THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

HOUSE OF ASSEMBLY

Tuesday, March 5, 1991.

Pursuant to the adjournment, the House of Assembly met at 12.15 p.m. on Tuesday, March 5, 1991.

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. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister, Minister of Public Works, Communications and Transportation and Leader of the House)
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. O. S. ARTHUR, M.Sc. (Econ.)
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)
Mr. C. LeR. TROTMAN, M.A.
Mr. R. L. MORRIS, B.A., Cert. Ed.
Hon. D. J. H. THOMPSON, LL.B. (Hons.) (Minister of Community Development and Culture)
Mr. H. B. St. JOHN, Q.C., LL.B.
Mr. L. R. TULL, Q.C., M.A.
Miss B. A. MILLER
Dr. R. L. CHELTENHAM, M.A., M.Sc. (Econ.)
Mr. J. O. TUDOR
Mr. G. W. PAYNE

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of the Meeting of Tuesday, February 19, 1991.

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that the Minutes of the proceedings of this Honourable Chamber for the Meeting held on February 19, 1991 be taken as read and confirmed.

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

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

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I am to announce that I am in receipt of the Annual report of the Ombudsman for the year 1990.

PAPERS

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I am commanded to lay:

The Land Development Duty (Special Development Area) (Airport to West Coast Area) Order, 1991.

I am also commanded to lay:

The Land Development Duty (Rate of Duty) Order, 1991.

Hon. C. V. WALKER: Mr. Speaker, Sir, I am commanded to lay:

The Annual Report and Statement of the Barbados Community College for the Academic Year 1988 – 89; and

Statements of Accounts for the Financial Year 1988 – 89.

GOVERNMENT NOTICES

Hon. P. M. GREAVES: Mr. Speaker, I beg to give notice of:

A Resolution to approve the Land Development Duty (Special Development Area) (Airport to West Coast Area) Order, 1991 and

A Resolution To Approve The Land Development Duty (Rate of Duty) Order, 1991.

PRIVATE MEMBERS' NOTICES

Mr. SPEAKER: The Honourable Member for St. Peter a Resolution urging Government to ensure security of tenure for residents of Six Men's Tenantry, St. Peter.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, I beg to give notice of the following Resolution:

"WHEREAS by Resolution No. 15 of 1986 Parliament approved the compulsory acquisition by Government of 120 188 square metres of land the property of Six Men's Limited and known as Six Men's Tenantry, Saint Peter, for housing development:

AND WHEREAS by Resolution No. 12 of 1987 Parliament approved the publication of a notification of the abandonment of the acquisition of the said land, and the said acquisition has thereafter been abandoned by Government:

AND WHEREAS residents of the said tenantry have no security of tenure under the provisions of the Tenantries Control Act, Cap. 239 or under the Tenantries Freehold Purchase Act, Cap. 239B, or any other Act:

AND WHEREAS residents of the said tenantry have been served with notices to quit and/or notices threatening eviction from house spots which they have lawfully occupied for many years continuously until now:

BE IT RESOLVED THAT this Honourable House urge Government to:

(1) implement such action as will

(a) give security of tenure to the residents of Six Men's Tenantry,

(b) facilitate purchase of house spots in the tenantry by residents occupying them,

(c) facilitate the orderly development of the tenantry, and

(d) act to preserve the integrity and identity of an established community, and

(2) give consideration to the revival of its proposals for the acquisition of the land in terms of Resolution 15/1986 for the benefit and security of its residents."

NOTICES OF QUESTIONS

Mr. SPEAKER: The Honourable Member for Christ Church West: Question re: the establishment of a Skills Training Community Centre to cater for the needs of certain communities in Christ Church and St. Michael.

Hon. H. deB. FORDE: Mr. Speaker, Sir, I give notice of the following Question:

To ask of the Minister of Community Development and Culture:

1. Will the Minister state:

(a) what plans, if any, are in the programme of his Ministry for the establishment of the Skills Training/Community Centre to cater for the needs of communities of the districts of Hastings, Harts Gap, St. Matthias, Dayrells Road, Old Navy Road, Navy Gardens, Marine Gardens, Rockley, Rockley New Road, Golf Club Road, Worthing and Worthing View in Christ Church, Dayrells and Deightons Roads, in St. Michael?

(b) if there are such plans: Will the Minister give details of the time and schedule for their implementation, also specifying the premises identified for location of such a centre, and

(c) if he would arrange to secure the use of the former St. Matthias Girls' School after it has been repaired and upgraded, for assistance in providing the above services?

Mr. SPEAKER: The Honourable Member for St. Peter. Certain roads in the constituency of St. Peter.

Mr. O. S. ARTHUR: Mr. Speaker, Sir:

To ask the Minister of Public Works, Communications and Transportation:

1. Is the Minister aware that the following roads in the constituency of St. Peter are in a serious state of disrepair, namely

   (a) Bailey, Denny and Goodridge Roads in the Whim,

   (b) Millionaire and Reservoir Roads in Ashton Hall,

   (c) Olton Road,

   (d) Collins Tenantry Road,

   (e) Lonesome Hill Road, and

   (f) Roebuck Tenantry Road?

12.25 p.m.

If the answer to the above is in the affirmative will the Minister please state whether, and if so, when repair work on any or all of these roads will be executed?

Mr. SPEAKER: By the same Honourable Member, street lights in certain districts of St. Peter.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, to ask the Minister of Public Works, Communications and Transportation:

Is the Minister aware that the following districts in the Constituency of St. Peter are without street lights, namely

Douglas Development,
Church Hill Road in Ashton Hall, and
Roebuck Tenantry?

If the answer is in the affirmative will the Minister please state what steps are proposed by his Ministry to remedy that problem?

Mr. SPEAKER: The same Honourable Member, widening of highway between All Saints Boys' School and Mile and a Quarter.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, to ask the Minister of Public Works, Communications and Transportation:

Is the Minister aware that the highway between All Saints Boys' School and Mile and a Quarter in St. Peter is bounded on both sides by steep cliffs, which pose a very grave hazard to all pedestrians, and specifically the pupils of All Saints Boys' School, for whom it is a necessary passage to and from school?

Will the Minister please give details of the plans of his Ministry for widening this stretch of highway by providing sidewalks for the benefit of pedestrians, and when those plans will be put into effect?

Mr. SPEAKER: By the same Honourable Member, operations of the Oil Refinery of Mobil Oil (Barbados) Limited since the expiry date May 1990.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, to ask the Minister of Finance and economic Affairs:

Will the Minister please state the terms and conditions under which Mobil Oil (Barbados) Limited has operated, or has been permitted to operate an oil refinery since the Agreement under which they were authorised by law to operate an oil refinery expired at the end of May 1990?

Mr. SPEAKER: And the same Honourable Member, removal of stamp duty and consumption tax on agricultural inputs.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, to ask the Minister of Finance and Economic Affairs:

Will the Minister please state:

(a) the details of any scheme which has been put in place by his Ministry for the administration of an incentive programme which has been set up as a result of an undertaking in the 1989 Financial Statement and Budgetary Proposals to remove stamp duty, import duties and consumption tax on agricultural inputs on certification thereof by the Ministry of Agriculture, Food and Fisheries and subject to the scheme being worked out with the agricultural community?

Will the Minister please also state:

(b) each category of agricultural inputs to which any such scheme set up in that budget has been applied and

(c) the amount of duty and tax forgone in the operation of the scheme?

Mr. SPEAKER: End of Notices of Questions.

FIRST READING OF BILLS

On the motion of Hon. P. M. GREAVES, seconded by Hon. B. M. TAITT a Bill to amend the Soil Conservation (Scotland District) Act, Cap. 396, was read a first time.

SUSPENSION OF STANDING ORDERS

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

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

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

ORDERS OF THE DAY

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

GOVERNMENT BUSINESS

ORDER NO. 5 RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT BRIDGE ROAD ST. MICHAEL FOR BRIDGE AND ROAD IMPROVEMENT

Hon. E. E. GREAVES: Mr. Speaker, this is a rather simple resolution in that it seeks to acquire compulsorily six parcels of land at Bridge Road for the purposes of constructing a bridge and road improvement. As a matter of fact the bridge has already been constructed and the road has been improved but we are seeking to regularise a situation which arose from about June 1983 when the first acquisitions were done and it would seem as if in the construction of the bridge and improving the road an oversight took place relative to these six parcels of land, so that what we are seeking to do now is to regularise that situation where the six parcels of land as described in this Resolution are now being acquired compulsorily to complete that particular improvement. With those remarks therefore, Mr. Speaker, I beg to move this Resolution do now pass.

Mr. SPEAKER: The question is that that Resolution.....

Mr. C. LeR. TROTMAN: Mr. Speaker, Sir, whereas the Resolution is a simple one I wish to take the occasion to indicate that the road in the Bridge Road area is very much in place but there are problems regarding the canal and the drainage generally that would be affected as a direct consequence of the improvements that were done in that region, and I wish to take the occasion to invite the appropriate Ministers, because there were more than one, to recognise that there are problems resulting from the fact that the Bridge Road area, in fact, suffers because there is the difficulty of waters coming perhaps from as far as St. Thomas, passing through the area behind Her Majesty's prisons and having the other difficult problem of having waste from the Prisons themselves joining to that water, thereby causing considerable difficulty and problems for the residents of Dean's Village. I would urge that it is very important that we endeavour to address this problem of drainage and at the same time that it is very important for us when we pass the area of Bridge Road to recognise that there is immediate and urgent need for an improvement in the environment. One could not possibly consider spending the amounts of moneys spent on that road and the canal unless one recognises that the general environment of the area is in need of urgent improvements by the Conservation Commission or by a whole series of other persons and we wish to compliment the people of Dean's Village for their initial efforts in trying to beautify the area but, Sir, we think that it is necessary to have the efforts of the Government as a whole to seek to bring improvement to that area and bring the community to a level where we can all be justly proud of the work generally done by the Government for Bridge Road and generally for the people of Dean's Village.
12.35 p.m.

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

THE LAND ACQUISITION ACT, CAP. 228

Order No. 6 – To move the passing of a Resolution to approve the publication in the Official Gazette of notification of the abandonment of the compulsory acquisition of land from Gloria Jordan at Speightstown, Saint Peter.

Hon. E. E. GREAVES: Mr. Speaker, this Resolution relates to the abandonment of land at Speightstown which was originally acquired for the purposes of providing a playing field and an agricultural science plot for Speightstown Boys' School. Since that decision was taken, a subsequent decision was taken to move the Speightstown Boys' School from its location over to Battaleys. As a result of the school having been moved over there, it is my understanding that the facilities which would have been provided at the old Speightstown Boys' School by the acquisition of this land are available in that particular area. Added to that is the fact that the Ministry responsible for Sports is in the process of constructing a playing field to the north of the Speightstown bus stand. So that both the Ministries of Sports and Education have indicated that they do not have any particular uses for this land and it was, therefore, thought to return this land to the original owners. It is my further understanding that they have an offer for purchase privately. We thought in the interest of all

concerned it would be best to abandon this acquisition so that the owners can proceed privately with what they want to do with it. It is for this reason, therefore, that we are seeking to bring this Resolution here for the abandonment of this acquisition. I, therefore, beg to move that this Resolution do now pass.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, it is news to me that the present piece of land that is being abandoned has a potential owner possibly for housing development and that the owner has identified a purchaser for it.

Aside.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, I would caution Government granting permission for development in this particular area. The former Minister of Community Development and myself toured this area about a year and a half ago when we were looking at and discussing plans to build a community park in the centre of Speightstown. This is an area, Sir, that is completely overgrown with bush to the south of the home of the former Speaker. The reason why I am urging caution, Sir, is that this area stretching through Hills Terrace is that area of St. Peter, Sir, that is very prone to flooding. This is where the problems of flooding in St. Peter are concentrated. A very unfortunate decision was taken years ago to allow development in Hills Terrace. Hills Terrace, Sir, is a natural drainage area. This section, Sir, is to the west of Hills Terrace and I would think, Sir, that it would not be well advised for further development to be taken in this particular area. The Minister when he saw it thought and I agreed that it would be an excellent area to be cleared for a park running straight into Speightstown along the banks of what I call Salt Pond, Sir. But I really am surprised to hear that thought is being given to the development of this land. I urge caution, Sir, given the history of that general area throughout the years and urge caution in the light of the problems of drainage which still exist.

A year ago, Sir, even though the rains were not very heavy, Hills Terrace was again subject to floods.

Aside.

Mr. O. S. ARTHUR: If my opinion were sought on the matter, I would urge that Government keep the land acquisition and pay for it properly, and keep it as intended by the former Minister of Development when he saw it as an area that would form a national park in the centre of Speightstown, Sir, rather than a piece of land to be developed for whatever purpose and exposing the purchaser to the possibility of being effected by floods such as is the experience of persons now living in the Hills Terrace area.

I, therefore, must also make the point as well that the existing legislation makes provision for the owners to be compensated in the form of entry or damage in the event that land is acquired and subsequently abandoned. I really think if the Government does, in fact, proceed with its intention to abandon the acquisition that at least what should be done is that the land should be cleared. The former Minister of Community Development would agree that the parcel of land is completely overgrown with bush and it is going to put the owner if he is going to reinvest in the land to considerable expense to clear that land. As part of Government's compensation for injury and damage, and if the Government proceeds with its intention of passing back the land to the present owner, I think it would be a good gesture for Government to clear the land because the expense by the owner to clear that land would be extraordinary. But my own advice and recommendation to Government, speaking as a representative for the constituency of St. Peter, Sir, and on hearing the proposal for the first time is that I would not like to see any further development take place in that watercourse stretching into central Speightstown, Sir. I really feel that the Government, if it is possible, should hold the land and develop it along the lines that the former Minister of Community Development thought when he saw it a year and a half ago, Sir.

Hon. E. E. GREAVES: Mr. Speaker, just to quickly reply to the Honourable Member for St. Peter. I think that I should first disabuse his mind of the feeling that I said that the land was going to be used for housing development. That was not said. As far as I am aware, that is not the intention in any event. The land was first acquired for a particular purpose. It is no longer required for that purpose and, therefore, the Government has taken a decision to return the land to the owners. Now if the owners are placed in such a position and they want to sell the land or they want to develop the land, naturally they would have to apply to the Town and Country Planning Department for whatever permission they want. I cannot say that the Town and Country Planning Department will allow anything in that particular area. But the fact of the matter is that we acquired the land for this particular purpose and we no longer require it for that purpose. So we are abandoning it so that the people can have it back. The attorney-at-law acting on behalf of one of the claimants has assured us that his client will not seek claim for damages under Section 9(3) of the Land Acquisition Act, Cap. 228.

I beg to move with those remarks, Sir, that this Resolution do now pass.

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

12.45 p.m.

RESOLUTION TO APPROVE THE VESTING IN THE NATIONAL HOUSING CORPORATION OF LAND AT LAMMINGS, SAINT JOSEPH FOR HOUSING DEVELOPMENT

Hon. E. E. GREAVES: Mr. Speaker, this land was acquired previously for the purpose of housing development at Lammings, St. Joseph. It has been vested in the Crown and we are now seeking to vest this area of land in the National Housing Corporation.

The whole idea behind this is to enable the National Housing Corporation to proceed with the development and at the same time to give the NHC the legal authority, when the time arises, for it to draw up the necessary conveyances and convey the areas to the persons who will be allocated spots in that particular area.

This is part of the Government's policy to provide house spots around Barbados and at the same time, more particularly, to provide relief to those persons in the Scotland District who are experiencing considerable difficulty through landslides and the other problems which are experienced in that particular area.

This area of land will provide 27 house spots, but there are other areas which have been identified in other parts of the Scotland District, particularly in the St. Andrew area, which will add further to the land base which the Government will have to resite persons who are in need of resiting. We are very conscious of the problems in that particular area and we are moving to bring relief.

It has to be pointed out that it is again part of the overall programme which we have set ourselves, to provide a number of house spots around Barbados. Indeed, I think I can reiterate the point which has been made in the Manifesto, and which we are proceeding with, to provide 500. . . . .

Aside.

Hon. E. E. GREAVES: The Manifesto of the Democratic Labour Party for 1991, which I will now proceed, Sir, to make a document of the House.

Aside.

Hon. E. E. GREAVES: "Into the 90's and Beyond – Manifesto 1991". We have at page 28 indicated that we will "provide five hundred house spots in the first year of a new DLP Government." I can assure you, Sir, that a lot of these areas have already been identified and we are going to be working assiduously to fulfil this particular pledge. It is part of our overall programme to improve housing and at the same time improve the availability of house spots, which has been identified as one of the major problems of housing in Barbados and we will continue to work to satisfy that. Certainly the work which has been done in this particular area is work which must be applauded and I want to give the House the assurance that I will continue to work in that direction and to bring further and even greater satisfaction to the people of Barbados in this particular area.

I beg to move that this Resolution do now pass.

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

Dr. R. L. CHELTENHAM: Mr. Speaker, the Honourable Minister is recorded as saying that the Government is acutely conscious of the need to provide house spots in the Scotland District area. Much as that consciousness has come to the Government late in the day, I particularly welcome it. I recall that there are persons in St. Joseph and other parts of the Scotland District whose houses have been made virtually uninhabitable because of the fact that the land has been suffering from soil slippage, and they have been promised, some of them as many as five years ago, that they would be relocated and to this day nothing has happened. I am referring, Sir, to areas like Chimborazo and the Spa, Upper Parks and, to a lesser extent, Lower Parks.

This problem of inability to get house spots is a very widespread one in Barbados. There is a large class of persons, particularly at the lower income level, who suffer from this problem. The problem is particularly acute in St. Joseph, and the Scotland District generally, for two reasons. In the first place, there is an unevenness of facilities of light, water and roads across the area, and secondly, many areas are subject to soil slippage and people who thought that they were safe from the problem have found all of a sudden, in recent times, that they can no longer remain living where they are.

In the last 15 years or so Lammings has grown as one of the major, if not the biggest, residential areas in St. Joseph. It is a very desirable neighbourhood where the land is very stable and it is not surprising that so many people have chosen to live there, but the area is becoming overcrowded. There are a lot of people who have been promised relocation in St. Joseph, who are not terribly keen on going to Lammings because of the overcrowding, and they would like to see another area in St. Joseph earmarked and developed as sites and services, particularly off the Horse Hill area.

Aside.

Dr. R. L. CHELTENHAM: Between the Grantley Adams School and the beginning of the Horse Hill road. It is a flat area, it is very accessible. . . . .

Aside.

Dr. R. L. CHELTENHAM: Yes, I hear the Honourable Minister of Health saying that that area has been identified for a polyclinic, but the polyclinic cannot take up all, perhaps the polyclinic can only take two or three acres, four acres at the most, so there is no reason why the rest of the land in that area cannot be used for housing purposes.

The point is that many areas in St. Joseph, in the absence of cross-country buses, are not accessible one to another and so it is very important that all the development be not concentrated, for example, sites and services, in the western area where Lammings is located. It is important that we have some development in the eastern area, such as the Horse Hill area, and that is where I am recommending that. . . . .

Aside.

Dr. R. L. CHELTENHAM: Easy Hall Plantation would be very much to the east. I know that the Honourable Minister of Transport knows a little about the St. Lucy area, but he does not know a thing about what happens in St. Joseph. He does not even know the geography of the place. That is not surprising, Mr. Speaker, but it is important that we have some additional areas for sites and services. The 28 spots have already been promised out to the most acute cases of persons affected by soil slippage.
12.55 p.m.

I believe that right now the need is for at least 200 spots right away in the St. Joseph area and I will really hope that the Government will move with some urgency in providing the additional spots.

I would want to make the point generally that if we are not careful, and I am not talking about the Democratic Labour Party, I am talking about us, as a country. The time has come when very few people will be living in the St. Andrew/St. Joseph area at all. In the last fifteen years, we have had an enormous flight of persons from St. Joseph and that explains why it is that the constituency of St. Joseph is now made up of four parishes. In terms of voting numbers, the constituency has shrunk quite considerably in the last 10 years and that flight is continuing, and it will only be arrested, if we bring some light and some life and provide some services for the people of the Scotland District. It is all part of a thesis which has been advanced recently. We now clearly have two Barbados in this 21 x 14. We have a very prosperous and well-developed Barbados in terms of development facilities, stretching from St. Philip Lighthouse to St. Lucy Lighthouse and touching the southern part of St. Thomas and St. George, that coastal arc stretching from St. Philip Lighthouse. They have everything, in a manner of speaking, Mr. Speaker, natural gas facilities, well maintained road systems. They have light, electricity, water everywhere, playing fields every two or three miles, good public transport systems, supplemented by minibuses, but when you come to the areas of Scotland District, St. Joseph, St. Andrew and the northern part of St. Thomas and the northern part of St. George, you have a deficiency of these services and if we are to have a Barbados which gives a uniform level of services, a very desirable goal, as far as I am concerned, the Government has got to shift resources in a big way, over a sustained period, to that part of Barbados. So, the sites and services is one area in which we ought to make a dramatic beginning. The 28 house spots can barely scratch the surface, do not begin to satisfy the needs of the area, and I am really appealing to the Minister to ensure that some serious effort be made so that, within another few months, a new area can be opened for sites and services, preferably in the Horse Hill area, and what I regard as the eastern part of the parish.

Hon. H. A. BLACKMAN: Mr. Speaker, Sir, I would understand that as representative for the constituency in which this acquisition falls the Honourable Member who just spoke would have to say a few words on behalf of his constituents. Obviously, he cannot take any sort of congratulations or doesn't have any comfort as far as this acquisition is concerned because it was instigated and it was pressed for and the good lady agitated for a long time, the former representative for that area, who is no longer here with us, Senator Maizie Barker-Welch. She agitated for this for a long time and this Resolution is now the culmination of her dedicated efforts.

Mr. Speaker, we tend to forget and the Members on the other side tend to forget that they were running this country from 1976 to 1986, ten years. When I heard the Honourable Member speaking today about the problems in St. Joseph with land slippage, land slippage was a problem in St. Joseph, Mr. Speaker for years, not five years ago, for nearly 30 years. What the Honourable Member for St. Joseph has done is to say he has only discovered it yesterday, anyhow. What he has said, Mr. Speaker, is that the people in St. Joseph were being promised to be resited for the past five years. They promised the people between 1976 and 1986 and the people themselves down there said that they were being promised for years back that they were going to resite them, before we came into office. Even in the days when Lindsay Bolden was the representative for that constituency and was Minister of Agriculture as well and of Communication and Works. Everything he had and he didn't resite any of them.

Let me just explain to you, Mr. Speaker, for the benefit of this entire House, that to say that you need 200 house spots, at least in St. Joseph, is fine, because that may be true, but you may need about 5000 in St. Michael or 3000 in Christ Church; but everything had to be constrained within certain parameters. You can't just get up and say we need 500 house spots in St. Joseph. The point, Mr. Speaker, is this, this Administration unlike the former Administration, has been doing something for those people

who are experiencing problems of land slippage and the land slippage in St. Andrew is worse than the land slippage in St. Joseph and let me explain to you, Mr. Speaker, what this Administration has been doing. We have acquired, as the Honourable Member has just stated, land at Lammings to relocate some of the problem houses, those that are badly affected. We have already resited some of the people that were badly affected to Apes Hill, Orange Hill. We have already relocated some of those persons. We have acquired land in St. Andrew at Corbins Village again to relocate those people. We have acquired it. We have come to the House of Assembly already. We have acquired land at Gall Hill, St. John, to relocate these people from Bath who are having problems with the land slippage and things like that. Walkers, Shorey Village, Corbins Village, all those areas we have acquired land to relocate these people.

The Barbados Labour Party between 1976 and 1987 did not relocate a single one at all. Not one between 1976 and 1986. The only thing they did was in St. Peter with the money that was voted, the largesse was given out and people got houses who were never flooded out. That is what was happening under the Barbados Labour Party.

So, Mr. Speaker, let us understand what is happening. It is okay for any representative to say we need 500 house spots in St. Philip or 600 house spots in St. John, but you have to understand what parameters you are operating within. The point is that this Democratic Labour Party has acquired land throughout all the constituencies. We see the need to relocate some of these persons. We are doing something about it and very shortly most or all of those persons who are being affected by the land slippage in St. Joseph and in St. Andrew will be relocated to proper facilities and the point is that we are not just talking. This Administration is doing something about it.

Thank you, Mr. Speaker.

Mr. H. B. St. JOHN: Mr. Speaker, Sir, it is not surprising to me that the Prime Minister made the decision to move the Honourable Member from Housing. The Honourable Member has the worst record ever in the history of Barbados as being a Minister of Housing. He has not, in the last five years, been able to produce a record of 500 houses, over five years, built by the Democratic Labour Party. It is a real disgrace – his performance as a Minister of Housing. It is very clear, Sir, that his method of replying to the very valid points made by the Honourable Representative for St. Joseph is to bring in a lot of generalised statements which have no basis in fact at all.
1.05 p.m.

Anybody who has any knowledge of the history of Barbados will recognise that the Soil Conservation Area has been receiving attention from successive Governments since 1956 and a tremendous amount of effort has been put in over the course of the years by the Barbados Labour Party during the time that it ran this country in dealing with this question. You only have to recall who started Lammings and why was it started? Lammings is not the only area. I was in here at a period of time when the then Honourable Member for St. Joseph, Lloyd Smith, battled...

Hon. P. M. GREAVES: On a point of order.

Mr. H. B. St. JOHN: How could there be a point of order? What rule have I broken?

Mr. SPEAKER: The Honourable Member is on a point of order.

Certain remarks made by Hon. P. M. GREAVES and Mr. H. B. St. JOHN were ordered expunged from the records by Mr. SPEAKER.

Mr. H. B. St. JOHN: Sir, I object to that. That is not a point of order and I ask you, Sir, to rule. You cannot get up and say that you are on a point of order and then make a speech which does not point specifically to the Standing Order that I have breached.

Mr. SPEAKER: I am not so sure the Honourable Member has completed making his point yet. Until I hear the full point I cannot rule.

Certain remarks made by Hon. P. M. GREAVES were ordered expunged from the records by Mr. SPEAKER.

Mr. H. B. St. JOHN: That is not a point of order. If I have been rudely interrupted I must ask you as Speaker to rule as to whether that is a point of order.

Mr. SPEAKER: I must listen to the Honourable Member and then make my ruling.

Certain remarks made by Hon. P. M. GREAVES were ordered expunged from the records by Mr. SPEAKER.

Hon. P. M. GREAVES: He does not remember things. I as Minister for Lands in the 1960's acquired Lammings. I bought it. I have receipts to prove it. They are quick to throw stones.

Mr. SPEAKER: I understand the Honourable Member is rising on a point of order that the Honourable Member has breached. What I want the Honourable Member to say is...

Aside.

Mr. SPEAKER: I am going to rule on the point. I need to hear the Honourable Member in his entirety and then I will make my ruling. I do not think it is fair to make a ruling in the beginning or the end. I think it is fair that I should hear the Honourable Member, then assess the point

the Honourable Member has raised and I will rule whether it is a point of order or not.

Aside.

Mr. SPEAKER: I do not need that advice from any Member in this House. I think I am very clear as to what I should do.

Hon. P. M. GREAVES: But he does not have any manners, Sir.

Mr. SPEAKER: Therefore, I do not think that is a point of order nor part of a point of order as well.

Hon. P. M. GREAVES: He would not be interrupting you all the time you are speaking if he had any manners.

Mr. SPEAKER: Then, I cannot accept that. The Honourable Member must stick to the point that he has risen on. He has risen on a point of order that the Honourable Member apparently made a statement that is not correct which is in breach of the Rules of the House. Now, I want the Honourable Member to confine himself to that Rule which he thinks the Honourable Member has broken and then I will rule whether it is a point of order.

If I may read for the Honourable Member...

Certain remarks made by Hon. P. M. GREAVES and Mr. H. B. St. JOHN were ordered expunged from the records by Mr. SPEAKER.

Mr. SPEAKER: What I want to draw to the Honourable Member's attention is this that a point of order must be straight to the point and must be precise. There ought not to be any preamble or any sort of extension of that particular point of order. The point of order should be made straight to the point. That is what I am listening for. All the other areas will be struck from the record once it is not relevant to the point of order. Therefore, I am asking all Honourable Members when they rise on a point of order to be precise and to be to the point. That is what the Rule In the Standing Order says. It does not say anything other than that.

Hon. P. M. GREAVES: That is the point I have been making. The point is he has been misleading this House. I also made the point that Lammings was acquired by me as Minister in the 1960's. I must admit at the instigation of the then Honourable Member for St. Joseph, Mr. Lloyd Smith. It was acquired by me as Minister. It was not only acquired. There was some development of sites and services carried out in St. Joseph in the 1960's. A primary school was built on Lammings in the late 1960's. Subsequent to that...

Mr. SPEAKER: I think the point has been made.

Hon. P. M. GREAVES: Thank you, Sir.

Mr. H. B. St. JOHN: I am still waiting for your ruling. Is that a point of order?

Mr. SPEAKER: My ruling is that all the introductory to the particular point of the speech was not part of the point of order but the relevant point in which he says that the Member was misleading the House becomes a point of order because he is right to say whether the House is being misled or not. All the others have been ruled from the records....

Mr. H. B. St. JOHN: Very well, Sir. I do not bother with the Honourable Member because his reputation for veracity is well known as being deficient.

Sir, the position is very clear. The housing scheme, as I as was saying, was built at Lammings by the Barbados Labour Party. That is the point that I was making. The point that I was making very clearly, which has to be conceded by the Honourable Member that the housing scheme is that the physical building of the houses took place under the Barbados Labour Party.

Aside.

Mr. SPEAKER: I will not accept any shouting across. Will the Honourable Member just sit one moment? I will not permit Members to shout at one another across the Chamber. It is not part of the Rules of this House to do that. I have said on previous occasions that Members may make asides but in undertones not to disrupt the Chamber. I am not permitting any shouting across the Chamber.

Mr. H. B. St. JOHN: Lammings was built by the Barbados Labour Party. You can talk as much as you like. The houses that are there were built by the Barbados Labour Party. What I want the Honourable Member for St. Philip South to tell us is how many houses were built by the Democratic Labour Party in each year from 1987 to 1990?

Mr. SPEAKER: This is not a general Resolution. I may allow a Member to make a point in reference but not as a debate if it does not pertain to the Resolution. The Resolution does not call for that widening of debate. As I have always done I have always given a Member the opportunity to make references to them but not to depart by widening the debate.

1.15 p.m.

Mr. H. B. St. JOHN: Mr. Speaker, Sir, this is going to be very difficult, if when Honourable Members are introducing resolutions, they are going to stray into details and then when you come to reply and rebut the details that are made, we are going to hear that you are not going to allow people to stray into that. The straying does not start with the reply. The straying starts with the original speech.

Mr. SPEAKER: If the Honourable Member will hear me. That is the very reason why I said I would permit the Honourable Member to make a reference but not to broaden it as a debate. That is what I said.

Mr. H. B. St. JOHN: The Honourable Member talked about the Government's policy. What we are saying on this side is that the Government's policy in relation to housing is a policy of which they cannot be proud. We particularly charged the last speaker, the Member for St. Philip South with being responsible for the neglect of this area. That is indicative of the reason why the Honourable Member is where he is now. That is all we are saying, Sir. Because he cannot point to any record at all in relation to the number of houses that he built in 1987. We want the number of houses and the house spots that you built.

The Honourable Member made a speech not so long ago. I do not want to say the specifics, Sir. But as far as I can recall, the Honourable Member was not able to say that he built 500 houses in the last 5 years.

Aside.

Mr. H. B. St. JOHN: I said the record that you have is a record of less than 100 houses a year. That is deplorable. When everybody knows that one of the greatest social problems that faces Barbadians today is the ability of young people to be able to get access to a house on terms and conditions that they can afford. One of the things that the National Housing Corporation used to do was to build a minimum number of houses so that at least the young people will have access to housing, particularly those who want to form households for the first time.

I am saying that it was a deliberate policy of the Honourable Member when he was Minister to reverse that policy. The alternative policy was to provide house spots. That is what he is going to say, that the alternative policy was to provide house spots so that the provision of house spots is not inconsistent with the provision of ready built houses too. So great is the demand in Barbados, that in this area, you must operate from more than one cylinder. You must fire on two cylinders.

What are you talking about? You are the one who introduced them. We are going down the line because what is at issue here is that the Honourable Member who introduced the resolution, the now Minister, is saying that the 500 house spots is part of their commitment. He even took up a document and said he wanted to make it a document of the House. He has made it a document of the House. He said that 500 house spots is the commitment.

We are saying that 500 house spots, in the context of the tremendous neglect that occurred particularly in the last 4 years is totally inadequate to deal with the demand. You cannot fault him for saying that. Nobody can fault him for saying that because the reality is that out there every Member of this Parliament has already had, since this session has commenced, people coming to them asking....up to this morning, early o'clock people came to me talking about being served with an Order from the court that they have to leave and they wanted to get a house spot.

Aside.

Mr. H. B. St. JOHN: I try my best. I did not tell them to go to the Representative from the area because I know they would not have found him. I told them how I thought they could get one. Mr. Speaker, this is a very serious thing and it ought to be. This is a thing that is really galling. This ought to be above partisan politics because you cannot play around with this. You do not play around with a matter of housing in barbados when the demand at the National Housing Corporation must be, for either units or house spots, somewhere in the vicinity of 7 000. It must be that up there. At least that. We all ought to be trying to use the brain power that we have to see how we could devise a scheme to be able to cater to this demand. It is part and parcel of one of the outstanding social problems in Barbados.You must not introduce it in a bombastic way otherwise you are going to get a bombastic reply.

The statisticians on our side will be able to point out that the Honourable Minister for St. Philip South has a record, as Minister of Housing of being able to complete more houses than he has started. I leave that for the statisticians to be able to prove that.

But I want, Sir, to make a plea in this respect, that we do everything possible in this session to ensure that house spots are built at an increased rate. But we do not neglect also the building of houses for young people in particular who have no home, who are totally frustrated when they have to continue to have their relationships in the family of their parents or in the family of the parents of their partner. The record of not building houses is not a good one.

The Honourable Members on the other side boast and brag about being a Government for the poor people and all this. The record does not show that. The record in relation to houses does not show that. How many new housing areas have started in the last year and the year before that, since 1986? I have been looking. They finished Bonnetts. They have done some work in St. Philip. I would have expected that.

They have given encouragement to the private sector to build houses. Everybody has been giving encouragement because so overwhelming is the demand for housing in Barbados that it needs the combined effort of both the Government and the private sector. I think the Honourable Members are labouring and anybody who thinks that the private sector is going to be able to satisfy the need of the poor people in this country in relation to housing is living in

a fool's paradise. The private sector is not going to be motivated to invest their money in the type of housing that is needed by the average young person in Barbados who wants to start their own houses. Do not let us fool ourselves in this respect. The Government has a role to play, all of us, the trade unions have a role to play, the insurance companies have a role to play. You are talking to a party which was in office. You are talking to people who were in office, who sat down and devised schemes for special financing instruments to get housing going in this country. You are talking about people who devised the Housing Credit Fund. You are not talking to people who do not have any idea and who have not got a record of implementation of these things.

What has happened to the Housing Credit Fund? Why have you not supplemented it? Why have you not gone out in the highways and byways to get more money into the Housing Credit Fund, as Minister of Housing? You have done nothing in your period of time. You have not been able even to persuade the Honourable Minister of Finance to devote more money and more resources to that. The Honourable Minister had no confidence in you because he did not give you enough money for housing. He was so dissatisfied with the manner in which you ran the Ministry that he could not feel safe in devoting any more public resources down that drain. You do not have any record.

Mr. SPEAKER: All of that is part of the resolution.

Mr. H. B. St. JOHN: As the Honourable Member said 500 house spots in 28 constituencies. That is not even 20 house spots per constituency.

I could go around the corner there and I could find out 50 people in Christ Church South who want house spots.
1.25 p.m.

Mr. SPEAKER: All of those people are from Lammings? We are dealing with Lammings.

Mr. H. B. St. JOHN: I am only responding to the Honourable Minister.

Mr. SPEAKER: Yes, but Lammings is important, it is a central point.

Mr. H. B. St. JOHN: If you tell me you are going to expunge, are we going to have expunged from the record the reference to the Minister to the 500 house spots. Well I am only setting the context in which your policy is deficient. So that 500, less than 28....

Asides.

Mr. H. B. St. JOHN: Now, Sir, I hope Sir, that the Government would take these responses seriously, because we are faced with an urgent problem. No wonder they have so much hopelessness in the country when people feel there is never any hope.

Asides.

Mr. H. B. St. JOHN: Yes, lack of housing. So I would hope Sir, that in the future we will hear a real programme, not 500 house spots, we want to hear about five thousand over the next five years. One thousand a year would be a record.

Hon. E. E. GREAVES: Mr. Speaker, when I introduced this Resolution I did not expect that it would have generated so much heat and so much bombast as has been demonstrated by the Honourable Member who has just sat down. It is clear that the Honourable Member for St. Philip South, based on his record in housing, was a far better Minister of Housing than the Honourable Member was a Prime Minister.

Asides.

Mr. SPEAKER: I hope the debate stays within the four walls of this Resolution.

Hon. E. E. GREAVES: If I may get on with Lammings and this acquisition, the Honourable Leader of the Opposition in a *sotto voce* remark was trying to find out from me when this acquisition was started, and the file is here in case, I am talking about this particular acquisition, because I think we have already had clarification from the Deputy Prime Minister about when the original acquisition was begun for Lammings, but this particular acquisition, the note on the file here is dated the 12th April 1989, says as follows:

> "This A.M. (presumably this morning) the Ministry of Housing and Lands met with the Parliamentary Representative for St. Joseph to visit a parcel of land at Lammings which the Parliamentary Representative had identified for housing purposes".

And that is what we are talking about now, we are talking about this particular acquisition, and I do not want to get into a prolonged argument on this particular matter. It is true that the Barbados Labour Party started terrace units at Lammings but you will recall, Sir, that in 1985 to 1986 they had abandoned the construction of those units and we, when we came into office, had to complete them, and people are now living there.

It is a fact, Sir, therefore, that we, as the Member for St. Joseph has indicated, we recognised that the whole question of the provision of sites and services is something which is very much needed in this country and it is for this reason that this administration has identified this as one of the very serious problems which it will address and address in a meaningful way.

Now I know that every representative is certainly faced with this particular problem and this administration will endeavour within, of course, the limits which the finances will permit, to try to deal with this problem, because it is true that it is not a political problem, it is a social problem with which we have to deal and we will try to deal with it to the best of our abilities, but bearing in mind, even if one considers when the Honourable Member for St. Joseph was speaking I sought to find out from him the area of land which he is speaking about and the impression which I am getting, I don't know the area very well, but from persons who seem to know the area, suggest to me that the area of land about which he is speaking could very well be good agricultural land.

Sir, you see, we have the problem in Barbados, where we have to balance between the requirement for agriculture and also the attitude of people in agriculture, and also the housing needs of people in Barbados. Sir, all I am saying is that we would certainly be looking around St. Joseph and looking around other constituencies where we would be able to identify those areas, but I want to say one has to be very careful in selecting areas, and I would reiterate that certainly the Democratic Labour Party is committed to dealing with this particular problem.

The Member for Christ Church South asked the question about the number of houses which were built by the Democratic Labour Party. I think for the record a number of things have got to be said. Now, I recall very clearly on this question of house construction, when statistics started to be juggled with, the number of houses which were completed by the administration in 1977/1978, the Member for St. Thomas was then the Chairman of the National Housing Corporation when the Labour Party put out the fantastic figures about housing starts, and when we questioned him about that he included housing starts by the private sector. Why therefore, now, when we are going to be looking at the over-all housing development in Barbados you would want to deny us that, therefore. Let me make the point that between 1986 and 1990 there have been more housing starts in Barbados than in any other period in the history of Barbados. It is a fact.

Under this administration, during 1986 – 1990 there are some areas where houses were built. In Parkinson Road 25 units, Oxnards 54, Apes Hill, Orange Hill 57, Golden Mile 17 to replace houses which were left on the ground at Spring Hall, the people who were flooded out there in Speightstown; Wotton, there were 17 to replace houses which were in the flood prone area, Six Roads 29, Husbands 204, a joint venture by the Venezuelans; Simmons Land 13, and you will recall that we built those at Pond Side, 34 units. So all I am saying Sir is that we have a record and I can give you the assurance that during this period of time we will improve on that record and we will be providing large numbers of sites and services across the island, we will be further encouraging the private sector to get into housing to provide for this very important need and we will ourselves be getting into the construction of units as has been identified. Sir with those remarks I beg to move that this Resolution do now pass.

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

SUPPLEMENTARY ESTIMATES 1990 – 91 NO. 14

Order No. 9 was called – To move that this House resolve itself into Committee of Supply to consider the Resolution to grant sums of money from the Consolidated Fund for the services of the Island.

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

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: The House is in Committee of Supply.
1.35 p.m.

HEAD 10 – GOVERNOR GENERAL

Rt. Hon. L. E. SANDIFORD: Mr. Chairman, in moving that Head 10 stand part, I wish to state that under Head 10 – Governor General, Subhead 1 and Object 10 Supplies and Materials, the sum of $3 500 was provided in this year's Estimates to meet expenses under this Head and Subhead. That amount, Sir, has proved to be inadequate and an additional sum of $600 is estimated to be required to enable payments to be made in respect of the period from January 15 until the end of this current financial year. This is a small sum of money, Sir, of $600 and it is required in respect of Supplies and Materials. I do not think that we would wish to query $600 and detain the House on this particular matter.

I, therefore, beg to move that Head 10 stand part.

Hon. P. M. GREAVES: I second that, Sir.

The question that Head 10 stand part was put and resolved in the affirmative without division.

HEAD 11 – JUDICIARY

Hon. N. K. SIMMONS: Mr. Chairman, again this is a rather small sum of $1 900 broken down into two areas of Object No. 6 Travel $1 257 and Object No. 7 Utilities $643 just to complete the amount of money required for this year. I think the House knows that there has been a fifth judge appointed and, therefore, the sums voted last year were not adequate to meet the requirements since the judge has been appointed and I ask that this Head stands part.

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

Mr. H. B. St. JOHN: They seconded it over there, Sir. This here may be a small amount but this is a very big subject. Sir, there cannot be any doubt about it that the matter of the Judiciary in Barbados at the present is attracting a lot of attention. There are lots of problems and uncertainty with respect to how it is functioning. It is our duty as parliamentarians to make our comments known on these matters.

There is concern about the fact that up to now Barbados does not have a permanent Court of Appeal. This is a matter of grave concern. I have my own personal views on this, Sir, and they have been expressed repeatedly that I believe the best arrangement for a Court of Appeal in Barbados is that it should be shared with the Eastern Caribbean. I believe that. At the time of the Constitutional Conference in London that view was expressed by the Barbados Labour Party and, because of the fact that the Judiciary is regarded by many as an area in which new changes are not introduced unless there is an element of unanimity in the community so as not to bring the Judiciary into partisan controversy, nothing has happened since then. But I think it is very clear now with the increase in work that has taken place in the Judiciary that it is an almost impossible situation and a very undesirable situation has developed in which you have your five judges and they sit over one another. We have to make up our minds about our Court of Appeal. We have to make up our minds about it.

Aside.

Mr. H. B. St. JOHN: Well, if we have made up our minds, why have we not implemented what our minds have agreed upon? Why have we not? So that the position at the present moment is very unsatisfactory. I have heard that there are lots of reasons why Barbados does not have a Court of Appeal. I do not know about the judges. As far as I am concerned, the Prime Minister has the power after consultations to appoint the judges and whether they like it or not, whether existing judges or other people like it or not, when the Prime Minister appoints them, there is nothing they can do about it.

I have already stated, Sir, and I would hope that we would look at this thing as a very serious matter that there is today such a state of dissatisfaction arising from the fact that appeals are taking 18 months to 2 years to come on. There was a criminal appeal recently last year in which a man was eventually acquitted and he had undergone the service of a sentence of something like eighteen or nineteen months.

Asides.

Mr. H. B. St. JOHN: Well, the Attorney General cannot compensate. Parliament would have to compensate. The Honourable Member is anticipating me because what I am asking the Government to give serious consideration to is, whether the Government will, when the submission comes to them for compensation, which I will expect that submission will come, that it will bring down a Resolution here to give some measure of compensation to that person. I expect that a Resolution in due course will come in respect of that. But it is a very serious thing and we cannot continue to evade this question of a Court of Appeal.

The second point that I would say about the state of affairs with respect to the Judiciary is the fact now today modern technological developments have taken place at a rapid rate within the last five years and the Judiciary is operating under terms and conditions which are far less conducive than the private Bar is operating. Ninety per cent of the lawyers, despite the fact that they have a large number of them in Barbados, have access to word processors in their offices. The cost of a word processor in the last four years has dramatically fallen. But the judges and the Registry do not have access to that number of word processors which they should have access to and they are cheap. Today you can buy a word processor duty free of the type that is needed within the Judiciary and the Registry for less than $1000 or $1200. You could buy them if you are buying them by the group and many of your existing secretaries can be trained to do the Word Perfect and the other languages that are necessary. So that would help to speed up.

I noticed too under Justice Improvement Project that one of the sad things about Barbados, a big independent country, was that it had to depend on the Justice Improvement Project of President Reagan to get some microphones and loud speakers in the Courts. I mean that is a real tragedy. When I look at that and I see...

Aside.

Mr. H. B. St. JOHN: I did not have a thing to do with it – not a thing to do with it. A big independent country had to depend on the Justice Improvement Project to get microphones which are not even being used.
1.45 p.m.

That indicates the level of attention that is being paid to the courts, that you receive gifts for which you have no use and you take them. Serious consideration must be given to the terms and conditions of work.

Asides.

Mr. CHAIRMAN: I am hearing Asides that are far too loud.

Mr. H. B. St. JOHN: I think, Mr. Chairman, you are having great difficulty. Would you ask the Honourable Members on the other side not to prevent you from hearing me, Sir? I know you wish to be enlightened.

Mr. CHAIRMAN: I do not need the advice, I will control matters. The Asides are far too loud. Please control them.

Mr. H.B. St. JOHN: So we move from there, Sir, to the position in the Magistrates' courts. I am not very familiar with that area nowadays, because at this stage of my life I do not go in there, except as a witness or to draw some mitigating factor to the account of the Magistrate, but again attention must be paid to that area.

I am not going to subscribe to this view that the Magistrates are foolish. I do not believe that at all, Sir. I do not subscribe to any view that the Magistrates in Barbados are foolish. I think that the Magistrates in Barbados are labouring under very difficult circumstances. Far from being an object of ridicule and abuse, they should be the object of praise. I believe that. I think that far from calling those people in that very important arm of the Judiciary foolish, they who are more responsible for a large number of cases, who probably adjudicate the largest number of matters in Barbados, like in many countries in the world, further and swift attention must be paid to the conditions under which they work.

I would hope, Sir, that particularly in relation to the Court of Appeal, the fears that exist in Barbados will be removed quickly. There is still time for a further look to be taken on this matter. There is no indignity in Barbados saying that we wish to share a Court of Appeal because of the peculiar circumstances in which we operate, in a small community in which any selection of Court of Appeal Judges is likely to cause problems. It happens not only here, it happens in Trinidad as well. Our people are not broad-minded enough to take the view that once you reach the Bench you should not expect further promotion. That is something that you read in autobiographies and biographies of Judges.

We know that Barbados is not unique in this respect. Just recently in Trinidad and Tobago apparently some people were preferred to be Court of Appeal Judges and among Brother Judges the rule of seniority so dominated the minds of some that they also made public pronouncements about it, but these are matters. Perhaps the solution of the matter would be to let it be clearly understood that the Court of Appeal Judges would come from abroad, not only here, but everywhere, and it should not be confined to Barbadians either, Sir. There is something to be said for it, as the late Chief Justice Wooding used to say, when there has been a certain amount of security on a Bench with the feeling that there is at least another member who has no local connection to some of those cases that inevitably will arise in small communities which will excite passions.

Aside.

Mr. H. B. St. JOHN: So that even in the choice of our other half, Sir, we do not restrict ourselves to Barbadians. The choice in an important place like the Judiciary must be above that. I look forward to hearing the Government's view on this matter.

Thank you, Sir.

Dr. R. L. CHELTENHAM: Mr. Chairman, before the response by the mover of the Resolution, I want to add my voice in support of a view of the points rightly and eloquently made by the Honourable Member for Christ Church South.

There can be no doubt that this society has become very conscious of its rights, and with the expansion of the categories of cases that attract community legal aid, the courts' calendar these days is very overcrowded indeed. In fact, it is quite normal to see a High Court Judge having ten and twelve cases a day on his list, which is very heavy indeed. They are not operating under the best circumstances, the conditions are very inadequate indeed and they do not have modern day facilities to help them with the work. Three years ago I did a case, with the assistance of U.S. Counsel, in a place called Battle Creek. The case lasted two days in Michigan and at no stage was the Judge called upon to take any notes, but throughout the trial Counsel on either side requested a note of the evidence and within a matter of a minute or two were able to get a print-out. Here our Judges still have to take every word in longhand, which is a very tedious and time-consuming process indeed.

The overworking of the Judiciary is bringing hardship to fellow Barbadians in two particular respects. One has to

do with the infrequency with which inquest proceedings are held and the enormous backlog in that area. Bread winners in Barbados have lost their lives over ten years ago on the road. The insurance companies have provided a sum of money to compensate their families if only they could get some statement from an independent tribunal, such as the inquest proceedings would provide, as to the circumstances in which those persons have lost their lives, and we have not had inquest proceedings in some cases for over ten years. That has worked an enormous hardship on a lot of families in this country. The Bar has made representation on this matter without any particular success, and I think it is a matter which the Attorney General himself or the Minister of Justice ought to involve himself in, because it is a matter that has brought enormous hardship to a lot of families in this country.

The second thing relates to the delay in appeals at all levels.
1.55 p.m.

.... The Honourable Member for Christ Church South has spoken about the appeals in the High Court. It is commonplace for a man to be convicted, and three years pass, and the appeal is not heard. That is commonplace, and it is well known that in the few instances where they are acquitted, there is no compensation for having spent three years unnecessarily in prison. So that when I was saying by way of *sotto voce* remark that the Attorney General ought to do something about it, the Government ought to devise a policy and say: "Look if the system is overburdened and appeals cannot come on with speed and it so happens that a few people – there will only be a few – have to spend years in prison only to be freed by the Court of Appeal, we should have a policy in place whereby they should be compensated." That is only fair and reasonable and rather than people having to petition the Attorney General or the Minister of Justice to do that, in the context of the known circumstances, the Government ought to devise a policy and publish it whereby when these cases occur the victims are compensated. It happens in the United Kingdom from time to time, and there is no reason why we ought not, if we claim to be the just society that we are, to introduce such a policy.

That is not the only area. The Magistrates have been given a very large jurisdiction in relation to unlawful dismissals that attract severance pay. You can bring a case in the magistrate's court for upwards of $100,000 and beyond in the circumstances where you claim to have been unlawfully dismissed and the measure of your damages is severance. It is a big jurisdiction for the magistrates and the magistrate's court in District A is the place where, because most people in Barbados work at corporations and business places located in the St. Michael area, 75% – 80% of those cases are heard, and there are persons from the Transport Board, for example, who have won their cases of unlawful dismissal and they got $25, 30, 40, 50 thousand in the last five years. The Transport Board has appealed and that has been the end of the matter in the sense that the appeals have not been written up. That's a matter which should attract the attention of the trade unionists who are sitting in here as parliamentarians. It is a matter which they ought to speak out about and lend their voice to those of us who have been complaining about that matter. A man is working...

Asides.

Dr. R. L. CHELTENHAM: You can't even get your fees because the attorney's fees are contingent on the clients' getting paid. But I am not making the point from that angle, even though it is important. The thing is, that a man is working for ten or twelve years in a job, he is looking forward and believes he is enjoying some form of security of employment, but all of a sudden, an irrational boss dismisses him. He thinks that he has been unfairly dismissed, he goes to the courts seeking redress, his measure of damages is severance, the court finds that he has been unlawfully dismissed, awards him $25,000. He finds difficulty in getting new employment but he still has to live and he incurs expenses so he is looking forward to his $25,000 to pay his debts even to retool himself and get on with his life. The Transport Board as a matter of policy appeals all cases, regardless of the state of the evidence, which they lose in unlawful dismissal. It is a matter of fact, that none of those cases, to my certain knowledge, has come on to the Divisional Court in the last five years. The Magistrate has not written up the appeals. That is a very serious thing which has created enormous hardship to large numbers of people in this country.

Asides.

Dr. R. L. CHELTENHAM: I don't know why. I am only drawing to your attention the existing state of affairs and saying that it is clear that we, as parliamentarians, have got to do something about it, since nothing is being done by the judiciary itself.

Hon. B. M. TAITT: On a point of order. The Honourable Member was not in the House in its closing stages. Legislation was in fact passed to deal with that specific problem of the magistrates not giving their judgments. Legislation was passed in the closing of the last House so that there is now provision for the magistrate to be dealt with. I just thought I would mention that.

Dr. R. L. CHELTENHAM: I am aware of that, Mr. Chairman, but that legislation was ill-conceived, because though it allows the President of the Court to call up the matter, unless the magistrate provides the notes of evidence....

Asides.

Dr. R. L. CHELTENHAM: I am not making any point about that.

Mr. SPEAKER: Order.

Dr. R. L. CHELTENHAM: That's the sort of point which my learned friend, the Honourable Member for St. John makes. I am very careful not to make that sort of point.

Asides.

Mr. SPEAKER: Order.

Dr. R. L. CHELTENHAM: That point may not help and I am concerned to help and that is the reason why I am not interested in walking that route.

The position is that enormous inconvenience, enormous injustice is being done. Attempts to resolve the matter by making representation by the Bar Association to the judiciary have not borne fruit and it is time that we, as parliamentarians, do something about it.

So then, Mr. Chairman, even though the judiciary is in Barbados a kind of sacred cow and people feel that you can't talk about the judiciary... Indeed, that has been an establishmentarian view which is permeating the society for a long time and that is part of the reason why a lot of what is wrong continues to be wrong, because Members feel that the judiciary is a kind of sacred cow and that people must not speak critically about the judiciary. But it is time that all of us speak constructively and honestly about what is wrong, in the hope that what is wrong will be put right.

I have alluded to two particular difficulties and I hope that the Honourable Minister responsible will take note and he will ask the Chief Justice what can be done collectively to ensure these matters are corrected.

On the motion of Hon. P. M. GREAVES seconded by Hon. B. M. TAITT, Mr. CHAIRMAN reported progress to Mr. SPEAKER and asked leave to sit again.

SUSPENSION

Hon. P. M. GREAVES: I move, Mr. Speaker, that the sitting be now suspended until 3:00 p.m.

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

The question that this sitting be now suspended was put and resolved in the affirmative without division.
2.05 p.m.

RESUMPTION OF SITTING

Mr. SPEAKER: This sitting is resumed. When the suspension was taken, the House was in Committee of Supply. To that it should revert.

Mr. SPEAKER left the Chair and Mr. CHAIRMAN resumed the Chair.

COMMITTEE OF SUPPLY (RESUMED)

Mr. CHAIRMAN: The Committee is resumed.

Hon. M. A. KING: Mr. Chairman, the Honourable Member for Christ Church South began his presentation on this matter by lamenting the fact that there was no permanent court of appeal and made the point that it was about time Government made up its mind on this issue. The fact is that Government's mind is settled on this matter.

In the last Parliament all the legislation was put in place for the establishment of a permanent court of appeal for Barbados. I think the constitutional amendments have been done. The salaries for the judges of appeal have been fixed. I am not sure the orders have been laid as yet. I believe all that is necessary now is for the orders to be made and laid in Parliament which would relate to the salaries and commission of service for the judges of the restructured Court of Appeal. We have no difficulty about this matter. We know that it is highly desirable that there be a permanent court of appeal.

We recognise the fact has, indeed, been recognised by all in the profession that this system where judges of the Supreme Court sat on each other hearing appeals from each other in rotation was totally unsatisfactory. The fact is we have put the systems in place. We are ready. The only thing which is holding it up now is the actual physical facilities.

Aside.

Mr. CHAIRMAN: The cross-talking is interrupting the debate.

Hon. M. A. KING: I am saying, Mr. Chairman, the only thing which is required is the actual physical facilities for the Court of Appeal. As soon as these can be located, organised and made ready, all that would be necessary to be done then is for the Court to be brought into place. I imagine this is a matter which the Minister of Justice, in the fullness of time, will deal with effectively.

I got the impression towards the end of the last Parliament there was a plea from that side that we should not move too swiftly with this matter. We were trying to get the thing established. There were pleas from that side that

we should not hurry it. There were even editorials in the papers. You had some view in your mind that we were rushing to appoint...

Aside.

Mr. CHAIRMAN: A point of order.

Mr. D. A. C. SIMMONS: On a point of order. Let me speak for the three who were on that side last time. That pleading did not come from any of those three. What I seem to remember, Sir, is that from outside this Parliament, that perhaps from within the judiciary certain pressures were being put. Members of this side in other places made their feelings known about what appeared to be an attempt to force the hand of the appointing authority. That is what I remember last August or September at the Bar Association meeting.

Mr. CHAIRMAN: Point taken.

Hon. M. A. KING: Mr. Chairman, I was just making the point that our position is crystal clear on this. A permanent court of appeal is something to which we are committed. We have made our position clear on this.

The next point I wish to just dwell on for a minute, Mr. Chairman, is the point made by the Honourable Member for Christ Church South about the suggestion that Barbados should be part of a court of appeal for the Eastern Caribbean. Again, we have no major problem with that. In the debate in the region for setting up a Caribbean court of appeal, one of the obstacles which many of the countries of the Eastern Caribbean had in relation to a Caribbean court of appeal as a final court of appeal was the extraordinary cost of that institution.

They have made the point that they would wish in such an arrangement to dispense with their existing court of appeal and they have just a one-tier appeal from the courts of first instance of the regional countries to Caribbean court of appeal. Now, others have drawn to the attention the undesirability of having just that one-tier system of appeal and have maintained the necessity for having an intermediate court of appeal before reaching the West Indian court of appeal as a final court of appeal.

Indeed, at the meetings of Attorneys General some exploratory talks have gone on between one or two interested members of the Eastern Caribbean as to the possibility of sharing – to put it in their language – the Barbados Court of Appeal with them because they do not want the expense of having to set up their own court of appeal and finance that as well as a Caribbean court of appeal. I myself have had no particular difficulty with the idea of sharing a court of appeal with other countries of the Eastern Caribbean as an intermediate stage. I do not think that those with whom I have had discussions if the other countries of the Eastern Caribbean have finally settled in their own minds, what they would do in relation to this issue.

Our position is clear. I believe the legislation we have done is drafted in such a way that even although we have our own permanent and independent court of appeal provision can me made for others to participate and share in that court as time goes on. If it is not there I am sure it can be done. We have no great problem with that concept.

The next point made by the Honourable Member for Christ Church South relates to the Justice Improvement Project. He made the point that it was an insult to the country for the Justice Improvement Project to be installing microphones in the courts. I believe discussions were held between the Registrar and the Director of the Justice Improvement Project. This was the area in respect of which the Registrar indicated that the Justice Improvement Project could be of assistance. The Ministry had no great difficulty with that. If the Registrar said that is the kind of assistance which the Justice Improvement Project could provide for the Barbados courts it was not an area about which we had any particular difficulty.
3.10 p.m.

We felt that it was not an area about which we had any particular difficulty and the project was proceeded with.

Questions have been raised about the inadequacy of the existing court buildings, the Supreme Court as well as Her Majesty's Court of Appeal. Again we have recognized that the existing court buildings are inadequate. They need a lot of work to be done on them. We have always made this point but the point also has to be made – I am almost tired repeating this – that these conditions did not arise overnight.

Aside.

Hon. M. A. KING: I know we cannot say so forever. We came and found the inadequate conditions which you left. But you are quite right in saying...

Aside.

Hon. M. A. KING: Do not say that. That is not true. Do not say we have done nothing about them. We have done considerable work on the court buildings.

Mr. CHAIRMAN: Let the Honourable Member address the Chair.

Hon. M. A. KING: We have done considerable work on the court buildings. We have got proposals too.

Mr. Chairman, we have concrete proposals in relation to the building of a new court at Holetown. We have

provision for a new court at Holetown. We have also committed ourselves to establishing a new judicial centre right at the corner of White Park Road and Country Road. Concrete proposals are in place and not only are they in place but action is being taken on them. I think the site at Holetown is being cleared now for the building of the Holetown court, the police station and the other buildings which will occupy that place. The architects, the engineers and the other professionals have been appointed to deal with the judicial centre. The important thing to note is that actual work has started on these programmes and that the problem of inadequate buildings is being actively addressed.

There are the complaints raised by the Honourable Member for St. Joseph about interminable delays in coroners' inquests, about delays in appeals. I cannot other than agree with him that the delays are inordinate. When the Honourable Member for St. Joseph was speaking he raised the point about persons receiving judgements in wrongful dismissal cases in the Magistrates' Courts and not being able to collect on their judgements because the losing party in the courts had appealed. I asked the Honourable Member, why could not the appeal be heard? The response was that the magistrates had not written their reasons for the decisions and therefore the matter could not be proceeded with.

Several representations have been made to the Chief Justice about this matter. The Judicial Advisory Council actively considered what could be done in order to deal with this problem which is a real and genuine problem for so many litigants in the courts. The Judicial Advisory Council had recommended amendments to the Magistrates Jurisdiction and Procedure Act which in fact would permit the Divisional Court to proceed with appeals, despite the fact that magistrates had not written reasons for decisions.

Aside.

Hon. M. A. KING: The notes of evidence are usually there, are they not?

Mr. CHAIRMAN: The Honourable Member has two minutes to conclude.

Hon. M. A. KING: Mr. Chairman, the point is that it is a genuine problem about magistrates not writing their reasons for decisions and for the Appeal Court, in some circumstances, not to be able effectively to address the problems.

But I am saying that recognizing what the problem was, after consultation with the Judicial Advisory Council, legislation was prepared and was introduced in this House in the last session and was in fact passed. It is hoped that that will go some way towards redressing the problem which litigants face in this regard.

The Honourable Member for St. Joseph has made good business out of the default of magistrates in a number of these areas.

Aside.

Hon. M. A. KING: I would urge the Honourable Member not to file proceedings for mandamus against the magistrates in this regard, for not writting their decisions. Because I suppose that is a possibility too.

The fact is that the magistrates have to understand that they have to have a responsibility to write their decisions and not to delay the process of appeal. It is in the interests of justice and of the better administration of justice that all the delays,wherever possible, be avoided.

You have indicated to me, Sir, that my time is up. If I have a chance I will probably make a further presentation.

Mr. CHAIRMAN: The Honourable Member for St. John.

Mr. D. J. H. THOMPSON: Mr. Chairman, I rise to give support to this measure.

I want once again to express a concern that I had expressed before and that I feel that at the end of the day the fact that there have not been significant improvements in the administration of justice over a long period of time in Barbados, although it is being addressed now, is in fact a reflection on the persons who have had the opportunity to determine the priority of matters in relation to Government's projects and its responsibility to the society.

The fact is that we have had three Prime Ministers so far Queen's Counsel, as I understand it outstanding persons of the Bar, although I did not practise very long at the Bar with any of them, persons who therefore would have had the opportunity, during that time, to place matters of this sort as matters of priority. I can only characterize the speeches that have been made in here by people who should know better as lip service, because they had the opportunity before to place this matter high on the political agenda, high on the social agenda, high on the economic agenda. In fact what happened was that there was a considerable reduction in the quality of the building, a reduction in the quality of the delivery of justice from the court over a period up to 1986. I came into practice in 1986 and found conditions that were absolutely deplorable. I spoke out against them because I felt that they affected the people not only whom I represented but the Parliamentarians had a duty not to treat the Judiciary as the Honourable Member for St. Joseph alluded to as a "sacred cow" but to expose them to accountability just as I am exposed to accountability. It is a silly attitude for people to adopt this position that the Judiciary is in some lofty position and is not accountable itself for its work. I am saying that if there were a more

businesslike attitude in the courts then people would view the courts as a matter of priority as well. It goes both ways and it is, in essence, a chicken and egg situation.
3.20 p.m.

There are a few other points that were made in the course of the debate some of which are of interest. One point which was made which probably has little philosophical relevance but I suppose one should allude to it relates to the appointment of Judges to the Court of Appeal from other jurisdictions. Now, Sir, I do not think that is a point that should be made in 1991, and I think it is totally irrelevant to any debate on the Judiciary. That is my view and in fact Hugh Wooding, the authority that was quoted to support the position – and I think Hugh Wooding is eminently quotable on so many other things, but that is the very point on which he was ambivalent – he started his career by viewing the Privy Council as an important feature of Caribbean justice but by the time his career had ended and he was on the Constitutional Committee he in fact recommended the abolition of appeals to the Privy Council because he felt it was irrelevant and that same argument about him supporting the presence of Judges from other jurisdictions, particularly in Trinidad, was perhaps more a reaction to his own difficulty with the leadership of the PNM Government at that time, than a philosophical position that he was advancing. But we have come a long way since then, we have come a long way I think in relation to our attitudes to the Privy Council, we have come a long way in relation to our attitudes to justice in the Caribbean as a whole and I think that the Attorneys-General of the region have a concept of it. If we took this position about there being a need for people with a distance, people who do not necessarily, or who are not intimately involved in the society, if you need those people to adjudicate, well it would mean that a jury should have foreigners too. So that I am saying that I view it, and I view Hugh Wooding's position on it, in the context of the colonial society and I view any statement made in 1991 as representing essentially a colonial view of justice but not a contemporary view of justice in the Caribbean.

That is my view. I may very well be wrong but I have read the recent biography of Hugh Wooding written by Selwyn Ryan and it perhaps places Wooding's views in perspective. I urge modern day legal scholars and others, even practitioners of long standing who do not go in the Magistrate's Court, to pick it up and perhaps gather something about the contemporary attitudes and the then prevalent attitudes in that era in which Hugh Wooding existed and thrived under the iron fist of a Government, the leader of which was not particularly disposed to him.

I believe that modern techniques have to be adopted in the courts and we have said so consistently. I support the view that modern day technology is cheap enough, particularly word processors and so on, that we should make some kind of assault in that regard in relation to getting those facilities into the court and as soon as possible.

I also support improved conditions generally, and I think that the Government has made its commitment, not only to the upgrading of the existing facilities, some of which are so bad that to upgrade them would be a waste of money anyway, but in some cases to provide a model for development of new facilities, when I say a model, I am talking about model in the contextual sense, particularly in areas like Holetown, St. Thomas, and hopefully other areas. I am still saying that, in relation to how we sell our national resources, that there is a lot of wastage of human time and energy with a magistrate's court system in this country that is diffused. I still believe, and I am going to say that it is my view again, that the magistrate's court system in Barbados could very well be centralised. All the lawyers are in Bridgetown anyway, and the bus services in the rural areas are sometimes so difficult that a man living in St. Joseph for example may have to catch a bus to town to get back to Horse Hill Magistrate's Court and equally, at District 'C', people have to go to town to come back. I still think that we can consider the question of centralising the Magistrates' Courts in Barbados to reduce expenditure, to reduce the labour costs, the human costs of people driving around to all parts of Barbados, particularly those who still have to practise in the Magistrates' Courts as I had to and will probably still have to at some point in the future. I have no problem with that. But the point is, I still believe firmly that the Government should take a look at the question of centralising the Magistrates' Courts system. Let us be practical about it and let us not believe that to decentralise it means that people have any more access to justice or any more access to power than they really have. The point is, it is easier for them to get to town and be in town and to find the resources in town, than to be travelling all parts of the island. A man beat somebody in Belleplaine and he comes from St. George and has to go to Belleplaine to hear the charge and that kind of thing. It does not make sense in a small country. It does not make sense, honestly, and I really feel that we should consider some adjustment to that considerable loss of labour and cost.

As the Magistrate's Court jurisdiction expands and it is expanding rapidly in all jurisdictions that follow the English common law and spring out of that system, the jurisdiction of magistrates is expanding in relation to sentencing, it is expanding in relation to jurisdiction *per se* in relation to criminal matters, civil matters, there are a whole range of additional duties and expanded jurisdiction that now are the preserve of magistrates. Commensurate with that therefore they need the facilities to execute those duties, so the role of a magistrate in 1991 is different from the role of a magistrate, let's say, in the days when people who stopped practising in the Magistrates' Courts left practise in 1976 or before. The role is different so I agree with the contention that magistrates need considerable attention in regard to it because their jurisdiction and their

range of authority has expanded and in some cases is commensurate with that of High Court judges, limitless in relation to severance pay and a whole range of other matters.

I believe therefore that we have to give considerable priority to matters relating to the judiciary. We have given some in relation to legislation, the paper committals and the appeals from decisions of magistrates, we have provided the framework for the improvement of the role of the Chief Magistrate in legislation that came before the House and we have other reforms as I understand it in relation to the structure of the magistrate's court system which should come on to stream shortly and I therefore feel that the matter is being given the kind of priority now that it has never had before. I am proud to be part of a Government that gives it the priority that it needs because essentially the courts are what gives the public, the average Barbadian, the right to stop the intervention of the State in their affairs or, for that matter, it empowers them in relation to their contribution in society as a whole. So I give full support to the amendments presently before the House.

Mr. L. R. TULL: Mr. Chairman, Sir, I just want to make one or two very short observations because in respect of the debates in respect of the judiciary we have a long history in this Parliament of saying the same thing over and over and over again. It has hardly been anything said in this debate so far under this head that has not been said *ad nauseam*, we hear this over and over again. I am a little surprised, however, to hear the Attorney General giving as an explanation the fact that they found it so, so what are you complaining about.

Hon. M. A. KING: On a point of order. The Honourable Member can't say that is what I said, we find it so, so what are you complaining about, that is not what I said. I said we found it so and we are making an effort to change it, I am not saying that it should remain in the way it is, no. You left it in a terrible state and we can't leave it so.

Mr. L. R. TULL: I am not going to lock horns with the Attorney General on this one. It is not a matter of sufficient moment for me to get into that. I will talk at greater length on another occasion about how I feel about the whole problem of the Judiciary and the operation of the law courts. One of the best ways to notice these things Sir, is to have been away from it for a reasonably long period of time and then to go back. I have a perspective of it that is very different from those who have never left, nor like the Honourable Member for St. John who has just been there, barely wet his feet and has come out and is an authority, but there are three areas mentioned that I would like the Attorney General or the Minister of Justice, or whoever is responsible for these things to deal with. One has been mentioned by the Honourable Member for St. Joseph, the question of coroners' inquests. I believe that the Attorney General probably did not deal with it because his time had run out.

3.30 p.m.

But that is a very serious problem. A number of people whose relatives have been bread winners, and people who have been killed in motor accidents in particular, find that as much as a decade passes before the matter is heard in the Coroner's Inquest. Many insurance companies are glad that no inquests are being given because they refuse to pay out until there is an inquest. This causes an untold hardship to a number of families in Barbados. I believe that perhaps the time is right because of the increasing number of motor vehicle accidents on the road for there to be an appointment of a permanent coroner, someone who deals with inquests only. Everybody including the Police Department and the insurance industry tells us about the rapidly increasing rate of accidents and deaths on the road and so on and there should logically be a *pari-passu* development of other agencies to deal with it. In this case, the establishment of a permanent coroner in my view would go a long way towards reducing that kind of problem.

The question also of the increase of the work of the magistrates, I do not know that in recent times the magistrates have had any more work than in the past. They have more volume but the jurisdiction has not been widened. As far as I remember, the last time the jurisdiction of magistrates was widened was when they were given responsibility for debt in the sum of $2500 when it used to be $1000. This was several years ago. There has been no jurisdictional increase in the work mass, that is, the sheer volume. But one area where I would like the Government to look very seriously at is the area of extraditions. Extradition is relatively new now for Barbados and the numbers of extradition applicants...

Aside.

Mr. L. R. TULL: The question of extradition will increase. The problem will get more and more serious as time goes by because of the whole nature of the international community and the movement of people between countries and the possibility of those who commit certain types of criminal activities in countries particularly North America slipping into these islands. It takes a lot of time for extradition matters to be heard and, indeed, the law of extradition is so difficult and the precedents are so rare that the magistrates themselves and the people who appear before them in dealing with these matters find themselves working with issues that are fairly bristling with law without the kind of support that would be necessary to deal with these things in the best possible way. I think that is an area that perhaps can be looked at to see how we can move away from the generalized system of whoever is the

magistrate in charge at a particular time. I think it works by who is in charge in a particular month. Coroners are certainly assigned on a rotation month by month. I think that a better system has to be worked out in that area.

The third area I want to mention, although while I am on my feet I can think of more that I should mention, relates to the management and administration of the Courts. To work in the law courts in Barbados is a terrible exercise in frustration and those of us who have to be in the courts on a daily basis feel the full brunt of the frustration that is felt in trying to work before them. The frustration derives not only from what has been mentioned so far about the poor state of the physical facilities, and something must be done about that and I am sure that something will be done about it, but we have problems of who is in control. It is very easy for people like the Honourable Member for St. John to be critical of magistrates in some areas. But magistrates do not have any control over the police prosecutors. So if a magistrate turns up and is ready for court at 9 a.m. and the police prosecutor does not turn up until 10:15 a.m., the magistrate cannot start and he has no disciplinary authority over the police prosecutor.

Aside.

Mr. L. R. TULL: Well, you cannot say that you can throw out the case because you cannot start the case until the prosecutor is there. How are you going to start without the prosecutor? The other thing is that he has no jurisdiction over the court marshals. The magistrate has no control over the court marshals. How is he going to deal with that? The magistrate has no control over his own clerk. The magistrate is not in a position to dictate to his clerk what he or she should do. The court clerks are under the general control of the Registrar but not of the individual magistrate. It is, Mr. Chairman, these little special difficulties which are not large in themselves but I think that with the right type of determination these things can be easily resolved. But all these things go together to make frustration in the courts of which I speak.

I mention as a final point, and I said three, but I am sure you can bear with a fourth one, Sir. I throw this out as a caution to Ministers of Government. In this case, I speak particularly now to the Minister of Justice. I saw the Minister of Justice on television a few days ago speaking to the Police Association. What he was telling the Police Association and by extension the public of Barbados was to take warning. You see what is happening in Antigua, Jamaica, and so on and so forth.

One of the things that we find as Ministers of Government and to a smaller extent as parliamentary representatives is a widespread perception that we have all power and that we can do anything in Barbados.

Aside.

Mr. L. R. TULL: Well, maybe not for the Honourable Member for St. Philip South but certainly for the people with whom I have had contact over the years as a parliamentary representative and a Minister of Government. They feel that all they have to do is to come to you with their problems and you pick up a telephone or snap your finger and there is a solution. Well, that is what I am talking about. That is precisely what I am talking about. While I am talking to you, Mr. Chairman...

Aside.

Mr. L. R. TULL: Yes, the perception is there and we as representatives have to do something about the perception. This is why I am making reference to what the Minister of Justice just said. When he said, "You see what has happened in Jamaica and Antigua. Take warning", he is suggesting that it will happen in Barbados if you do not take warning. There are a number of people in the public who believe that the Minister of Justice, the Attorney General, or the Government can decide who must hang.

Aside.

Mr. L. R. TULL: You see that. Here I am trying to take some of the pressure off of the Attorney General.

Mr. CHAIRMAN: No point of order.

Mr. L. R. TULL: Mr. Chairman, what I am saying applies with equal validity to Members on that side and this side. I well remember the Honourable Member, the Attorney General, bringing a Resolution on crime in December 1985 just because a few people of a certain colour were attacked up in St. George. He brought a Resolution in here, Sir, accompanied by a great deal of sound and fury in which a lot of extravagant statements were made. Unlike many other Honourable Members when the shoe is on the other foot, the Attorney admitted that he is now seeing it from a different viewpoint and he understands the problems.

Hon. M. A. KING: The Honourable Member is misleading the House because he is not referring to anything that I said. I have not said what the Honourable Member is saying.

Mr. CHAIRMAN: The Honourable Member will conclude in two minutes.

Mr. L. R. TULL: If the Honourable Member wants me to prolong the debate, I can do so. I know of what I speak. I do not talk just for the sake of talking. The Attorney General was moved to tell the Police Association or the Fire Service Association, or one of them that I am only the Attorney General. I am not the Minister of Establishments. I cannot give you any additional posts. I am not the Minister of Finance. I cannot pay you any more money. I

cannot give you any more equipment. I am just the lonely Attorney General.
3.40 p.m.

The point I am making, Sir, is that members of the public are ready to believe that the new Minister of Justice, in all his enthusiasm, is not making any sport, that they step in line or we will hang you, you step in line or we will give you some lashes with the cat.

Aside.

Mr. L. R. TULL: I am free to draw inferences as an intelligent man from anything I hear. I heard that and those are the inferences I draw. I know that the Minister of Justice is a serious man, but the Minister of Justice cannot sentence anybody to hang. When somebody is sentenced to hang, the Minister of Justice cannot make anybody hang them, that is entirely within the hands of the Privy Council of Barbados, and the Right Honourable Prime Minister did not even think of putting the Minister of Justice on the Privy Council. He has not even got a say on the Privy Council.

Mr. CHAIRMAN: And the time for this intervention has expired.

Mr. L. R. TULL: Just one minute, Sir. In relation to the flogging, I will speak on it, because I find it anathema, on another occasion.

Aside.

Mr. L. R. TULL: I know how the Honourable Member for St. Philip South feels about that. He has spoken about it on many occasions and I know his mind, Sir, but I will not deal with it on this occasion. In another two weeks there will be plenty of occasions to do that, Sir.

Hon. H. deB. FORDE: Mr. Chairman, I just want to intervene in the debate to talk on a few limited matters, the first of which relates to a point made by the Honourable Member for Christ Church South.

I have had the benefit of practising throughout the whole Caribbean, from Bahamas right down to Grenada, and after 31 years at the Bar I think I have a perspective on the role which an independent Judiciary can play in the Caribbean. Having also sat in the corridors of power, I think I can look at what I believe is the correct political perspective that we should be bringing to rationalising the judicial system in the Caribbean.

Like the Honourable Member, I believe very passionately in the integration of the Caribbean, and really, except for the nationalistic pride and the insularity of Caribbean politicians, it makes little sense having a series of separate courts of appeal in the Caribbean. The number of persons of high quality available to serve on the judiciaries in the area is a limited number. Many of the top practitioners who have the years of experience which they can bring in the exercise of judicial office have not been attracted into those offices. Some of them are in politics and are therefore not going to leave politics to go onto the Bench. In fact, there is not a history of many of the outstanding persons leaving politics to go to the Bench. Others are practising and are probably also in the commercial side of life and do not wish to leave to go onto the Bench. We have had a few exceptions, like the late Sir Hugh Wooding, Professor Telford Georges and a few others who have been exceptional Judges, the late Mr. Aubrey Fraser, but very few of the real top civil practitioners in this region have gone to sit on the judicial Bench and the judiciary is now characterised by promotion from within the legal service. Whilst it is true that some good people have come to the fore, a large number of them have not gone on the Bench.

I am not allowed to call names, Sir, but I am not calling it in a derogatory sense. I would have wished, for instance, that the former Solicitor General, Mr. Oliver Browne, had been attracted to the judiciary. He was not. He is a person who would have made an extremely good judge. I can recite the number of persons, just as I think the Honourable Member might make a better General Secretary than he makes a politician, Sir, and I am hoping that he would displace the Honourable Member for St. Lucy, who still has ambitions for that role, as well as the Honourable Member for Christ Church East Central. I am backing him, he has my mark. I would have hoped that we could therefore attract that pool of talent which we have.

I said that this number of courts of appeal which we have are too many, both for the volume of the work that is coming before the Courts of Appeal as well as for the challenges that are there.

Aside.

Hon. H. deB. FORDE: I am talking about the whole Caribbean. Whereas I subscribe, like some Honourable Members, to an ultimate court of appeal for the Caribbean, replacing the Privy Council, I also believe that Barbados in the context of the Eastern Caribbean will be better served by sharing a second court of appeal with the Eastern Caribbean States. I would say, Sir, that the Eastern Caribbean Court of Appeal has come a long way, and in fact, very much unlike our courts in recent years, our own Court of Appeal, you can find dissenting judgments within that Court. I do not know the last time we have seen a dissenting judgment in the Barbados Court of Appeal. In fact, at the time Mr. Justice Dudley Johnson was acting as a Judge, he went on the Court of Appeal and he had the strength of character to give a dissenting judgment and he was never allowed to act thereafter as a Judge of the High Court, because he dissented in the Court of Appeal. That is a fact. To find a dissenting judgment in our Court of

Appeal, Sir, is like finding gold along the east coast of Barbados.
3.50 p.m.

.... I believe that the jurisprudence of the Caribbean is suffering because we will not grapple with this nettle and be sensible. I believe that more and more Caribbean countries will have to learn to shed aspects of sovereignty that belong to the old era of the nation state being the ultimate decider of everything that goes on in public affairs. I cannot think of a better area for us to begin than in the area of law and order where we can rationalise the judicial systems in the area, particularly in the Eastern Caribbean, and I would hope that the Government, despite the fact that I brought the legislation for our Court of Appeal here and it was on the statute books since 1981, still has not closed its mind, as I hadn't closed my mind at that time, to looking at the arrangement for a closer integration of the judicial systems within the region.

I believe that the Caribbean political scientists must be innovative. They cannot remain static and looking backwards towards old concepts of sovereignty in an area that lends itself to tremendous innovation in forms of Government. I am aware of the fact that most of, if not all, of the leaders in the eastern Caribbean would welcome Barbados' accession back to that Court of Appeal. In fact, I am happy to hear that Grenada has recently been discussing the accession of Grenada back into the OECS Court of Appeal and I would hope that the Minister of Justice, or whoever is responsible, the Prime Minister, I think, has the judiciary under him still – I would hope that his mind would not be closed to this suggestion.

The area, Sir, that concerns me is sentencing policy among the judiciary. If one is following the development of judicial administration in the Commonwealth and elsewhere you would notice that judicial sentencing is no longer a matter of how long is the judge's or the Chancellor's foot. Judges do not just pick numbers for sentencing a person to imprisonment or community service or what not. There is a good deal more study which goes into the whole art of sentencing where there is consultation with the other areas of social policy before a sentence is administered. In fact, at the University of Birmingham, there is now perhaps one of the leading centres for the study of sentencing. There is a Department of Judicial Administration and you will find that more and more judges in Britain and elsewhere are spending time within these institutions getting refresher courses and continuing education. I would strongly urge the Government to make available such opportunities to our judiciary as part of the continuation education project because in the last resort I believe that sentencing policy is a very important thing. I hate to get to the stage in a country where there is an outcry about whether people are getting proper sentencing as has occurred in Barbados in recent years and all of a sudden you find one judge doing his own thing, one magistrate doing his own thing. I do not believe that in the long run this does the judiciary much good and with the sort of studies which have been undertaken in other communities we do have a strong case here now within the Caribbean region, not only in Barbados, for a proper study of sentencing policy.

Just a couple of words, Sir, about the magistrates. I don't want to prolong the argument about the magistrates. There are not many things of wisdom that ever come from the mouth of the Honourable Member for St. John. He sometimes errs in good sense and he erred in good sense in this House once that I can recall, in speaking of the need to give constitutional protection to the magistrates. I believe that that was a very valuable and worthwhile suggestion and I believe that those of us who were at the inception of the framing of the constitution genuinely never adverted to that fact, Sir. That's right. There are not many in the House who remain who had a hand in dealing with the Constitution. Not many of us who are here who remember and who influenced what happened with that document. The Honourable Member for St. Michael North, the Honourable Member for Christ Church South and myself were on the Committee dealing with the fundamental rights provisions, as I remember it, in particular on this aspect. But I would like strongly to suggest, and this is not a matter that is partisan, I believe that this matter is above division between the parties at this time.

Mr. CHAIRMAN: The Member has two minutes to conclude.

Hon. H. deB. FORDE: I was like the Honourable Member then. I was an under-forty except the Honourable Member ran away from being an under-forty and I remained, Sir. But, I want to say, Sir, that I would really like us to examine with the assistance of the Bar Association etc. the protection which should be given within the framework of the Constitution to the role of magistrate and I can assure the Government that we would be very interested on our side, in a non-partisan way, of looking at that and seeing if it is necessary to alter the Constitution in this respect. There would have to be the necessary safeguards as well for dealing with magistrates who may stray just as there are necessary safeguards for dealing with judges who may stray but more and more the magistrates exercise tremendous power over the freedom of the individual and of the subject on a daily basis, much more so than the judiciary and although there are appellate provisions to correct any errors that may be made, a large number, I would hazard a guess and say about 95% of the cases that go before the magistrates are never appealed at all. Either sometimes people haven't got the wherewithal to appeal them, sometimes they haven't got the legal aid and advice. Really, there is a strong case for giving magistrates greater protection within the Constitution at the same time building in the necessary safeguards for the public of Barbados.

The estimates are coming soon and we will have an opportunity to discuss the whole judicial system much more then, so I rest my points there.

Mr. C. LeR. TROTMAN: Mr. Chairman, it is sometimes, if not considered, certainly treated as though when one deals with matters like the judiciary, only those persons who have COME out of the inns, or the "huts", have the right to speak and I have been invited to join in this discussion by a school mate and member now for St. Joseph.

Asides.

Mr. C. LeR. TROTMAN: It has been his fortune to go to the same school as I went.

Mr. Chairman, I want to say a couple of things which relate primarily to perceptions. I recognise that there is no division in this area regarding the particular matter that is before the Committee but I do wish to indicate that I share support for the call for speed in dealing with matters, particularly those relating to damages claimed by poor persons before the court. The concern which the Member for St. Joseph raised about matters of wrongful dismissal cases, which in some instances have been appealed almost 10 years ago and for which there is no immediate view of a resolution, where that particular appeal is concerned, is some matter that causes some concern for me and I am sure for all of us as people of this country.

As we know, Sir, Barbados is predominantly a wage-earning community. Most people work for wages and/or salaries and, as a consequence, what we have to rely on is not our property but our earnings from wages and if at the point of being denied an opportunity to earn wages or salaries we have the problem of damages being sought and of being denied I think we have a right to be able to recognise a speedier resolution to those problems which are being raised by it. I support him in that regard. I support any suggestion which would be made for a speedier way of dealing with that particular issue.
4.00 p.m.

I am concerned beyond that, Mr. Chairman, with other matters. These relate in particular to three particular perceptions. One of them has to do with the perception that the public has towards the Bench. In the views of many people the Bench is a middle-class institution which is set up and operates to keep the rich man in his castle and the poor man at its gate.

I do not speak as any attorney, Sir, therefore one has to understand that I reflect, so far as I am concerned, the views of the pubic at large, that the laws in places like the Caribbean, and the judicial institutions in places like the Caribbean, are middle-class institutions which are not set up for or do not operate in the interest of the working man or woman in this region. We have to be particularly careful about that particular perception because, if that perception is true, or if that perception is allowed to be given enough public ventilation that it is perceived to be true, then the people for whom the laws are made and the people who are much more before the courts than the other privileged people will begin to believe, or as is the case of Barbados, might continue to believe that when they have to go to the courts they do not have any possibility of feeling that they will have redress for any wrongs that they are claiming or for any wrongs that people are claiming against them.

We have therefore to be particularly careful to remove that impression if it is an erroneous impression, and where the impression has any substance. We have to work with alacrity and dispatch to ensure that the occasion of turn around in attitudes so that the public at large, the poor man and the poor woman, the boy and the girl, the miscreant who has done a first offence, can begin to have confidence in the judicial system which we have in our country.

This perception, Mr. Chairman, is underscored and given greater substance when those same people either erroneously or correctly make the point that if you are a poor person and you are carried before the courts, the immediate response of the court is to imprison you whatever the nature of the case. As a matter of fact, although it may not have absolute truth, I have heard stories of a person who was found by a policeman selling nuts in Broad Street where he should not have been selling nuts because he did not have a licence who was imprisoned for 14 days.

At the same time and by the same token persons guilty of much more serious offences, if they belong to the right families or if they have the right connections, who are guilty of much more serious offences, sometimes including drugs, they get reprimanded and discharged, not even convicted. Thus is the perception of the court. I am not saying it is true. I am saying it is the perception of the people in our country. If that perception is true we have to take every effort to remove that perception. If the perception is not true, then we have to be careful to make the public of Barbados, the poor man, the poor woman, the youngster who is likely to face the courts, believe that in the courts he is really able to find a Solomon who has come to judgement and to find that his or her case is going to be treated without there being any problem of a distinction towards the individual because of class, colour, creed or political persuasion.

Aside.

Mr. C. L. TROTMAN: You can always rely on me, Sir, for telling it the way I see it. I have no partisanship when I stand up before you. I am concerned, Mr. Chairman, to indicate that when the aggrieved person appears before the courts one has to be careful not only to make sure that

the system is so organised that the person believes in that system but I believe we have to go a bit beyond that, and that all players within this system have so to conduct themselves that the system is made to work.

By that I am referring to situations where before often a person who has suffered injury or who is otherwise aggrieved, can sometimes be made to appear to be the villain in a situation before the courts. We have to be careful if we are going to endeavour to build this community and to make it one that our children and our children's children can be justly proud of, to make sure that justice is not only done in this society but that it is very clear that it appears even to the blindest among us that justice is being done.

I am obliged to you, Sir.

Mr. D. A. C. SIMMONS: Mr. Chairman, I will have about a three or four hour presentation soon on all of this, sentencing, the kinds of punishments, the cat and the tamarind rod, all of them when we deal with the Sexual Offences Bill and the Protection of Domestic Violence and all of that. I am supposed to make the major speech on all of that. That will be four hours in your stomach so you could as well prepare for it.

I just want to say one point about the Judiciary, Sir. I want to make a few pleas for some secretarial assistance for the judges. I do not know if they have been made already. Perhaps we cannot afford at this time for each judge to have a secretary but, certainly, there should be a secretary....

Aside.

Mr. D. A. C. SIMMONS: Well, if you can afford them, get them then. If you can afford it, give each judge a high quality secretary who can take dictation and type fast. If you cannot, the next best thing is to give one per two judges. We do not have to go overboard. There are other departments that are depleted. We have to be realistic for our times and facilities but it will help in the expedition and the delivery of judgements.

Asides.

Mr. D. A. C. SIMMONS: All right. The Ministers have secretaries. The Government is persuaded. I can expect in two weeks' time when we come to do the Estimates that provision will be made or we can move it in then. The loquacious Minister of Health has spoken for the Government. Ministers have secretaries – no problem, the judges should have.

4.10 p.m.

Mr. CHAIRMAN: What is the Honourable Member rising on?

Hon. B. M. TAITT: Mr. Chairman, the Honourable Member has given way. I do not know why he continues to bother me. I was making the point that 15 years ago I said that the judges should have clerks. And now you are talking about secretaries. They do not want secretaries, they want clerks so that somebody can go and research the work and write an opinion and get the thing out of the way. Getting a secretary will only confuse the issue still further. That is the only point I was making. There is nothing loquacious about that.

Mr. D. A. C. SIMMONS: Sir, he is on the right track there. He wants to carry it a step further, legal clerks so that when he leaves in here he will have a ready-made job. He wants to research and write opinions for judges. He is well qualified to do that, an eminent academic lawyer, Sir. There is no doubt about that. I am giving him the fullest possible praise and he is asking me what I am doing to him. I am praising you.

Hon. B. M. TAITT: Mr. Chairman, Sir if he would give way.

Mr. D. A. C. SIMMONS: You do not even recognize a compliment when you see one. I am praising you.

Mr. CHAIRMAN: I still need to know the point that the Honourable Member has risen on. He has given way but he has not concluded his speech. On what point would you have risen then?

Hon. B. M. TAITT: I have not risen on any point, Sir. We are in Committee and the Honourable Member has given way, Sir. I have not risen on any point.

Mr. CHAIRMAN: I really do not understand it.

Hon. B. M. TAITT: Sir, it is customary in Committee where each Member could speak as often as possible. If you do not recognize me, Sir, I will sit down.

Mr. CHAIRMAN: I would suggest that you rise in the proper way.

Hon. B. M. TAITT: You go ahead. I am not saying anything.

Mr. D. A. C. SIMMONS: Sir, before the last Parliament terminated, I did say in here once that a way to attack the backlog of coroners enquiries was to appoint perhaps a retired magistrate on special assignment or appoint one separate magistrate, if you like, to do nothing else but coroners enquiries so that we would make an attack and an indentation on the bulk of inquests that there are outstanding. I still reiterate that, Sir, and hope that in the new financial year all the proper arrangements can be put in place for all the reasons that I gave then because it denies the rights of people who have lost their family.

Finally, Sir, I said I am going to make a full speech on this area during the Estimates... They are talking over there about nutshells and so on ... I should like to encapsulate... put in a nutshell, a point for you and it is this. I wonder how many of us have considered the legacy of Britain to the Caribbean in this area of the judiciary? You know Britain gave us the common law system and we are very proud of it. We have made certain adaptations to it. It is a common thread that runs right through the Commonwealth, that legacy of the common law court structures, the way we behave in court and so on. That is a relic of our colonial past.

You know the one thing that Britain has not done for former Caribbean colonies is to bequeath to us, in addition to the system of law, the system for the appointment of judges. They have reserved for themselves the right to appoint to the Bench only practitioners, no ex-civil servants, only barristers of X years' standing 10 or 15, whatever it is. But they have bequeathed to us a system where we find it very difficult to recruit for the judicial Bench from the private Bar. But we move automatically out of the Attorney-General's Chamber or wherever to the Bench here.

Aside.

Mr. D. A. C. SIMMONS: Stop eating nuts in Parliament. It is a legacy that I believe we need to break with sooner or later.

Aside.

Mr. D. A. C. SIMMONS: I am not ready for the Bench yet. Do not worry about me.

I think that the experience that is brought to the Judicial Bench in the Caribbean by appointees coming from the public service is far narrower than the experience that can be brought by senior members of the private Bar who have had a wide and varied service.

We know of deficiencies and we are sympathetic. But we have to be careful...

Mr. CHAIRMAN: Can I have some order?

Mr. D. A. C. SIMMONS: Who is behaving badly, Sir? Are you speaking to them?

Mr. CHAIRMAN: Let the Honourable Member proceed.

Mr. D. A. C. SIMMONS: The Deputy Prime Minister is leading the House very badly today, Sir. He is misbehaving. He is very disorderly, Sir, encouraged by the one on his right.

Aside.

Mr. D. A. C. SIMMONS: No. You are my friend. I feel, Mr. Chairman, that with a view to the better development of the legal process in the region, we have to make the step gradually as opportunities arise to ensure that we redress the imbalances.

Aside.

Mr. D. A. C. SIMMONS: Yes. There has been an imbalance in this area which needs to be redressed. I am serious. Because it is difficult and it would be extremely difficult in a debate of this nature to get it across to you, Sir, how you appreciate problems having seen them in practise and how persons who come from the other side do not appreciate the problems because they have never been faced with them. How many of them have ever taken a statement? They get things prepared for them.

The only point I wish to make today, Sir, in this debate is that for the lead-up to the twenty-first century this is one relic of colonialism that we in the Caribbean have to address. What I am saying about Barbados applies with equal force to Trinidad. They have got a few more from the private Bar in Trinidad than we have but the bulk are out of the service. Jamaica and so on.

Aside.

Mr. D. A. C. SIMMONS: Not yet.

4.20 p.m.

You see the argument has run in the past that members of the Private Bar would not give up lucrative practices to go on the Bench, or the Bench was not attractive to them. I don't agree with that Sir, because I think there comes a time in a man's life when he get tired doing the same kind of things and I believe it was one of Drucker's books that I read, I can't remember which one, I read two of Drucker's books but I think it is one of Drucker's books where he was saying that in order for a human being to get maximum self satisfaction he really needs to do two different jobs in life. That you get bogged down and one area becomes humdrum and monotonous, there is no excitement in your life, no challenge ....

Aside.

Mr. D. A. C. SIMMONS: Well except when you become Prime Minister. When you become Prime Minister, well for the next four years, and after that to retire....

Asides.

Mr. D. A. C. SIMMONS: I look forward from early. But I think Sir that members of the private bar at a certain stage in life would be attracted to the Bench provided the

conditions of service are reasonably satisfactory and attractive.

In a previous debate I did suggest the type of conditions and I don't need to go over them today Sir, this is old hat now, but one that would obviously be attractive would be to credit the private practitioner who has practised for let us say, fifteen, twenty years, and who has paid his National Insurance contributions, I want to make that clear, provided he paid his National Insurance contributions, credit him with some, let us say, ten years towards a pension. Carry that on towards his ultimate pension, and if he serves ten years on the Bench and you credit him with ten years, he would have twenty years eligible for a pension, but that is a detail that can be worked out, but some methodology along those lines would be attractive to a practitioner say in his fifties.

Mr. CHAIRMAN: Your time has expired.

Mr. D. A. C. SIMMONS: I think that some of us at some time will have to demonstrate our interest in something larger than money, our interest in the development of the judicial process and the administration of justice, for what is the then going rate and forget the fact that you could make three hundred thousand outside in private practice.

Mr. CHAIRMAN: Time.

Mr. D. A. C. SIMMONS: Sir they tell me it is time for me to go to the funeral and I am going to leave, Sir, it is not time for me to go the Bench yet, I have work to for the people of St. Thomas. Much obliged, Sir.

Hon. M. A. KING: Mr. Chairman, just a couple of points I wish to take this opportunity to respond to and perhaps it may be useful to start with the point which has been just made by the Honourable Member for St. Thomas, that it is desirable that members of the judiciary come from the private bar of the legal profession. I have always indicated I have no difficulty myself with that. I think it is a desirable thing if members of the private bar are appointed to the Bench. In fact the Honourable Member characterised this as a hang over of the colonial system, he makes the point that in the United kingdom for instance the Judges are appointed from the private bar and that none come from the legal service. I believe that there have been examples in the United Kingdom of judges who have been appointed from the prosecution section. I remember one Treasury Counsel, I think it was Trevor Humphrey who subsequently became a judge, so that is one example of a judge from the legal service. Not that I am trying to belabour the point that judges need to come from the legal service, but I think what has to be of vital consideration is that you need to get the best available people who are willing to sit on the Bench, and that should be the guiding principle and we should not become too hidebound by whether you are from the private bar or from the public service. I think the important criterion has to be that the judge has to be a person who has the respect of the community and who is a good lawyer who would make a good judicial officer. The emphasis should not necessarily be on the area of the profession where they come from.

Having said that, I do agree that it is desirable, and highly desirable that members of the private bar, where they are available, willing and able to serve, should be appointed.

The point made by the Honourable Member, I think it was for St. Thomas, in responding to a comment made, I believe by the Honourable Member for St. John, in relation to the Barbados Court of Appeal was that it would be better if the Barbados Court of Appeal could contain some persons from outside the Barbados Jurisdiction. I believe the Honourable Member for St. Thomas was making the point that I had agreed with that. I had not expressed an opinion on that. The area which I was addressing, Mr. Chairman, was my agreement with the fact that I had no difficulty with member states of the Eastern Caribbean sharing in the Barbados Court of Appeal. Now, obviously, if you had member states of the Eastern Caribbean participating in the Barbados Court of Appeal, I would imagine it would appropriate that Judges of Eastern Caribbean States who participated in the Court of Appeal would become members of that Court. That I have no difficulty with. But again, the criterion in relation to the appointment of Judges of the Barbados Court of Appeal should be, of course, that you look for the best available talent to serve on the Court of Appeal and as far as I am concerned those could come from anywhere.

I just wanted to make the additional point, Mr. Chairman, to show the Government's commitment to the concept of a Caribbean court of appeal and to our own restructured Court of Appeal in the new judicial centre which is being planned, provision is made in the plans, not only for our local Court of Appeal but also for a Caribbean court of appeal so that when the Caribbean court of appeal sits in this jurisdiction there will be a separate and available physical facilities for that court to sit, including a registry for the Caribbean court of appeal as well; and that since the decision on the location of the Caribbean court of appeal may or may not be reviewed, Mr. Chairman, if a decision is taken to review the decision on the headquarters of a Caribbean court of appeal we will ensure that the structures here are adequate to provide for the accommodation of the Caribbean court of appeal.

The Honourable Member for St. George South addressed the point of coroner's inquests and advocated the position that perhaps Government should think in terms of providing a separate magistrate to deal with the mass of coroner's inquests which take place in the country. I do accept the point, Mr. Chairman, that there have been

inordinate delays, delays too long in dealing with the matter of coroner's inquests. The Honourable Member for St. Thomas had addressed this point in the closing stages of the last Parliament and had made the suggestion that a retired magistrate could perhaps be called on to deal with the backlog of inquests. A consideration I suppose which one has to look at is whether there are enough inquests to occupy the time of a single magistrate or a single coroner once all the backlog has been cleared up.

As far as I am concerned, it seems to me that the major problem is in relation to the large backlog which exists at the moment...
4.30 p.m.

So that I had indicated that we would give favourable consideration to having one magistrate committing herself or himself to the problem of clearing up the large backlog of coroner's inquest and we are in the process of doing that business under the Ministry of Justice. This again is a problem which I think we have to address fairly urgently. Over the years we have had a variety of excuses as to why the inquests have been delayed. Sometimes the lawyers who represent interested parties blame the police for not bringing the matters before the Court and sometimes the police and prosecutors blame the defence, and sometimes they blame the magistrates for not sitting in the courts and dealing with the inquests. Apart from everything else, there has been a bit of buck passing in this area as indeed in the area of dealing with delays in the administration of justice in the Magistrates' Courts.

Whilst I am on this issue, Mr. Chairman, let me just indicate that the delays of the administration of justice is a matter which concerns not only the Barbados jurisdiction but a whole lot of other jurisdictions and the problem has become so acute in the Caribbean that the Attorneys General of CARICOM at their last meeting in the Bahamas last year agreed to set up a committee which would look at this whole problem of the delays in the administration of justice in the countries of the Caribbean because it is perceived in all of the countries of CARICOM that it is a region wide problem and not limited to any particular jurisdiction. Very recently I believe I saw some correspondence coming to the Minister of Justice about nomination of a person from the Bar Association. I think that the CARICOM Secretariat has requested representatives from the Bar Association, from the Bench, and private practitioners bar to make up this committee which would look at this whole problem of the delays of the administration of justice in the region and make positive and concrete recommendations for dealing with the problem. The Bar Association, I believe, has nominated its representative and I do not think that the other representatives have been nominated as yet. But I just wish to make the point, Mr. Chairman, that this is a problem which is certainly receiving the urgent and direct attention of all departments which are responsible for the administration of justice in the Caribbean region and that matter is being addressed.

Just a quick word, Mr. Chairman, about the need to use modern technology in the court from the point of view of recording evidence, taking judges' summations, and matters of that kind. Again, this is a programme to which we are committed. Recently, there have been some exploratory reviews of the possibility of training not only court but parliamentary reporters as well in the modern technology and in the modern systems of recording evidence and speeches of Parliament. I am imposing on the province of the Honourable Member for St. James South. But recently there was a meeting in the Conference Room of the Ministry of Justice on 28th February to deal precisely with this point of the training of court and parliamentary reporters and to review this whole issue of updating technology in the courts to provide for easier recording of evidence, judges' summation, and the whole proceedings of the courts as well, so that the point to note, Mr. Chairman, is that these matters which are important in themselves for the delivery of justice are receiving the immediate attention of the Government and I just want to assure the Honourable House of what is being done in this regard.

One final point, Mr. Chairman, with your leave. In relation to management and administration of the courts touched on by I believe the Honourable Member for St. George South, the point was made that the magistrate; for instance, had no jurisdiction over the marshals, clerks, police prosecutors, and because of that you could have problems and perhaps there are problems in relation to ensuring that the work which the officers in these departments have to do is properly supervised. That is a problem which I suppose has to be grappled with. When the legislation to provide for the establishment of the position of the Chief Magistrate was being put in place, a part of the dialogue of the Judicial Advisory Council was whether the Chief Magistrate should have jurisdiction over the officers who serve in the Magistrates' Courts. It was recognized that the Registrar is the person who has administrative responsibility as Head of those Departments and that it would provide for some jurisdictional difficulties if the Chief Magistrate had supervisory and disciplinary authority over the clerks in the Magistrates' Courts.

So that to that extent unless you created a separate department of the magistracy, and I believe that in some jurisdictions, possibly in Trinidad and Tobago I believe, there is a separate department of the magistracy, it would have provided for some conflict. In the final analysis, I suppose that it is a matter of personalities dealing with problems. If there is collaboration and co-operation, a lot of the problems which are problems can in fact be overcome. But these are areas which, of course, will receive the continuing attention of the Government. Where problems

exist which need to be addressed, I am sure that the Minister of Justice and the Government will pay appropriate attention to these problems. Thank you, Sir.

Hon. N. K. SIMMONS: Mr. Chairman, I just want to comment on about three concerns raised by Honourable Members. The Honourable Attorney General has covered most of the ground, but I would like to make reference to the question of the physical facilities. I said that we are all but ready to begin renovation of the community centre at District D to house the Magistrate's Court there. Those of us who have practised would know that the Magistrate's Court at District D was the Police Station which deteriorated to such an extent that it was impossible for persons to work there comfortably. Likewise, we have now reached the stage where the new District D Police Station will be going to Welchman Hall. That has been decided as well. We have had the structural engineers report on the court at Belleplaine and, if my memory serves me right, we will be renovating that. At one time it was thought that because the floor was so badly cracked we would have to demolish it, but we are going to renovate that so it will be better for all concerned. The court at Speightstown has been renovated and, as I understand it, it is in good condition now. So that District F and District C are the only two courts left in the country to be looked at. Of course, the courts in town will have to decide if they will be housed in the same area because with the building of the judicial centre it might be possible to shift those courts to the Supreme Court. Those are decisions yet to be made and I would not like to comment on them in depth.
4.40 p.m.

The Member for St. John also mentioned the question of the centralisation of the Magistrates' Courts. There are arguments for and against, because there are some who will argue that the transport system may be so heavy at that time of the morning that most people will get to court late, so therefore it depends on where you live as far as deciding whether or not you should come to town. The possibility might be to make Barbados one jurisdiction and then decide to go to District A if you live near there, but the fact of the matter is that there are arguments for and against centralising the courts. I suppose that will go on and on.

The Member for Christ Church West mentioned the sentencing policy. This has always been the most difficult task which a judicial officer has to perform. Let me give a classic example. Juveniles come before the court and you can do one of two things with them, either send them back home or to the Government Industrial Schools. Very often the home environment is such that we do not want to send them there, and the parents will sometimes tell you to send them to the Government Industrial Schools. That is why I believe in our Manifesto for this period, which is already a document of the House, at page 33 it says we are "concerned with the number of young persons being given custodial sentences at Glendairy Prison,..." et cetera and we want to provide a correctional centre for housing young offenders.

Today I visited the Government Industrial Schools – Dodds and Summervale – and we need to have other institutions to deal with young offenders. These are some of the problems which magistrates find when they are sentencing young offenders, or indeed first offenders, that our country is so small that we cannot provide the range of institutions as big countries do, therefore we will always live with these problems.

I understand the situation where sentencing must appear to be equal across the board, but again very often when cases are reported we do not get all the facts. There is the question of whether the person is a first offender, a habitual offender, or how young or how old the offender is. Much more goes into it than just the one simple act, so that it is difficult to explain in a very short period of time how you arrive at sentencing A for one offence and B apparently for a similar offence. One might get six months and the other a rap over the knuckles, but a lot has to be looked at. That is why I think we use the services of the probation officers very often to determine how we are going to deal with an offender, but it is not easy.

Mr. Chairman, with those few comments, I beg to move that this Head stand part.

Hon. C. V. WALKER: I beg to second that.

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

HEAD 13 – PRIME MINISTER'S OFFICE – $58,931

Rt. Hon. L. E. SANDIFORD: Mr. Chairman, I do not know if Honourable Members are really interested in suing for a debate on these issues. I beg to move that Head 13 stand part.

Hon. P. M. GREAVES: I beg to second that.

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

HEAD 16 – MINISTRY OF THE CIVIL SERVICE – $32,000

Rt. Hon. L. E. SANDIFORD: Mr. Chairman, I beg to move that Head 16 stand part.

Hon. P. M. GREAVES: I beg to second that.

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

HEAD 34 – MINISTRY OF EDUCATION – $5,725,607

Hon. C. V. WALKER: Mr. Chairman, under Head 34, Subhead 10 – Grants to Public Institutions, this request for the supplementary funds of $5,725,607 is to supplement the provision of the $22,003,850. The request is in order that we may make payments for the months of February and March.

In the financial year 1990–91, the $22,003,850 was provided and as at 31st January, 1991 the total actual expenditure for the University of the West Indies under this Head was $21,729,619, thereby leaving a balance of $274,393.41. This, therefore, is inadequate to meet the requirements for the months of February and March.

Also, we had agreed to the level of expenditure for the triennium. Following that agreement, Sir, there were two salary agreements at the University which were settled and approved by the Campus and University Finance and General Purpose Committee. In accordance with the existing salary revision procedures, they total $4,713,300. Therefore you will see from that balance of $274,393.41 and the supplementary required of $5,725,607 we will have the amount of $6 million to meet the requirements of February and March.
4.50 p.m.

... You will notice that we had the enrolment during the period moved from some 2,185 in 1988–89 to 2,264 in 1989–90 and to 2,408 in 1990–91. It is also interesting to note that in this year 1990–91, the total undergraduate registration at the University for Barbados is 1,463 out of a total of 2,002, so that the registration for 1991 of a total undergraduate registration gives us 73% of the total students attending university. It is also interesting to note then that those who entered the undergraduate program for this year from Barbados, a total of 494 students out of a total of 616 for this year, which shows a percentage of 80%, which would be an increase of 7% over the overall registration for that period and therefore, Sir, with that I would like to state that some of the $5,725,607 which is required to supplement this Head do now stand part.

Mr. L. R. TULL: Mr. Chairman, Sir...

Mr. CHAIRMAN: Just before the Honourable Member proceeds, under Rule 70, standing order 72, debate on this resolution concludes at 5 o'clock. Proceed if you want to.

Mr. L. R. TULL: Mr. Chairman, Sir, I'll use the ten minutes...

Mr. CHAIRMAN: It looks to me like five.

Mr. L. R. TULL: ... the few minutes at my disposal to ask the Minister of Education a few questions. I really wanted to deal with one or two things at greater length.

I want to ask the Minister of Education to what extent is the Ministry of Education paying attention because of the kind of need being expressed, particularly, in secondary schools for the continual training of teachers in educational management and administration. I know the course started some time ago and a few people have been trained. It has been geared originally and I understand that it is still targeted for heads of schools and deputy heads. The reality in the secondary schools in Barbados requires that people at a much lower level be trained in this area. I am speaking particularly of the heads of subject areas, year heads and the form leaders. Every time I have an opportunity to talk to people from secondary schools what comes through repeatedly is that the process of teaching and learning is seriously hindered by the lack of proper administration in the schools and I would wish the Minister very quickly – I'll talk about it at length another time – to tell me to what extent the course in Educational Management and Administration at the University of the West Indies at Cave Hill is meeting the needs of the secondary schools.

I want also to ask the Minister whether the training at the University of the West Indies for Barbadians has been reviewed in the last five years to ensure that this $27 million a year we are spending on the University of the West Indies fairly reflects the national needs of Barbados. The reason why I ask, is because it is my knowledge that there are well over one hundred graduates of the University of the West Indies in Barbados who cannot find employment and we are one of the most fortunate countries in the world in one sense and one of the worst off in another sense, when we could have such a high percentage of our graduates from the University unemployed and finding great difficulty over a period well in excess of a year after graduation in finding work, while at the same time, as I reflect on the number of non-nationals who are applying for work permits in Barbados and are getting jobs in Barbados because it is expressed by the Immigration Department, after they do the usual review, that there are no Barbadians qualified to carry out those jobs, I don't know, Mr. Chairman, whether that is in fact a true reflection of the situation or whether there are some people who have a lot of influence in the Ministry of Immigration and the Immigration Department that can upset certain balances.

The third question I would like to raise, in the very brief period allotted me, is this question of the University Teaching Hospital because a lot of the money that is voted by this Parliament for the University of the West Indies goes to the University Teaching Hospital and the word is abroad, and the Minister can tell me if it is true, whether the University Teaching Hospital at Mona has now been dismissed by medical schools and medical boards in the United States of America as being substandard, and

therefore, are not producing the kind of training as would make graduates of the medical school of the University of the West Indies recognised and accepted by reputable medical institutions in the United States of America.

Now, before he answers that, let me just say that I know a little bit about it because there was a time when the salaries for teachers in the medical faculty in Jamaica were so low in relation even to Cave Hill and St. Augustine that we were losing a large number of our best teachers and more experienced medical teachers, people like Dr. Alleyne and others.

Asides.

Mr. L. R. TULL: Man, you could call him what you like. I am not talking to you.

I want to know Sir, whether that situation has changed – not whether a man is "Sir" or not, but whether the Medical Teaching Hospital in Mona has improved, because I know it was that bad but I want to know whether the levels have improved, that we are now getting the recognition and acceptance... The Prime Minister who is an old university man and spent a lot of time in university junkets and making his contributions could help us on these things because the questions that I am raising are serious questions, not intended at this stage to cause embarrassment to anybody on the Government side, but it has caused a lot of problems among the people of Barbados who are in university in some faculty and those who are concerned that after they have finished they cannot find work.

Very quickly, I also want to raise the question of the expenditure of this money. It is a lot of money.

Mr. CHAIRMAN: It's five o'clock.

Mr. L. R. TULL: I have thirty seconds.

Mr. CHAIRMAN; I am using the clock on the wall because, if you are going on further, then the Minister will not be able to answer your question because time for debate would have concluded.

Mr. L. R. TULL: I just want to slip in one further question. I just want to know whether the traditional defaulters of payments to contributions to the University of the West Indies, some LDCs whose names I will not call at this time, whether they have been paying their contributions or how many years or how many millions of dollars in default there are?

Thank you, Sir.

The question that Head 34 stand part was put and resolved in the affirmative without division.

Head 42 was called.

Hon. P. M. GREAVES: I move Mr. Chairman that Head 42 stand part.

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

The question that Head 42 stand part was put and resolved in the affirmative without division.

Hon. P. M. GREAVES: Mr. Chairman, I move that Head 50 stand part.

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

The question that Head 50 stand part was put and resolved in the affirmative without division.

Part II – Capital, Head 79 was called.

Hon. P. M. GREAVES: Mr. Chairman, I move that Head 79 stand part.

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

The question that Head 79 stand part was put and resolved in the affirmative without division.

5.00 p.m.

HEAD 82 – MINISTRY OF TRADE, INDUSTRY AND COMMERCE

Hon. P. M. GREAVES: Mr. Chairman, I beg to move that Head 82 stand part.

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

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

HEAD 84 – MINISTRY OF TRANSPORT AND WORKS

Hon. P. M. GREAVES: Mr. Chairman, I move that Head 84 stand part.

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

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

On motion of Hon. P. M. GREAVES, seconded by Hon. E. E. GREAVES, Mr. CHAIRMAN reported to His Honour, Mr. SPEAKER, the passing of one Resolution in Committee of Supply and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. P. M. GREAVES, seconded by Hon. E. E. GREAVES, the Resolution was read a first and second time and agreed to.

ADJOURNMENT

Hon. P. M. GREAVES: Mr. Speaker, I move that this House be adjourned until Tuesday, March 12, 1991 at 12 o'clock noon.

The question that the House do now adjourn until Tuesday, March 12, 1991 at 12 o'clock noon was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.
5.05 p.m.

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