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# THE

## House of Assembly Debates

### (OFFICIAL REPORT)

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FIRST SESSION 1991 – 96

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#### HOUSE OF ASSEMBLY

*Tuesday, June 11, 1991.*

Pursuant to the adjournment, the House of Assembly met at 12.20 p.m. o'clock.

#### PRESENT

His Honour L. A. WEEKES, G.C.M., J.P., (Speaker)  
His Honour T. C. ESTWICK, (Deputy Speaker)  
Rt. Hon. L. E. SANDIFORD, B.A., M.A., (Econ.),  
J.P., (Prime Minister, Minister of Finance and Economic  
Affairs and Minister for the Civil Service)  
Hon. H. deB. FORDE, Q.C., M.A., LL.B., (Leader of  
the Opposition)  
Hon. B. M. TAITT, B.A.(Hons.), M.P.A.,  
LL.B.(Hons.), (Minister of Health)  
Hon. M. A. KING, Q.C., LL.B., (Attorney General  
and Minister of Foreign Affairs)  
Hon. N. K. SIMMONS, (Minister of Justice and  
Public Safety)  
Hon. H. A. BLACKMAN, B.Sc.(Econ.), (Minister of  
State, Ministry of Finance and Economic Affairs)  
Mr. D. A. C. SIMMONS, Q.C., LL.M.  
Hon. C. V. WALKER, (Minister of Education)  
Mr. L. L. BRATHWAITE, J.P., (Chairman of  
Committees)  
Hon. E. E. GREAVES, B.A., Ed.M., (Minister of  
Housing and Lands)  
Hon. W. W. HALL, G.C.M., H.B.M., (Minister of  
Tourism and Sports)  
Mr. C. LeR. TROTMAN, M.A.  
Mr. R. L. MORRIS, B.A., Cert. Ed.  
Hon. D. J. H. THOMPSON, LL.B.(Hons.), (Minister  
of Development and Culture)  
Mr. H. B. St. JOHN, Q.C., LL.B.

Miss B. A. MILLER  
Mr. DeL. O. BRADSHAW  
Dr. R. L. CHELTENHAM, M.A., M.Sc. (Econ.)  
Mr. J. O. TUDOR  
Mr. D. W. BOWEN  
Mr. G. W. PAYNE  
Mr. R. C. EASTMOND, B.A., LL.B.

*Prayers were led by Fr. Ivan Harewood.*

Mr. SPEAKER: The House is in session.

#### MINUTES

Mr. SPEAKER: The Minutes of Tuesday, 4th June, 1991.

Hon. B. M. TAITT: Mr. Speaker, the Minutes of Tuesday, the 4th day of June, 1991 have been circulated. I believe they have been read. I beg to move that those Minutes be taken as read.

May I crave your indulgence, Mr. Speaker? It is being pointed out that there might be some slight difficulty with the Minutes. I beg to postpone the reading of the Minutes until a point later in the sitting.

Mr. SPEAKER: The Honourable Minister has requested, due to some adjustment to the Minutes, that they be postponed until further during the day. If there are no objections, then the Minister's request can be granted. (PAUSE) There being no objections, then the Minister's request is granted.

## PAPERS

Hon. D. J. H. THOMPSON: Mr. Speaker, I have the honour to lay the Annual Report of the Child Care Board for the period April 1987 to March 1988.

## NOTICES OF QUESTIONS

Mr. SPEAKER: The Honourable Member for St. James North, employment of temporary teachers in primary, secondary and tertiary Government educational institutions.

Mr. R. C. EASTMOND: Mr. Speaker, to ask the Honourable Minister of Education:

Will the Minister state

- (a) how many temporary teachers have been employed respectively in primary, secondary and tertiary Government educational institutions during the current term,
- (b) how many of the teachers in each category in (a) above are trained teachers and how many are paid from the Training Levy Fund,
- (c) Government's policy on the engagement of temporary teachers and the number of such teachers whom Government proposes to employ and/or to re-employ at the beginning of the next school year in September, 1991,
- (d) how many vacancies there are in the various categories of the teaching establishment and whether and if so, when Government proposes to fill those vacancies, and
- (e) whether Government proposes to increase the teaching establishment to absorb temporary teachers who are in regular service and are not substitutes?

Thank you, Sir.

Mr. SPEAKER: The Honourable Member for St. Michael North East, control and regulation of rent with principle of security of tenure.

Mr. L. L. BRATHWAITE: Mr. Speaker, to enquire of the Minister of Housing and Lands:

Would the Minister urgently consider the implementation of a system of control and regulation of rents together with principles of security of tenure in relation to residential tenancies which are not governed by legislation now applicable to tenancies?

Mr. SPEAKER: The same Honourable Member, acquisition of real estate by aliens.

Mr. L. L. BRATHWAITE: Mr. Speaker, to enquire of the Minister of Housing and Lands:

1. Is the Minister aware that there is presently no restriction on the acquisition of real estate by aliens?
2. Would the Minister
  - (a) state the policy of Government in relation to landholdings by aliens, and
  - (b) consider the initiation by Government through legislation of comprehensive principles regulating and controlling the acquisition by aliens of real estate in Barbados?

## ORDERS OF THE DAY

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

Hon. B. M. TAITT: Sir, I am hearing some little whisperings about somebody wanting to rise on a matter of privilege to question something.

Mr. SPEAKER: I am sure that is not part of the order of the day.

Hon. B. M. TAITT: A former Minister is wearing an agricultural tie, Sir?

## SUSPENSION OF STANDING ORDERS

Hon. B. M. TAITT: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of today's sitting.

Hon. M. A. KING: I beg to second that, Sir.

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

ORDER NO. 6 – RESOLUTION TO APPROVE  
THE SALE OF LAND AT POREY  
SPRING, ST. THOMAS

Hon. E. E. GREAVES: Mr. Speaker, this is I believe a simple Resolution. It is part of a number of other Resolutions which will be coming here from time to time, some of which have already come, relating to the disposal of property owned by the Government, which was previously used as public conveniences.

I want to remind this Honourable Chamber that a decision was taken in 1984 to close the public conveniences down. This one at Porey Spring was one of those such conveniences. As a matter of fact, the history relating to that particular property shows that by compulsory acquisition the Crown on 7th May, 1971 acquired 228 square metres of land at Porey Spring, within the parish of St. Thomas, from Dunscombe Estates Limited for the purpose of providing communal bath and latrine facilities in the district.

There is no evidence to show that the building has been used since that time for any other purpose, other than what it was required for. The building has been vandalised and the land is overgrown with bushes.  
12.30 p.m.

The Government is of the view that this is a property which could be disposed of. An offer was made by Mr. John Taylor who proposes to purchase this land and he has obtained permission from the Town and Country Planning Department to use the property as a residence and a shop. A decision was taken by the Cabinet, therefore, to sell the land, with the approval of Parliament, to Mr. John Taylor. This matter is now before this Honourable House and I, therefore, beg to move that this Resolution to approve the sale of land at Porey Spring, St. Thomas to Mr. John Taylor do now pass. The plan is here and I will make it available to Honourable Members who may so desire to have a look at it.

Hon. H. A. BLACKMAN: I beg to second that.

Mr. D. A. C. SIMMONS: Mr. Speaker, I know this property quite well and I am supporting the Resolution. I would like to get some idea from the Minister as to what is the consideration for this. How much are they selling it for? What is the rate per square foot? I will tell you why I ask that, Sir. It is not that I want to know the people's business, but it is a public matter. However, there is also another disused bath in Bridgefield, off the road – within the geographical limits of St. Thomas. I don't believe a decision has been taken about that one. The third bath at...

*Asides.*

Mr. D. A. C. SIMMONS: I will give the Minister a map of Barbados next time he is going to St. Thomas. The bath at Welchman Hall was sold – at Vault Road. This one is being sold and I think some decision should be made about the property in Bridgefield.

*Asides.*

Mr. D. A. C. SIMMONS: It is not next to a big playing field at all. It is off the road, down a track, opposite Atherley's shop. It can be renovated and perhaps, used as some meeting hall – a kind of place where the youth of

Bridgefield could resort. I say that very sincerely because we haven't got a pavilion at the playing field at Bridgefield. When the school is finally built – St. Thomas Secondary School – I expect that amenities which would assist the public of the area in having accommodation for their extra-curricular and social and cultural activities will be available in the new school through the auditorium, and other parts of the school will lend themselves to indoor activity.

However, we have nothing in Bridgefield where the people can... Even if they have a club, and they have tried to establish clubs, there is nowhere for them to go and meet. There is an old house that is a haven on the other side of the road from the bath. When I say an old house I mean an old, dilapidated shed, where the youth tend to hang out. It is not wholesome. If Government is not going to sell the bath or have no offers for it at the moment, I recommend that some funds be set aside to renovate the bath, instal electricity, put in sanitary facilities – lavatories, and perhaps the Minister will find that the finished product would be an enhancement to the area. It would certainly not be an unusual precedent, because in Jackson, there was an old bath there which was redeveloped into a little community hall – just off the road in Browne's Gap. That is working out quite well. So, a similar facility could be used. The structure is sound but the windows are out and it would need some refurbishment.

Mr. DeL. O. BRADSHAW: Mr. Speaker, I want to agree with the Honourable Member for St. Thomas, but I also would like the Honourable Minister to bear in mind that, in 1984, the then Government, the Barbados Labour Party Government, did take a decision to dispose of some of these baths. I wouldn't want this Chamber to feel that it was a policy that did not take certain factors into consideration. We did not sell all these baths for residential or other purposes. We decided that before we dispose of these baths that we would look at them to see whether they could be used for other purposes. The Government then, renovated the bath that was used in the Bay Land – the Honourable Prime Minister is aware of this bath that was converted to a meeting place where skills training and other activities occurred. The one in Gall Hill, St. John is now converted into a welfare office. So, I am just saying that these are purposes for which these baths could be used other than for residential and I would like the Minister to look at them and consult with other departments, for instance, the Ministry of Community Development to see how best we could utilise these buildings before making a decision. Never mind a decision was taken. Never mind the Town Planner was consulted and gave his approval. That does not mean that a policy could not be amended to reflect.

I am concerned, Sir, like all of us in here, that we have problems with the youth and some of them are crying out. I

have heard the Youth Council crying out for meeting places and I am saying that these centres, these baths, could be renovated with a view to answering the requests of the Youth Council, who I feel have a very strong case. We have to understand that we are living in changing times. The youths are reacting and behaving quite differently from 1984 and that is why we have to look at them very closely now and look at our policies to see how best we could either have some skills training in them or meeting places, community halls, such as the Honourable Member for St. Thomas has said.

In supporting this particular Resolution, I am sure that the Minister won't take issue with what I have said in relation to the disposal of these baths.

Hon. D. J. H. THOMPSON: Mr. Speaker, Sir, I listened to the debate. So far, some of the matters which have been raised impinge upon the policy of the Ministry of Community Development and Culture, particularly, the Community Development Department. I want to start by assuring, if necessary, the Honourable Member for St. Michael South East, even though he himself has provided examples which would suffice to prove the point, that wherever possible, Government has in fact utilised these public baths for community and other purposes.  
12.40 p.m.

You pointed, for example, to the one in Gall Hill, St. John, and Branchbury in St. Joseph. What has been happening – and it depends very much on the representative and his ability to mobilise people – in respect of the Rosegate public bath and the Kendal bath the youth groups have provided us with plans and estimates for the renovations. They will provide the labour and Government will assist in providing the materials. This is a means of involving them in renovating the public facilities themselves and they can continue to maintain it and utilise it for their purposes.

Regarding the point by the Honourable Member for St. Thomas, it would probably be a good idea if he could motivate the young people and others in the area to see this need because before Government takes a decision relating to a public bath, it consults with the Community Development Division. In this respect a survey would have been carried out by a community development officer to determine whether there is sufficient activity in the area to merit that use, or to consider whether there is sufficient interest. Now, there is no point converting...

Mr. D. A. C. SIMMONS: On a point of elucidation, Sir, just to point out that at least three times I have discussed with the young people of Bridgefield the use to which the bath at Bridgefield could be put for community purposes.

*Aside.*

Mr. D. A. C. SIMMONS: I am responding to the other Minister. He talked about motivating the youth and trying to get their ideas on it. They are for it.

Hon. D. J. H. THOMPSON: The Ministry has always taken the position that if the community wants the public bath we facilitate it. That is the first order of business. It is only if the community itself is not interested or if there is no need for those facilities that it is not utilised for those purposes.

In respect of Gall Hill, the community centre was already being upgraded so the public bath was then determined as being a suitable place for the welfare office and that was recently completed along with renovation of the community centre. Once that analysis is carried out, and one of the ways in which it can be done is by the parliamentary representative himself who can initiate this action as I did in the case of Rosegate and Kendal, by writing to the Ministry of Housing and indicating that the youth have met with me and have indicated that they desire to use those facilities. As I understand it, this is what the Honourable Member for St. Thomas is saying happened in respect of an area in St. Thomas.

Mr. Speaker, the policy, therefore, is very clear. Once there are purposes for which the facility can be used and once we can develop that creative partnership particularly with the community groups in the areas in refurbishing and renovating the public baths, then we are committed to it. We will do it anywhere, Chalky Mount, Turners Hall, wherever it is necessary. In fact, in some cases, the schools that are being abandoned by the Ministry of Education are now being utilised as community centres. There is no policy to stop that. There has been no attempt whatsoever to revert any trend. Therefore, the Government maintains this as its policy and will continue to maintain this as its policy, funds permitting, and once there is an interest by the community in the particular project.

Hon. N. K. SIMMONS: Mr. Speaker, it has been the policy of the Community Development Department to call in the people from the area. As a matter of fact, when I was there, what we did was when these baths came up we visited the areas ourselves – I was on the team as well – and spoke with the people in the area to find out if they wanted it, what they wanted to do with it and on that basis we decided. But then we went further. We asked the people in the area if they could get their own carpenter and mason and if they had someone who could draw a plan to draw the plan. It was a community effort. As in the case of Branchbury in St. Joseph, as far as I can remember, we then gave them \$14 000 to buy the materials, not all at one time.

Mr. Speaker, in your area you will remember at the community centre in Deacons Farm when there was some vandalism there the Community Development Department

even gave them some money to help rebuild it. A lot of investigations are carried out before a decision is made as to what should be done to it but the community, first of all, has the first refusal. That is all I want to say.

Thank you.

Hon. B. M. TAITT: Mr. Speaker, Sir, I just want to take the opportunity since this is the change of use of a bath and the subject matter of the baths and what they were for, I would like to take this opportunity to appeal to those persons in the urban areas – I do not think this applies to people in the rural areas – especially the City of Bridgetown who nine years before the 21st Century reaches us, are still making the sidewalks and the roadways public latrines.

Both Governments – I know that other Ministers of Health before me have spoken about this. It is a reprehensible habit with male adults in Barbados. Let me make it clear that I am talking about males. You do not see any females in Bridgetown going anywhere. Male adults in Bridgetown are constantly standing up in broad daylight in alleys and streets. It is a habit which we have to get rid of as a society. It is a disgusting habit and I do not understand why, Mr. Speaker, in spite of all of our trying and in all of our discussion.

I really think the time has come when we should have everybody participating in a campaign to stop this indiscriminate urinating all over Bridgetown. It is not desirable. It is unhealthy. But more than that, it is not in keeping with a country that boasts constantly of a high standard of health, education, literary and living. It is not good enough. I would like to take this opportunity to ask those persons who do it blindly or inadvertently to try to utilise their better training because they would have been trained that it is not desirable by now.

Also, we are insisting in the Ministry in the division that has to do with buildings that are going to be put up in Bridgetown that there must be included public conveniences within the structure so that those members of the public who are utilising their store or whatever will have access to public toilets. We are insisting that is a condition on which the Ministry of Health will give approval for such buildings. Where there are going to be renovations, where they do not exist, we expect that people will do them. This is not a matter where you should be bringing in draconian measures to get people to do what is natural and normal.

There are still a few public conveniences left in the City. We are trying to keep them in as sanitary a condition as possible. I believe, generally speaking, the Sanitation Service Authority is successful in that regard. But it is the ones who are going in Amen Alley up by Gem Travel and around where the old Lynch's Secondary School used to be, the alleys down by Hincks Street, wherever there is a alley

in Barbados. Some of them you cannot even walk through and the Sanitation Service Authority is not, and I think it needs to be said, required by law to remove any faecal waste. There are people who are going beyond the question of urinating. Some of them seem to feel they must do all of their defecating in certain parts of Bridgetown. It seems to me that if the police sees anybody doing this they should arrest them. That is what should happen. You should be arrested for urinating in an unauthorized place. You should get arrested for exposure. It is true that sometimes you can hardly see any exposure.

12.50 p.m.

*Aside.*

Hon. B. M. TAITT: The Honourable Member for the City says they are showing off what they do not have. But, Sir, quite seriously I believe that this is a matter we have to stamp out. That is all I have to say. But I thought I would take the opportunity of this to make that point.

Hon. E. E. GREAVES: Mr. Speaker, just to wrap up this debate.

The Honourable Member for St. Thomas has asked what is the price that Mr. Taylor is paying for this property. The price is \$7 000 for the area of land which is described.

As far as Bridgefield is concerned I took the opportunity whilst the Honourable Member was speaking to look through the list of public conveniences which we have noted here and there is noted for Bridgefield 226.3 square metres. When the advertisements went out as you appreciate advertisements were sent out in the newspapers some years ago asking for tenders and no applications were received for Bridgefield. There is a recommendation for further advertisement.

I would certainly want to join with Honourable Members who have participated in this debate to say that before any decision is taken to make recommendation to Cabinet for the disposal of any of these conveniences that all the Government departments are circulated with the information requesting them to indicate whether they have any uses for any of these buildings. This was done in this particular case. For example the Community Development indicated that they had no particular uses for it.

I would want to give the Honourable Members the assurance that any of these which still remain, if uses can be found for them in the particular community that favourable consideration would be given to any reasonable request.

I would further want to support the point which was made by the Honourable Member for St. John that

occasions like these present a very useful opportunity for community groups to become involved in a community effort and certainly the records will show that this has happened in the past. I think we have to move away from the concept that every development which takes place in a community must be done by the Government. I believe that the community ought from time to time to come together to develop facilities in which they can have some pride and certainly which would be of some use to them. We stand ready to accede to any reasonable request and certainly to support it. The Honourable Member for St. Thomas need not fear as far as Bridgefield is concerned. I am sure that with the kind of indications and thinking which have come from this side the Honourable Member will be able to go back to Bridgefield in St. Thomas and try to motivate the young people there to get them to participate in an activity that would see this particular building utilized in a community effort. The Government is quite willing to assist in that particular area. I just want to make that particular point.

With those few remarks I would want to move that this Resolution do now pass.

Hon. N. K. SIMMONS: I beg to second that, Sir.

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

Mr. SPEAKER: Order No. 1.

#### SEXUAL OFFENCES ACT, 1991

*Order No. 1 was called – To move the resumption of debate on the motion for the Second Reading of a Bill entitled the Sexual Offences Bill, 1991.*

Hon. M. A. KING: Mr. Speaker, Sir, I beg to move that the debate on this Bill be now resumed.

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

Miss B. A. MILLER: Mr. Speaker, Sir, I welcome the opportunity to say a few words on this matter. I would first of all like to say that I am glad that this Bill is going to Select Committee.

The Bill is attempting to respond to what is clearly a very urgently felt social need in Barbados. There is some reservation about the amount both in terms of quantity and quality of consultation that has taken place both within the public domain and between the public and the private sectors so to speak on this issue. An attempt was made by the Attorney-General to reassure us that consultation had in fact taken place with many organizations particularly social entities in our community but sometimes we have to query the quality of that consultation. For instance certainly to my knowledge the Bar Association claims that it was not or

not sufficiently consulted by the Attorney-General's Chambers on this Bill. On the other hand the Attorney-General is saying that every and ample opportunity was given for this consultation but the response was less than had been hoped for. I am hoping that at the level of the Select Committee it will offer yet another and perhaps people will be encouraged to take advantage of this last opportunity for comprehensive and frank discussion.

When I looked at the explanatory memorandum to this Sexual Offences Bill, 1990 I see that there are three main concerns said to be expressed by women and the first is the one that I would want to address most particularly:

- (a) the apparent increase of violence against women in the society;
- (b) the present state of the Law in this particularly as it relates to the nature of evidence required to be given by victims; and
- (c) the need to encourage victims to report the offence.

The apparent increase of violence against women in the society. The word apparent is instructive, Sir. I do not think there can be any doubt in Barbados at any level among any group that there has been a dramatic increase in the level of violence generally speaking in our community and in particular against women.

I do believe that although this legislation and other legislation will be before us it is mainly contemplating punishment and other corrective measures. I do believe that in this community the Attorney-General and ourselves as Parliamentarians ought all to be thinking at the same time about the source, the genesis of this elevated level of violence in our community. We ought to be more concerned than we appear to be with the preventive as distinct from the corrective measures which this Bill puts before us.

1.00 p.m.

I note that rape is very properly, in my view, Mr. Speaker, Sir, placed in the context of this Sexual Offences Bill, because contrary to popular belief, rape is not so much about sex as it is about violence. All of the professional people who are concerned with this, people both inside and outside of the penal systems of the Commonwealth and further afield constantly make this point and I think that any woman who has had the experience or even another woman who has had the opportunity to view another woman who has had the experience, the very recent experience of rape, would be able to testify to the fact, that rape in fact is more about violence than it is about sex.

Violence, in this context, Sir, is usually thought to be an enforcement of a man's need to humiliate and to subjugate a woman, and that this violence will manifest itself in various ways. There is a growing body of opinion in Barbados, Sir, which thinks that this increased violence, and particularly the violence against women, has to do with the inability of Caribbean men, Barbadian men in particular, to accept, to cope with the continuing emancipation of women.

In fact, in quite recent times, I think sometime during the course of earlier this year there was a public debate at Queen's Park, and the subject was "Men in Crisis". This is not anything peculiar to Barbados, it is very much on the public agenda in North America, particularly in respect of black men. 'Men in crisis', this is all part and parcel of what is happening in the Barbadian community and part and parcel of the rationale behind this Sexual Offences Bill. There is a word that I think the Spanish use to describe a certain attitude that is much found among men, macho, machismo. My Spanish pronunciation might not be very good, but I think Honourable Members know what I mean.

I have always found it interesting, Mr. Speaker, so that there is no feminine counterpart for that. Women do not have this need to show off, this exhibition sexually. In the context of this Bill ...

*Aside.*

Miss B. A. MILLER: No, I am not talking about women who dress up and want to look nice and want to look attractive. I am not talking about the women who enter the competitions, the beauty competitions and so on. I am talking about this constant need to subjugate others. This constant need to humiliate the other sex, this male chauvinism, the female counterpart is not nearly as well developed and this is thought in some circles to be part and parcel of an attitude that underlies sexual offences perpetrated by men against women.

Mr. Speaker, Sir, there are particular aspects of this Bill which concern me. I am deeply concerned for instance that in the interpretation section there is no definition of child. In fact the interpretation section is as short as it is possible to be. There is only one definition and that is of spouse and yet 'child' is referred to throughout this Bill. In some clauses more than others, particularly the clauses 4 and 5 which have to do with the under twelves, clause 4, clause 5 dealing with the fourteen to sixteen. The Bill is seeking to distinguish between minors under twelve and those between the ages of fourteen and sixteen, particularly at clause 7 where reference is made to 'adopted child', 'step child', 'foster child', 'ward' or 'dependant' and yet, no definition.

I am concerned, Mr. Speaker, Sir, that the relationships described in this Bill need to recognise far more than they do, what the social reality and what the

social norm is in Barbados. I have to assume, as an Attorney, that the relationships described in the Bill have to be taken in their proper legal sense, so when you talk about an adopted child you are talking about a legally adopted child. When you talk about a step child you are talking about a step child as the law defines it. And the same with foster child. But there is a child, ordinarily known in Barbados as a child of the family or a child of the household. A child who is sometimes referred to as a step child but who legally is not a step child who is sometimes referred to as a foster child but is not legally a foster child, sometimes referred to as an adopted child.

In a community like ours where in excess of 70 per cent of the unions are unions other than marriage, where a man may be in a union with a woman and living in a household together in a home, together with her and children, some of whom may be children out of a previous relationship, children born to the woman from a previous relationship who are not legally falling into any of these categories and when you talk to the social workers and when you talk to the probation officers and all those at the Child Care Board who are concerned with these matters and out of the well of my own experience in these family matters, Sir, it is the children who are not clearly defined in this Bill who tend to be the victims that the Bill is contemplating. Where, in that family setting a child, sometimes under the age of twelve, sometimes over the age of twelve, fall victim to the advances of the man in the family who is not legally her adopted father, who is not legally her step father, who is not legally her foster father, of whom she is neither the ward nor the dependant and I think that we need to look with a little more care at this.

It may turn out that the very people that we set out to protect are falling between the cracks of this Bill and I hope that is a matter that the Select Committee will take up and that will be examined with great care when it gets there.

In my view, Sir, the Family Law Act of Barbados which is almost ten years old now is ripe for review. And this Sexual Offences Bill and the Domestic Violence Bill are in the end going to create a hodge podge, with more cracks, that more people are going to fall through. It is felt, for instance, in some circles already, I certainly believe that the Domestic Violence Bill which also will go to Select Committee is meant to be either the poor man's or the poor woman's or both family law act. But some aspects, I believe, of both of these Bills might better be seen as extensions of a revised family law, a consolidated body of family law. I think that perhaps the Attorney General's Chambers might better be looking back now at the Family Law Act which has its pluses but also has its minuses.  
1.10 p.m.

We have had ten years at practice at it. I think those who are practicing at the Bar and those who are on the

Bench know where the faults, shortcomings, and the major negative or minus aspects of that legislation lie. I think that kind of major review of the Family Law Act together with what is clearly the intent of this Sexual Offences Bill and the Domestic Violence Bill ought to be looked at altogether as a package, Mr. Speaker. There are other areas which other Honourable Members have addressed where they have great unhappiness with certain aspects of this Bill.

Another area of this Sexual Offences Bill, which I find very offensive in itself, has to do with Section 14 for instance. The power of arrest without warrant – just a minute. I may be talking about the Domestic Violence. I beg your pardon, Sir. That is the Domestic Violence Bill. But that is an area of real concern in respect of the Domestic Violence Bill, which is an inordinately large power which is attempted now to be given to the Police to arrest without warrant.

I would also like to suggest, Mr. Speaker, Sir, that if the Attorney General is disposed to, indeed as I suggest not look, at this Sexual Offences Bill in isolation but together with the Domestic Violence and other bits and pieces of legislation, but most particularly the Family Law Act with a view to a major piece of reform in the context of the reality of family life in Barbados today, that they need also to be looking at the role of Legal Aid in this connection. The present system allows much aid and benefit to women in particular who without it would have had nothing and no redress or recourse to the law. In the question of abuse, Sir, when we are talking about violence against women, we are talking about human rights and the Legal Aid system in Barbados is going some way to aid women in redressing these wrongs. But again that needs to be part of the package. It is not my function here to outline in any detail for the Attorney General exactly how this can be gone about. I hope this will be the business of the Select Committee. But I am just throwing these things out and I am hoping that a larger consideration will become the order. I think that this is as good an opportunity as any, Mr. Speaker, Sir, to reiterate a point which is deeply felt among women in the legal profession and among litigants who have found themselves before the Family Court in Barbados.

The whole question of the status of the Family Court needs urgent attention as well. There is one body of opinion which feels that we need a Family Court Judge. There is another body of opinion which I belong, Sir, which feels that perhaps if we do not need a Judge that at the very least we need to have something like a master, which is an intermediary stage between the Magistracy and the High Court, which person would address exclusively Family Law matters and, if not exclusively Family Law matters, wider civil matters but carrying a large burden of the Family Court.

There are other opinions about how relief can be brought to many women who are the subject of abuse and violence on a regular and daily basis. These matters have all been discussed, I believe, in a very recent seminar held by the Barbados Bar Association. I believe that recommendations would have gone forward not only to the Attorney General but also to the Honourable Minister of Justice as well.

Mr. Speaker, Sir, the burden of what I really want to be saying today is that it is not enough that in isolation we should be looking at this. People will get up and make points about corroboration and that is an important point that has to be made. When we look at this Bill, Mr. Speaker, Sir, we have to be very careful, in particularly as a women. I say that we have to be very careful not to elevate rape through this Bill into a legally accepted form of prostitution. If you look at what this Bill is proposing in respect of corroboration and other technical aspects in the way in which the offences contemplated by this Bill will be prosecuted. There is room for a lot of retooling of this Bill. There is room for much wider consultation and there is room for a larger picture. It cannot be seen in isolation. It cannot be seen in isolation from Domestic Violence. It cannot be seen in isolation from a whole hosts of other family allied or family connected offences. Thank you, Sir.

Dr. R. L. CHELTENHAM: Mr. Speaker, Sir, this Bill which is currently before the House which seeks among other things to revise and reform the law relating to sexual crimes and to make provisions for related matters is very important indeed. I am happy that the House is moving slowly, as it were, with respect to this matter and that the decision has been taken to send it to a Select Committee.

Apart from repealing legislation long on the statute book, the punishment of incest acts, for example, in the Suppression of Brothels Act makes radical and substantial changes to the Offences Against the Persons Act which is the main body of legislation dealing with sexual offences in this country. It seeks to stiffen the penalties in many areas, make witnesses compellable who were not hitherto compellable, remove certain long-standing protection for defendants in sexual offences matters such as the need for corroboration and minimizes, if not removes completely, the importance of the notion of recent complaint as part of the test of the consistency and the credibility of complainants in sexual offences. In fact, in many respects it changes the nature of proof needed in these sexual offences matters. I am disappointed, Mr. Speaker, that there has not been more widespread public discussion on this matter. I wonder whether the Attorney General himself will take the lead outside of Parliament in trying to ensure that the public becomes more alert and that apart from professional bodies like the Bar Association, Child Care Board, and women organisations that the public – the man in the street who is concerned to have his say on the call-in programmes or to

write his letter to the Press – will be aware of the implications of this Bill which are far-reaching indeed.

Hon. M. A. KING: The Honourable Member has made a plea for wider public discussion on the Bill. I just would like to draw to the attention of the House in respect of that matter, Sir, that when this Bill was first introduced in Parliament in the last session I did, in fact, do a television programme on it and invited public discussion on it. It was a semi-Press Conference. The Press were there and they were invited to ask questions. There was some public debate on it in the pre-election period. True enough it has not been done in the post-election period.  
1.20 p.m.

My mission then was to ensure that there was as much public discussion as possible on the Bill and I provided the opportunities. There was some debate on the call-in programmes, but certainly not as much as I would have wished or hoped for.

Dr. R. L. CHELTENHAM: I thank the Honourable Member, Mr. Speaker for indicating what steps had been taken in the past to activate public discussion, as it were, but my point is not that nothing has been done but that perhaps not sufficient has been done.

Mr. D. A. C. SIMMONS: Sir, on a point of order. I just want to let the record reflect also that what the Attorney General said is true. When the Bill came for Second Reading a few weeks ago I spoke for two hours to put the criticisms and to raise a number of concerns on this Bill. Those people did not carry one line anywhere about the public media in Barbados. I am pointing wild, Sir. I spoke for two hours, pointing to all the problems of corroboration, recent complaints. . . .

Mr. SPEAKER: There is just one point, though.

Mr. D. A. C. SIMMONS: I mean it got no publicity, Sir.

Mr. SPEAKER: But that is not a point of order, I am sure.

Dr. R. L. CHELTENHAM: Perhaps the Press has an important role to play here, as has been indicated by the Honourable Member who last spoke, in helping to explain, inform and educate the public as to the implications of this measure currently before the House. It is before the House and to that extent no useful purpose would be served in arguing that other matters not before the House are perhaps more important, but I must make the point that I find it difficult though, particularly when I look at the statistics to rape and related sexual offences, as reported in the last many years in this country, to understand why it is it has assumed so much importance in the Government's legislative programme. It seems to me that it is yet another

indication of misdirected priorities, legislative and otherwise, on the part of the Government.

I am still puzzled over the fact that we have not yet brought to Parliament any body of legislation dealing with consumer related matters, which I regard as very important, or even the Bill to remove the discrimination with respect to the time within which civil actions can be initiated against public authorities and the Crown, as opposed to against private individuals. Dozens of persons are denied access to the courts week after week in this country in serious matters, resulting from the fact that there is a law on the Statute Book which says that when a tort has been committed by a public authority and by a Government Department, you must initiate your action within 12 months of the date of the commission of the tort. That has led to widespread injustice in this country and I am really disappointed that that has got low priority, a whole range of other matters have not been treated with any priority, and in the absence of hard evidence – this is the point – we are giving such prominence to this matter.

The statistics which I have before me, Mr. Speaker, seem to indicate that in 1977 there were 55 cases of rape, in 1978, 55, in 1979, 23 cases, in 1980, 55, in 1981, 62, in 1982, 55, in 1983, 47, in 1984, 62, in 1985, 43 and in 1986, 65. So that it would seem to indicate that in the ten-year period 1977 to 1986 the average number per annum was about 50 to 55 and that there has been no increase. Even though there must be a lot of cases of sexual abuse, including rape, not reported in this society, as indeed happens in every society, in so far as we have hard evidence, there is no reason to believe that rape and sexually-related offences in Barbados are on the increase. I know that the women's organisations are active. Sometimes one would get the impression that that is so but when we consult the statistics I do not think that a case has been made out.

The point is that the Bill is before us and we have to make the best we can of it to make sure that at the end of the day what is put on the Statute Book is fair in terms of respecting the rights of defendants and accused persons and also protecting our women, particularly minors. What we must not do is to destroy the rights of defendants and exploit our menfolk while we seek to give added rights and protection to minors and to womenfolk. We have a duty to maintain a balance and I think that the Select Committee process will help us to get the balance right.

One of the features of this Bill, Mr. Speaker, is that it increases quite drastically and dramatically the punishment which will attend guilty persons of sexual offences. There is a tendency in the Caribbean for legislative policy to reflect increased sentences, harsh sentences and for the courts themselves to respond to the discussion about violence almost with an outbreak of which I call judicial savagery.

These things are understandable in the sense that in small societies people know of incidents which in larger, more impersonal societies go unreported or are scarcely noticed, and so there is a cry for revenge in small societies which you do not normally get in larger, more impersonal societies. So that these small societies are, almost by definition, vengeful societies and it is not surprising that everywhere you are hearing "flog them", "hang them", "lock them up for long periods", and so on. It is the nature of small societies, whenever they think there is a perception of an increase in crime in any area, to respond in a very vengeful way, and though politicians tend to act in consonance with public opinion as they perceive it at the time, we must be careful to appreciate two things. One is that all the empirical evidence suggests that savagery in extended sentencing, particularly extended incarceration, as punishment, does not help to reduce the incidence of these crimes. The second thing is that sometimes in trying to accommodate public opinion we lose track of the necessity for the sentencing tribunal to focus on the specifics of the defendant.

1.30 p.m.

The defendant has to be considered, too, as part of doing justice and part of protecting the interest of the public. Specifically, Sir, in the past, what we call statutory rape, that is, having sex with a lady who is under the age of consent, but with her consent, used to attract as a maximum penalty two years. I note that in the Bill that goes to ten years. As a maximum punishment, that seems to be unnecessary harshness in a case and the sort of situation where in all probability the young lady looks like she is much more than sixteen, the age of consent, and when the dominant feature of the case is the fact that she has consented. We all know that there are people in this society having children at the age of thirteen and fourteen. If, for example, a lady is fifteen years and eleven months and she is living in a house with a man who thought that she might have been seventeen or eighteen – she herself might have said so. He is over twenty-four which means a certain statutory defences are not available to him. If he was under twenty-four a defence would be available to him. The girl, herself, might be quite happy, but then it is drawn to the attention of her father who might be living in a distant parish that this is going on. He might know the man and not approve of the girl living with the man. The matter is drawn to the attention of the Child Care Board and the Police. It comes to light that she is fifteen years eleven months, and he faces a case. The defence of being under twenty-four years is not available to him. He is twenty-eight or thirty and he is facing for that a penalty of ten years as a maximum.

It is true that there is a judicial discretion there, whereby he may only get eighteen months, but given our experience of the court system – and there is a school called the Realists School, which says that the Judge may sentence you in relation to what is his blood pressure level the

morning of the case or his relationship with his wife or loved one the morning he left home. The sentencing tribunal is only a human tribunal. That man may still end up with seven years, even though the reality of the situation is that there was a happy relationship, and the sex was sex in which the lady fully consented and was most happy.

Mr. Speaker, Sir, this is a case, and I don't want to go through them all, but this is a case that illustrates the situation that I am talking about, where in many instances, there is unnecessary harshness in the sentences to be meted out.

I have no particular quarrel, Mr. Speaker, with the provisions as they relate to minors. I think that a determined attempt must be made in this country to ensure that the protection to which minors are entitled is received. It seems to me that simultaneous with legislation, there must be an educational programme. Men, and women, too, because there is exploitation of minors by women. I have had some cases of that sort of thing. Adults must be made aware through a wide, educational programme of their responsibility towards minors. In this respect, men must not be singled out, because even though they may appear to be the greater offenders, there are instances of exploitation by women also. So, I would say that simultaneous with legislation, there must be an ongoing public education programme to deal with this particular matter.

In dealing with sexual offences, Mr. Speaker, there are obviously cases in which there is clear exploitation, whether rape, sexual assault or otherwise, in which the proof is overwhelming, in which a woman had no knowledge of a man before – she did not know him and he came like a bolt from the blue, as it were, to ravish her – seriously assaulted her and in which the evidence, as I said, is overwhelming. I am not concerned with that particular case. I don't think any one particularly is, but there are numbers of what I call marginal cases – sex resulting from what is called rape resulting from dates, called "date rapes". A man has been courting a woman on the telephone, might even have been seeing her socially. She consents to going out on a date. There is dinner. There is dancing in which she yields herself on the floor. She agrees to go afterwards to his apartment or even to hers; and there is good reason to believe that the man was travelling on the green light. All was clear for him to have sex in the circumstances. Thereafter, he might even have slept in after and not left having come in at two or three o'clock, until the rising sun, but he is met by a policeman two, three or five days after. Those cases present great difficulty to the Courts. The defendant in those circumstances must rely on the long established protections in the court system – corroboration, those questions of whether there was recent complaint. He may even have to rely on the background of the girl in order to establish his innocence or to get the benefit of the doubt from the jury.

That's not the only one. There are cases where consent was actually given and along the way was withdrawn. That is even a more difficult situation. All of these are very difficult circumstances, marginal cases, as I call them. You may even say they are doubtful cases. The Law, over the years, has developed certain safeguards for accused or defendants. One safeguard was the notion of corroboration, that the complainant's story must be supported by some untainted source and that in the absence of that, the Judge had a strong, unavoidable duty to warn of the dangers of convicting in the absence of corroboration.

Now, that is a principle that has been supported over centuries and by generations of judges. It has been found by man, as my learned friend, the Honourable Member for St. Thomas, has pointed out in his contribution, that rape is perhaps the easiest offence to allege and the most difficult one to refute.

The experience and the wisdom of the years have thrown up certain safeguards, of which corroboration is one. As I understand it here, this Bill virtually abandons the notion of corroboration. I think that that is very dangerous indeed. This notion of corroboration results from the nature of deliberate false charges by women in relation to rapes and results, too, from the fact that the motivation of women in rape cases is quite often hidden from the eye of commonsense and may be the result of neuroses, sexual neuroses, fantasies, jealousies, disappointment, or a sense of hurt resulting from something that was said or not said in the course of the sexual act, itself. We have had cases here in this country where women said in the course of their evidence that the man said something – I don't necessarily want to give any details here than... He didn't think they were smelling pleasant, for example. You could imagine her response to the man, sharing her body, who yet could bring himself to make these sorts of comments.

1.40 p.m.

It is because of the fact that the motivation for the charge is quite often not obvious to the eye of commonsense particularly where the sexual element is involved, that men over the centuries and generations of judges have pointed to the importance of this doctrine and this rule of corroboration. That has been the wisdom of the years. I do not think we should throw it aside and likely ignore it.

The literature in terms of the law courts and particularly the reminiscences of judges as reflected in books, their memoirs reflect certain instances of women giving false evidence of any of the reasons which I have pointed out against men in rape cases. Sometimes a woman under the influence of music or drink may make a decision tonight of which she is ashamed of tomorrow and because others may eventually know what she did the night before, she is not happy that they should know that she allowed herself to make such a decision. That has been known to lead to reports against men for rape.

The other safeguard which the wisdom of the years has found necessary for men – this goes back to the period of Henry III, the 13th Century – is the whole notion of recent complaints that if a woman claims that she has been ravaged – Brampton was writing about this as early as the 13th Century – it is all discussed in Hale's Pleas of the Crown – where a woman was expected and it was necessary if her story was to be believed to raise what was called a human cry, that is, to show off her injury and even her damaged clothing in neighbouring towns and that was supposed to lead to the probability of her story being believed.

This Bill makes a very strange provision in relation to the recent complaint. Rather than the judge, as happens now, being able to say in a case where there has not been a recent complaint – a girl is living with her parents, the relationship is a good one between herself and her schoolmistress, between her mom, dad and herself, she claims to have been raped, she is sleeping home every night, she has access to her parents but she never says a word until, perhaps, a year has passed. No one in whom she has confidence she tells this story to. A year has passed and then she comes forward and says that John Brown has raped her.

At present, as the law stands, that recent complaint would not be admissible in the first place. The person to whom she made the complaint could not come forward and give it. It would be regarded, if I may put it that way, as not recent, time barred as it were, where in the circumstances a year has passed, she had access to people whom she trusted and she never once said a word. The judge might even comment on the fact that she told it to no person and yet she is asking us to believe her.

As it stands here now, what this Bill is suggesting is that if there is no recent complaint, the judge would be in a position, under the Act, and he would have a duty to tell the jury that there are several circumstances in which a woman may not make a recent complaint but that does not mean, in effect, that her story is false.

It seems to me that takes the protection away from an accused person and puts too much protection on the part of the prosecutrix. I think that is an important area in which we have lost this balance which I spoke about at the outset, making sure that while we offer protection to our women folk and to our minors, that, at the same time, we do not exploit and expose our brothers, our men folk.

Now, the means of proof and these notions of corroboration and complaint relate to how we set about establishing our case. I am surprised that even though so many strides have been made in so many areas, that the Bill makes no provision for them. In fact, quite often a woman's history is very relevant to whether she can be believed or not. There are instances of women who make a living

virtually out of this sort of thing, who out of a five or seven-year period have been known to make five reports to the police of different men raping them.

The Bill does not allow, except in very restricted circumstances, evidence to be given of the woman's background in relation to this matter. I think the tribunal should be allowed to act as the arbiter of fair play, not allowing counsel or defendant to scandalise a prosecutrix. But if, indeed, it senses that the background may be relevant in telling us something about the character and tendency of the prosecutrix it should be allowed. There should be no statutory fetters on the judge exercising his discretion as the arbiter of fair play with respect to whether background can be introduced or not. As it stands, there would seem to be certain limitations here which the Bill seeks to introduce.

I do not know why there has been no mention of the lie detector test. In many jurisdictions that is an important tool as part of the means of proof and also medical and psychiatric reports of the prosecutrix herself because often those reports give us an insight into the character of the person with whom we are dealing and tell us whether we can rely on them or not.

I mentioned earlier that the Bill in several instances seeks to stiffen the penalties. I am disappointed that we have not reached the point yet where in many of these Bills we try to introduce a mix of punishment. Why always this extended period of incarceration? Why not give the tribunal an option between incarceration and fines, or community service so that looking at the circumstances of the defendant the court may determine this has been a gentleman who is charged here and convicted who has given service to his community. It is a serious offence and to that extent we feel that it ought to be met by some period of imprisonment but in the circumstances we are going to make that period of imprisonment short, nine months, for example, but we are going to insist that he gives 1 000 hours of community service. That may better meet the justice of the situation.

The Bill is making no provision here, once again, for that mix which should be available for the sentencing tribunal where you could combine incarceration with fines and community service and maybe other things but we are only talking of extended imprisonment. In the circumstances in which our prison is already seriously overloaded – they told me the last time I was up there visiting that there were three to a cell which is very serious indeed...

*Aside.*

Dr. R. C. CHELTENHAM: The Minister of Justice tells me that in some jurisdictions there are 13 to a cell but

when you reach that situation it is very sad indeed. You are really sowing the seeds for a mutiny.

Mr. Speaker, I am hoping that when the Bill goes to a select committee, as, indeed, it has been indicated it will do, that many persons will come forward and express themselves on this important matter and that when the Bill comes back before you, Sir, that it will be more balanced in the sense of giving greater protection to our womenfolk and our minors but, at the same time, ensuring that these longstanding and wide safeguards for defendants are kept intact. In particular, Sir, I would hope we would take the opportunity to introduce that mix of penalties so that our sentencing tribunals, or judges for the most part because that is what it means, will have before them the opportunity to combine community service and fines with sentences on an increasing scale.

Thank you, Mr. Speaker.  
1.50 p.m.

Mr. SPEAKER: The question...

Hon. M. A. KING: Mr. Speaker, there are a number of points which have been raised by Members in respect of which I wish to make a few comments. The Honourable Member for St. Joseph made a number of points in the course of his statement on this matter. First of all he commented on the question of the need for this Bill at this time, wondered in terms of the urgency of the matter and expressed the view that there was a lot of legislation which perhaps would more demand the attention of the House at this time and he of course made reference to the fact that in relation to torts by public authorities for instance where the limitation period was limited to one year that it created a lot of hardships for persons a circumstance which I thought was a little outside the terms of the debate. But since the Honourable Member referred to it I think it is just as well to indicate firstly, just to get this matter out of the way, that an amendment to the Limitation Act is presently being considered by my department and will be before this House in the not too distant future. But that is a little beside the point.

The point I wish to make is that the Honourable Member is speaking in terms of legislation which is on the Statute Book which is part of the Law of this country and which has been part of the Law of this country for the past 300 years.

*Aside.*

Hon. M. A. KING: But the point is that it has been the Law of this country for centuries. The Honourable Member is making the point that a lot of persons are disadvantaged by the fact that they cannot bring litigation against the Crown after one year. One may use the other argument as well that if you know that that is the Law and that you have

a limitation period of twelve months why not comply with the Law as you know it to be and bring your actions within reasonable time. I am not really dwelling on it but the point I am making is that the Law has been there for all these years. I recognize that it would be useful to have an amendment to make the limitation period in relation to public authorities as well as private citizens the same. I have no difficulty with that.

When you talk in terms of urgency the Honourable Member again said that this legislation is sort of changing the pattern of the Law as had been established down through the years and that the wisdom of the Law had dictated that certain principles be retained and be so to speak almost sacrosanct, the principle of corroboration as had been known in the Law. The principle in relation to recent complaint by analogy you can say that if those are principles which have been hallowed down through the years the principle of the 12 months limitation period had been hallowed for 300 years too. I am saying that that is no kind of argument.

What I am also saying is this that in relation to those points about corroboration and recent complaint made by the Honourable Member for St. Joseph and the historical perspective he brought to bear on it, I say that his arguments are valid up to a point but they stop short of the recent trends in Laws of this kind. Up until the 1970s perhaps one could say that his arguments were appropriate and were the models which had been followed by all the progressive countries in the world but certainly since then there has been a watershed in the development of the Law in this regard and the procedures which we are following in relation certainly to the changes in the Law relating to corroboration and in relation to recent complaint follows the pattern of development of the Law which is taking place today certainly in most of the Commonwealth countries, in most of the progressive countries of the world in relation to these areas of the Law.

In dealing with legislation of this kind one also has to bear in mind that this legislation is being dealt with against a background of the need to remove what is perceived as some of the major disadvantages affecting women. The Honourable Member for St. Joseph has made reference to the recorded statistics on rape – I do not know if he did mention carnal knowledge as well – and he did make the very valid point that the statistics do not show any inordinate increase in crime in those areas. I did refer to these statistics during the course of my introduction on the Second Reading. I made the point that there was no unusual pattern in relation to the statistical evidence. But in my opening remarks, Mr. Speaker, I also made the point that in rape and in carnal knowledge cases one had to take note of the situation that these are situations where women and the victims of violence, children who are the victims of violence and women are because of the very situation sometimes unwilling or unlikely and do not want to report

cases of rape and of sexual assaults on them. The changes in the Law have been designed against recognition of a background that there is an apparent concern about the growth of violence against women. We want by virtue of the legislative procedures which are put in place to ensure that women who are victims of violence do not have the reservations which previously existed about their reporting assaults on them, violence against them, rapes on them and so forth.

Women have complained – I think those who listen to complaints by women's organizations – women and women's organizations have complained about how women have been traumatized not only by the actual violence against them but by the legislative procedures which exist which create all kinds of emotional problems for them first of all in reporting the events, secondly in the investigations that take place and thirdly in relation to the actual procedures in court. The point which we have made is that the legislative provisions which are in this Bill are designed to try to remove some of those problems which women face and which traumatise them and to try and provide as best as possible a framework which will remove some of the reservations and some of the problems which they face so far as reporting crimes of violence against them are concerned pursuing the investigations and even proceeding up to the trials in court.

We recognize that legislation is not perfect and that is why we have no problem in readily agreeing that a matter of this kind should go to Select Committee where these issues can be more openly and fully canvassed and where one can look, I am sure, Mr. Speaker, at all the modern developments in the Law in relation to this issue and where one can seek to come up with a Bill which will accomplish what we set out to achieve. We cannot determine that an issue of this kind is not urgent in terms of priorities because I do not know if I am not hearing right noises but my impression certainly is that there have been....

*Aside.*

Hon. M. A. KING: ...not only a clamour. There has been a clamour. There has been more of a clamour too.  
2.00 p.m.

*Aside.*

Hon. M. A. KING: Yes. That is a good word. The Honourable Member for St. Michael West has a facility with words. He says that there has been a righteous concern about violence against women and I think that this House has a responsibility to address that concern as a matter of urgency and I don't think it is something that we can sweep under the carpet and say that other things are far more important.

The women of the country are far too critical and important to make a comment like that, that they are not important. You know, the fact that they are concerned about violence against them is not significant. I don't think that is the way we need to treat a topic of this kind.

The Honourable Member for St. Joseph has made the point that small societies, by definition, tend to be vengeful and to look for meting out of savage sentences in order to reduce the incidence of crime. Now, I have no difficulty, whatsoever, with that statement of a position by the Honourable Member for St. Joseph. It is a position which I, myself, have always taken and in respect of which I have been accused of being too soft on criminals. But, I don't believe that harsh sentences are necessarily the way how all punishment should be meted out.

I agree that there should be a mix of punishment as the Honourable Member for St. Joseph said. I have no difficulty again with that, and that provision needs to be made for an option of community service, fines, and if necessary, imprisonment as well.

I have indicated before in other places that we are looking at amendments to the law in this area and that we will try and put in place a Criminal Justice Act which will address all of these issues very fully, because I believe that the technique of community service orders as a part of punishment is an appropriate way of dealing with the problem of crime.

The Honourable Member went on to make the point that judges can wake up one morning and dish out sentences, depending on a variety ...

*Aside.*

Hon. M. A. KING: Well, that is a fact. One can't quarrel with that. But they are human beings, yes. But you may also add that is what appeal courts are there for. You may argue also that you are putting the person who has been sentenced to unnecessary expense but that is part of the hazards, I think of the judicial system. Our mission must be to try and ensure that the judicial system works as best as possible and that is one of the reasons why a system of courts of appeal is in place. And, it has to be our mission to ensure that the procedures are always available for persons who wish to use them, bearing in mind all along that we are dealing in an imperfect world and that human beings are imperfect. That judges are human and can make mistakes as well.

The Honourable Member for the City made a number of points. I am not too sure of some of them. The Honourable Member was making a point, for instance, that there was no definition of children in the Bill and I believe the section to which she was referring was Section 7 where it talked about an adult who had sexual intercourse with a

minor who is the adult's adopted child, step child, foster child, ward or dependant, and made the point that there were certain lacunae and expressed the hope that people whom the Bill was designed to protect did not fall into the cracks which the Bill would have created.

It seems to me, Mr. Speaker, that a wide spectrum of persons is covered – child, adopted child, step child, foster child, ward or dependant. That seems to cover the whole gamut of relationships which would fall within that area, and there is no need for definition of 'child' because the section talks about an adult who has had sexual intercourse with a minor, and there is a Minors Act on the statute books of our country, and there is clear definition. There is no doubt, in law, as to who a minor is.

Then section 7(2) goes on to be specific so that the question of the age of the minor comes into focus and talks about an adult who commits an offence, if committed with a minor under 14 years of age or a minor 14 years of age or more. So that it seems to me, unless I have missed the point completely, being made by the Honourable Member for the City, it seems to me that the Bill adequately addresses the question of who is a minor and then goes on to focus on the age of minors and the offences in relation to minors by age. So it seems to me that the point that the Honourable Member for the City made, really is of no great substance.

The Honourable Member for the City also went on to make the point that rape is about violence more than sex. Now, with that I agree. It is violence by men against women, but I wasn't sure when the Honourable Member was making the point, she did make reference to it, that it was because of the inability of Caribbean men to cope with the continuing emancipation of women. The question of rape is not a Caribbean problem. It is not a problem in my assessment of the situation, which is .... It is not a problem of Caribbean men and Caribbean women.

*Aside.*

Hon. M. A. KING: Yes, well if you are talking about all men it may be a problem of all men and all women world wide. But I don't think one needs to single out Caribbean men in this regard and to point the finger at Caribbean men, because they are not unusual in this regard.

So that, Mr. Speaker, the way the debate has gone clearly indicates that this is an area where there can be room for accommodation of other views where an analysis of current law and an analysis of the law as it stood before is very much appropriate, and I am going to move formally, Mr. Speaker, that this matter be referred to a Joint Committee.

Mr. SPEAKER: But, it would have to be read a second time before you get to that stage.

Hon. M. A. KING: Very well, Mr. Speaker, I am going to move that, at this stage, the Bill be now read a second time.

*The question that the Bill be read a second time was put and agreed to.*

Hon. M. A. KING: I move, Mr. Speaker, that this Bill be referred to a Joint Committee, the Joint Committee which was in fact constituted to deal with the Domestic Violence legislation.  
2.10 p.m.

Mr. Speaker, I am going to propose that the Members of the Joint Committee from the House be the Members of the Committee who were on the Domestic Violence Bill, namely the Members that are listed on the Order Paper and in addition to those Members the Honourable Members for St. Joseph and St. Michael West should be added to the Committee.

*The question that this Bill referred to the Joint Select Committee as constitutes by the Honourable Minister was put and resolved in the affirmative without division.*

Hon. M. A. KING: Mr. Speaker, I beg to move that the appropriate message be sent to the Senate in those terms.

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

Mr. SPEAKER: If there is no division, I will request the Honourable Member on behalf of the House to send it on to the Senate.

#### SUSPENSION

Hon. B. M. TAITT: Mr. Speaker, it now being 2.15 p.m., I beg to move that this sitting be suspended until 3.15 p.m. this day.

Hon. M. A. KING: I beg to second that, Sir.

*The question that the sitting be suspended until 3.15 p.m. was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly.*  
2.15 p.m.

#### RESUMPTION

Mr. SPEAKER: This sitting is resumed.

#### PRAEDIAL LARCENY PREVENTION ACT, 1991

*Order No. 2 was called – To move the Second Reading of a Bill to make better provision for the prevention of praedial larceny.*

Hon. M. A. KING: Mr. Speaker, this Bill in its Objects and Reasons indicates better provision for the prevention of praedial larceny. It is, Mr. Speaker, part of the response to what has clearly been public concern about the growing incidents of praedial larceny in this society. There has been a lot of clamour by the farmers that their labour is in vain because as soon as they produce the thing it is stolen by others and that they are not able to benefit from the fruits of their labour. When again one looks at the recorded statistics on crime in relation to praedial larceny and when you look down through the years, you see the incidents are as follows: In 1980 56 cases, 1981 – 59 cases, 1982 – 51 cases, 1983 – 71 cases, 1984 – 88 cases, 1985 – 46 cases, 1986 – 42 cases, 1987 – 91 cases, 1988 – 150 cases, 1989 – 119 cases, and I believe in 1990 there has been a total of 112 cases. Certainly in the years 1988 through 1990, the recorded statistics for praedial larceny showed a fairly substantial increase. In these years, the recorded figures were over an excess of one hundred, reaching a peak period in 1988 when the figure was one hundred and fifty.

The Bill, Mr. Speaker, if one looks through it, deals with larceny of livestock or feathered animals. The recorded statistics again for livestock are as follows: 1980 – 30 cases, 1981 – 14 cases, 1982 – 29 cases, 1983 – 34 cases, 1984 – 38 cases, 1985 – 64 cases, 1986 – 39 cases, 1987 – 30 cases, 1988 – 37 cases, and 1989 – 38 cases. I have the figures for 1990 but I will have to do some further addition. There are about 30 cases in 1990. In relation to praedial larceny of livestock and feathered animals, there is evidence that the statistics show that there has been an increase certainly in the years from 1987 onwards.

As I said, the Bill is a response to the growing public concern which has been expressed by the farming community in this area. Let me say at the outset, Mr. Speaker, that a Bill of this nature is one which I would imagine needs a lot of consideration and some debate. Basically, the provisions of the substantive law in relation to larceny are there and it seems to me from an analysis of the situation that the real problem is not so much with the state of the law itself but with the state of the investigation and detection of the crime. If the crime can be detected and proven, then the provisions of existing law would seem to be adequate to deal with the matter of trial and conviction.  
3.20 p.m.

What this Bill makes and attempt to do, Mr. Speaker, is to make some effort to facilitate the procedures which would be available to facilitate detection of the crime of larceny of livestock and produce.

There has been an explanatory memorandum circulated with this Bill, as has been the case of the other two bits of legislation relating to women, but there are some points about this legislation which I will perhaps take some time out just to refer to very quickly in passing.

In the Bill itself we find that it makes it mandatory for persons who buy or who sell agricultural produce or livestock to issue or obtain what is called a certificate of purchase or receipt in respect of that produce or livestock. This relates not to all produce or livestock, but to produce or livestock which is valued at \$50 or more, or which weigh 25 or more kilograms and which is not sold in a public market. This certificate must be produced on request to a police officer or to a parish constable or island constable.

Another section of the Bill, Mr. Speaker, would require any person who is conveying agricultural produce or livestock for more than one person in the same vehicle to preserve the identity of the separate items being conveyed. If the person who is conveying the produce in the vehicle fails to keep the produce of particular persons identified separately, that person commits an offence for which he may be punished.

Other provisions of the Bill would empower police officers or constables in certain circumstances to stop and examine a vehicle in which agricultural produce or livestock is being conveyed and to request a certificate of purchase. The present law, as I understand it, in relation to stopping of vehicles in this case is that where a police officer reasonably suspects that there is any stolen property in a vehicle, a police officer may, within the provisions of the present law, stop that vehicle where he suspects that the vehicle may contain stolen property and may search it and if satisfied that stolen property is in the vehicle may arrest the person and take them before the court. This clause then goes a bit beyond that, because not only does it permit the police officer to stop and examine the vehicle in which the produce is being carried, but if the police officer sees livestock or agricultural produce in the vehicle, the police officer may require the person to produce a receipt or certificate of purchase in respect of the produce or livestock, and if the person is unable to do so, then that person is guilty of an offence for which that person may be penalised.

Further provisions of the Bill would authorise the police officer or constable to arrest without warrant any person who has failed to produce a valid certificate of purchase, or give proof of ownership, or satisfy the police officer or the constable that he is in lawful possession of the agricultural produce or the livestock.

Other provisions of the Bill relate to the procedures to be followed by the Magistrate in cases where charges are brought under the Act. Those are between clauses 8, 9 and 10, and clause 11 of course creates an additional offence of

falsifying or altering in any way a certificate of purchase or receipt, or for producing an invalid certificate or receipt. That clause also provides a defence to a charge of contravening one of the earlier provisions of the Bill.

Let me make the point also, Mr. Speaker, that this Bill is one which we would have no difficulty in having it reviewed by a Select Committee, because it does alter the law in a substantial way and has the capacity, we think, to impinge to some extent on what may be widely perceived as rights of people. I have always had some difficulty with legislation of this kind, but I also recognise the fact that praedial larceny is a problem in the society, that something needs to be done in relation to it and that some kind of effort has to be made to deal with what is in essence a very substantial problem in the society.

With those comments, Mr. Speaker, I move that this Bill be now read a second time.

Hon. B. M. TAITT: Mr. Speaker, Sir, I beg to second that and reserve my right to speak.

Dr. R. L. CHELTENHAM: Mr. Speaker, this is the second attempt being made in seven years by this Parliament to introduce legislation making better provision for the prevention of praedial larceny. The first occasion was in 1984 when in my capacity as Minister of Agriculture I introduced a Bill entitled Agricultural Produce (Purchase and Disposal) Act, 1984. That Bill too was sent to Select Committee and there it died a natural death. In fact, the late Right Honourable Member for St. John said he was in no doubt that he was supporting it going to Select Committee, precisely because he knew it would meet its death there.

The Honourable Attorney General has spoken with the candour which we would expect of his office, but he is here responding to similar pressures to those I experienced as Minister of Agriculture when a certain section of the Barbados Agricultural Society, a certain number of farmers, pressed with great vigour on me that something had to be done in order to reduce, if not bring a stoppage to the high incidence of praedial larceny.  
3.30 p.m.

I was unhappy with the Cabinet then with what we came up with. Indeed, there was a lot of soul-searching about what techniques should be employed in order to deal with this problem. We came up with the Bill to which I have just referred. It was severely attacked by the Honourable Member for St. Philip North and by the now Attorney General and by the Honourable Member for St. Michael West. I think he, too, spoke. They mentioned that we were taking a sledgehammer to kill what they referred to as an ant.

In introducing the Bill, perhaps, I laid the foundation for that. I had suggested that the loss was about \$100,000 per year. It was felt that if non-sugar agriculture was making a contribution of \$45 million that that was so small a percentage of one per cent that it was not worth the while proceeding as we had done. I notice now that the Honourable Member who introduced this Resolution was careful not to put a money figure on the extent of the loss resulting from praedial larceny.

I am in agreement with what was said by the Honourable Member with respect to the nature of the problem. There is no doubt that we have a problem of praedial larceny in Barbados. How extensive is the problem no one seems to know for sure, because there are no reliable figures relating to the money value of the loss. We know, too, that the problem is more acute in some areas than in others. It seems to me, Mr. Speaker, that there is already on the Statute Books legislation which is adequate to deal with the problem. The problem, therefore, is not one of absence of legislation so much as inadequacy of resources directed to the problem of detection and, as a result, the arrest of the offenders.

What therefore I would propose – and this has been a suggestion which was made a long time ago when I was in the Ministry and perhaps, even predating my time – that a small group of policemen, perhaps no more than six, undressed policemen constitute a unit...

*Asides.*

Dr. R. L. CHELTENHAM: They tell me, Mr. Speaker, that the more appropriate expression is plain clothes. When I was a boy, I seem to remember in St. Patrick we used to refer to them as undressed. It seems to me that working in conjunction with the agricultural societies – BAS and, I think, that there has been more recently another society dealing with ground provisions – that really with what is known as to the pattern of the stealing...

*Asides.*

Dr. R. L. CHELTENHAM: ... when the moon is at a particular point, approaching full moon, at full moon and immediately thereafter; the geographical area in which for the most part the stealing takes place; the nature of the crops that are stolen. Given what we know, it seems to me that the police working closely with the farmers, because the same farmers are hit over and over and with the agricultural societies, can ensure that the dozen or so people – I do not believe that there are any more – can be arrested and brought before the Courts. In the past, we have had one or two of the big operators in this field arrested. I believe many years ago one from St. Philip was meted a sentence of five years.

Given what we know about the pattern of activities, those who are attacked and the time they are attacked, I believe a small group of policemen in plain clothes working closely with the farmers and with the farmers' societies can really stop this problem and reduce the incidence quite considerably, if not bring it to an end.

The Rt. Honourable Member for St. John, now no longer with us, on that occasion made the point that in the definition sections, pears and mangoes and so on, were not adequately taken care of, but that there was a large traffick in that regard. I think in this respect, the Bill is an improvement, because I think that agricultural produce here is defined, not only to include the root crops but also pulses and vegetables, cereals, fruits and fibres. I am concerned, Mr. Speaker, like the Honourable Attorney General, with the fact that in an attempt to deal with this problem, the liberty of the subject is likely to be seriously encroached. We really have to ask ourselves whether we ought to go that far in dealing with this particular problem, whether we ought to be trespassing on people's constitutional rights in making provision for praedial larceny. As I have indicated, Mr. Speaker, the Larceny Act, itself, already is wide enough and adequate enough in order to deal with this situation.

So, given the large area of agreement between us with respect to this matter, I would join in supporting the initiative which the Attorney General indicated in sending this matter to a Select Committee. I would hope that we really meet to do some work. We may come to the conclusion that in the end it is not necessary, that one or two amendments ought to be made to the Larceny Act. For example, at one point, there was talk of certain provisions of the Hawkers' Act being included in the Larceny Act. Perhaps, because there are certain provisions to the Hawkers' Act that also demand that certificates and receipts be produced. So, it might be possible to amend the Larceny Act and to meet certain concerns which are reflected here, without at the same time going as far as putting a new praedial larceny act on the Statute Book with all of the powers which is given to parish constables and to the police, which in my respectful submission infringe unnecessarily on the liberties of the subject.

Mr. D. A. C. SIMMONS: Mr. Speaker, it would be a useful exercise for us on this side to rehash the arguments of those on that side when they were on this side in 1984. I am not going to do that, Sir, because I think we have to be responsible as an Opposition and recognise that this problem of praedial larceny has been bedeviling Barbados now for very many years. We seem unable properly to come to grips with a resolution of the problem.

The Honourable Attorney General has given some figures about the incidence of praedial larceny. The latest figures that I have at May 2, of this year. I am going to include larceny of live and feathered stock together with

praedial larceny. For the period, January to April 1989, those two categories of crime reported for 42 offences. For January to April 1990 – 49; for January to April 1991, it went from 49 to 69 reported offences. That, I daresay, is only a part of....  
3.40 p.m.

*Aside.*

Mr. D. A. C. SIMMONS: It got knocked down on the highway, Sir, and was killed and sold as dog meat.

*Aside.*

Mr. D. A. C. SIMMONS: What the Prime Minister is talking about, Sir.

Hon. B. M. TAITT: On a point of order, Sir. The Honourable Member cannot get up in the middle of a praedial larceny discussion and talk about it got knocked down and was sold as dog meat. I feel, Sir, that is a dangerous precedent. He should explain.

Mr. D. A. C. SIMMONS: When the Prime Minister speaks, Sir, he will explain. I heard him through that ear, Sir.

But, Sir, I was saying that, perhaps, even those figures up to April this year do not tell the full story because where I live one planter in my area has been under tremendous pressure for the last six or seven years. Every time he has a good crop they come and rob him. Less than two months ago a lovely set of carrots and tomatoes were stolen. As the Honourable Member for St. Joseph said, it happened a night when there was bright moonlight.

What was concerning me too about that was that one of the neighbours had a watchman sleeping in at the house. He saw the people go in the van and take up Mr. Chase's produce and did not call anybody nor did he report it to the police. When I asked him on the Sunday morning why he allowed it to happen his answer was that he did not want to get involved in anything. That is the attitude of Barbadians now. All this talk about being our brother's keeper that is a lot of talk we say in here but a lot of people outside do not care for the altruism that is implicit in that adage. That is only one neighbour I know of who suffers tremendously. He puts in a lot of hard work and gets little return for it because of this problem of praedial larceny. The question, Sir, is one of detection. I think it involves a consideration of the deployment of the security forces, and I mean in particular the police.

I came across a front page article in 1984 when the Commissioner of Police was asking for more men and that is the persistent call, more men. But I want to throw out something to Government. If we have about 1 300 policemen now, we certainly must have about 900 security

guards. Just before this debate came on I was checking under the Private Investigators and Security Guards Act, Cap. 372E which says –

"A security guard may in the performance of his functions arrest without a warrant, any person

- (a) who is in breach of the peace or whom he reasonably believes to be in breach of the peace; or
- (b) who commits or attempts to commit treason or felony."

I read that section 9 because I think the time has come where Government must assess the manpower that is available to do policing functions and deploy that manpower in such a way as to ensure that we get the maximum productivity. Now, it seems to me that there is no good reason why we should have, for example, the bus terminal in Fairchild Street policed by a policeman strictly so-called. If you have security guards out there they have the powers to deal with the kind of bad behaviour and the breach of the peace that is referred to in the Act and they can arrest and take in people. They can deal with that.

Security guards on Government property have to be aware of their powers and they have to be trained to carry out basic functions aimed at keeping law and order. I believe that many of them do not know their powers or the extent of their powers. I am submitting that if we invest them with the necessary training, apprise them of their powers and deploy them within the Government Departments in which they operate, we may find we will have a number of policemen who presently double doing the work of security guards who can be freed up to do general policing within the community. I think it is just a question of sitting down and looking at your manpower availability and then the deployment of that manpower, given the fact that they have the powers. I have not dealt with the parish constables but that is another thing that, perhaps, needs to be looked at.

Sir, I am concerned about section 6 but in so far as this Bill is going to a select committee I am not going to deal with any of my concerns in any detail except to say that we are giving powers to constables to arrest without warrant any person who is in possession of agricultural produce or livestock for the purpose of sale or other disposal and who fails to produce a valid certificate of purchase or receipt as required by the Act or who fails to give proof of ownership or to satisfy the constable that he is otherwise lawful possession of it. To what extent is this different from the law that we have now about being in possession of goods unlawfully? It is different, Sir, in that it gives powers of arrest without a warrant. I think this is an area that has to be carefully watched because of the distinct

possibility of encroachment on the rights of citizens similarly with the power to seize. All of these powers that are set up stop and examine. We are coming very close in section 5 to the powers that Mrs. Thatcher conferred in England on the police to stop and search, powers which have caused a lot of distress in England. I am quite satisfied in my mind about the illegality and I know the Attorney General shares the same point of view and went public on it some years ago about roadblocks and so on. I am satisfied in my mind about the law on that. I came in here several times and made reference to the law. I came across recently a case in the Bahamas a decision in which Justice Georges which bears out the point which I was contending for years in here and outside on the radio, that is, that it is illegal to set up a roadblock at night and for the police to stop 50 or 60 cars, the point being that the police can only stop and search if they reasonably suspect. Therefore, their suspicion must be based on good evidence that leads to the conclusion that they had a good reason for stopping and searching.

It cannot be right that 60 cars going towards Warrens Roundabout between 8 o'clock and 9 o'clock a night could be stopped on the assumption that they are transporting drugs or guns.  
3.50 p.m.

You have to know which car you are looking for otherwise it is unreasonable to stop and search. The case of Smith in the Bahamas bears out what I have argued for years. The Attorney-General can get one of the juniors in the office to go up Cave Hill and get it. It is unreported but it is a case called Smith in the Bahamas, a decision of Mr. Justice Telford Georges.

*Aside.*

Mr. D. A. C. SIMMONS: Have you seen it? I did not know that. You are absolutely right. Do not mind they are cursing you. You are there to protect...

*Aside.*

Mr. D. A. C. SIMMONS: Right. I have some concerns therefore in relation to the operation of Clause 5 of this Bill and I will express those concerns in Select Committee when we get there. But I think we have to be careful to what extent we purport in good faith of course to be giving powers to security forces which powers might...

Hon. M. A. KING: On a point of elucidation with respect to the concerns of the Honourable Member. Section 5 specifically begins by saying:

"Where an offence has been committed under the Larceny Act or any other law relating to dishonesty in respect of agricultural produce or livestock and a police officer or parish constable has reasonable grounds to suspect...."

We are dealing with reasonable suspicion where an offence has been committed.

Mr. D. A. C. SIMMONS: All right, Sir. That perhaps will limit the possibility for arbitrary conduct on the part of the police. I am grateful to the Attorney-General for pointing that out, Sir, because I had not checked the Bill for some time.

*Aside.*

Mr. D. A. C. SIMMONS: Precisely. I was coming to that, Sir, The Honourable Member for St. Joseph raises a nice point *sotto voce* where – now this happens to lawyers from time to time, Sir, especially at Christmas time – our country clients – those of us who continue to service the poor – come down from St. Joseph with shaddocks, golden apples – I look forward to it every year – seasoning and green peas.

*Aside.*

Mr. D. A. C. SIMMONS: The yams and the potatoes come a little earlier. I want it clearly understood in the record that I am not speaking of any fowl cock lawyers or yam lawyers. This is not payment in kind for services rendered. These are gestures of kindness in respect of past services paid for years ago. This is not a now for now situation.

*Aside.*

Mr. D. A. C. SIMMONS: Right. But you get this. What is going to happen when my friend comes down from Sugar Hill with all these things in a bag and ask me to carry them home for the mistress as he would say. I have a crocus bag with these things going home and a policeman stops me. He might give me a chance...

*Aside.*

Mr. D. A. C. SIMMONS: What did you say?

*Aside.*

Mr. D. A. C. SIMMONS: The young policeman would not know my connection with Dodds. But suppose it was somebody else. Suppose I had asked a friend because I could not go home to take home the things for me, I have to go to the constituency or something and the policeman stops him. It would at least cause the greatest embarrassment because there is no certificate for the produce. It would take a little time before perhaps the matter could be satisfactorily explained away by my coming to....

*Aside.*

Mr. D. A. C. SIMMONS: Or that. If it is a weekend, worse. Somebody would stay in the nick for the weekend. We have those kinds of problems.

*Aside.*

Mr. D. A. C. SIMMONS: I have to make sure that I tell the donors in future that what they give must be less than \$50 worth. But there are some wrinkles in the Act, Sir. I think we have to deal with these when we come to the Select Committee. I just wanted to say that we will have to look at the possibility of infringement of individual rights carefully when we get to Select Committee. But a start is being made to put the legislation to support the drive against praedial larceny.

What I think we also have to get across to the public, Sir, is that the farmers have a legitimate complaint about the high incidence of praedial larceny. But at the same time I wonder to what extent the farmers are being fair in expecting the Police Force to do all of the policing that is required to ensure that these private lands and so on are protected. You could not have enough policemen even if we could afford it as a country to patrol the various fields in which produce is planted. I think that the police has a general duty to perform but the individual farmers, plantations and so on must contribute to the general security of their farms by employing some of their own security. It is going to be a cost to the business but I believe they have to make a contribution. I am not saying – I do not want to be misquoted on this one – that they cannot expect a response from the Police Force. Obviously the Police Force is there to do general policing. But I am saying that I believe just as in the tourist sector, the hotels and so on the individual hotel owners, proprietors and companies that own the hotels have a responsibility also to provide a minimum level of internal security, similarly in the area of praedial larceny I think that the individual farmer must also provide his own minimum level of security. We cannot expect – I sound like a Minister now – the milch Government to be doing all. There has to be some harmonization between the private sector and the public sector in the sense of the provision of security services on both sides.

But that is not to excuse the Police Force. I know that one of the big complaints, Sir, is that when reports are made to the Police Force legitimately the response of the police is often very dilatory. Sometimes they do not come. Sometimes they come days after. If this has happened to a farmer – I am speaking now of personal knowledge – where a farmer has been in the habit of being robbed. He reports the thing. The police come once or twice and they do not come back again. He gets fed up. When he has had the fourth robbery he says, "I am not bothering to call the police." What you will find is that if the farmers lose

confidence in the ability of the Police Force to respond and to deal with the reports expeditiously people are going to take the law in their own hands and set up their own vigilante groups and their own systems.

4.00 p.m.

Now that can cause all kinds of problems. So I am saying, the points I want to make in summary on this matter are: First of all, that there must be some harmonization of the security systems between the Royal Barbados Police Force and the private security to which farmers themselves must contribute.

In the old days you used to see the watchman walking around the field with a stick. Those days of the stick are gone because the fellows are using guns, wampahs and so on now, so you have to meet the response as it is offered. But, I think there must be minimum level provided by the individual farmers.

I think, secondly, Sir, the police must have a general policy of deploying personnel at night in areas known to attract these praedial thieves, so they keep a general surveillance of areas. You know where people are planting onions in profusion or where they are planting carrots, or melons or whatever, the police should do a general surveillance and move through.

*Aside.*

Mr. D. A. C. SIMMONS: Right, I was coming to that. I was coming to say that police perhaps do not get the information because this information should be fed in at the particular ...

*Aside.*

Mr. D. A. C. SIMMONS: Yes, they are known to the thieves. Well the Attorney General will tell us. If the police know where the big onion fields are and the carrot fields and so on, cabbages, all these things, Sir, the ones that weigh heavy and sell for a lot. Corn, oh yes. If the police know where these things are they should be able to strategise in such a way as to detail men in the areas of these various cultivations.

*Aside.*

Mr. D. A. C. SIMMONS: I don't know of the question of will, that is a different matter. But I am saying, Sir, if they don't know, then there needs to be a coming together between the police and the agricultural society or some organisation like that where information will be fed to the police in the particular area. If you know that we have a massive field of yams at Hopewell, getting ripe, or carrots or whatever, the Manager from Hopewell should tell

District D – "My carrots are getting ripe. I am giving you all some notice so you can make your plans."

I believe, Sir, that the detection capability can be enhanced by a readier flow of information between the farmers and the police and a willingness on the police part to deploy the forces in a more strategic and meaningful way, Sir.

I don't think there is anything else I wish to say, other than I would like to hear the Attorney General as to whether he thinks there can be some rationalisation of the powers presently had by the private security guards and those which are vested in the police and how perhaps we could take the policemen out of some areas, certainly public areas of Government buildings where security guards are. Let the security guards function, let them maintain peace and good order in those areas, because I think we would be adding to the law enforcement capability. At least, I think there are about 900 security guards when last I checked, somewhere in that vicinity, we would be adding another 900 people who can perform quasi police functions.

Mr. DeL. O. BRADSHAW: Mr. Speaker, I would like to support this piece of legislation. There have been several calls, many complaints aired on call-in programmes and in the press daily from genuine farmers who would like to continue to produce to help feed this country and to make a living, but because of larceny, because of thieves, they are expressing doubt and this to my mind is a very serious situation. Therefore this piece of legislation introduced by Government is welcomed. I think the Barbados Labour Party Government did realise that it was an area which needed to be addressed and it was unfortunate that the legislation then met a natural death.

The aims of this legislation need to be supported but I have some reservations and some concerns which I need to express. We have to be very concerned that in passing legislation we do not trample on the individual rights or the constitutional rights of people as expressed in the Constitution. We would like to support the legislation but at the same time there are people who have rights and I see in this legislation parts which are not quite clear and would need to be amended or looked at with a view to clarifying certain sections or certain clauses of this legislation.

I don't think that I would be willing to support legislation that in my view seems to be inadequate and is in fact inadequate and I think, too, Sir, that before introducing new legislation we should look at pieces of legislation that are presently on the Statute Books to see how best we could update them, even making certain amendments or inclusions so that we could deal with the problems that confront us, especially in this area of praedial larceny.

I am concerned, Sir, that the proposed piece of legislation gives officers power to stop and search persons if they suspect that the produce is \$50 or more. I want to pose a question, Sir. I would want to know how an officer, after stopping a man, can tell what his produce is worth, especially in an age and a day when prices of agricultural produce are fluctuating very rapidly. For instance, sweet potatoes, one day it is \$4.00 a pound, next day it is \$7.00 a pound, and I would want to know what sort of training you are going to give officers or if you are going to have special officers assigned to this, to be able to determine the value of this produce. Because if we are going to do this arbitrarily we are going to find ourselves in a lot of trouble.

Sometimes there is a glut on the market, Sir, and it would mean that at any one time an individual could have twice the amount that would be normally worth \$50, but as I said I would want to know what criteria is going to be used by the officers to determine that.

That is very important to me, because if this is not being addressed you will very well find that persons are brought before the court, arrested, and being charged. And, as I said their integrity, their character up to ridicule, because that is the way how the press sometimes reports, and then that person has got to try to prove himself innocent but the damage is being done. So we have to be very careful that we make sure that we do not have this Act so widely interpreted so as to cause a breach of the fundamental rights of John Citizen.

I want to make an appeal because, whereas, as I said before, I am in sympathy with small farmers who cry out everyday.  
4.10 p.m.

They put everything into cultivating crops only to suffer the loss at the hands of criminals. I want to suggest that the hoteliers and those who are employed as purchasing clerks or officers be made aware to be very careful with whom they deal, because this is an area where we could very well detect some of the crime. The answer is not only in arresting and stopping somebody. We want to have citizens involved in all ways possible in trying to prevent larceny. If these purchasing officers are vigilant enough at the supermarkets and restaurants, they should be told and instructed by their superiors to deal only with those persons who are *bona fide* farmers or hawkers. In other words, they should have some form of licence. At the same time, Sir, I am aware that there are some farmers who allow the public to come on their farms and reap and those persons go out and sell.

Now if we are going to tighten up on this piece of legislation, then you must insist that the licence to sell is issued. If you do not do that, you are going to have a situation where they will go ahead and reap and sell. Some

of them will claim that they have been out there reaping when, in fact, genuinely and honestly they have not. In other words, there is no legislation which permits for this. But I think the Attorney General could look at the legislation to see how best he could make that amendment to make sure that the purchasers are dealing with *bona fide* persons. This is not in the Act.

The other concern that I have, too, and I think this is one which I would like to invite the Government to look at, is that I know that there are several persons in Barbados who would like to get involved in small farming. There is a scarcity of land and some people can only find land in a Zone 1 area. I am making this point because I think it is necessary for the Government to look at it again. It needs to be looked at because for certain restrictions they cannot put up a house. I am saying to the Government that the Government needs to look at those applications of persons who are genuinely interested in working small lots of land and give them permission to put a house. How are you going to encourage small farming, Mr. Speaker? How are you going to prevent praedial larceny? I am talking about Zone 1.

*Aside.*

Mr. DeL. O. BRADSHAW: I am making the point, Mr. Speaker, and I would like Honourable Members to take the point. There is no use in talking about Zone 1, Zone 2, or Zone 4. I know the policy. Nobody can teach me that. What I am putting to Government is that we have to be realistic. You can amend and adjust rules to accommodate genuine farmers. If you have people out there who have got land and who are interested in agriculture and you are saying to them that you cannot put a little habitat for them to supervise and look at their produce, then what are you doing?

*Aside.*

Mr. DeL. O. BRADSHAW: After you go home at night, you need to watch the people who are operating in the middle of the night. I refer to the Honourable Member for St. Thomas who made that point. People operate during the night. If you have a little habitat, the person has to go. Some people would like to have at least a little house there that they can look and see what is going on. But you are going to have absentee farmers.

I know that it is very difficult sometimes, Mr. Speaker, to convince people to amend or adjust certain policies. But I think that is what is meant by a Government that is abreast with the times. I am not saying that it should be a large scale sort of policy to permit some permanent structures in a Zone 1. I am not saying that. I am talking about how are you going to protect the small farmer who is working a piece of land let us say in a tenantry. How are you going to protect him? I came out of a season where

people who work on the plantation were given a half acre of land in the tenantry away from where they lived. My parents were in that situation. There are tenants who work those pieces of land and I am beginning to wonder how are they going to be protected against thieves if you do not permit them to have some sort of dwelling, even if limited by the Town Planner if it needs to be. I am not talking about an elaborate structure. I am aware of all of the consequences of what people will do to pollute the system.

As I said, we have to move fast to prevent this because we have to grow more. We have to give encouragement to people who are genuine farmers. There are lots of farmers who have expressed their concerns. They are not interested at all in continuing in the farming area unless they hear that Government is taking initiatives to at least assist them in this area. We welcome this piece of legislation, but I must say that I have certain reservations to protect the fundamental rights of the individual. Mr. Speaker, I have to be concerned. I could be coming from St. John. I was born in St. John. I have to go there. I go up there to collect things and when I come down a police may stop me. Some of them do not operate with discretion and common sense. They stopped me and wanted to know where did I get all of these yams from.

*Aside.*

Mr. DeL. O. BRADSHAW: You see that is the kind of mentality you have. I have a family in Christ Church, Mr. Speaker, and what I am saying is that I go to St. John and other places. I am saying that we have to be very careful. As I said, there are some people who would go all out to embarrass you. I have to be concerned with my other colleagues from the other side because they have some people who do not use their discretion. The law is there. Some people are experts on the law. I am speaking as a layman because it is all right for people to say that the law is there, but it involves money when you are arrested wrongfully or charged wrongfully. You have to turn to the attorneys and pay money. I am saying that prevention is better than cure, Mr. Speaker, and that is why I am expressing my concern as far as this is concerned.

We support the broad principle and the aims of the legislation. As I said, I am asking to look at the needs and I think that is pretty fair. I think the Attorney General will take the point.

Mr. D. W. BOWEN: Mr. Speaker, I rise like the Honourable Members before me to support the provisions and indeed the intent of this Bill. However, one could ask the question whether it is not a few years too late since it seems to me that a number of our main producers have already gone out of production.  
4.20 p.m.

Nonetheless, Mr. Speaker, this Bill, if I interpreted it correctly, seeks to set out the legal framework to deal with those persons who continuously reap what they do not sow on the one hand and those persons who aid and abet the said culprits.

I have for a long time, Mr. Speaker, held the view that praedial larceny is a type of economic subversion. To my mind, it destroys a very important economic activity. I will explain what I mean. I believe that if, because of praedial larceny producers are forced out of production, it is going to have implications for the foreign exchange of a country. Indeed, it means, then, that that land which is taken out of production, as we well know, becomes overrun with shrubs and is a haven for rats and other vermin and this has implications for the health of the citizens of the country. Indeed, it has implications for the tourist industry. With the establishment, Mr. Speaker, of the agro-processing plant in Barbados, one must ask the question if praedial larceny was allowed to continue unchecked, where would we get the produce to supply the agro-processing plant. These are my concerns.

The Honourable Members who spoke before me raised what I consider very fundamental issues concerning the constitutionality of certain sections of the Bill of which, to my mind, impinges and impacts on the fundamental rights and freedoms of the citizens.

Mr. Speaker, I would not let the opportunity pass me by, now we are discussing this Praedial Larceny Bill, to raise a matter which is of some concern to me. It deals with the question of complementing this legislation with the taking of idle ADC lands and putting them into the hands of our young people with the necessary training. On the question of training, given the success of the skills training programme, if the time is not ripe for the establishment of some training centre in Agriculture for young people, having established the training centre and provided them with lands – and I know that there are lands available, whether it is land at Jerusalem Agricultural Station or wherever – one must ask whether the Bill would not protect them.

Seven years ago, Mr. Speaker, our main problem was one of marketing. Now the problem seems to be one of lack of production. While we now have markets for yams and sweet potatoes, etc. we don't have the production at the level we would desire. Therefore, this Bill, to my mind, seeks to restore the confidence of farmers to establish an environment conducive to agricultural production. The Honourable Member for St. Michael South East expressed some concerns which I, myself, hold, but I recognise that in legislation you cannot deal with or legislate for every eventuality. I believe when this goes to Select Committee as far as possible these issues will be ironed out. However, there will always be questions which we could raise pertaining to any particular section of the Bill. So, that is

what I would want to say, Mr. Speaker, by way of contribution. I recognise that in St. Michael South Central there is no farming. I don't believe that the people of St. Michael South Central venture out of the area to indulge in this praedial larceny. I make my point on a broader plane. I am talking from a broader perspective, not only as a representative but certainly as a concerned citizen of Barbados. Thank you, Sir.

Mr. H. B. ST. JOHN: Sir, I waited for a little time to listen to the contributions of Honourable Members and, as on the last occasion when a similar Bill came before this Honourable House, there were a number of speeches which at face value caused one to come to the conclusion that the speakers were not living in a world of reality. The truth of the matter is, Sir, people who produce agricultural produce in Barbados, whether they be large, medium-sized or small, have been complaining for a considerable period of time and appealing for help from the Legislature to prevent them from suffering from praedial larceny.

The Bill that is before the House, as it was on the last occasion, is really skeletal in nature and it is but an attempt to provide a better framework for the existing legislation which has been there for a long period of time to operate. If you look at the Bill, it has twelve clauses. One is a definition clause and one says that it binds the Crown or it doesn't bind the crown. So, you are left with ten clauses. When you go through the interpretation section, that deals with what is agricultural produce. So, you are left with roughly four main sections in the Bill. If you go through those sections, you will see, Sir, that it seeks to introduce the concept of a certificate for agricultural produce when it is sold or otherwise disposed of. Now, there was some difficulty in that, but as was pointed out on the last occasion, there was such a concept in the Laws of Barbados for a long period of time. There used to be an old Hawkers' Act in Barbados.

*Asides.*

Mr. H. B. ST. JOHN: No. The Hawkers' Act is repealed. I checked it just now and although the title has been reserved no legislation has subsequently been passed to date to replace it. That was restricted in that it only required a certificate with respect to sugar cane and shallots. No doubt, at the time when it was passed, they were the two most important agricultural crops. Today, we have been encouraging for the last twenty years the concept of growing as many agricultural crops in Barbados as is possible to grow economically.

A part of the constituency that I have always represented always contained people who grow agricultural produce other than sugar cane. Whether they were the farmers of St. Davids, whether they are people who live in the Gibbons Boggs areas, Christ Church is an area that

always had a large number of small agricultural produce growers and they are the ones that have been complaining. They are still complaining. If you go through Gibbons Boggs tomorrow, an area in which a tremendous amount of public money has been put – and I am very proud of it, because the more I look at that, the more I regard it in my own mind as an attempt in Barbados on a small scale to do with our agricultural land what the Californians have successfully been able to do with their irrigated land, that is, to grow special produce, taking advantage of irrigation – they tell you all the time of the problems they have with it. They tell you further that they know there are people who come in at various periods of time with vans and other vehicles and they know very well when the produce is three-quarters ripe or ripe. The concept, therefore, was to try and arm the law enforcement authorities with additional evidentiary material to try and catch these culprits. That's all the Bill seeks to do.

Obviously, there is an area of great difficulty, because on the one hand you can require people who are selling or otherwise disposing of it to have to give a certificate which section 3 has.  
4.30 p.m.

But you still have the cases which are mentioned by all Honourable Members where other people who wish to give a genuine case of agricultural produce to people whom they wish to show their gratitude, and that is a grey area. Obviously in select committee that is a matter that can be dealt with.

The concept to say that because you are passing this particular law that you are interfering with all of these fundamental rights in my opinion is a bit misguided. I want to say clearly we have a written Constitution but it must never be forgotten that no rights are absolute, not even the American Constitution that the Honourable Member for St. Michael West is such a great advocate of, recognises the concept of absolute rights. You have to balance these rights.

As to the powers of the police that is an exceedingly difficult area. Whatever we put in this Bill the courts will interpret it, or should interpret it in relation to the usual fundamental approach and that is at common law if you have to use a power which has the effect of restricting the freedom of another individual that you have to justify it either by the strict terms of the legislation or you have to prove that there are reasonable grounds. This is an important point. Even with the offence of unlawful possession from a very early period of time there has been an interpretation given to that in all of the Caribbean Courts. The mere fact that a person has something in his possession does not mean that it is unlawful. There must be something in his conduct or something in what he has in his possession, like how he is holding it, to indicate that there was reasonable ground for suspicion.

When we look at the Bill in the context of these four or five sections, all the Bill is trying to do is to spell out in clearer language what the intent is to make sure that a certificate is given for a quantity of agricultural produce when it is sold and there was some difficulty about valuation. Obviously the draughtsman recognised that and they have two alternatives in the Bill. It is not only a question of quantum of value. It is also a question of weight, 25 kilograms. I think 2.2 lbs. is a kilogram. Therefore, 25 is well over 50 lbs. It has to be a sizeable amount.

I am in favour of the matter going before a select committee because I believe there are any particular defects in the draft that can be ironed out. This is a difficult Bill to draft because you want to balance the rights of the producers to have additional machinery given to the law because the existing machinery is failing. Everybody tells you it has failed. At the same time you want to make sure that you do not infringe the rights of other people who are genuine dealers in agricultural produce.

Now, you know, Sir, we tried when we were over here and were in control of the apparatus of Government to make it clear....

*Aside.*

Mr. H. B. St. JOHN: We were never over there. We were always over here.

*Aside.*

Mr. H. B. St. JOHN: That is all right. Over here can hold a lot more than over there. Do not worry about that. The position is we tried to bring status to certain occupations by registration in Barbados and, of course, we were criticised. Doctors have to register. Lawyers have to register. I have lived to hear the Honourable Member – he is not in here today. No doubt he feels he cannot associate with that side for a considerable period of time so he absents himself from in here today. I have absolutely no doubt about the Honourable Member for St. Michael Central.

Hon. B. M. TAITT: On a point of order, Sir. I believe the Honourable Member would wish to withdraw that. The Honourable Member for St. Michael Central was here throughout the day and in his absence I think it would be entirely and completely unfair. He has been here today all day. The Honourable Member was not in a position to observe the Honourable Member because since I am so tall he could not see past me, Sir. I would leave it at that but the Honourable Member was here.

Mr. H. B. St. JOHN: I saw the Honourable Member in another place today which was connected to here but if the Honourable Member tells me that he was in here today, I

will accept that. I am not accusing him of anything by not being here today but I know for a fact that the Honourable Member is a bit disenchanted with that Honourable Member now. That is a fact and moreso with the Honourable Member who is in charge of Finance and Establishments. We are not going to hear the end of that story so let us get back to the Bill, Sir.

I have heard a lot of other talk in here. We had a Bill in here which was a genuine attempt to deal with the situation and to give recognition to make people proud of the fact that their particular method of making a living was equal to....

*Aside.*

Mr. H. B. St. JOHN:... tax capacity.

*Aside.*

Mr. H. B. St. JOHN: It just goes to show how some people regard it as not being wrong if they have the dignified occupation, according to them, of being a lawyer or a doctor they are quite happy to pay the registration fee, not necessarily income tax, but if they carry on an occupation of a cabinet-maker, equally important, they regard a \$5 or registration with the Ministry of Labour as being evidence of a tax measure. I will tell you this, whatever it was it was not as draconian as the doubling of the taxation like how you all doubled it with no objections from you. The position is, Sir, periodically you have to pass legislation to ensure that there is information available to the State as to certain types of activity.

I hear the Honourable Member for St. Michael South Central saying that he would like to see something done about ADC lands.  
4.40 p.m.

I know that the Honourable Member must be disappointed over the fact that those on his side have not yet continued the policy that was started long ago of making it clear that ADC lands can be applied for by genuine small farmers in Barbados. There are a number of small farmers who have leased land from ADC to grow and to indulge in all kinds of activity. Everybody would agree that it is better for the taxpayers of the country if you have a farmer farming the land in which he puts in the input of labour rather than every year having to ask the Legislature to vote enormous sums of money to cultivate ADC lands at a loss. That is a clear policy. There is no difficulty with that at all. I wonder where the Honourable Member has lived. The Honourable Member has now talked about educational system and educating small farmers. I am wondering, the Honourable Member is not aware of the fact that the Polytechnic has an agricultural course that Sayes Court

Agricultural Station was specifically earmarked, applied for with the World Bank after a great fight –

*Aside.*

Mr. H. B. ST. JOHN: Wait a minute. We are coming to that – with the World Bank in adopting the concept that you can have an alternative method of delivery of education in certain areas other than through the normal secondary school system. Go up to Sayes Court now. The only regret was that in order to pay back for that enormous bribe that was given to a very small section of the public of Barbados in 1986 by the same Member, the Honourable Member for St. Michael South Central's predecessor – you should never forget it – that enormous bribe that was given to the electorate. I am not worried about it. Barbados has to be worried about it, not me because that bribe and the last one that you had in 1991 the two of those bribes bankrupt Barbados.

Hon. B. M. TAITT: On a point of order, Sir, the Honourable Member...

Mr. SPEAKER: I am sure the Honourable Member will definitely withdraw that remark.

Mr. H. B. ST. JOHN: The Honourable Member for St. Michael South Central....

Mr. SPEAKER: Yes, but the Honourable Member would first withdraw the statement.

Mr. H. B. ST. JOHN: What statement, Sir?

Mr. SPEAKER: You are accusing Honourable Members. You said in 1991.

Mr. H. B. ST. JOHN: If Your Honour says I must withdraw I will withdraw.

Mr. SPEAKER I am saying that it is a remark.....

Mr. H. B. ST. JOHN: I am saying, Sir, the enormous cost to Barbados. There is a big difference. In 1981, we had taxable capacity to catch up with. You do not have any left.

The basic position is that the Honourable Member must understand that there are institutions in Barbados that provide the educational machinery that he is talking about. They are here. But what is lacking is that you talk about it and you have them. They are coming out but they cannot get access to the land. That is why we keep saying that the Government must take some of its lands and make sure that the best of the ones that come out at least have the opportunity to get their hands on the land to practise their skills.

Sir, I do not have any difficulty with this because as I see it, every time I pass by the Belle and the new highway and I see what is going on around there on my left and on my right large mass of agricultural land. When I go to other cities of the world, and this is what I have to tell the Honourable Member for St. Michael South East...

*Aside.*

Mr. H. B. ST. JOHN: That is evidence of neglect there because even if the canes burnt you should at least put a scythe on them and let them grow back again.

*Aside.*

Mr. H. B. ST. JOHN: That shows then that that is the wrong crop for that area. The basic position is that around the city there is always market gardening. Wherever you go around the city there is market gardening particularly around airport areas. You will see that vegetables growing...

*Aside.*

Mr. H. B. ST. JOHN: Correct. The Honourable Member will know that. He knows very well about Josey Hill and growing nuts and Lowlands and all of those places. Lots of landless farmers who produce a lot.

*Aside.*

Mr. H. B. ST. JOHN: Correct. I agree with that. The Honourable Member knows that very well. It is a pity that the Honourable Member was not in here in 1984 to have supported the last Bill. If he were in here we would have had seven years experience now of how that works.

I hope that on this occasion, Sir, that the Select Committee will not kill this Bill because we should give it a try. It is nothing as draconian as people say. It is only five sections. It introduces a very simple concept for a certificate which was in existence under the Law. If you say that the powers of the police or the powers of law enforcement authorities are too great modify those. But let us at least get a start going because we are faced with a genuine problem.

Mr. R. L. MORRIS: Mr. Speaker, for a while I was going to support the Honourable Member for Christ Church South in his presentation until about half way when he brought in some asides and so on. But I would still like to associate myself with generally many of the comments that he has made today.

Mr. SPEAKER: The sober comments.

Mr. R. L. MORRIS: The sober comments. The ones that were asides I think had their own value. But generally

speaking I thought his presentation was very cogent and I thought we could associate with the points that were made.

Certainly it seems to me that this Bill addresses two problems, one issue is remedying the problem relating to proof, evidence in terms of the transfer of the goods from the producers to those who might want to be distributing and marketing and attempting to ensure that the goods that are sold have been acquired through the right channels.

I think that secondly and perhaps probably the underlying motive behind the Bill is to send a message to the farmers that we are very serious about the situation that they face. I believe that that is probably more important. The fact is that the farmers need some sign, some signal that this particularly difficult problem they have in being able to market their produce is being addressed by those of us who are policy-makers. It seems to me that we need to send that signal in more ways than one. I am one who believe very strongly in the importance of agriculture in our economy. I believe that we have to give those who are involved in agriculture at all levels the support that is necessary.

This Bill is likely to affect mainly the vegetables and produce farmers *et cetera* although people who are planting canes *et cetera* will also come across the difficulty and people who are charged for stealing canes. We have a tradition in Barbados where people believe that you can walk into a canefield and cut canes and eat the canes and it is no big thing. That has been a traditional thing. People who grow canes can experience difficulties.

*Aside.*

Mr. R. L. MORRIS: Right. Because the people are now not only taking canes in order to eat a piece a joint or two but they are now grinding and making cane juice and selling. That is a difficulty certainly that would have to be dealt with.

But I believe that this Bill really addresses more the question of those people who are planting their vegetable crops and so on as well as their yams and potatoes *et cetera*. As the Honourable Member for Christ Church South said, Christ Church has a large number of farmers, Wilcox, Gibbons, Fairview, St. Davids, Fordes Road, St. Patrick, Parish Land, there are several areas where people are involved in growing this produce and very few of them can be considered to be wealthy persons. In fact they are persons who would have used their earnings to invest in land and land now becomes their major source of income. So that those who come and carry away the products are really doing them serious injury. We know that some of these farmers work 18 hours a day easily. There is scarcely any time that you can pass through Wilcox or Gibbons without seeing these people working in the land. Therefore I believe that right now they suffer grievously from those

persons who organize to come and carry away their produce.

I am not sure as other persons have said that this Bill will necessarily be able to correct the problems we are dealing with because it seems to me that much of the difficulty comes from being able to investigate and to apprehend the persons who are involved in the praedial larceny. One cannot help but feel that this is not a small scale thing either. This is not a few persons going and stealing a few potatoes *et cetera* but that this thing is organized on a fairly large scale and that therefore there has to be a network in terms of those who are stealing and those who are buying and that might be a bit more difficult I think to deal with by the Law. But the Law has to be there and we have to do what we can to put the Law in place.  
4.50 p.m.

But, it seems to me that until we are able to get hold of some of the people who are doing this that it is going to be very difficult to impress the farmers that law in itself, placing legislation on the statute books, will be addressing their problems, because they have very real problems.

Those of us who pass and see these people working, quite frankly, when you look at the Gibbons farmers, the Gibbons farmers operate in an environment where they have to be fighting grass all the time. It is not that kind of land that it is natural to grow good crops. You have to be fighting each crop, each time around you have to bring in the plough, try to get out sour grass and all the other grasses, and as the Honourable Member for Christ Church South said, you have to introduce irrigation on a fairly wide scale. Therefore it is very difficult for them to make a living from the earth. And therefore, I think we owe them a duty, we have an obligation as far as legislation is concerned to try and bring about the kind of laws that will help them.

It is very difficult, I believe, to address the question through legislation and therefore, perhaps, the Select Committee might be the best means of doing this, where perhaps those who are on the Committee can give very full consideration to looking at the Bill with an emphasis on improving it as far as possible.

I would like to say that this is a good signal, I think, going out to the farming community and I would like to indicate that there is another good signal that I see coming to the farming community. On Friday nights, I think it is, on the CBC with Claude Graham, a programme on agriculture. I think it is one of the best things that has happened in Barbados recently. I think full credit has to go to the Caribbean Broadcasting Corporation. Sometimes we hear a lot of criticism of that particular communications vehicle. Some of the criticisms that I think are very much unwarranted, because I believe that CBC is really a good corporation in terms of what it produces for Barbados. It is

diversifying, it is offering a lot of local material that was not there before 1986 for instance, and I think we have to compliment the changes that we are seeing, but in specific reference to the agriculture programmes, I believe that schools should be taping these programmes for use in their teaching programmes. They are that good. They have been well researched and the good thing that is coming out too, is that we have a young cadre of qualified Barbadian farmers, those who are using hydroponics and all sorts of other techniques and who are willing to discuss these things openly and it signals to us that we need more of those programmes and I am sure that is going to motivate people in the farming area. It is also going to bring knowledge to some persons who did not have the particular insights into farming and it seems to me that we have to send those signals to our farmers because I believe that agriculture is vitally important to the development of our country.

To the point about training and so on, it seems to me that as the Honourable Member for Christ South again said, yes there are people graduating from the Polytechnic. As a matter of fact I think they are finding very great difficulties in finding jobs once they come out from there, whether it is jobs, access to lands so they can start their own farms, or jobs on established agricultural areas. So it seems to me, we have to point these young people in the direction of agricultural cooperatives.

The legislation has been amended to move off on the financial cooperatives and to give those who go into agricultural cooperative and other cooperatives a basis to move forward. But this is not going to happen until we educate the young people out there in terms of getting together, pooling their resources. Those chaps who have done agriculture at the Polytechnic and those who have done, for instance, mechanical engineering and so on must get together. They will have access to some shares, they have access to land and they have to go together now. They must form agricultural cooperatives. Don't think in terms only of a one person with four acres of land and so on because I believe again that the entomologist will give us optimum parcels of land that will be useful and effective.

I think they will probably get more if five people got together and got a 20-acre lot and tried to produce for the local market and another consideration is that with the dietary changes in Barbados, where everybody is moving towards vegetables etc., certainly if we get more being produced, of good quality, I think the market is there to eat the vegetable produce and so on.

Clearly too, with the whole question of agro-processing, you can help to relieve the whole problem of the shortages etc., because you will be able to can any excess produce so that you can iron out the difficulties and so on.

It seems to me that we need to push for a very vibrant agricultural sector. We need to give some sort of support to the farmers and to give them motivation and I believe that this Bill is sending the correct signal. So I see it basically as satisfying two particular areas –

1. Trying to remedy a lapse or a wrong that exist now in terms of trying to provide for some basis of evidence of dealing with those persons who are guilty or who relate to praedial larceny, but
2. I think the Bill also sends very powerful signals to the farmers that at least the legislators in the country see the difficulty that they face and are trying to help them out.

I thank you, Sir.

Hon. B. M. TAITT: Mr. Speaker, Sir, it is obvious that all of the Honourable Members who have spoken are in support of this legislation which is an attempt to deal with, perhaps, the most difficult problem which any administration has had to face in Barbados.

On the occasion in 1984 when the Barbados Labour Party Government brought a Bill seeking to grapple with the problem there were two areas of difficulty. They had quantified the amount which was lost from praedial larceny and that amount, as the Honourable Member for St. Joseph has said was put at \$100 000 and the position which this Party took at that time, that \$100 000, if in fact that was correct, out of \$45 million was no amount for the measures which were being attempted at that time.

I remain now, as I was then, convinced that we have to deal with those persons who make praedial larceny a business. We are not discussing and ought not to discuss the question of the odd person who, as has been happening from time immemorial would take a mango that did not grow on his own tree or a piece of cane that was not planted in his own field. We were dealing with those persons who have organised and have continued to organise as a business the question of praedial larceny. So that they have vans, and I think in that regard the provisions in the Bill which the Honourable Member for Christ Church South has said, comes down to about four sections of the Bill. We have made provision for the certification in such a way as would assist the police in bringing cases against those who make stealing of agricultural produce a business.

There has never been any doubt that there have been people in Barbados who make stealing at that level ... They steal whole fields of produce, and there were times in the past when one had to wonder if it wasn't true that more people knew about the exercise of clearing up a field than would appear from the record. So, it would seem that there is no difficulty in this legislation, but we will send it to the Select Committee so that the farmers themselves and other

persons who are concerned about aspects of this problem can come to the Select Committee and make representation.

Mr. Speaker, I would have to allude to some of the things said by the Honourable Member for Christ Church South as he came toward the end of his speech. I don't think that anybody on this side, especially since this side is made up almost entirely of christian people. I notice that my friend, the Honourable Member for St. John, recently was admonishing the young people that they should read the Bible for solace and for edification. He is the Minister of Ecclesiastical Affairs but I think he was speaking in his capacity as a young christian at that time. That is the impression I got from the report, Sir. I think he would have been in a position to tell the Honourable Member for Christ Church South that registration of doctors and lawyers was happening even in the time of Christ. St. Paul was a tentmaker, the Honourable Member will remember that St. Paul was a tentmaker and therefore we on this side have no difficulty in recognising that farmers are among the most important people in this community.

We hope that this legislation, which is really very difficult, it is extremely difficult, Mr. Speaker. There is no way you can identify an apple and say that this particular apple came off a particular tree. You really can't, but we believe that this is as near as we can come to finding a solution to the massive stealing that has been going on by the non-tentmakers in our society who seem to feel that they must get their riches off the fat of other people's land. I think too that if one remembers that in the Old West the reason why they used to brand cattle, they had to brand cattle because people were stealing cattle in the Old Wild West in the United States. That is the only reason they had to brand cattle.

5.00 p.m.

But I have to agree with the Honourable Member for Christ Church East Central in his praise of the agricultural programmes which have been coming on CBC. I think what is happening here is that Barbadians are beginning to recognize that farming is being done in Barbados on a scientific basis. We have long passed the stage where people are simply throwing things in the ground and hoping that it will come up and going out to sell. But I just want to make the point that I hope that when we do whatever emerges from the Select Committee that the legislation will be interpreted in such a way that the police will understand that ordinary hawkers who have been part of the economic fabric of this society from time immemorial are not the persons to be harassed in the circumstances. It is going to take some time with this legislation for the hawkers to understand. I am talking about those women who have their trays selling in the market places. It is going to take some time for them to understand the mechanics and it will be our responsibility to ensure that they are taught and given the opportunity to understand what is required. The

hawkers, as I said in 1984, will never sell stolen goods knowing them to be stolen.

Yesterday, Sir, as I was coming home from St. Andrew, I was given some cherries. I had a fairly large quantity of cherries and on reflection...

*Aside.*

Hon. B. M. TAITT: Sir, I want to state categorically that they were not from ADC lands. They were from private lands in the northern part of St. Andrew where my mother's naval string is buried, Sir. I had some produce, as the Prime Minister would understand, Sir, as a farmer himself and it occurred to me as I was coming on the beautiful Duncan O'Neal Highway that if this legislation had been in place that I had no certificate. I had a fair amount in the back of the car, Sir. Therefore, the police will have to understand as lawyers and other people who are receiving their encomiums....

*Aside.*

Hon. B. M. TAITT: The Honourable Member for St. Lucy is discussing certain peculiarities about what goes on in St. Lucy. I am sorry that I am winding up and he did not have an opportunity to speak. But I think that he can go to the Select Committee and discuss the question of whether monkeys who steal might need to have a certificate. But in the meantime, Sir, I just want to say that we are very grateful to Honourable Members on that side for the support which they have given for this legislation. I am going to move, Sir, in winding up for the Government that this Bill be now read a second time. I beg to move that this Bill be now read a second time.

*The question that the Bill be now read a second time was put and resolved in the affirmative without division.*

Hon. B. M. TAITT: Mr. Speaker, Sir, I beg to move that this Bill be now sent to the same Joint Select Committee which was established in the previous Bill passed earlier. I see that Senator Morrison and Senator Fraser – I am reading, Sir – will be sufficient to constitute any Select Committee on agriculture. They have prodigious knowledge in this area, Sir. I have no doubt that the Other Place will constitute accordingly. We are recommending, Sir, that the same Members who constitute the Committee from this House be the Members of the Joint Select Committee. I so move, Sir.

*The question that this Bill be sent to a Select Committee with the Members as recommended by the Honourable Minister was put and resolved in the affirmative without division.*

## ADJOURNMENT

Hon. B. M. TAITT: Mr. Speaker, Sir, that brings us to the end of Government Business for the day. The Member for Christ Church South might wish to say something. I do not know if he has any Private Members' Business to do, Sir. We are always willing and ready to accommodate the Opposition.

Hon. H. deB. FORDE: Mr. Speaker, I wish to accommodate the Government on the Exchange Control (Amendment) Bill today, Sir. But obviously the Government is not ready with that measure.

Hon. B. M. TAITT: I leave Your Honour to determine about those remarks, Sir. We have necessarily to extend courtesy to the Honourable Members on the other side for any Private Members' Business that they might have. I do not know why the Leader of the Opposition whom I have heard on another occasion, is always saying how he is the joint father of the House. I do not know how you can have a joint father.

That brings us to the end of Government Business, Sir. There seems to be no intention on the other side to proceed with Private Members' Business. I, therefore, beg to move that this House do now adjourn until Tuesday, 25th June, 1991 at 12 o'clock noon, Sir.

Hon. M. A. KING: I beg to second that, Sir.

Mr. SPEAKER: The question that this sitting be adjourned until Tuesday...

Hon. C. V. WALKER: Mr. Speaker, speaking on the adjournment, I wish to say that the Honourable Member has given two weeks adjournment. I think that will give Members of the three Committees adequate time to start their work on these three Bills, Sir.

Hon. B. M. TAITT: If I may respond, Sir, in winding up the debate on the adjournment...

Mr. SPEAKER: I am not so sure how to fit the Honourable Member in.

Hon. B. M. TAITT: Just for the Honourable Member's attention. The Leader of the Opposition as Chairman...

Mr. SPEAKER: But if you are not speaking under any authority, it would not be part of the Rules or proceedings of the House. I am trying to determine whether you are speaking as a person on the adjournment...

Hon. B. M. TAITT: No, Sir, in my capacity as acting Leader of the House. The Honourable Member, Chairman of the Public Accounts Committee, has indicated that he

should like to have some time for the Public Accounts Committee to meet and the Select Committee is meeting. We feel that a two-week period is, therefore, adequate for such matters to take place. That is the reason why we are having a two-week period, Sir.

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