learning and who had the skills acquired through many years of successful practise at the Bar of Barbados than the present holder of the office.

3.45 p.m.

There has not been an Attorney General who has shown a great concern in the provision of legislation to ameliorate the plight of the poorest classes in this society than the present Attorney General, and I compliment the Attorney General, and indeed the Cabinet, for the type of legislation that they have consistently brought before the House all in the interest of the upliftment of the vast mass of people in this country.

There will be many occasions that I will find myself in Christ Church West later on this year. The Attorney General does not need any help, but whether he needs it or not I will go, Sir, and I will lay bare in greater detail then, because I am sure he does not need any help. As I understand it, his opponent is a person who sells insurance cover, and I drive through the constituency of Christ Church West sometimes to and from the Garrison Savannah and I ask of the constituents how the A.G. is going, they tell me that they are running an insurance man up there but they say there are already covered, they do not want any insurance up there.

Mr. SPEAKER: Is that legal aid?

Mr. SIMMONS: Legal aid, Sir. You may even be able to get legal aid if you have a problem with an insurance company that is giving difficulty in settling the claim of a person who has been knocked down. The poor person may now be able to get legal aid for that, Sir.

All I want to say, Mr. Speaker, is that we have had many changes in the legislation of this country in the last five years, and when somebody recently went into a shop in St. Philip and asked about change, if they could get some change from a dollar bill, the proprietor of the shop said "Change? We do not know anything about any change in

St. Philip North, Simmons again. We do not deal with change up here."

Mr. Speaker, I have ended on a note of some levity and purely political. I beg to lend my support to this legislation and I look forward to participating in the operation of the system in the months to come. I am obliged to Your Honour.

Hon. H. deB. FORDE: Mr. Speaker, I am much indebted to the two hon. members who have spoken and for the encomiums which have been heaped on the heads of the Government, the Cabinet and myself. We have really sought to bring forward legislation expected of us and expected of this great party of which we are all members. Obviously, in the democratic socialist position of the Barbados Labour Party, we consider this type of Bill another of the democratic social measures so necessary, as the hon. member for Christ Church East has said, to maintain the rule of law and to safeguard the wide interests of the mass of people.

Mr. Speaker, I am deeply aware of the interest which both hon. members who have spoken have shown in the subject of legal aid, and indeed in the contribution which they themselves have individually made in practising at the Bar. I know, for instance, that the hon. member for Christ Church East, today along with Mr. Elliot Mottley, probably does the most of the major and more important law cases in the criminal law particularly in this country, and at times gives long and arduous service to the people who may be charged before the courts.

I regret too at this stage that we cannot expand the scheme a little wider to include every serious offence attracting sentence of perhaps, I would say, five years or more. Unfortunately, Mr. Speaker, the cost of such a project at the moment would be somewhere between \$1.5 to \$2 million and that is one of the reasons why we are going at the scheme with a degree of caution which may be necessary at this time, but I am sure that within a few months of its operation the Commission will give early consideration to making recommendations for the amendment of the First Schedule, and particularly in the light of some of the comments which the hon. member for Christ Church East has made concerning the fact that in relation to offences such as infanticide and concealment of birth, there are very few cases coming before the court demanding legal aid, and I shall as soon as possible, I hope within a matter of weeks and certainly not more than a matter of months, have the Bill proclaimed and a tariff of fees agreed upon.

I said in the opening that we are anxious to agree on a tariff, a scale of fees with the practitioners that will reflect present day circumstances more than the existing fees do. I can assure the hon. member that the

Commission will be asked very early to look at the question of the scale of fees, and indeed this scale can only be fixed after consultation with the Bar Association. I am hopeful that an agreement will be reached on that matter.

Once again let me thank the hon. members who have spoken. I have much pleasure in moving that this measure, one promised in the Manifesto of the Great Combination, the Barbados Labour Party, be now read a second time.

Hon. L. S. CRAIG: I beg to second that.

The question was put and resolved in the affirmative without division.

On the motion of Hon. H. deB. FORDE, seconded by Hon. L. S. CRAIG, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

Hon. H. deB. FORDE: Mr. Chairman, I am going to ask, with the House's leave, to deal with this Bill in Parts.

Mr. CHAIRMAN: If there is no objection from the Opposition, we will deal with it in Parts.

Clauses 1 to 3 inclusive were called and passed.
3.55 p.m.

Parts I, II, III and IV were called and passed.

The First Schedule was called and passed.

The Second Schedule was called.

Hon. H. deB. FORDE: Mr. Chairman, I beg to move that the Schedule as amended by the Senate be accepted and be the Second Schedule.

Hon. L. S. CRAIG: I beg to second that.

The question was put and resolved in the affirmative without division.

On motion of Hon. H. deB. FORDE seconded by Dr. CHELTENHAM, Mr. CHAIRMAN reported the passing of one Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. H. deB. FORDE seconded by Dr. CHELTENHAM, the Bill was read a third time and passed.

THE CHILD CARE BOARD ACT, 1981

Mr. SPEAKER: Order No. 2 stands in the name of the Hon. Attorney General, to move the second reading of a Bill to make better provision for the care and protection of children.

Hon. H. deB. FORDE: Mr. Speaker, this Bill repeals and re-enacts the Child Care Board Act and the opportunity has been taken in re-enacting this legislation to update it in order to expand the functions of the Child Care Board and to give the Board further powers, duties and responsibilities.

Sir, I think no one can gainsay that our children are probably the richest part of this country's present and future resources, because in the long run it is by dint of the initiative and the foresight of our people as well as by the productivity that this country can continue to prosper, and therefore it is important that we should place the maximum amount of attention and concentration on the care, guidance and upkeep of our children.

The Child Care Board has performed an outstanding service in the areas within which it has operated to date and indeed because of its outstanding record both as a Board and through the initiative and the hardwork of the principal Child Care Officer and her other co-employee officers, we have seen the care of children abandoned and in need of protection improve over a period of time. But we have also in the process seen that there are still some delinquent parents and some people who are prepared to abuse the young children within their care or under their custody. From time to time the State has not only had to offer advice, succour and guidance, but has also had to offer protection as well to young children.

The Government intends to expand the range of services now available under the Child Care Board and in particular to expand these services to cover foster care, because the Government believes that institutional care on a wide and broad scale, although being in some respects beneficial, also has within it the potential of ensuring that children do not often reach the maximum of their own ability, and we have also found that it is probably better to have children living in conditions which are more akin to that of a family home and family environment than in a big institutional environment where they feel that they are not of the same kind, class or even humanity as their more fortunate brethren, and hence one of the innovations in this new legislation is to provide for a system of foster care where foster parents will be encouraged to look after the care and protection of children and to help the Child Care Board in operating a system that we hope will benefit children.

In fact, Mr. Speaker, we are moving to a system where the Child Care Board will be a genuine Children's Authority as called for at paragraphs 306 and 307 of the Carol Field Report which was laid in this House not so long ago, but which was handed in to the then Government as long ago as 1968. In 1976 soon after I became Attorney General I appointed a Family Law Committee to review the Carol Field Report and to plot a plan of action which would lead to the early establishment of a Children's Authority. The present Minister, when he became Minister of Community Services, took urgent steps to expand the realm of fostering services in addition to other areas in which the Child Care Board should operate. For instance, Mr. Speaker, it is intended under this new legislation that in certain circumstances the Child Care Board as the Children's Authority will be asked to assume parental rights over children who have come into the care and protection of the Board in certain circumstances, for instance, where the parent has abandoned the child or where the parent suffers from some permanent disability rendering the parent incapable of caring for the child or where the parent suffers from a mental disorder which renders him unfit to have care of the child.

4.05 p.m.

Once again this gives some reality to a recommendation of the Field's Committee where I believe it is at paragraph 96, The Committee said this:—

"The point that we feel should be emphasised is that if a child or young person has been found in need of care, protection or control and the situation is so bad that he has to be taken into care, then it is imperative, in our opinion, that the law should ensure his future security. There is no logic in authority taking a child into care only to have no legal right to place, supervise and keep a child in its care according to its best interest as seen by that authority. At present a parent can remove a child from a place of safety at anytime."

We have expanded, therefore, the powers of the Board. The Board will become a genuine Independent Statutory Authority with its own finances, its own independent staff appointed by the Board except for a limited number of circumstances prior to approval of the Minister where the salary of a certain level is being paid in respect of the post.

It is intended, Mr. Speaker, that the existing staff from the present Board will, of course, will be employed by the successive Board and it is intended that the terms and conditions of service of those members of the Public Service who now serve with the Board will be preserved and in due course we will be bringing before the House a separate Bill dealing with the suspensions and disciplinary rights and obligations of all persons who are employed by

Statutory Boards such as the Child Care Board. We will seek in that Bill to ensure that none of their existing conditions of service will be changed to their detriment.

It is in that light that I have much pleasure in moving that this Bill be now read a second time. It is a companion Bill to the one we will be discussing shortly on the Prevention of Cruelty to Children but with the powers of the Board strengthened, the Board should be able to deal with child abuse, a growing phenomenon in this country unfortunately and one which the Government is anxious to be stamped out and I am sure one with which any right thinking person would wish to see stamped out.

I would like to take the opportunity to commend the Minister of Labour and Community Services who have shown a complete understanding of community services seeing social development as part of the total economic, political, historical and social development of the country and not thinking of services such as these in isolation as a poor law service or indeed as "Welfare Services".

He has had a wider vision of the role which Community Services could play in this community and he has considered the Child Care Board as an important vehicle for giving effect to some of the objectives and aims which he has for the service.

I think we should also place on record the outstanding work done not only by the serving and past members of the Board, Mr. Speaker, but as well of the numerous Committees who looked after the Day Care Centres voluntarily without any sort of reward who gave of their time, service, money and effort to making the life happier for the young children of our country.

I should wish, on behalf of the Government, to say that the Government has been pleased with the manner in which the staff of the various Child Care Institutions in Barbados have responded in looking after the care and guidance of the young people who have been placed under their guardianship during the day.

In particular we should like to pay a tribute to the foresight of the present principal Child Care Officer who has worked very hard to see this new legislation came on the Statute Book and in order to ensure that the Board is the genuine, caring child authority.

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

Hon. L. S. CRAIG: I beg to second that.

The question was put and resolved in the affirmative without division and Mr. SPEAKER left the Chair and the House went into Committee of Supply on the Bill, Mr. ODLE in the Chair.

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: The House is in Committee but I do not see a quorum.

(The Bell was rung and a quorum formed.)

Clauses 1 to 4 inclusive were called and passed.

Clause 5 was called.

Hon. H. deB. FORDE: Mr. Chairman, in moving that Clause 5 stand part I beg to move the deletion of the word "adoption" as spelt in the last line in Section 1 of that Clause and the substitution of the word "Adoption" with a capital "A".

Mr. BRADSHAW: I beg to second that.

The question that the Clause as amended stand part was put and resolved in the affirmative without division.

4.15 p.m.

Clauses 6 to 11 inclusive were called and passed.

Clause 12 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, in moving that clause 12 stands part, I beg to delete in subclause (2) the third line, the words, "private child care centres" with common letters and substitute the words "Private Child Care Centres" with capital letters for the first letter of each word.

Hon. L. B. BRATHWAITE: I beg to second that.

The question that Clause 12 as amended stand part was put and resolved in the affirmative without division.

Clauses 13 to 23 inclusive were called and passed.

Clause 24 was called.

Hon. H. deB. FORDE: In moving that Clause 24 stands part, Mr. Chairman, I beg to delete the word "in" in the second line of subsection (2) of that Clause and so amended, I beg to move that Clause 24 stands part.

Hon. L. B. BRATHWAITE: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 25 was called and passed.

The Schedule was called and passed.

On the motion of Hon. H. deB. FORDE, seconded by Hon. L. B. BRATHWAITE, Mr. CHAIRMAN reported the passing of one Bill in Committee with amendments and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. H. deB. FORDE, seconded by Mr. SIMMONS, the Bill was read a third time and passed.

Mr. SPEAKER: Item Number Three.

PREVENTION OF CRUELTY TO CHILDREN

(AMENDMENT) ACT, 1981

Order Number Three was called - To move the First Reading of a Bill to amend the Prevention of Cruelty to Children Act.

Hon. H. deB. FORDE: Mr. Speaker, Sir, this is a companion to the Bill which the Honourable House has just passed and it seeks to give the Child Care Board the power under the Prevention of Cruelty to Children Act to deal with cases of abuse of children where the Board discovers such to have occurred.

I believe, Mr. Speaker that the whole Honourable House will welcome this Bill. I have not got the figures before me documenting the number of cases of cruelty to children and abuse of children, but I think that I do not overstate the case, when I say that within the last ten years, or a little bit more that the instances of child abuse have been increasing in Barbados and the nature of child abuse has varied from bare abandonment of children and ill treatment of children - I am not talking about proper correction of the child, but real ill treatment in a cruel way of children - to the case of what is downright reckless abuse.

Mr. Speaker, only last week, in dealing with the Family Law Bill, I adverted to an instance where persons have been known to have sexual intercourse with children at a very young age and in circumstances where there is a relationship between the child, a family relationship, a *de facto* relationship and this has called on many occasions not only for the foresight of the Child Care Board and the Police authorities in some instances, but also the co-operation of the medical profession and for setting up of an advice system for the offenders. At the same time, it is called for the need for the Child Care Board to have rights of a parental nature to be able to remove the child to a place of safety. Under the existing legislation, a place of safety is defined as a public

institution where there is given some form of assistance. 4.25 p.m.

We consider that this is unsatisfactory, and the new Act therefore seeks not only to give the Child Care Board the authority which was formerly exercised by the Interim Local Government Commissioner, but it seeks to redefine the place of safety to include a Child Care Centre designated by the Child Care Board, a hospital or any other institution or place designated by the Child Care Board. It means that the Board will be providing places of safety and reception centres for such children. The Board will also be able to take children who are abused out of the care and protection of their natural parents or their guardians and keep them either in the Board's own care or take them to places of safety as defined in the Act, or put them in the care of other persons who will not abuse them and who will look after them. In such circumstances the Board will be able to charge the expenses to the natural parents of the child. This would not only give us an opportunity at the same time to upkeep the child, but also to try to rehabilitate a delinquent or errant parent.

There is one section of the Bill which I am sure hon. members will welcome, and that is the section dealing with those persons who leave their children unattended. Under the new section 10A, any person having the care, custody or control of the child under 12 years of age, who leaves the child unattended for an unreasonable period of time without making reasonable provision for the supervision and safety of the child will be guilty of an offence and liable to a fine of \$1,000 or one year's imprisonment or both.

Now, Mr. Speaker, we recognise that some parents do have to go out to work together, that in fact there will be cases in which there is no longer the maternal nor paternal grandmother, or the extended family concept of a maternal aunt, uncle, grandfather or grandmother, and that is why the Government has been intent on expanding the services of the Child Care Board to look after children, and obviously we envisage that over the next few years the Government will have to continue to expand child care or day care centres, as well as at the same time to foster, improve on or encourage the development of foster care, as well as to encourage the concept of private day care centres.

Mr. Speaker, you are well aware that the Government is taking steps in the constituency of St. Peter, in Indian Ground, to ensure that that centre, which has been well looked after by private initiative, is maintained and rebuilt, because although we recognise that at present there may not be a large number of children there, we consider that the area will demand this type of service and that we should at least provide for what may happen

in the future. Let me say that the Minister has taken into account the very strong representations which you have made, Mr. Speaker, on behalf of that part of your constituency. Although you yourself cannot speak in debate, I think it is timely to say that your voice has not gone silent when it comes to providing this type and several other welfare services for the people of your own constituency, and I myself have seen those representations and am happy to say have been able to support those representations very strongly. Likewise the Government is intent on constructing in the constituency of Christ Church East a new day care centre to replace the existing Sayers Court day care centre and to expand those services.

Once again I am sure the hon. member for Christ Church East will be happy to hear that the Ministry is pressing forward with its plans in this regard, and I believe that they are actually drafting or drawing architectural drawings for this area.

The Government is also solicitous of encouraging industrial plants, where there are large numbers of workers, particularly of mothers, working day and night in our industrial factories, to have adequate day care and night care centres established near the industrial estates. The Government will give assistance wherever necessary to this development, but I believe that it should become a normal amenity of employment that employers should take into account the necessity for this type of service. In this regard, Mr. Speaker, I would like to commend the Report of the National Commission on the Status of Women who analysed these circumstances and recommended the need for day care and night care centres. I see now that the Jaycees are adopting the project of a night care centre and they are to be commended for having an interest in this project, but I think that sometimes we forget that some of the ideas have sprung from that valuable Commission set up by this Government, the National Commission on the Status of Women.

Again, Mr. Speaker, I see now that the National Organisation of Women is pleading a case for similar centres, as well as making a case out for the agricultural workers, the sugar workers, the women in agriculture, and updating their facilities, including this type of day care service near to the areas where they work, but if anybody would take the trouble to read the Report of the National Commission on the Status of Women they will see that that recommendation, that idea, that suggestion has come from that body, and I am glad that other organisations have considered the recommendation worthwhile. The Government has been working on the concept and intends to start with the Government's own estates, and indeed part of the existing sugar funds will be used for upgrading the conditions of agricultural workers on their jobs on the Government

estates, and at the same time will be used for providing this type of amenity for the children of agricultural workers.

So, Mr. Speaker, in moving the second reading of this Bill not only do I want to advert to these developments, but to say that this Bill again, like the one we have just passed, is part of the Government's total effort to reform the whole area of family law and legislation, the practices governing the family, improving facilities for the upkeep and care of children, and at the same time of course ensuring that the real equality of women takes place and upgrading the facilities for women in agriculture and in industry, and in general occupation in this country.

Mr. SIMMONS: Mr. Speaker, I rise to second this Bill. While I appreciate the effort of Government in producing this total package of family law, I must voice my criticism of certain comments made by the Attorney General just now.

I understand that Government is assisting in the provision of facilities run under the aegis of private persons or groups. I heard about private homes, private day care centres. Why I am going to be critical, Sir, I heard of a centre for St. Peter and one for Christ Church East....

4.35 p.m.

It is now more than two years since I wrote and I assisted the Rector of St. Marks Church, Father Collins, in writing to the Child Care Authority and the Ministry of Labour and Community Services for assistance to be given to St. Marks Church where the congregation by their own efforts have been able to build what we call up there a parish centre. It is a building of quite considerable size, properly constructed with basic facilities. It could only have been constructed as it has been by reason of the voluntary contributions of persons in the St. Marks congregation and even former St. Marks' and St. Catherine's worshippers who now live abroad but sent back their contributions.

The idea of the Church which was discussed with me and about which representations had been made to the Ministry of Labour and Community Services was to offer to Government the facility as it had been constructed and to request Government for some financial assistance in further developing the basic infrastructure, for example, to put in such changing rooms or toilets and baths as may have been necessary if the centre could be used for day care facilities. Those letters were written. We did receive replies from the Ministry, but the replies from the Ministry were in very negative form. The replies were asking for all kinds of statistical data when empirical evidence was clear that the persons of that area, Blades Hill, Three Houses Hill, Supers, Fortesque, St.

Marks, College Savannah, those persons had a crying need for a day care centre in that district, and the representations were made that there was this need. The bus route had been so changed as to allow for the free passage of buses in the area so that people could take their children there, put them off on mornings and go to work and come back on evenings; and I must say, Sir, that I have been distressed by the unnecessary bureaucracy that pervaded the thinking of the Ministry of Labour and the Child Care Board in this matter.

Here it is a building has been built and offered to Government as a means of assisting in the relief of day care problems; it just needed a few more things done to it which it was outside the competence of the contributors to do, and we asked for assistance and none has been forthcoming. I do not know whether they have forgotten, but on the other hand I have been pleased by Government's ready response in the same 1979 to a request I made for assistance for the Methodist Churches in St. Philip, Beulah, Ebenezer and Shrewsbury to help to preserve those buildings which have some historical and architectural significance, and we got \$20,000 for that. We also got some assistance for the Ragged Point United Club in converting a little used property near Ragged Point Lighthouse, and I cannot understand in the light of that kind of assistance how it is that Government has been so tardy in delivering help to St. Marks Church for the establishment of a day care centre. I do not believe it is too late. *(Asides)* I don't know if St. Barnabas has got any yet, Sir, but when they leave St. Barnabas I am sure that at St. Marks the congregation and the Rector would be very happy with \$15,000 or \$20,000, and we can get the thing going, and we can run it too. It will meet all the requirements of these Bills and of the Child Care Board if we can get between \$15,000 and \$20,000 to finish the job and set up the system. All the ramifications were set out in the memorandum which I sent to the Ministry supported by Father Collins, and I call on Government today to let me know whether they will re-think on the application that was sent in before for assistance, whether they will favour me on the request and how soon they can get the money, because it is a need that is crying, and here is the Church willing to lend its help to the solution of a problem, and for some reason finding barriers put in its way in the solution of the problem.

That is the only point I want to make on this and I would like to hear from the Attorney General what they intend to do about helping the St. Marks Parish Church which has erected a parish centre up there.

Mr. JOHNSON: Mr. Speaker, many children are left alone each day in Barbados because their parents do not have any day care facilities in the neighbourhood in which they live and we have had occasional news of children suffering the consequences of this situation by

playing with matches or indulging in some other activity that was detrimental to their safety. I do not believe that the parents in those cases are parents who are by definition negligent, but that practice underscores the need for the kinds of provision that this Bill seeks to make.

A great many parents, particularly mothers who would otherwise be working mothers are forced to stay at home because they do not want to take the chances that I have just described earlier. I was talking to a conductress recently who resides in my constituency, and she was making the point that when she has to work on the evening shift she leaves her two little children alone with stern instructions not to interfere with anything until she gets back, and for the duration of her shift there are two little toddlers shut up in the house, and Sir, you do not have to stretch your brain too far to imagine the kind of psychological trauma that develops after children have been left to provide for their own accommodation even before they have cleared the age of five.

I heard a great deal being said about the provision of these day care services and I heard some models being presented, but I would like to suggest, Sir, that when we are giving thought to what might represent suitable accommodation for children, that the model calling for centres at the work place do not seem to me to be anywhere near the answer.
4.45 p.m.

I would like to suggest, Sir, that when we are giving thought to what might represent suitable accommodation for children that the model calling for centres at the work place do not seem to me to be anywhere near the answer. We have already witnessed the chaos and confusion that emerges when children have to travel long distances from Pie Corner to go to school in town scrambling for places on the school buses.

Added to that scenario mothers scrambling to catch a bus with children in their arms bringing them down to Intel or some place else where they would have suitable accommodation. I am hearing the Attorney General saying that that is not the intention but I am fairly certain that what was not the intention may end up being what is the operative norm because you cannot convince me that if you have a day care centre at Cooper's in town that mothers in the country or in the outlying suburbs who cannot find accommodation in Waterford or Grazettes would not put their children on a bus and bring them to town to the day care centre and it is going to create problems.

I believe, Sir, that what we need to do is to give some consideration to the provision of day care centres in the home districts so that we have Community Centres

that would give the early childhood attention that the concept of the day care centre should encompass.

When we are speaking of day care centres, Sir, I am hoping that we are not talking of a room with a few hard chairs and a few matronly people with a switch telling children to sit down and keep quiet. What I would like to think is that we have in mind a modern concept that makes adequate provision for early childhood encounters so that children even in their very early and formative years will have exposure to controlled learning environments so that they will be able to develop what might be considered the precocious level so that they will be able, on the model of the Sesame Street concept, to begin to learn by playing. This will make an opportunity for a number of other job chances for people who are not now gainfully employed.

Sir, I hope that we also bear in mind that this will entail preparation because I see a great many people now employed in day care centres who have not really been prepared for that function. They are, in short, baby sitters and a day care service should, in my view, entail a great deal more than just sitting with children.

In the area, Sir, which I have the honour to represent, there is one Government facility that makes provision for looking after children while parents, particularly mothers, are employed and it is a great relief to me to learn that we are now going to be embarking on a programme that would greatly expand these facilities because with the large resources on tap at the moment there are mothers who because of the fact that they have children one behind the other are not able ever to be exposed to a real meaningful work experience because they spend the bulk of their early years looking after children.

If I may give another example of what I am talking about, Sir, there is a mother who has been seeking employment for a long time but she indicated to me only last week that she would have to put her six-year old to look after her two and three-year old. She has five children and she has only passed her twenties. She was wondering whether the Westbury Infant's School would be taking in children earlier than age five because if they were taking in children earlier than age five, as she had heard rumoured, she would be able to think seriously of looking for a job.

These people express in plainest terms a wish that they could have some type of service available to them so that they could go and assist in providing for their children and usually when I say assist, I could well say provided for because in a very good many of these cases some of these mothers have no assistance because the fathers are largely absent when it comes to child support.

I would like us, Sir, when we are planning these services not to be motivated by selfish considerations but that we would look at the whole community, the Barbados Community and cluster these day care centres in such a way as to be able to accommodate these people from the widest possible belt. It is not good enough, Sir, that these day care centres would be located in the Glebe, St. George and one at Charles Rowe Bridge and another in Flat Rock.

I would suggest, Sir, that we try and see if we cannot put a Centre in such a way that it would be able to serve the broadest cross-section of adjacent communities so that we would not have one area over-served and the other area largely neglected.

I would like to commend the Government on taking this important initiative. I would also like to express my view that there is a good deal of opportunity available for this provision of day care services to become viable economic propositions for a number of persons who might be minded to get involved in this activity.

One of the most lucrative forms of enterprises, I have been informed, in Barbados is the nursing home and I would think that the day care centre properly administered and properly staffed and located would also provide a meaningful economic proposition for persons who have a flair for that kind of activity.

I am aware that the Barbados Institute of Management and Productivity has provided counselling services to at least once such service running on a private basis and from all appearances, it is turning out to be a very rewarding proposition for the proprietors and it has been providing very valuable service for a number of mothers who would not otherwise have been able to get their children looked after while they are at work and I hope that this service which is located in the Bird's River area of my constituency which is catering to children coming all the way from Haynesville in St. James, just to give you an idea of how far people come to seek a service once it is obtainable. So I would like to encourage some enterprising women who are at present at home bemoaning the fact that they cannot find employment, to think seriously about the proposition of setting up a day care service.

4.55 p.m.

I would like to advise that the Barbados Institute of Management and Productivity would be in a position to provide the feasibility assistance which they may require when they are about to approach a bank. I would like further to express my deep gratitude to Government for taking this initiative to make certain that this very long overdue service has finally now begun to come to fruition and that it will now take a great deal of the

burden off our mothers who would otherwise have had to further languish in oblivion while this service was getting started.

Mr. GREAVES: Mr. Speaker, before the Honourable Attorney General replies, I would just like to make a couple of comments on this Bill and certainly, to endorse the remarks which have been made by the last speaker, the Honourable Member for St. Michael West.

The idea of the provision of day care centres in this country is something which is a national necessity in view of the high level of women who are involved in our work force. I think that is something which we all recognise and Government, any Government for that matter should make it possible to enable the work force to perform their duties as conveniently as possible.

Now, the Honourable Attorney General mentioned that one of the plans which the Government has is for the establishment of day care facilities at work places, particularly in industrial estates. I believe that this is a matter which ought to be looked at very carefully particularly in light of the kind of situation which exists in Barbados today and which was alluded to by the Honourable Member for St. Michael West. Whereas I would not want to get into any debate about the chaotic situation in the public transport system, nevertheless, it is a factor because you could imagine, Mr. Speaker, a young woman coming from St. Lucy travelling on the bus with a young child, or two young children to the place where she is working in order to get facilities for the children. This, I submit would create further pressure and could create further difficulties and would indeed make a situation which would almost become unmanageable. Therefore, I think that the idea of encouraging and certainly giving direction to the establishment for day care facilities in the home environment, the district where people live is something which must be of a high priority. I certainly do not consider that we would reach a situation so soon where we would have day care facilities in all the districts in Barbados. Certainly, in the larger districts and in areas which are on the bus routes, where it is convenient for working mothers to leave their children on their way to work and collect them on their way back, I believe that this is the kind of situation which should be encouraged. In this regard, Mr. Speaker, I would certainly like to repeat a call which I made in this Honourable Chamber for the establishment of a day care centre in a suitable and in a convenient area in the constituency which I have the honour to represent, that is the constituency of St. Lucy. I believe that it is long overdue for the establishment of such a day care centre and it is long overdue for some other facilities.

I would like, Mr. Speaker, also to endorse the comments which have been made by the Honourable Member for St. Michael West, as far as the quality of care

is concerned. The modern concept of day care and the rearing of children must go beyond the provision of just what can be considered as basic or rudimentary services. It is an established fact that children learn very quickly at an early age. It therefore means that in the establishment of our day care centres, we have to be able to devise programmes which will assist the very young, the toddlers in gaining confidence and develop their native abilities and therefore for this reason, it would seem to me that every effort should be made to raise the level of care and of course, the level of personnel involved in what would be considered as a very delicate but nevertheless important exercise in child rearing. We would not want to have people in the centres whose only force is shouting or as the Honourable Member for St. Michael West has said flogging or lashing.

We would want people who would be able from very early to instill important qualities of honesty and try to impart to the children who are under their care qualities such as co-operation, sharing and these kinds of human qualities which to some extent are missing in our society today and which one would see missing in some of our younger people. We want to encourage from very early these kinds of qualities. I believe that considerable attention has to be paid to the quality of day care which in the future and at present is going to be provided in our area.

I am sure that the Honourable Attorney General would be pleased to learn that a group of concerned citizens in my constituency have formed a non profit organisation. We have at present not been registered, but we are doing this with the purpose of establishing a community complex in St. Lucy and the idea behind it is also to provide a day care centre as part of the overall. I think that more and more persons in various communities have to demonstrate some kind of initiative in community ventures rather than waiting on the Government for everything. This does not mean, of course, that the Government should not be providing the lead in establishing and giving indeed whatever encouragement that they should give towards this kind of community effort. We would certainly, at some point in time be making the proposal to the Government for whatever assistance we can get in this particular area.

But, I would think, Mr. Speaker, as I said at the outset that this is a very important area in our national life, one for which we have to pay very close and serious attention, certainly, we, from this Side have no objection at all to the concept of the extension of the day care centres, because after all, it is not a new concept, it is a concept which had been in operation, developed and expanded under the regime of the Democratic Labour Party.

Hon. H. deB. FORDE: Mr. Speaker, if no other Honourable Member wishes to speak, I am going to reply. I must thank the three Honourable Members who have spoken for the words of commendation which they have given to the Government's action, as well as of course, for the words of caution and advice which they have given.

If I may reply very quickly to particular special interest pleas I have heard coming from various Honourable Members, I can assure the Honourable Members for St. Philip North, St. Michael West and St. Lucy that I will convey to the Honourable Minister of Labour and Community Services their particular requests for areas in their constituency to be considered for a location of expanded day care centres.

5.05 p.m.

Let me say right away in relation to the member for St. Philip North that there is precedent of the Government giving assistance to private voluntary institutions which are involved in this exercise, as indeed, Mr. Speaker, the Indian Ground day care centre is an example of a day care centre voluntarily run and organised, and I know, as I said before, the attention and assistance which you have given that body, but the Government has supported it with funds and with advice and expertise as well.

If I may take the St. Barnabas area, the Government has recently donated \$20,000 to a special Church Committee at St. Barnabas' Church to assist with the construction of a day care centre in the St. Barnabas-Wildev area, and this type of private initiative is much to be encouraged, and that is why I welcome the information conveyed by the hon. member for St. Lucy that a similar initiative is now on its way in St. Lucy, and I am sure that the Minister will be only too anxious to lend not only the support of the services provided but as well to look at the possibility of extending some financial assistance as well.

Mr. Speaker, I think the hon. members, however, misunderstood the comments which I made about the expansion of day care centres to some areas of our industrial estates. There are two comments I would wish to make here. The first is that the National Commission on the Status of Women did undertake some study of this type of project and did recommend that there was a case for such centres. It asked for a further study of particular centres and it did also point out the disadvantages like, for instance, the movement of people in terms of transport that could occur if we were trying to encourage people from St. Lucy, for instance, to bring their children to work on the Wildev estate. That is not the concept at all, but there is a case in some industrial estates where the work force is near at hand and there are no problems with transportation and no problems of

employers wanting to abuse workers by making them work extraordinary hours, etc., there is a case to try to impress on employers the necessity for them to upgrade the facilities that they are providing on the job for the workers, or near the work place. That is really the point we are making here, and I think we are *ad idem* on this point. That is why I said the advice is very valuable for us.

Now, Sir, it is a fact that day care centres started in Barbados a long time. I believe, however, the genealogy of the day care centres is mistaken a little bit by the hon. member, because fortunately or unfortunately I happened to be most closely connected through my deceased foster parent, a rather distinguished lady, who now has her name enshrined, I hope in perpetuity, on a day care centre in the constituency of Christ Church West, near where she lived and did most of her work and near where I was nurtured and now in the area which I have the honour to represent, the Madam Ifill Day Care Centre, Sir, and I think the hon. member will be aware of the fact that back in those days it was people like John Beckles, Olga Symmonds, Mrs. Hanschell, Mrs. Florence Daysh, Madam Ifill and others who really fostered this concept of day care centres and eventually the Government came to their assistance, and successive Governments have encouraged the concept to grow, so one has to recall these things carefully so that we are not mistaken about the genuine contribution made by those who went before.

So that there is a long history of voluntary effort in this regard, and it is a history which the Minister of Community Services is most anxious to see continued, expanded and developed, given our own circumstances and given our own concept of the nuclear family as well in Barbados. I can assure hon. members that the Minister will take their pleas into account, will take their special pleading as well into account, will try to provide financial expertise and resources to help those people who are showing private initiative, and the intention of the Government as well is to register, supervise and set standards for the voluntary day care centres whilst at the same time providing technical assistance to upgrade the quality of the services provided by them. It is in that light that I welcome the contribution in a debate, I think, that has seen real feeling, good thought and a very sensible and deep commitment in the approach to this problem.

I have much pleasure in moving that this Bill be read a second time.

The question was put and resolved in the affirmative without division.

On the motion of Hon. H. deB. FORDE, seconded by Mr. BRADSHAW, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. ODLE in the Chair.

Clauses 1 to 6 inclusive were called and passed
5.15 p.m.

Clauses 7 and 8 were called and passed.

The Schedule was called and passed.

On motion of Hon. H. deB. FORDE seconded by Hon. C. L. BOLDEN, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. H. deB. FORDE seconded by Hon. C. L. BOLDEN, the Bill was read a third time and passed.

THE ADOPTION (AMENDMENT) ACT, 1981

Mr. SPEAKER: Order No. 4 stands in the name of the Hon. Attorney General, to move the second reading of a Bill to amend the Adoption Act.

Hon. H. deB. FORDE: Mr. Speaker, this Bill seeks to amend the Adoption Act. Legal adoption was first introduced into Barbados in 1955 and at that time the person who played an important role in the formation of the legislation was the Chief Welfare Officer, Miss Betty Arne who no longer resides in Barbados, and since that date the Act has remained substantially as it was in 1955 and no real attempt has been made to revise the legislation although over the years various persons have made suggestions for the revision of the legislation.

With the independence of Barbados it seemed apposite that one should look again at the strict requirement which said that only commonwealth citizens could adopt Barbadian children, so that whereas you will permit a person from Tuvalu to adopt a child from Barbados, we would not normally permit an American citizen for instance to adopt a child from Barbados except by a rather elaborate procedure of obtaining a licence from the Chief Justice making sure that provision for adoption was made in the country overseas, and then permitting the child to leave the country pursuant to a licence obtained through court.

One of the other limitations in our adoption legislation is that we still do not make any provision for the reciprocal recognition of foreign adoptions and indeed we are not party to the international convention dealing with the recognition of adoptions at all.

Now this Bill seeks to amend the Adoption Act to do several things, but the principal ones are these, Mr. Speaker: firstly it makes the Child Care Board as the principal authority with responsibility for supervising adoptions. That function is at present carried out by the Chief Welfare Officer, but since the Government's in-

tention is that the Child Care Board should be tantamount to be the Child Authority and have responsibility over the whole field of family law for children's welfare in this respect, it is appropriate therefore that the Child Care Board instead of the Chief Welfare Officer should take over this particular function. It is more geared to perform the function, it is less welfare oriented, it has the sort of supervisory staff at the moment demanded of it for this function, and with the sort of training which is necessary.

The other thing that we have sought to do in this Bill, Mr. Speaker, is to delete the provision whereby only a Commonwealth citizen domiciled in Barbados would qualify to adopt a Barbadian child. In future a citizen of Barbados or a person who is a citizen of a country with which Barbados has diplomatic or consular relations and who is domiciled in Barbados would be permitted to undertake adoptions. So that it would be in future much easier for a Barbadian citizen who is an American or Canadian citizen as well to adopt children in our country.

Mr. Speaker, we are ever conscious of the necessity in extending the scope to the citizens of other countries with whom Barbados has diplomatic or consular relations to ensure that our children are not taken abroad and misused, and I believe, Mr. Speaker, I should mention that we have had occasion to have been investigating cases in which people have been heard saying that they are paying parents for a child to take a child or children to a country in Europe. The Child Care Board has used of course the assistance of the Police and of our overseas offices to investigate the bona fides of such parties and to ensure in any event that they comply with the adoption legislation, because in the final resort we have responsibility for our children regardless of whether they are living in our Island or they go beyond our Island.

These are the two major provisions of this Bill, but we have taken the opportunity particularly in the amendments which have been circulated and incorporated, Mr. Speaker, in a full draft that members may see what we are doing, to update the legislation in some other respects. You will recall that the Status of Children Reform Act abolished the legal concept of illegitimacy and yet in the Adoption Act the term still occurs, and what we have done here is to have amended the legislation so that children are just children, they are not children out of wedlock or in wedlock and parents are natural parents. The word "parent" will no longer mean only the father or mother of a child born of two people who are married, and we have done this in this legislation because I think it was necessary to standardise the concepts in all of our laws.

We have at the same time taken the opportunity to upgrade and increase slightly the fines and penalties for the type of offences that are set out in the Act and we have at the same time done some other textual amendments in order to keep up with the changes made to other aspects of our legislation like the Administration of Estates Act.

5.25 p.m.

Mr. Speaker, this will not be, I am sure, the only amending measure to be brought to the Adoption Act in the future. These are necessary and urgent and therefore my Chambers did not have the time to do a consolidated Act but again as part of our overall Family Reform package, we will eventually consolidate this legislation and one of the future changes that we hope to bring into the legislation is the provision dealing with the recognition of overseas Adoption Orders and I can say that the Ministries are looking at the Hague Convention on Adoption for Barbados to become a party to that Convention and when we so become a party, it will be necessary to amend the legislation, Sir, further.

Mr. Speaker, it is also necessary in the future for us to simplify the Regulations under which adoptions at present take place. Some of the procedure is cumbersome. It is drawn out to some extent and to some extent it can be expensive for the persons carrying out the adoption because of the legal fees involved.

When I was at the private Bar and very frequently at the request of the Chief Welfare Office would do some of these cases for a very low fee or for no fee at all because I consider adoption as a very important part and having a very important role to play in encouraging the family unit to develop and keeping the family unit together.

Mr. Speaker, I happen to be speaking as a person who has lived and known adoption. I am an adopted child, as you very well know, Sir, and at the time I was adopted, Sir, there was not this legislation, Sir, there was no legal framework in which I could have been legally adopted in the family with whom I spent most of my life and yet my adopted parents are as dear to me and as close to me as my real parents have been and indeed, Mr. Speaker, I have had, because of being a fortunate person with two mothers and two fathers to have heard the denigration of myself on the platform by, among other persons, I notice he is absent, the Rt. hon. member for St. John as saying I was born in an almshouse and that sort of thing.

I do not think there is anything wrong with being born in an almshouse, but it is untrue and really for the purpose of the records I state that I was really born in Water Street, Christ Church but you hear these things but all that has happened is that people who are adopted are

fortunate and there is nothing to decry. Adoption is a good thing and we should encourage more adoptions in Barbados and rather than having children in institutions and in homes that are far removed from the family unit we should encourage people particularly those who themselves might have no children to adopt children.

I hope in the future to see the Adoption Service grow, to see Barbadians becoming more conscious of the advantages of family life and adoption and that the Government will do all in its power to simplify the procedure and improve the legislation so as to make this a valuable, social concept and vehicle and at the same time to guard against any disadvantages which might flow from those who are not genuinely interested in adoption.

It is in that manner that I beg to move that this Bill be now read a second time.

Mr. BRADSHAW: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. H. deB. FORDE: Mr. Speaker, I beg to move that Your Honour do now leave the Chair and the House go into Committee on this Bill.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division and Mr. SPEAKER, left the Chair and the House went into Committee Mr. ODLE in the Chair.

COMMITTEE OF SUPPLY

Clause 1 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I have circulated the various amendments to the Bill and so that members may follow the Bill much easier I have incorporated them in this copy so I beg to move that Clause 1 stand part.

The question that Clause 1 stand part was put and resolved in the affirmative without division.

Clause 2 as amended was called and passed.

Clause 3 was called.

Hon. H. deB. FORDE: Mr. Chairman, I am changing Clause 3 to Clause 4 and introducing a new Clause 3.

I beg to move that Clause 3 be changed to Clause 4 and the new Clause 3 be inserted.

Dr. CHELTENHAM: I beg to second that.

The question that Clause 3 as amended stand part of the Bill was put and resolved in the affirmative without division.

Clauses 4 and 5 as amended were called and passed.
5.35 p.m.

Clause 6 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that the new Clause Six as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 7 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that the new Clause Seven, as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 8 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that the new Clause Eight as amended stands part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 9 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause Nine as amended stand part.

The question was put and resolved in the affirmative without division.

Clause 10 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause 10 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 11 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause 11 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 12 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause 12 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 13 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause 13 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 14 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause 14 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 15 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that the new Clause 15 as amended stands part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 16 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that the new Clause 16 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 17 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause 17 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 18 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause 18 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 19 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause 19 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 20 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause 20 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 21 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that Clause 21 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

Clause 22 was called.

Hon. H. deB. FORDE: Mr. Chairman, Sir, I beg to move that the new Clause 22 as amended stand part.

Dr. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

On the motion of Hon. H. deB. FORDE, seconded by Mr. BRADSHAW, Mr. CHAIRMAN reported the passing of the Bill in Committee with amendments and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. H. deB. FORDE, seconded by Mr. BRADSHAW, the Bill was read a third time and passed.

Hon. H. deB. FORDE: Mr. Speaker, Sir, that concludes Government Business and I would ask that Question Time be now taken.

Mr. BRADSHAW: I beg to second that.

QUESTION TIME

Mr. SPEAKER: It is now Question Time. Question Number 62.

Hon. C. L. BOLDEN: Mr. Speaker, Sir, Question Number 62 asked by the Rt. Hon. member for St. John is ready. I do not now see him in his place and I beg to have the question laid.

Mr. SPEAKER: It does not contain an asterisk, so it is not for oral reply, let the reply be laid.

This brings us to the end of Question Time.

ADJOURNMENT

Hon. H. deB. FORDE: Mr. Speaker, Sir, that concludes Government Business for the day and I ask that this House do now stand adjourned until Tuesday, 19th May, 1981, at 12.00 noon.

Hon. C. L. BOLDEN: I beg to second that.

The question was put and resolved in the affirmative without division and Mr. SPEAKER accordingly adjourned the Sitting at 5.45 p.m.