

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1986 - 91

HOUSE OF ASSEMBLY

Tuesday, February 20, 1990

Pursuant to the adjournment, the House of Assembly met at 12.20 p.m. on Tuesday, February 20, 1990.

PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)

His Honour J. J. PAYNE, (Deputy Speaker)

Rt. Hon. L. E. SANDIFORD, B.A., (Econ.), J.P.,
(Prime Minister and Minister of Finance and Economic Affairs)

Hon. B. M. TAITT, B.A. (Hons.), .M.P.A., LL.B.
(Hons.), (Minister of Health)

Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of International Transport, Telecommunications and Immigration and Leader of the House)

Hon. E. E. GREAVES, B.A., Ed.M., (Minister of Trade, Industry and Commerce)

Dr. R. C. HAYNES, M.B., Ch.B., F.R.C.P. (Edin.),
(Leader of the Opposition)

Hon. Dr. D. G. BLACKMAN, B.A., M.A., (Minister of Transport and Works)

Hon. M. A. KING, Q.C., LL.B., (Attorney General, Minister of Legal Affairs and Minister of Foreign Affairs)

Hon. W. O. FRANKLIN, A.I.C., M.I.A.S., J.P.,
(Minister of Agriculture^Food and Fisheries)

Hon. N. K. SIMMONS, (Minister of Employment, Labour Relations and Community Development)

Hon. H. A. BLACKMAN, B.Sc. (Econ.), (Minister of Housing and Lands)

Mr. D. A. C. SIMMONS, Q.C., LL.M.

Mrs. M. BARKER-WELCH, (Parliamentary Secretary, Ministry of Education and Culture)

Hon. C. V. WALKER, (Minister of Education and Culture)

Mr. L. L. BRATHWAITE, J.P., (Chairman of
"Committees)

Dr. E. A. SIMMONS, M.D.

Hon. W. W. HALL, G.C.M., H.B.M. (Minister of Tourism and Sports)

Mr. C. A. NEBLETT, B.A., (Parliamentary Secretary, Prime Minister's Office)

Mr. R. L. MORRIS, B.A., Cert. Ed.

Mr. P. J. M. MILLER

Mr. D. J. H. THOMPSON, LL.B.

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in session. Minutes of Tuesday, February 6, 1990.

MINUTES

Hon. P. M. GREAVES: Mr. Speaker, I move that the Minutes of the proceedings of this Honourable Chamber held on February 6, 1990 be taken as read and confirmed, Sir.

Hon. B. M. TAITT: I second that, Sir.

Mr. SPEAKER: If there are no objections, observations, or corrections, let these Minutes stand confirmed.

PAPERS

Hon. N. K. SIMMONS: Mr. Speaker, I want to lay the Instrument adopted by the International Labour Conference at its 76th Session held in Geneva in June 1989. This has to do with the Indigenous and Tribal Peoples Convention 1989 No. 169.

GOVERNMENT NOTICES

Hon. P. M. GREAVES: Mr. Speaker, I give notice of the following:

Resolution to grant the sum of \$11,136,647 from the Consolidated Fund and to place it at the disposal of Government to supplement the Estimates 1989-1990, Part II Capital as shown in the Supplementary Estimates 1989-1990 No. 15.

Resolution to approve the compulsory acquisition of land at Wilcox, Christ Church for the maintenance of the Airport's Approach Lighting System and for agricultural purposes.

ORDERS OF THE DAY

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

GOVERNMENT BUSINESS

SUSPENSION OF STANDING ORDERS

Hon. P. M. GREAVES: Mr. Speaker, I am moving at this point that Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of this day's sitting, Sir.

Hon. B. M. TAITT: I beg to second that, Sir.

The question that those Standing Orders be suspended for the remainder of the day's sitting was put and resolved in the affirmative without division.

Mr. SPEAKER: Order No. 1.

Order No. 1 was called - To move that the House resolve itself into Committee of Supply to consider the grants of sums of money for the service of the Island.

On the motion of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, Mr. SPEAKER left the Chair and the House went into Committee of Supply, Mr. L. L. BRATHWAITE in the Chair.

COMMITTEE Mr.

CHAIRMAN: The House is in Committee.

Item No. (a) - Resolution to grant the sum of \$684,600 from the Consolidated Fund and to place it at the disposal of Government to supplement the Estimates 1989-90, Part I Current as shown in the Supplementary Estimates 1989-90, No. 14 which form the Schedule to this Resolution.

HEAD 28 - MINISTRY OF LEGAL AFFAIRS

Hon. M. A. KING: Mr. Chairman, supplementary provision under Head 28 is sought to supplement the Estimates. Under Subhead 1 Object No. 6 - Travel, Mr.

Chairman, a supplementary provision of \$6,500 is required to meet arrears of travel allowance.

Under Object No. 8 - Rental of Property - prior to the location, you will recall because of the state of Marine House the Solicitor General's Chambers were moved from there to Windsor Arms. Now the photo copier which is with the Solicitor General's Department was shared between the Ministry and the Solicitor General's Department and after the relocation the photo copier was moved to Windsor Arms with the Solicitor General and it was necessary to rent a photo copier for the purpose of the Ministry's headquarters. No provision had been made in the Estimates for this purpose and a supplementary provision of \$6,000 is being sought to meet the cost of the rental of a photo copier to the end of the financial year.

Under Object No. 11 - Maintenance of Property, a supplementary provision of \$1,600 is being sought. You will observe, Sir, that the expenditure approved had been \$3,745 and of that \$3,554 was spent as of October 20, 1989. The balance in that account is \$190.18. The expenditure under this Object, Mr. Chairman, includes the cost of repairs to the Ministry's motorcycle MP329. During the year the Ministry had also acquired a vehicle for transporting and travelling. The balance which is in the account is inadequate to meet the maintenance and running cost of this vehicle to the end of the financial year and the supplementary provision of \$1,600 is being sought for that purpose.

Under Object No. 12, Mr. Chairman, the additional provision is required to meet the cost of damages and costs for which the Crown has become liable throughout the year. The supplementary provision has clearly been inadequate for this purpose. It is almost impossible at the beginning of a financial year when the Estimates are planned to determine what the commitments in this regard are likely to be. Well, I fear that the supplementary provision of \$200,000 which is being sought now is in itself not enough to meet the total commitments which the Crown will be asked to pay during the financial year for the payment of damages and costs. 12.30p.m.

There has been a substantial number of cases which have come before the courts in recent times, a lot of them judicial review cases, where the decisions of the Magistrates are reviewed by the Divisional Court and substantial awards of costs are made, and these are adding up to quite substantial amounts. Clearly the provision which has been made is inadequate and, as I said, I fear the existing provision itself will not be enough to cover all the costs. That is the position. We are seeking supplementary provision under this Head of some \$200,000.

In relation to Object No. 30 - Contingencies, \$10 000 compensation was paid under this Head to a police constable who had received injuries in the course of his duties, so that for practical purposes nearly exhausted the fund. Supplementary provision is required to replenish that vote in order to meet certain other commitments of like nature where persons have suffered damage on Government property and have in some cases suffered injury as a result of wrongs by Government servants or agents.

It also covers, in some cases, provision for ex gratia payments. The Honourable Member for St. Thomas will probably be pleased to know that among this list is one of his clients. Supplementary provision under that Head of \$4 200 is required to replenish that vote to meet some of the contingencies which have arisen.

- In relation to Head 28, Subhead 2, Subscriptions and Contributions, supplementary provision of \$30 000 is required under this Head. This, Mr. Chairman, covers subscriptions and contributions to international organisations and agencies, like the World Intellectual Property and a number of others.

The problem in relation to this one was that the bills in respect of the previous year have come in late, as a result of which the appropriations for the current year were used to pay the bills of the previous year, so that this provision is being required now to pay the current bills in this financial year.

Under Head 28, Subhead 3, Object No. 2 - Legal Division, an amount of \$96 114 has been voted in the current financial year. Expenditure to date is \$97 578.20 and this Object is used to meet the cost of payment of acting allowances for judicial officers, for payments in respect of persons who replace officers who go on leave or who go on training, who may be acting as Judges or magistrates, or acting in the Supreme Court Registry under the Corporate Affairs Registry. An amount of \$50 000 in supplementary funds under this Head is required to meet the cost of acting appointments.

Aside.

Hon. M. A. KING: I move that the Head stand part.

Aside.

Hon. M. A. KING: The Addendum, Mr. Chairman, sets out the purpose for which the supplementary provisions are required. Object No. 6 in relation to Travel indicates that additional funds are required to meet the additional cost of travel during the year. The expenditure in relation to all these items are expenses which were unavoidable and which are required to be met.

I move that Head 28 stand part, Mr. Chairman.

Hon. B. M. TAITT: I beg to second that.

Mr. D. A. C. SIMMONS: Just briefly, Mr. Chairman, notice that we are voting an additional amount of \$15 219 under Object No. 7 on page 5 to meet the increase of electricity consumption.

Some months ago, Sir, I raised in here a problem that had been drawn to my attention at Windsor Arms, where the Legal Section of the Ministry is housed. It appeared that there was one electricity meter servicing all of the tenants or occupants of the building and there did not seem to be any particular method for determining the respective shares in the electricity account of all the various tenants. What was happening was that the Government was finding itself having to pay the lion's share of electricity charges in respect of Windsor Arms.

I wonder if the Attorney General could say whether that problem has now been sorted out, and indeed what are the new arrangements which will ensure that the individual tenants in the building pay their due share rather than have the Government operate as a milch cow.

Sir, in view of the fact that next month we shall be debating the Estimates of Expenditure, it is not my intention to dwell too long on any of the matters here. Indeed, I am glad to see that the Government has found some money to pay some of these debts. I look forward to the Hospital being able to pay the doctors' rents, so probably next week or some time we will get the supplementary for the Hospital to pay the doctors' rents.

Sir, I wonder if the Minister could indicate what is the Ministry's forecast in respect of Operating Expenses, Object No. 12, because this amount we are voting now, \$200 000, will take us down to March 31. I would like to know what the Minister has in mind as being likely to be paid say within the next six months. Why I ask that, Sir, is that there is a number of decisions which have been given recently. I think it was last week Monday we had five or six, all of which the Crown lost.

Aside.

Mr. D. A. C. SIMMONS: That was the morning when the Boldon decision and a number of others were given. Paul's Disco. I certainly have another one pending where liability has virtually been admitted and we are only awaiting the Judgment as to damages. 12.40p.m.

Something has gone wrong in the system that the Crown is finding itself so excessively liable to pay damages in respect of the actions or acts of conduct of persons in the system. I really do not know what is the reason for it, Sir,

and I do not know to what extent the Attorney General could express the concern, I think of the whole House; I am not going to say of the Government or of his Ministry. It must be a matter for concern when we find consistently coming before the Courts, consistently coming before Cabinet and consistently coming before the House matters in which the Crown is being found liable in circumstances where a little more care on the part of the officers would preclude this unnecessary drain of expenditure. I have chosen my words very carefully, Sir, because I don't want to be seen to be attacking anybody. I just feel that it is time really that some of the persons who are causing the Government this economic loss ought to sit back and examine themselves and what they have been doing, where they have been going wrong and try and put it right as a matter of national duty. A refresher course does not necessarily deal with what is inside the cranium; you might have to have a transplant

I am glad to see that the Process Servers are getting some overdue travelling allowance. It is true I asked about it about three weeks ago, but I am sure this would have been in hand before I asked, and I am glad, Sir, because they have been suffering and they have been complaining as we would have noticed a few weeks ago in the Investigator, I think it is called. I don't buy it, Sir, so I am not too familiar with it, but somebody showed me an article. I am pleased therefore, Sir, to support this Resolution on behalf of the Barbados Labour Party.

Hon. M. A. KING: Mr. Chairman, the Honourable Member for St. Thomas raised a question about the cost of utilities at the Windsor Arms. The first thing to note though is that the utilities which we are dealing with relate to Corporate Affairs and not to Windsor. Object No. 7 relates to the cost of facilities at the Corporate Affairs Office. I have directed the administration to look into the matter which you raised. I have not had a report on it as yet, but I can assure the Honourable Member that that matter will be looked at and dealt with.

We are also looking into the reason for the rise in the cost of utilities at the Corporate Affairs Division because it is a little unusual. Before I sit, the Honourable Member also raised the question of expressing concern about the number of cases in which the Crown was being found liable as a result of judicial decisions being made against the Crown. It is a matter about which I too, Mr. Chairman, have expressed concern.

Asides.

Hon. M. A. KING: How do you mean explain it carefully? I have just said that it is a matter of which I am very concerned, about which I have expressed my concern; it is a little difficult to indicate the quantum of compensation which the Crown is liable to pay, but

certainly from the number of cases which the Honourable Member for St. Thomas said were decided only on Monday, that is going to cost the Crown approximately \$50 000.

Asides.

Hon. M. A. KING: How do you mean whose^v ^ decisions? You know as well as anybody else that they^c were the decisions of the Magistrates. These are decisions of the Magistrates, Mr. Chairman, which are challenged. They are challenged before the Appeal Court on judicial review proceedings. The Honourable Member for St. Thomas mentioned five, but there are at least another ten in my office waiting in respect of which approval has been granted and the way how it is going on, it looks as if you are going to have at least, well I don't know the figure, I am not about to guess at anything, but the fact is that there are ^ matters for concern and I have expressed my concern to the judicial authorities about the matter. We trust that sooner rather than later there will be no need for this kind of thing to happen again.

The question that Head 28 - Ministry of Legal Affairs - stand part, was put and resolved in the affirmative without division.

HEAD 29 - PUBLIC PROSECUTIONS

Hon. M. A. KING: Mr. Chairman, I beg to move that Head 29 - Public Prosecutions - stand part.

This is a supplementary provision required to pay arrears of travelling allowances in relation to the office of the Director of Public Prosecutions.

Hon. E. E. GREAVES: I beg to second that.

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

HEAD 30 - POLICE

Hon. M. A. KING: Mr. Chairman, under Headquarters Administration, a new facility for the special branch was completed at Terminal One of the Grantley Adams International Airport. The furniture which the Police ^ previously had was hopeless, chaotic and in a dilapidated _ slate and new items of furniture are required to furnish the new facility being used by the Police, and supplementary provision of \$7 895 is being sought for that purpose.

In relation to the Traffic Wardens section, this Head, Mr. Chairman, is designed to meet the cost for the payment of traffic wardens in the sum of \$7 800. There has been a ^ little concern in recent times about the fact that traffic- "*" wardens were not out-manning their positions. There has been some talk in relation to the appointment, but this

matter is being addressed and hopefully will soon be brought down. Supplementary provision under this Head of \$7 800 is required.

I beg to move that Head 30 - Police, stand part.

Hon. B. M. TAITT: I beg to second that.

Mr. D. A. C. SIMMONS: Mr. Chairman, a few weeks ago there was a report in the local press about a helicopter for the police. The Attorney General is alleged to have said at a public meeting that the police were asking for everything and they even wanted a helicopter and the Commissioner of Police replied in the press to the effect that they did not make any request for any helicopter, so that the matter is still flying out there in the atmosphere and it needs to be brought to land. I would be glad to hear a definitive statement from the Minister. I would be glad to hear what is the truth about this helicopter.

Hon. M. A. KING: Mr. Chairman, there is no real problem about the helicopter. The position was that at a meeting of a national forum on drugs which was held at the Community College a couple of weeks ago, the forum broke down into a number of Committees which dealt with a variety of matters. There was a Law Enforcement Committee which dealt with law enforcement matters and a rapporteur from the various Committees came and reported on the work of the Committees. There was a police officer who reported from the Law Enforcement Committee, and among the proposals coming from the Law Enforcement Committee spoken through the mouth of the police officer was a proposal that a helicopter was necessary to do surveillance around the Island and in the territorial waters of Barbados. 12.50p.m.

There was also a proposal that we should extend the territorial waters, as distinct from the exclusive economic zone, to 24 miles. I had made the comment that it is difficult enough policing 3 miles effectively, even 12 miles and it is really ridiculous trying to talk in terms of policing 24 miles.

In relation to the helicopter, I subsequently discovered, and this is the point the Police Commissioner was making, that it was not a police proposal as such but it was a proposal coming from the Law Enforcement Committee which was reported on by a policeman so if you draw the distinction, fair enough. I accept that. It was a proposal coming from the Law Enforcement Committee, spoken by a policeman as distinct from something which came from the Commissioner of Police himself.

Aside.

Hon. M.A. KING: I do not think there is anything to apologise for. A policeman made the statement and what I

was subsequently told was that a Customs Officer had, in fact, made the proposal but it was something which was agreed on by the total Committee but how was I to know that because nobody said it, so there is nothing to apologise for.

The question that Head 30 stand part was put and resolved in the affirmative without division.

HEAD 31-PRISONS

Hon. M. A. KING: Mr. Chairman, supplementary provision is sought under Object No. 6 for travel. This arises out of the revised rates for travel which were agreed for Public Officers and the amount of \$6 000 is required to meet that supplementary to reimburse consequent on the additional raise.

In relation to Item 11, Maintenance of Property, as explained in the Addendum, some work was done at the Prison to upgrade the security and the supplementary provision is required to meet that cost.

Operating Expenses relate to the payment to additional Prison Officers. You will recall, Sir, that certain additional posts had been approved and supplementary funds under this Head are required to meet the cost of the additional officers.

Plant and Equipment - As explained, this is a supplementary provision of \$3 904 required to pay the bill for a stove which had been necessary to replace one which, because of its age and malfunctioning, had to be replaced.

I move that Head 31 stand part.

Hon. B. M. TAITT: I beg to second that.

Dr. R. C. HAYNES: Mr. Chairman, I have not intervened in this debate so far although, of course, later I think, next month we will have ample opportunity to examine various matters affecting the Police Association and various other areas of public concern.

My present intervention is really to find out whether or not the Attorney General has had the opportunity to read and act on the Report of the Commission of Enquiry into Escapes from Glendairy Prison which is dated April, 1989, a document of this House, it was laid in this House and, therefore, there should be no difficulty in either referring to it or, indeed, quoting from it if that becomes necessary.

I note, Sir, that this Resolution addresses some aspects of the improvement of security, I think, at the Prison. There were a number of recommendations in this Report and, as a matter of public interest, I believe the Attorney General

might like to inform the Honourable House which of them he has been able to address in the past year since the Report was laid in Parliament.

Areas such as recruitment and training there are specific recommendations in the Report and I would be most grateful if the Attorney General can let us know whether anything was done. Areas relating to overcrowding at the Prisons and the effects of overcrowding not only on security but on other aspects of prison life there.

There are recommendations relating to changes in the duties of Prison personnel and recommendations relating to the level of staffing. In the Report, Sir, there is a clear statement that Glendairy Prison is definitely under-staffed and there was a recommendation relating to that.

There was also a recommendation relating to changes in the structures. I believe that this related to the question of security.

Then there was an adverse comment in relation to testimony at the Enquiry which addressed the question of decline in morale and decline in discipline in relation to some members of the Prison staff. This is clearly set out here in the Report which was ordered by the Government and which, I believe, the Attorney General might have had the opportunity to read and, therefore, might have taken some steps to redress some of the problems.

In addition, Sir, there has been some disturbing news emanating from the Prison in recent times. I am a little concerned that both former inmates, former members of the staff and some current members of the staff have indicated and this is coming with increasing frequency, about the levels of activity within the Prison itself relating to the use or traffic in illicit drugs within the Prison.

I am very surprised that in recent times the frequency which these reports are being made to us and to other people from a wide range of people who have intimate contact with prison life either at the level of staff or persons who have left the Prison. This, certainly, is a matter of concern.

I do not know whether or not the Attorney General is aware that this is a problem within the Prison. It is a matter of concern because the possession of marijuana, even in small amounts, or drugs in small amounts, is a crime in Barbados and one positive benefit, if someone is incarcerated as a result of that crime is that they are removed from the environment and they may have an opportunity for their bodies to right itself from the effects of the addiction whilst they are in prison. 1.00p.m.

I am not suggesting that that is a reason for imprisonment but I am just saying that that is one positive

aspect of a sentence. If when one is in prison, one has access to the same drugs, then of course this presents a problem and indeed cause to reflect very much on what is being achieved in certain instances. Indeed, Sir, I think the Attorney-General may recall, if he has read the Report, I do not know, but in this Report there are also certain recommendations in relation to alterations in our penal system which might impact positively in terms of reduction[^] in the area of overstaffing. I have not seen any facilitatory T legislation coming before the House to implement any of the proposals here. I do not particularly wish to go through them and prolong this debate. But I think that I would be a bit remiss in my duties as a member of the Opposition not to take this opportunity to bring to the attention of the Attorney-General that these concerns are being expressed by people who should know what is going on in Glendairy Prison. I do not know if he has had any reports in this area but certainly, it is a problem. -v.

So that there are specific matters which have been addressed in this Commission of Enquiry into the Prisons which went far beyond the question of the immediate circumstances of the escape of the prisoners and I thought it was a reasonably thorough document limited by the fact that the enquiry was not being done under the Commission of Enquiries Act and therefore they could not probe into a whole range of matters with the kind of depth that they [^] would have liked because they too would have had..... -

Aside.

Dr. R. C. HAYNES: No. They did state so. In this Report, they did point out, I have not read it recently but I am quite sure that there is a paragraph inside here where they indicated that because of the conditions under which the enquiry was taking place then that that prevented them from carrying out an enquiry in a particular way. I think it[^] is a question of witnesses and evidence and this kind of " _ thing.

Aside.

Dr. R. C. HAYNES: Right. Cannot command witnesses and this kind of thing. There were limitations because of the nature of the Report.

However, Sir, as I say I think it is appropriate to enquire of the Attorney-General whether these things are[^] being addressed, whether they have been addressed or what proposals he has to deal with them in the not too distant future.

Mr. D. A. C. SIMMONS: Mr. Chairman, Sir, I hope within the next month or 5 weeks, whenever we debate the Estimates to make a long statement about penal reform. [^]

Some months ago I spoke for 3 hours on the problems of lawlessness and criminality and deviants and so on. I '

want to do the other part because if we identify problems and if we are going to begin to address the causes, the multifarious causes, we have got to go the next step and also see to what extent the system can respond to these new pressures and sophisticated ways of committing crime.

There is no doubt in my mind, Sir, that we all have to address the need for a new penal policy in Barbados, a new penal policy that will provide a multi-tiered system of custodial or quasi custodial facilities and a more expanded system of non custodial sentences and remedies.

I have indicated before, Sir, that it cannot be right that persons on remand over the age of which they can be committed to Dodds, let us say in the range of 18 and over should have to find themselves in 1990 spending the period of remand at Glendairy among hardened criminals and recidivists. That provides too much opportunity for the learning processes of criminality to be shared in the prison.

It cannot be right also that the only kind of custodial facility which we have is the industrial school or the prison. Clearly we need an intermediary institution which will cater to the offenders in that range 16-25, that catchment area from which we draw the majority of our delinquents.

I believe, Sir, that if we want to do something to save many of the young people of Barbados, we are going to have to look fairly quickly at the provision of an intermediate type institution to deal with those, especially those who commit crimes not of violence and crimes which do not perhaps offend or morally outrage society at large. I am talking about the druggies and so on, Sir and the little petty thieves. I am not talking about those who set out on a pre-arranged plan to burglarize and, if necessary, to kill because I have never expressed my view in this House but I had better take the opportunity now. „, 1.10 p.m.

I am one who is in favour of retaining the death penalty as we have it subject to discretion. I speak as one who has won 25 out of 26 murder cases. Notwithstanding that personal experience and record, I believe that to have it there and to reserve it for the most heinous and socially outrageous crime is useful. I will speak sometime about this problem of deterrence. I hear people saying that the death penalty is no deterrent. Why is it that all of us in here have never been charged for murder? Why? A lot of us are being provoked to bitter anger.

Asides.

Laughter.

Mr. D. A. C. SIMMONS: The Minister of Tourism -" and Sports is remembering the days when he used to bowl '2ast - yes, the sporting Minister. I believe, Sir, that as a result of your training, upbringing, and the various

influences that work on your super ego -1 do not mean that to be offensive. I mean that when those societal influences are impacting to help shape your personality those are important considerations and the ultimate restraint which the country will consider. If I do so and so, I am liable to so and so. But I do not want to get sidetracked on the death penalty now, Sir. I have opportunity to deal with that again. I just wanted to put my position. Leave it as it is. Let it be subject to the discretion of the Mercy Committee.

Sir, one of the pressing problems that we have in Barbados which has been admitted last year in a similar Supplementary is the problem of overcrowding in the prison. Now that could mean that there are more people who are committing crimes worthy of punishment by imprisonment or alternatively that the kind of penal regime which we have does not allow the sentencers enough flexibility to impose punishment alternative to imprisonment, Sir. As a matter of social policy - I am speaking personally, Sir - I would like to see greater use being made of non-custodial sentences but with a tough regime. We must not go soft on the criminal elements at all. I am not supporting that one iota.

Asides.

Mr. D. A. C. SIMMONS: I am saying that we must not go soft on the criminal elements at all because society has to be pulled back. Some discipline has got to be instilled in this society now and we have got to stand up as men and tell the country what is wrong and how they need to behave. Do not hide behind because you feel it is popular and you fear that you will lose a vote. This is the time for tough talking.

Sir, I would like to see a circumstance, as I have said in here before, where some of these adolescents who commit non-violent crime can be detailed under supervision to work on community based activities. I said it in 1985 that not enough use is being made of the Community Service Order. I think we have got to get it across to sentencers. It will also mean of course that we have to enhance and improve the Probation Department or whatever Department is going to provide the supervision that is necessary. Do you know what they should be doing, Sir? They should be contributing by way of sentence 200 hours towards community service. I picked a number. That is not meant to be binding.

That is an example. I have picked a number arbitrarily. They should be contributing service to the community be it cleaning up, painting Government property, painting private property, repairing old peoples' homes or whatever. We have to get into that. That is a non-custodial sentence but the fellow will feel it.

\sids.

Mr. D. A. C. SIMMONS: I know the best bread is in the prison. The prison is self sufficient in many things. What I am trying to do is to pull out some of those who really have no place in the system because they have not really in contemporary and penalogical terms committed the types of offenses for which they should be incarcerated. Prison should really be reserved for the worst types of crime and those including violence and sex offenses clearly. You have to get them away and protect the society from them, but there are others.

Asides.

Mr. D. A. C. SIMMONS: Only two minutes. Sir. There are others for whom prison is not a suitable punishment and who would be better dealt with if they were used in society to contribute in a positive way to the enhancement of their society.

The system of fines is an area that we should look at. It is arguable, Sir, that a fine should be imposed having regard to the offender's ability to pay. Now this is not to rule out, Sir, considerations of rehabilitation and so on. But we have to sit down and look at a penal policy that in my view has as its objectives more community based punishment. If you understand me, Sir, in a sense we would be working within the community rather than inside of the prison. At the same time Government will have a responsibility to provide the kind of penal infrastructure that will allow for a kind of detention centre or remand homes. I am sure Members have heard me on the remand homes and what I would like to see and how we can use existing buildings as remand homes where the offender is to turn up under the supervision of the Police or Probation Officer and directed to work, report, and so on. It is a structured regime the hallmark of which is tough discipline.

I have exhausted my time, Sir, and I am obliged to you.

Mr. P. J. M. MILLER: Mr. Chairman, as the Honourable Member who just took his scat said, there will be opportunities for a fuller debate into this whole question for one to put one's position regarding how the prisoner is dealt with and how the penal code is dealt with. If I am allowed one quick question to the Honourable Attorney General - when you look at this Commission of Enquiry Report, there is a lot of food for thought in it. There are lots of recommendations and there was one that I was very concerned about that we have been taking for granted for a long time. That is on Page 12, regarding the whole question of the concerns about homosexuality and the level of corruption. I was wondering whether this was in fact dealt with when it was investigated and what steps are being taken to deal with it, if the Honourable Attorney General will oblige.

Hon. M. A. KING: Mr. Chairman, the Honourable Member for St. Michael South Central raised a number of questions in relation to the Commission of Enquiry Report into escapes at Glendairy Prison and wanted to know whether any of the recommendations which were contained in that report have been addressed. 1.20p.m.

Mr. Chairman, when I introduced the Head I made a comment on the security work which was done, that a considerable part of the expenditure under this Head related to security. A lot of the work which has in fact been done to improve the security at the Prisons has arisen out of the recommendations of the Report, because the Report highlighted areas where security needed to be improved. Among the expenditure is work which has been done as a direct response of that in addressing the very issues of security which were raised by the Report

Clearly all the recommendations in the Report have not yet been addressed, because the implementation of the full recommendations would require a lot more expenditure. We will deal with them as we go along. Some improvement has been made in relation to the lighting, additional wrought iron security work has been put in place in some areas which were previously insecure, doors have been replaced, security bars have been placed in the offices of the Control Tower where there were none before, and there has been improved security for the offices of the Superintendent, the Assistant Superintendent and in the Control Room of the Prison, so a lot of attention is being paid, and is continually being paid, to the whole question of security at the Prison.

The Honourable Member for St. Thomas addressed some questions in relation to penal reform. He made the point that prison should be a reserve for the worst type of offender. This is a sentiment with which I entirely agree.* Prison and penal reform as a whole is a large area, it is not something which you can address overnight and provide all the solutions. The Ministry is examining the whole area of penal reform and one of the things we are particularly concerned about is providing options in sentencing. For instance, that the courts as a form of sentence may impose community service orders rather than a term of imprisonment.

Clearly a lot of infrastructural work would need to be -" done if the total reform package is to be fully implemented. It is an exercise which the Ministry has had direction from me to examine and to come up with proposals ultimately. I was hoping that between the Proceeds of Crime Bill, which we will be bringing to Parliament shortly, and the amendment to the Narcotics Drugs Act one of the options^, for punishment might have been an option for the court to impose the community service orders of which we speak.^f may not be in the actual Bill which comes to Parliament,

but it is certainly an option which we have seriously in mind.

One of the proposals I had indicated was that perhaps we might put it into the legislation that even if the infrastructure was not there it might be one of those clauses which we could delay its proclamation pending creation of - the appropriate infrastructure for meeting these aspects of reform in the penal law. It is a big and an ongoing process which needs to be addressed, and proposals are currently being formulated in the Ministry for approval by Government on it. When those are fully thought out and concretised, we will be able to report far more fully on them, but the issue of penal reform is receiving our keen attention.

The Honourable Member for St. Thomas raised other ancillary matters which really have nothing to do with the debate - capital punishment and so forth - and spoke fully of his views in relation to capital punishment. Capital punishment is an issue which always provokes serious differences of opinion. On our side I believe, Mr. Chairman, we differ very substantially on the issue of capital punishment. I have no difficulty whatsoever in saying publicly that I am one of those persons who oppose capital punishment. That is how I feel. I know it is unpopular in Barbados, but if I were to lose a parliamentary seat on the issue I have no difficulty with it whatsoever. As far as I am concerned, it is a matter of conscience. It is not a matter on which I compromise, it is a matter on which I feel keenly, and that is my position. I realise it is a minority position on our side, it is a minority position in the country, but it is a position on which I do not compromise.

This is not the time for debate on that issue and therefore I spend no time on it. I move, Mr. Chairman, that Head 31 stand part.

The question that Head 31 stand part was put and resolved in the affirmative without division.

HEAD 32 - FIRE SERVICE

Hon. M. A. KING: Mr. Chairman, supplementary provision under Object No. 6 is sought to meet the increased cost of travel, as in so many instances in the Public Service. Under Maintenance of Properly, a supplementary of \$80 000 is required to meet the cost of spare parts for vehicles and then there is a further supplementary of \$60 000 to meet the cost of additional accessories which were ordered during financial year 1988-89.

I move that Head 32 stand part.

Hon. W. O. FRANKLIN: I beg to second that.

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

HEAD 33 - PROBATION DEPARTMENT

Hon. M. A. KING: Mr. Chairman, supplementary provision of \$17 500 is sought to meet the additional cost of paying for substitutes in respect of the Office of the Probation Department.

Under Object 6, supplementary provision is required to meet the cost of increased travel. Under Object No. 7 - Utilities, there were some outstanding bills which have only just come to light, one of March 1984 and one of November 1988. Then there is an additional provision of \$150 to meet the cost of library expenses.

I move that Head 33 stand part, Mr. Chairman.

Hon. W. O. FRANKLIN: I beg to second that.

The question was put and resolved in the affirmative without division. 1.30p.m.

ORDER I(b) RESOLUTION TO AMEND THE EXPLANATORY NOTE TO HEAD 30 - POLICE, SUBHEAD 5, TRAFFIC WARDEN DIVISION

Hon. M. A. KING: Mr. Chairman, the purpose of this amendment is to make it clear that the regulation of school crossings is a function of the Traffic Warden Division.

Apparently there was some doubt because of the way in which the Explanatory Note has been worded in the Estimates, and this is just to ensure that the function of manning the school crossings is in fact within the province of the traffic warden scheme.

I beg to move that this Resolution do now pass.

Hon. B. M. TAITT: I beg to second that.

Mr. J. J. PAYNE: Mr. Chairman, I would just want to say a few words as we debate this particular Resolution which is really to make regulations for school crossings under the traffic warden scheme. I particularly want in my contribution to express the concern of the residents of Sion Hill in relation to a matter which has emerged as a result of the completion of the first phase of that Highway 2A project. The residents there are very concerned that since the completion of that first phase of the highway, vehicular traffic on that road is now in need of some regulation. What has happened is that the highway is built some ten to fifteen feet off the school, and we have children from Sion Hill and the surrounding districts who are somewhere between the

ages of three and eleven who attend that school, and even though we have an excellent piece of highway - I want to say that we are very pleased that the Honourable Minister of Transport took the opportunity to go down some two weeks ago and look at the highway - what has happened is that even though the actual road is in use, the sidewalks are not yet in place and there are no crossings, and the concern of the residents is that because there are no sidewalks and because there are no crossings, these children aged three to eleven are forced to walk on the roadway where the vehicles have to travel. This has caused a, very great concern on their part, because with a highway of that nature which I think it can be considered as one of the more sophisticated highways, comparable to the one which extends from St. Lucy to the east coast, we get vehicles travelling at very high speeds, sometimes as much as 140 kilometers per hour. Now the police have already taken some action in relation to this matter by setting up speed traps on that road, but I think that we have to go further than that, because as a Government we have to satisfy the residents of these areas that we are concerned about the safety of their children, and indeed the safety of all the residents. I believe that there is need to extend this traffic warden scheme to that particular school, and I want to take this opportunity to voice their concern in the hope that the relevant authorities will take immediate action to settle any uncomfortable feelings which are existing in the minds of the people.

I can tell you that it is a very agonising experience to see children of the age three to five-crossing a highway where there is no regulation with traffic at that sort of speed, and what we have to recognise too is that this is now the crop season, and that highway is frequented very much now by cane lorries and tractors which have to pass that particular area, and I think the point cannot be over-stressed to highlight the need to have the concerns of those residents taken into consideration. As I make my contribution to this particular Resolution, Mr. Chairman, I want to record my own personal concern on this matter and I hope that we get some results as soon as possible. Thank you very much.

Mr. P. J. M. MILLER: Mr. Chairman, just a short intervention. You would probably know because you yourself I know frequent the area, that for a very long time there has been a problem with crossing by that corner of King Street and Baxters Road and the problem also extends to the crossing by Westbury School. Now as a boy going to Wesley Hall every evening and in the morning during the period just before the school closed and opened there used to be a police officer there to ensure that the children got across safely at that very busy thoroughfare which is known as Baxters Road. As time went on the system was changed and then there were traffic wardens; there were some ladies who used to do this job both at that junction and at the corner of the entrance to St. Leonard's Church right by Westbury School gate. Now I don't know what is envisaged with the change of the system, but what I can say is that in

recent times it has become a very serious problem and this problem has been expressed to me by the Parent-Teachers Association of Westbury School and by the residents particularly of St. Michael West who have to cross that road to go home, because the persons in the city clearly don't have to cross, they live on the same side as the school.

As a concerned citizen apart from being a Member of ~ Parliament, I am also speaking for St. Michael West Mr. Chairman, the last thing you would want to see happen - I heard the Honourable Member for St. James North express his concerns and I know he shares this concern with me - is that a child gets injured or is killed as a result of lack of assistance to cross. Only about two weeks ago a child was badly injured by a car on that same Westbury road junction, and I think that we have to recognise that you don't wait until it gets to that point to do something about it. If you are-v changing the system, it should be changing to a system that will be better and not worse. I am saying that in past times the system was that the children had someone, whether it was a police officer or traffic warden to assist them in getting across the road safely. I am also saying that in countries less developed than Barbados there are systems like that in place, and I am saying that if we are going to be changing the system that the system you put in place must be an improvement on what you had before. I am appealing >» therefore that someone be placed immediately at that junction particularly in Westbury Road because almost every day there is a near miss in that area.

I would expect that the Honourable Deputy Prime Minister would share my concerns, because if one looks at his constituency of St. Michael North, and this has been brought to my attention by a Senator in the Other Place for the National Democratic Party, there is a problem with the ABC highway at the junction which passes the northern^ border or somewhere in that vicinity of that constituency where again you have a serious problem of children "^^ crossing. Now you would be aware, Sir, because your constituency passes that way also, that though there are cross-walks, what are known as zebra crossings, at that round-about junction at Warren, there is no one there to help those children across. 1.40p.m.

It is the hardest thing to do as a driver to come through that roundabout and butt right up on a crossing and two"" children are crossing the road. ""^

Many times there have been almost serious accidents caused when people have to brake suddenly in the middle of a roundabout because the crossing is just after you clear the roundabout. But, again, there is no one there to see these children across. ,f^

I believe there is a warden on the St. Barnabas Bypass." I do not know if the warden is still there. I see wardens

sometimes and sometimes I do not see the wardens since I have to pass that way every day.

I think all of this adds up to one thing: that the Honourable Attorney General in looking at this problem will have to recognize the need for a practical system that works. I do not care if you call them wardens, crossing "" guards or whatever, I am saying that what we need are people in place and what we need to do is to study the problem areas, the areas on busy thoroughfares closest to schools, for instance, and to address the problem from that perspective.

Sir, with that short intervention I would just like to add my concern to that expressed by the Honourable Member for St. James North.

Hon. P. M. GREAVES: Mr. Chairman, the Honourable Member for the City does not have to believe that I will be supporting what he said because, unless he was sleeping or absent from the Chamber, he would have heard me on this several times before.

Aside.

Hon. P. M. GREAVES: Then you do not have to say that you believe that I will support you because you are, in fact, supporting me, not I supporting you. I have said it here on several occasions before and I want to repeat, Sir, and I want to be even more specific because that highway - this is probably about the sixth time I am saying it in here - has created problems for children who are going to school and who are living in what is called the Husbands New Development. They are on the north side of the highway and those children who attend the Eden Lodge Primary School there is no way that they can reach that school unless they cross the highway.

The highway bisects what used to be called Pipers Avenue and Pipers Avenue was one of the easy ways for reaching the Eden Lodge Primary School. It also bisects the Reservoir Road. The West Road is too far east, but on either of those roads there is need not only for zebra crossings but, Sir, there is some need for whatever it might be, I am not so sure, whether there be lights or something, to make it safe for children to cross there and reach the school which they are attending.

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While I am on that particular point, may I also say that there is an area of road, lest the Honourable Member for City or someone else might say that they have been told by some Senator from the Other Place, that is in need for road improvement, Sir. There is need for improving probably about 40 yards of road, no more, to connect up the - Husbands New Development with the old Pipers Avenue.

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Each one has good roads. Pipers Avenue has some very good barber green roads. The Husbands New

Development roads are barbergreen. There is a very rocky path connecting the two that children have to use in order to reach their schools. Also residents use it to reach their churches or to reach the shops in Lodge Hill.

I am recommending it now this time to the Minister responsible for Transport and Works - it was supposed to be done when I was the Minister - that 40 yards of road. If he checks with the Chief Technical Director, he will see that that road was supposed to be done in order to make it safe for children to use to reach their schools.

Hon. C. V. WALKER: Mr. Chairman, just a brief intervention.

It is anticipated that there will be much discussion on this when we deal with crossing guards and whatever they may be referred to because it has to do with children in most instances who go to school.

We all know that for the last two school terms there were not any guards operating as we know then. But, however, this will be turned over to the Police and Honourable Members who have an interest within their constituencies where there are schools, can submit their suggestions now to the Police, which they can copy to the Ministry of Education as well, so that you can get consideration at an early stage.

We will be providing the names of all the schools where there were guards before and, indeed, we will be making additional suggestions.

The Honourable Member for St. James North I can appreciate his concerns in the Sion Hill area. I was visiting with him up there recently and we know the problems there with the school on the road. However, the fact that the school will not be there for too long will be some assistance but you can appreciate that now the road is being done we cannot handle that. Again you will have to make an application through the Police to see if you can get some guards while the school is still there.

I must also state that there are complaints on Highway 2A although 2A has not been addressed, not that section of the road, but there are concerns about the St. Thomas School at this point, starting this week with the traffic and the farmers with their canes going out of the plantation, and worse than that, the corner by Welches is forcing many of the parents around there to send their children over to the Sharon School. So it has a double impact.

The Honourable Member for the City dealt with Wcslbury. That has been a problem and we will continue to have a problem of congestion within the City in terms of numbers. There, again submit your suggestions early so that you will share in whatever numbers they have.

You mentioned St. Michael West, which is adjacent to you, which borders between you and the Honourable Member for St. Michael South Central and St. Michael West. That has been a problem area and that is one, I can assure you, that whoever takes over will have to provide a crossing guard at that location.

Of course, we can go on and on with the Luther Thorne and St. Michael and all of these schools. We are dealing with numbers and we are, therefore, dealing with people and we will be dealing with dollars but that will be the responsibility of another Ministry, not mine. "

Therefore, I will only state in closing, Sir, that Honourable Members should make their submissions to the Police. If they do feel like copying the Ministry of Education as it relates to a particular school, I will offer them the assistance of ensuring that their communication is passed on to the Police in the interest of the school children.

Thank you, Mr. Chairman.

Mr. P. J. M. MILLER: Just a short thing, Sir. Having heard the Honourable Minister of Education it brought to my mind another very serious problem we have in the City and it is that whole question of the St. Mary's School where the Infants School is located, right on the corner by the St. Mary's wall.

As you would know, Sir, minibuses and a lot of vehicular traffic come around there. It is a very dangerous point and I think that the solution to that may not be, in fact, the crossing guard but it may well be that the Minister should give us the assurance now or at some time very soon that the new St. Mary's School will be started. We have been waiting on it for three years, Sir.

Hon. M. A. KING: This is not an educational matter.

Aside.

Hon. M. A. KING: I cannot tell you when the new St. Mary's School will be started. It is not an education debate. 1.50p.m.

Mr. CHAIRMAN: Order.

Hon. M. A. KING: Clearly, Mr. Chairman, the issue on the location of crossings and of traffic wardens to man crossings is a matter which will have to be carefully examined. Clearly one has to do a proper survey of all those areas where traffic wardens would be necessary.

I did indicate in the other debate that there was a slight hiccup in relation to the appointment of the wardens. Hopefully that will soon be through. I should like to give the public the assurance that the school warden programme will be soon on its way. The police are not trying to man the crossings at appropriate locations but very shortly we will

hope to have the wardens back in place and relieve the problems and the just concerns of the parents and students in that regard.

I beg to move that this Resolution do now stand part.

Hon. W. O. FRANKLIN: I beg to second that, Sir.

The question that this Amendment to the Explanatory Note stand part was put and was resolved in the affirmative without division.

On the motion of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT, Mr. CHAIRMAN reported the passing of 2 money Resolutions in Committee of Supply and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. M. A. KING, seconded by Hon. B. M. TAITT, the Resolutions were read a first time and second time and were agreed to.

ORDER NO. 2 - RESOLUTION THAT THE HOUSE OF ASSEMBLY APPROVE THE SALE TO MARITA CLARKE OF A PARCEL OF LAND AT BENTHAMS, ST. LUCY

Hon. H. A. BLACKMAN: Mr. Speaker, this Resolution seeks the approval of Parliament to dispose of a portion of Government land at Benthams, St. Lucy to the person who lives next to the land. It is 757.3 square metres and the price, as determined by the Commissioner of Land Tax, is \$16 000.

This lady had applied to purchase this parcel of land since 1985. It is now at a stage where we can offer the land to her.

With those remarks I beg to move that this Resolution do now pass.

Hon. B. M. TAITT: I beg to second that, Sir.

The question that this Resolution do now pass was put and was resolved in the affirmative without division.

ADJOURNMENT

Hon. P. M. GREAVES: Mr. Speaker, I am looking for something else to do but there seems to be nothing else to be done here today, Sir. There being no further business I beg to move that this House do now adjourn until Tuesday the 27th February, 1990 at 12.00 o'clock noon. Sir.

Hon. B. M. TAITT: I beg to second that, Sir.

The question was put and was resolved in the affirmative without division and Mr. SPEAKER adjourned the sitting accordingly at 1.57p.m.

CONTENTS	HEAD 30 - Police.....4899
MINUTES	Hon. M. A. King, 4899, 4900; Mr. D. A. C. Simmons, 4900.
Confirmation of Minutes of the Meeting of Tuesday, 6th February 1990.....	HEAD 31 - Prisons 4900
.4896	Hon. M. A. King, 4900, 4903; Dr. R. C. Haynes, 4900, 4901; Mr. D. A. C. Simmons, 4901; Mr. P. J. M. Miller, 4903.
PAPERS	HEAD 32 - Fire Service.....4904
Hon. N. K. SIMMONS 4896	Hon. M. A. King, 4904.
Instrument adopted by the International Labour Conference at its 76th Session held in Geneva in June 1989. Re the Indigenous and Tribal Peoples Convention 1989 No. 169.	HEAD 33 -Probation Department.....4904
GOVERNMENT NOTICES	Hon. M.A.King, 4904.
If Hon. P. M. GREAVES 48%	RESOLUTION TO AMEND THE EXPLANATORY NOTE TO HEAD 30 POLICE, SUBHEAD 5, TRAFFIC WARDEN DIVISION..... 4904
Resolution to grant the sum of \$11 136 647 from the Consolidated Fund and to place it at the disposal of Government to supplement the Estimates 1989-1990, Part 2 Capital as shown in the Supplementary Estimates 1989-1990 No. 15.	Hon. M. A. King, 4904, 4907; His Hon. J. J. Payne, 4904; Mr. P. J. M. Miller, 4905, 4907; Hon. P. M. Greaves, 4906; Hon. C. V. Walker, 4906.
_. Resolution to approve the compulsory acquisition of land at Wilcox, Christ Church for the maintenance of the Airport's Approach Lighting System and for agricultural purposes.	RESOLUTION TO APPROVE THE SALE BY THE CROWN TO MARITA CLARKE OF A PARCEL OF LAND AT BENTHAMS, ST. LUCY 4907
ORDERS OF THE DAY	Hon. H. A. Blackman, 4907.
SUSPENSION OF STANDING ORDERS	ADJOURNMENT 4907
Hon. P. M. GREAVES..... 4897	Hon. P. M. Greaves, 4907.
GOVERNMENT BUSINESS	SPEAKERS IN THIS ISSUE
SUPPLEMENTARY RESOLUTION NO. 14 SUPPLEMENTARY ESTIMATES PART I - CURRENT - \$684 600.....4897	BLACKMAN Hon. H. A. (St. Philip South)
HEAD 28 - Ministry of Legal Affairs.....4897	GREAVES, Hon. P. M. (St. Michael North)
Hon. M. A. King, 4897, 4898, 4899; Mr. D. A. C. Simmons, 4898.	HAYNES, Dr. R. C. (St. Michael South Central)
^	KING, Hon. M. A. (Christ Church West Central)
HEAD 29 -Public Prosecutions 4899	MILLER, P. J. M. (City of Bridgetown)
Hon. M. A. King, 4899.	PAYNE, His Hon. J. J. (St. James North)
	SIMMONS, D. A. C. (St. Thomas) WALKER, Hon. C. V. (St. George North)