
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

HOUSE OF ASSEMBLY

Tuesday, March 12, 1991.

Pursuant to the adjournment, the House of Assembly met at 12:15 p.m. on Tuesday, March 12, 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. 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. W. O. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Labour, Consumer Affairs and the Environment)

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)

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

Hon. D. J. H. THOMPSON, LL.B. (Hons.) (Minister of Development and Culture)

Mr. H. B. St. JOHN, Q.C., LL.B.

Mr. L. R. TULL, Q.C., M.A.

Miss B. A. MILLER

Mr. DeL. O. BRADSHAW

Dr. R. L. CHELTENHAM, M.A., M.Sc., (Econ.)

Mr. J. O. TUDOR

Mr. D. W. BOWEN

Mr. G. W. PAYNE

Mr. R. C. EASTMOND, B.A., LL.B.

Prayers were led by Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: Minutes of Tuesday, March 5, 1991.

Hon. P. M. GREAVES: Mr. Speaker, I move that the Minutes of the proceedings of this Honourable House which took place on Tuesday, March 5, 1991 be taken as read and confirmed, Sir.

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

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

ANNOUNCEMENTS

Mr. SPEAKER: I am to announce that I am in receipt of the Accounts and Statements for the month of December 1990 as prepared by the Accountant General.

ORDERS OF THE DAY

STANDING ORDERS

Hon. P. M. GREAVES: Mr. Speaker, I want to move the suspension of Standing Orders. But at this point I want to say that there will be some matters that will be laid today, but they are not here as yet. At an appropriate time I

shall seek leave of the House to revert to the relevant Order and have those matters dealt with.

Aside.

Hon. P. M. GREAVES: Yes, they are the Estimates. I am sorry that I have not seen them yet.

I am moving, Mr. Speaker, suspension of the following Standing Orders: Nos. 6, 16, 18, 20, 42 (5), 43, and 44 for the remainder of the day's sitting, Sir.

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

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

GOVERNMENT BUSINESS

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

ORDER NO. 10 - COMMITTEE OF SUPPLY

On the motion of Hon. P. M. GREAVES, seconded by Hon. E. E. GREAVES, 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.

SUPPLEMENTARY ESTIMATES 1990-91

Order No. 10 - Resolution to grant the sum of \$16,932,356 from the Consolidated Fund and to the place it at the disposal of the Government to supplement the Estimates 1990-91 as shown in the Supplementary Estimates 1990-91 No. 15 which form the Schedule to this Resolution.

HEAD 15 - CABINET OFFICE

SUBHEAD 5 - ELECTORAL AND BOUNDARIES COMMISSION

Hon. P. M. GREAVES: Under Head 15, Mr. Chairman, the sum of \$5,975 was voted to meet the expenses under the Item "Utilities". It is now sought, Sir, to supplement this by the sum of \$1,735 and I understand, Sir, the reason for it is simply this. This amount, Sir, is required to cover the unanticipated component for overseas telephone calls in connection with the conduct of the Haitian elections. The Chief Electoral Officer was involved in both the regional and international programmes of this election, Sir.

Under the other matter where the sum of \$738,700 was provided under Item 12 of this Head, it is now sought to supplement this by \$191,581. It is stated here, Sir, that of the amount voted \$280,638 had been spent up to December 31, 1990. The final estimate for this period, Sir, based on the requirements for the last General Elections is now \$930,285, or an additional sum of \$191,585. So that this is the amount, Sir, which is now sought to supplement this item.

I therefore move, Sir, that Head 15 stand part.

Hon. E. E. GREAVES: I beg to second that, Sir, and reserve my right to speak.

The question that Head 15 stand part was put and resolved in the affirmative without division.

HEAD 35 - MINISTRY OF FOREIGN AFFAIRS

SUBHEAD 1 - GENERAL ADMINISTRATION AND OVERSEAS REPRESENTATION

Hon. M. A. KING: Mr. Chairman, the amount of \$610,000 is required by the Ministry of Foreign Affairs to supplement Head 35. The major items that have been increased, as you will note, are in relation to Rental of Property, some \$214,000, and Operating Expenses. Now the reason why this supplementary is required, Mr. Chairman, is because of the increases in rent and other charges, like real estate taxes, porters' wages and utilities connected with the leases of our Chanceries in the capitals, then the rental of office equipment and the rental of residences for some Heads of Mission. The amounts relating to rental of property seem to have gone up in all the areas where we have Missions abroad - in New York, Ottawa, Toronto, Brussels and Washington - and the total amount which is required for that purpose is \$214,000. 12.25 p.m.

In relation to operating expenses, Mr. Chairman, the amount sought to supplement the estimate is some \$396,000. The increases in relation to operating expenses derive from the revised cost of the transfer of funds to overseas Missions and these charges relate to capital and current expenditure as well. This is clearly an expense beyond the control of the Ministry, since it derives from the fluctuations in the various exchange rates when funds are transferred. The other area of operating expenses in relation to which the supplementary applies relates to transfers in the Foreign Service and the cost of transfers of Foreign Service staff.

There has been a significant increase in the rates and taxes in certain Missions. For instance, in the United Kingdom, as you will be aware, Mr. Chairman, there was the poll tax, in respect of which we are liable, raising the liability to some \$53,000. In New York there has been an

increase in taxes and in Canada there is the Canadian Goods and Services Tax which will inevitably in the long run have its impact on the Missions in Canada.

The other increases relate to Government hospitality, the need for Heads of Mission to carry out official entertainment related to their consular functions and activities abroad. In relation to the UN as well, we are now Chairman of the 5th Committee at the UN and there is need for the Permanent Representative to undertake certain hospitality which had not been anticipated at the time of the preparation of the Estimates, and generally, consular functions in New York.

These are the areas, Mr. Chairman, in respect of which the supplementary is required, and I move that Head 35 stand part.

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

Hon. H. deB. FORDE: Mr. Chairman, I notice that the note to Head 35 talks about the cost of rental of office and housing accommodation for two Heads of Mission – Trinidad and Toronto – and I wonder whether the Minister could clarify for me whether the housing accommodation for the Head of Mission in Toronto is now rented. It has been my understanding that the Government has owned a house for the Head of Mission in Toronto for several years now and perhaps the note is not as explicit as it should be.

The time has also come, no doubt, Mr. Chairman, for the Government to let us know what is its policy about permanent housing accommodation owned by the Government in those areas where the Government must of necessity continue to have a permanent presence. Certainly Trinidad and Tobago is one jurisdiction where we will have to continue to have a permanent presence there at the highest diplomatic level, especially because it is a main trading area for Barbados. It is the sole CARICOM country in which we have resident representation and I would wish Government to give us its policy for expanding resident representation in the western part of the Caribbean as well.

Whilst I am on it, Sir, I have had in this Committee before to speak about the way Heads of Mission conduct themselves and I have had to be critical of one former Head of Mission, not a Civil Servant, who persisted whilst he was Head of Mission in making attacks on the Leaders of the Opposition and the Leader of the other political party. I am speaking of a gentleman who was once a Member of this House and was recently the Head of the DLP Election Campaign. He breached every known rule of practice that one would expect for a Head of Mission. He has never been publicly or otherwise criticised or reprimanded for it. It sets a very bad example in the Public Service and it is another example of pulling down the standards which one would expect in public life to be practised in this country.

I want as well to ask the Minister to let me know now what is the rule for people at the level of Heads of Mission in participating actively in political campaigns which must of necessity be done on a partisan basis. The Head of Mission in Trinidad and Tobago canvassed house to house in my constituency whilst he was still Head of Mission and was being paid by the taxpayers. If any Civil Servant had done this, he would be hauled over the coals, and if it had been done by any Head of Mission on our side you would not hear ...

Aside.

Hon. H. deB. FORDE: I am saying it is true that he canvassed and I can carry the Honourable Member, if he is saying it is not true, to the area in Rockley New Road that he canvassed.

Asides.

Mr. CHAIRMAN: Can we have some order?

Hon. H. deB. FORDE: I am always hearing from the other side that statements made are not true. If the Honourable Member wants to know the position, I would tell him. If it is going to be open season, let us have open season, but we cannot have one rule for the Permanent Secretaries who come up through the normal Public Service and another rule for those persons who may come to equal political office at the level at which they come, and that therefore one has to have the position absolutely clear.

Asides.

Mr. CHAIRMAN: Let us have some order, please.

Hon. H. deB. FORDE: I do not mind which rule it is, but let the rule be known. I hesitated during the election campaign in my own constituency to make any reference to the goodly gentleman, but I would let the Government know that my constituents whom he canvassed were surprised at the level at which he came around and participated in the position. I believe that there should be a rule applicable to persons who are operating at that level. High Commissioners and Ambassadors must understand that they represent the country as a whole, they do not represent their political parties at the time they are holding office, and they must behave in that way.

If he has a brief in order to find an advertising firm in Trinidad and Tobago, do it in his own time, do not do it in the time that is being allotted for him at the public weal.

Aside.

Hon. H. deB. FORDE: I am giving facts, because these are the facts. When he found the firm of Hernandes for the DLP's campaign. Those are the facts, and then we

are going to be lectured to otherwise by the Government on instances and say that public life is coming down. Those are the situations, Sir, so I want to make my position clear on this.

I want to know whether there is a policy guideline on these matters and if that guideline applies only to Civil Servants who are Heads of Mission, or whether it applies as well to the political appointees who are holding office at the time.

Sir, I may have to ask you on the basis of the rules to ask the Honourable Member for St. James South to speak *sotto voce*.

Mr. CHAIRMAN: If the Honourable Member would give way for a moment. . . .

Hon. H. deB. FORDE: I meant that he should speak in soft tones.
12.35 p.m.

Mr. CHAIRMAN: I am hearing noise from both sides, and they don't seem to understand that it is necessary for Honourable Members to have their freedom to speak. Even now, the asides are above the tones that are acceptable. Can we have some order in this Committee?

Hon. H. deB. FORDE: I want, Sir, to ask about the difference in exchange rates. I am seeking information on this, Sir, and I must ask the...

Asides.

Mr. CHAIRMAN: Order. Will the Honourable Member take his seat a moment, please.

Hon. H. deB. FORDE: I want, Sir, as well, to seek information from the Minister about the difference in exchange rates and to find out if this has affected those persons, who are serving in jurisdictions such as the United Kingdom, whose salaries would of necessity have suffered because of the increase in the value of the pound, and what provisions are made, if any, to make sure that the allowances and salaries are made up in order to take away the adverse effects of the fluctuation in the exchange rates.

Mr. L. R. TULL: Mr. Chairman, Sir, I am surprised that the Leader of the Opposition is surprised at the way in which Government continues to break the rules. I have raised the question before and I raise it again on the status of honorary representatives of Barbados abroad. It was only about three weeks ago that this matter was ventilated, but I understand since then, because no proper answer came from the Government... I don't know what they have to hide. We have a history, in the last few years, of Honorary Consuls of Barbados being treated as if they were full-time, paid members of the Ministry of Foreign Affairs. I made

reference before and I haven't had a satisfactory answer about an Honorary Trade Representative, or Honorary Consul in Atlanta, who was paid over \$300,000 by the Government of Barbados. I have never heard, nor have the public of Barbados been told, what this money was paid for. I am not going to get into the question of whose friend he was or whose friend he was not.

Asides.

Mr. L. R. TULL: If you don't know your business, too bad for you.

But we also mentioned recently the case of an Honorary Consul in Toronto, a place where you have a full consulate, who has been paid \$20,000, and up to now, in spite of a lot of talk coming from the Government side, I cannot understand what the money was paid for. Part of the money they are asking for is for rental of property and I understand, and the Minister of Foreign Affairs can tell me, if in fact there is an Honorary Consul in Quebec – I believe in Montreal – whose place of business is used by the Government of Barbados and they pay three-quarters, or some substantial part, of the rent for the man's business place. He is an Honorary Consul. But I understand, and if I am wrong, put me right, that a substantial part of the rent he pays for the business place in Montreal is met by the Government. He is a man named Mr. Leakey, or somebody like that, but you will know who they are.

I want to ask another question, because this is troubling me. The Government is playing fast and loose with the money of the people of Barbados. A number of honorary representatives come to Barbados on visits, especially in the winter when they want to get away from the cold in their own countries and they want to get down to Barbados and get some sun. They come to Barbados, ostensibly, for consultations. No consultations take place except, perhaps, a courtesy visit to one of the minor functionaries in the Government, people like the Honourable Member for St. John, the Minister of Women's Affairs – minor functionaries. They come down here ostensibly for consultation. They have no consultation of any merit and then claim on the taxpayers the cost of their air ticket and their hotel bills and subsistence and the like. Now, if I am wrong, Sir, and I have every reason to believe that I am not wrong, but if I am wrong, let the Government, not like it did last time pass the buck for one Minister to the other who got up and did some fancy footwork and never answered the questions... But I'm going to stay on this, Sir, until I get some answers, so they might as well get ready to give some answers. I want to know how much money is spent on Honorary Representation because I understand that Honorary Representation means representation for free or if I am going to be even more fair, representation for an honorarium. Although historically the Government of Barbados pays for minor expenses for lunches hosted by honorary representatives, for stationery, telephone calls and

stuff like that, the money now that is being spent on honorary representation is going far beyond what is reasonable in the circumstances.

I want to know, too, Mr. Chairman, why it is necessary for the Government to have an Honorary Consul in Quebec when 100 odd miles away there is a High Commission staffed by 3 or 4 officers and others, a High Commissioner who doesn't go to work too often, but nonetheless he is present in Ottawa, and a Consulate in Toronto just 100 odd miles away. Why is there a need for the Honorary Consul in Montreal, even though two missions, the Consulate in Toronto and the High Commission in Ottawa are already supplemented by the work of the Industrial Development Corporation people and the Tourist Board people? Perhaps the Minister could, if I am not provoking him to get up and talk more, give an answer.

On the second time around, Sir, I will deal with certain other aspects of the operations of the Ministry of Foreign Affairs, that I am sure that the Honourable Member for St. John would like me to talk about because he enjoys seeing certain members of his team embarrassed.

Hon. M. A. KING: Mr. Chairman, a number of points have been raised so far. I am endeavouring to respond to those points that I am in a position to respond to at this time.

The Leader of the Opposition raised the question in relation to the residence in Toronto still being owned by the Government.

Asides.

Hon. M. A. KING: Toronto? Ottawa and Toronto. In respect of which one, Ottawa or Toronto? The increases in relation to those residences – in relation to Ottawa – \$18,000; and Toronto – \$18,000 as well.

The policy in relation to rental or purchase of properties is that certainly in those jurisdictions where it is clear that our presence will be permanent we will, as far as possible, seek to purchase properties because the economics of the situation clearly demand that our purchase would be the better long-term procedure rather than continue to pay rent. We are in the process of looking at a number of purchase options in a number of jurisdictions with a view to furthering this policy.

12.45 p.m.

The Honourable Leader of the Opposition also raised questions as to the policy of Government in relation to the political activities of High Commissioners, Ambassadors and others. I do not know that any clear policy has been set down by any Government on either side in relation to these matters. In relation to the activities of public servants

generally I do not know that the situation is all that clear because there are a number of public servants in Barbados who have participated, certainly, in the last General Elections on all sides.

The fact is that civil servants have participated politically openly in the last Elections. It is a little invidious for us to be hurling brickbats at one another in this regard. I have not heard until now of any official complaint in respect of any High Commissioner in this regard. I have heard of the complaint today. That is all I can say in relation to that matter.

Aside.

Hon. M. A. KING: If you believe in abusing them on the platform that is your business.

Mr. CHAIRMAN: I certainly do not.

Hon. M. A. KING: That is Tull's style.

Mr. CHAIRMAN: Let the remarks be addressed to the Chair, please.

Hon. M. A. KING: The Honourable Member for St. George South has made a number of points. He raised the question again as to why there was need for an Honorary Consul in Quebec when there was a High Commission and a Consulate already in parts of Canada which are close by. I heard along the way that the Honourable Member's geography was not quite correct. I am not an authority on the geography so I would not get into details on that.

On the last occasion on which this matter was raised in this House, I made the point that we were concerned about maximising the benefits which are derived to this country in relation to the promotion of trade and investment in Canada. The technique of using Honorary Consuls who had a stake in the business community in Canada and whom we perceived would be in a position to assist the development of Barbados from the point of view of investment and promotion of trade, the value of using those kinds of persons we thought would be an asset to the country.

We recognise the fact that the High Commissions – I think this is a known fact – and the Consulates are not staffed by a sufficiency of permanent persons skilled in these areas who can provide the benefits to the country in these areas that we need. I believe, for instance, the High Commission in Ottawa has a Commissioner and just one or two diplomatic offices. Clearly, if we are to emphasise promoting trade and investment those areas especially would have to be considerably strengthened. We have come to the view that strengthening it by the use of Honorary Consuls who are familiar with the trade and investment position in Canada would be particularly useful.

The Honourable Member raised the question about an Honorary Consul in Montreal. That relationship has now been terminated. He has been compensated and informed in accordance with the normal procedures for Honorary Consuls.

Aside.

Hon. M. A. KING: Honorary Consuls are paid certain allowances in relation to the expenses of office. We are talking about Honorary Consuls, Mr. Chairman. The issue has been raised in relation to Honorary Consuls. I am saying that the former Honorary Consul which we had in Montreal is now no longer an Honorary Consul. Honourable Members would be aware that we are in the process of making arrangements...

Mr. CHAIRMAN: Would the Honourable Member please give way a minute. I am sure that the reporters are having a considerably difficult job in following this debate with the number of interruptions while a Member is speaking. We cannot allow it to exist. Let the Honourable Member proceed.

Aside.

Mr. CHAIRMAN: Will the Honourable Member for St. Thomas recognise that his asides are loud?

Hon. M. A. KING: Mr. Chairman, there is one other matter which I would just like to make a comment. It is the question raised by the Leader of the Opposition in relation to the exchange rates and the difference in costs. The difference between the Accountant General's rate and the actual rate results in the transfer costs which are necessary. Also, there are the bank charges of the transfers from our jurisdiction to the jurisdictions abroad.

As Your Honour knows, there are variables in the exchange rate from time to time. These produce costs which are not anticipated and which cannot be budgeted for because you would not know the actual figure at the time of the preparation of the Estimates. In relation to the salaries of the officers in London these are adjusted monthly by the Accountant General based on the actual rate of the previous month.

The question that Head 35 stand part was put and resolved in the affirmative without division.

HEAD 36 – MINISTRY OF HEALTH

Hon. C. V. WALKER: Mr. Chairman, under Head 36, Subhead 6, Object Code 10 – Black Rock Polyclinic – Supplies and Equipment, an amount of \$42 000 had been approved under this vote to meet the cost of disinfectant,

linen, dressing, medical and surgical equipment, etc. During the year more gloves and cotton wool were used than were estimated for.

12.55 p.m.

This resulted in the increased expenditure under the item. Therefore a supplementary provision in the amount of \$3 770 is being sought under this item to meet the expenditure for the remainder of the financial year.

You will note that the amount approved in 1990-91, as I said, was \$42 000. The actual expenditure as at December 31 was \$20 779 leaving a balance available of \$21 221. There were commitments up to December 31 for \$15 991 giving an uncommitted balance of \$5 230. The projected expenditure to the end of March was \$9 000. We are requesting a supplementary of \$3 770.

Under subhead 17 Queen Elizabeth Hospital, an agreement was concluded between the Inter-American Development Bank and the Government of Barbados for the refurbishing, the extending and the equipping of the Queen Elizabeth Hospital. The following extensions were made: a new 5 storey extension block was added to the existing hospital, housing the offices and the workshop of the maintenance department on the basement floor; an auditorium, lounge and medical staff sleeping rooms on the ground floor; neo-natal intensive care unit on the first floor; delivery suite on the second floor, and the surgical intensive care and burns units on the third floor, an infill block accommodating the two operating theatres, respiratory unit, additional ward space, offices for the pathology department and storeroom space on the basement floor; the rebuilding of the Accident and Emergency Department housing that department on the basement floor and the out-patients clinic for ophthalmology, pediatrics and obstetrics and gynaecology at the ground level.

The above developments have depleted the funds allocated to run the hospital for the year 1990-91 in a number of areas. As a result supplementary provision under the several items of expenditure is being sought to meet the expenditure for the remainder of the financial year 1990-91. Under Object 02 – Personal Emoluments, the monthly expenditure has risen from \$1 173 685 to \$1 430 000 a difference of \$256 315. In addition 63 temporary posts were created for the new departments. This has placed a further strain on the vote. Therefore a supplementary provision in the amount of \$2 245 307 is required to meet payment of wages, salaries and allowances for the remainder of the financial year.

I therefore beg to move that Object 2 stand part.

Object 03 – National Insurance Contributions. An amount of \$2 220 000 has been approved under this item and with projected expenditure falling short for the end of

the financial year thereby necessitating a supplementary of \$174 698.

Object 05 – Transport Levy. There was an amount of \$82 000 and we are asking a supplementary of \$7 216 in order to meet the requirements to the end of the financial year.

Under Object 06 – Travel, an amount of \$504 000 has been approved under this item to meet passage, baggage and travelling allowances. There were four temporary posts of Radiographer created, also the post of Hospital Director was upgraded to S2 resulting in an increase of \$225 monthly. These factors necessitate a supplementary of \$65 000 under this Object. Under Object 07 Utilities, as a result of the construction and the opening of the new buildings on the compound of the hospital there has been a significant increase in the monthly cost of utilities. Expenditure increased from approximately \$150 000 in April 1990 to approximately \$175 000 from October 1990. Under this head we are requesting a supplementary of \$657 647.

Under Object 08 – Rental of Property, accommodation had to be arranged for seven Health Officers and four Radiographers who were assigned to the staff from around July 1990. This involved payment of rent for seven of them who could not be housed in the Hospital quarters. There was also an increase in the number of places rented during the financial year due to the increase of staff. A supplementary provision in the amount of \$41 260 is being requested under this Object.

Object 10 – Supplies and Materials an amount of \$7 200 000 was approved to meet the cost of foodstuff, provision of groceries, medical supplies, linens, clothing and bedding, et cetera. The monthly expenditure of \$600 000 has risen to \$660 000. Therefore a supplementary provision in the amount of \$754 807 is required under this Vote to meet the expenditure for the remainder of the financial year.

Under Object 11 – Maintenance of Property a sum of \$1 212 092 is provided in the Estimates. There has been an increase in the cost of insurance of vehicles and the purchase of petrol. As a result of the expansion project, the maintenance cost of the new theatres and departments has also increased. In addition to the above the overseas maintenance contracts had to be adjusted. As a result, the Barbados National Bank has made out this adjustment and supplementary provision in the amount of \$153 196 is required to supplement this Vote.

Mr. Chairman I beg to move that subhead 17 do now stand part.

Hon. W. W. HALL: I beg to second that, Sir.

The question that Head 36 stand part was put and resolved in the affirmative without division.

Miss. B. A. MILLER: Mr. Chairman, Sir, we have heard an introduction to subhead 6 and subhead 17. 1.05 p.m.

Mr. CHAIRMAN: The Head that was called is Head 36.

Miss B. A. MILLER: I was on my feet, Sir.

Mr. CHAIRMAN: I said the Head that was called is Head 36.

Miss B. A. MILLER: He is asking for Sub-Head 17 to stand part. Is that my understanding, Mr. Chairman, Sir?

Mr. CHAIRMAN: If the Honourable Member would sit for a moment.

Miss B. A. MILLER: Thank you, Sir.

Mr. CHAIRMAN: The Head that was called for debate was Head 36. As I understood it the Minister was going through the sub-head and objects.

Asides.

Mr. CHAIRMAN: But we do not pass sub-heads. When the Minister sat, the Head that was called was the Head that I put.

Miss B. A. MILLER: Mr. Chairman, with respect, I understand. Perhaps Honourable Members have forgotten how we do these matters. I am aware that it is Head 36 but we all certainly on this side distinctly heard the Minister ask for sub-head 17 to stand part. This is very irregular and I am asking for guidance from the Chair.

Mr. CHAIRMAN: Well you will also recall that I put the Head 36.

Mr. H. B. ST. JOHN: I beg to move that Head 36 be recommitted, Sir.

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

Asides.

Mr. CHAIRMAN: There is some misunderstanding in the way that the Head has been introduced. I therefore recommit the Head, but we must deal with it as a Head and not Sub-Head, so the Minister may proceed on the basis of introducing the Head.

Hon. C. V. WALKER: Mr. Chairman I can start all over again.

Asides.

Hon. C. V. WALKER: I beg to move that Head 36 stand part.

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

Miss B. A. MILLER: Thank you Mr. Chairman. I can't believe it. After all of these years in here we still don't know how to pass a Head. The Honourable Minister has only spoken to Sub-Head 6 under Head 36 and Sub-Head 17. He has not said a word in English or any other language on Sub-Head 18, nothing on Sub-Head 19, nothing on Sub-Head 20, 21, 22, or 24, nothing. The House is not helped.

Mr. Chairman, Sir, I do believe that the Honourable Minister is still in trouble. He knows that it is Sub-Head 36, he has only spoken to one of several Sub-Heads so the House has been left in darkness on all the other matters.

Mr. Chairman, Sir, in respect of the Black Rock Polyclinic you heard the Honourable Minister talk about a supplementary of just over some three thousand dollars for, among other things, linen. Linen at a Polyclinic? Well singular or plural, a polyclinic is not an in-patient facility that I am aware of and I would be grateful for some further explanation as to what linen this money will cover at the Polyclinics. There is a particular matter that I would want the Honourable Minister to enlighten the House on, Sir. Has work at the new Black Rock Polyclinic stopped? There is a new Polyclinic under construction at Black Rock on a site much smaller than the site of the original Polyclinic at Black Rock and we are all most interested to know if work has stopped.

Asides.

Miss B. A. MILLER: Not unlike Sherbourne. Mr. Chairman, Sir, the Queen Elizabeth Hospital, a vote in excess of \$14 000 000 and we are now being invited to supplement this by a sum in excess of \$2¹/₄ million, a further \$2¹/₄ million. I can understand about personal emoluments but in respect of Object 6 Sir, Travel, we are told in the Explanatory Note that there has been an increase in the number of persons recruited from overseas, particularly nurses who are being recruited on a contractual basis and that there has been a consequential increase in expenditure on passages and therefore a supplement of \$65 000 is required to meet expenditure to the end of the Financial Year.

We are interested on this side, Mr. Chairman, Sir, in knowing of these nurses who have been recently recruited, where they were recruited from, and what their qualifications are, if these are the nurses recruited to replace Barbadian nurses who have fled the Barbadian Nursing Service with the encouragement of the Government of Barbados and in particular the Minister of Health over the

past three, four years or so, most particularly during the past two to three years. It is most important that we should know what these qualifications are because many of the nurses – and unhappily for the Nursing Service in Barbados and the Health Service generally – who have fled the Barbados Nursing Service have taken with them many highly specialised skills. I am very interested to know if those nurses who have been recruited now from points North and South, or wherever, outside Barbados, are coming with these skills to replace them in the Health Services of Barbados. That is most important for us to know.

Under Utilities – Object 7, I see that there has been an increase in consumption of electricity and water following the opening of new departments of the Hospital. When were these new departments opened?

Rental of Property – We were told by the Honourable Minister that it has been necessary to provide accommodation for additional staff recruited to work in the Hospital and he mumbled something about four radiographers and something else which I did not quite catch. There is a lot of vacant space at what used to be called the Nurses Home at Jemmotts Lane. Mr. Chairman, Sir, and there is a lot of space, residential, earmarked for doctors and other Health professionals at Enmore and at Ladymeade, all within walking distance of the Queen Elizabeth Hospital. I want to know where this accommodation has been provided and if it has in fact been provided in Government premises available for this purpose.

Supplies and Materials - Object 10 Sir: \$7.2 million voted and we are being asked for in excess of three quarters of a million dollars extra by way of a supplement. With the rising cost of medical supplies, the increased use of disposable supplies and increases in some food prices this is what I am interested in, Mr. Chairman. The Government has many creditors out there, particularly small businessmen, many among them small black businessmen, who supply the Queen Elizabeth Hospital and other institutions like the Geriatric and the Psychiatric Hospitals with fresh fruit and vegetables, meats, other dry goods and so on and so forth, but particularly food.

1.15 p.m.

These people are hurting badly as a consequence of two things, Sir. The Government will not pay its creditors and the said Government has imposed what is popularly known out there as a "credit squeeze" which does not permit the bankers to extend an overdraft facility to these same small businessmen who now find themselves in a terrible and cruel position generated by the Government. Now this is in excess of three-quarters of a million dollars. I want to know if any of this money is going to be used to pay long suffering and long outstanding creditors of the Government particularly those who supply fresh food...

Aside.

Miss B. A. MILLER: Those are not my constituents. Those are the kind of people with whom the Honourable Member of St. John consorts...and dry goods as well, Sir. This is a national scandal, Mr. Chairman, and many of these small businessmen have had to lay off staff. Some of them have been forced out of business because they cannot sustain their debt position and the bankers have no mercy and are quick to remind them of the origin of the credit squeeze. So I am particularly interested.

Aside.

Miss B. A. MILLER: No, he is not my constituent. I am anxious to know as I believe many of these Honourable Members are, Mr. Chairman, to know that at least some of this \$3/4 million will be used to pay off some of these long suffering and long outstanding creditors.

Under Object No. 11 – Maintenance of Property, the Honourable Minister told us that there has been an increase in the expenditure of maintenance contracts, building, and motor vehicle maintenance. I am particularly interested in the motor vehicle, Sir. It is my personal observation that the Honourable Minister of Health is now chauffeur driven by a police driver. Perhaps you might tell us on this side if this is the beginning of a new policy within the Ministry of Health. Well, we do not know. The Minister of Health is now chauffeur driven by a police driver.

Aside.

Miss B. A. MILLER: If his back is hurting, then he must put his hand in his pocket like the rest of us and pay for a driver. But somebody is going to tell us if this is a new policy and if the Government is in fact providing police drivers tell us that. I only wish to know.

Aside.

Mr. CHAIRMAN: Order.

Miss B. A. MILLER: You are not in a position to talk about any Ministers' women. The domestic magistrates are interested in you. Mr. Chairman, Sir, I am addressing the Chair.

Mr. CHAIRMAN: Some of the remarks seem to be addressed to the Chairman and, therefore, if they must enter the debate, I would request that those remarks be struck from the record.

Miss B. A. MILLER: Absolutely, Sir. The domestic magistrates are not interested in the Chair at all.

Mr. CHAIRMAN: They should not enter the debate at all.

Miss B. A. MILLER: Not at all. No, we are on Health. But I am particularly interested in this, Mr. Chairman, Sir, because the Barbados Labour Party in its time took a lot of criticism from the Members on that side on this whole question of travel allowance, drivers, Government cars, MP cars, ML cars, and the like. The Minister of Health is being chauffeur driven by a police driver in a car with the number M58. It is not an MP car nor an ML car and it is important that we know what the new policy is. He is not a pensioner. The Minister is not a pensioner yet.

Mr. Chairman, Sir, it is important for us to know because once there is a new policy if, in fact, there is a new policy, articulated by the Government, then we on this side, we will be in a position to decide whether we will give support to it or not. But it is important because it is the thin end of a wedge. Then we will see other people being chauffeur driven. There are other people who are non-Ministers who are now being chauffeur driven in Government vehicles. In my view, Mr. Chairman, it is time that a clear policy is articulated on this question of Government vehicles and their use by Members of this Honourable Chamber. It cannot lie in the mouth of the Government at this time to try to remind the Barbados Labour Party of what it described as abuses in the past.

We heard about the recall of cars and all of this sort of thing. Now all sorts and conditions of people are driving MP cars and ML cars. With this latest adventure, we need to know, Mr. Chairman, whether this is an abuse or the beginning of a new policy. I think in all fairness we all need to know. For all times it needs to be settled and regularized, this whole business of travel.

Now Mr. Chairman, Sir, in respect to the Queen Elizabeth Hospital, we heard a great recitation about the construction of a new five-storey annex, a five-storey in filled block, or in other words a new wing recently constructed. Well, not so recent because it goes back to the Barbados Labour Party. In fact, I am reading and I will happily make it a document of the House.

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

Miss B. A. MILLER: Yes, Sir, from the 1986 manifesto of the Barbados Labour Party – Reconstruction and Refurbishing of the main building and an additional new wing to the Queen Elizabeth Hospital. I am particularly interested in knowing what is happening in each of those departments recited by the Honourable Minister before he sat down. What is happening in the Burns Department and what is happening in the new Neo-natal Clinic? You see I know it. But you need to tell us a little more. We want to know if these departments, now that monies are to be voted for posts to be established so that they may put people in to work there, and now that we know that equipment and furniture have been supplied, if the new wing will continue

to sit idle, or if some of these departments are, in fact, operational and whether or not the people of Barbados are finally going to be the beneficiaries of that large investment. There are many, many questions that the Minister needs to answer and there can be no excuse that he is only acting. There is a lot of "Hollywood" out there.

Hon. C. V. WALKER: Mr. Chairman, just to touch briefly on the five points raised by the Honourable Member. I have already stated the new departments which were opened. Her query in terms of the increase in the supplies' costs...

Aside.

Mr. CHAIRMAN: It is not necessary to shout across the Table. The Member is on a point of order.

Miss B. A. MILLER: On a point of order, Sir. I heard when the Honourable Minister said that they were opened. I wish to know if the departments are operational. We can import the use of the dictionary if that is not clearly understood.

Hon. C. V. WALKER: Mr. Chairman, the Accident and Emergency Department was opened on June 4, 1990.

Aside.

Hon. C. V. WALKER: You asked a question and then you say that that is not new. You said that you helped design it. The Obstetrics and Gynaecology Department was opened on August 19, 1990. The Ophthalmic Out-Patient Department was opened on October 27, 1990. The Delivery Unit was opened on November 10, 1990. The Surgical Unit was opened on December 17, 1990 and I can go on and on. 1.25 p.m.

Mr. Chairman, just to complete, the comment in terms of the cost of supplies, it is obvious if you are operating something of a larger magnitude that the cost will increase.

In terms of the question of police drivers, no policeman is driving me, and as far as the answers in terms of the new block I will say to the Honourable Member she can ask those details of the substantive Minister when he is in his place.

Thank you, Mr. Chairman.

The question that Head 36 stand part was put and resolved in the affirmative without division.

HEAD 78 - MINISTRY OF HEALTH

Hon. C. V. WALKER: Mr. Chairman, at its meeting on March 12, 1987 the Cabinet had agreed that the St. Joseph Hospital complex, including the Villa Marie

Convent, should be purchased and that the price to be offered should be \$3 million. The Ministry of Housing and Lands at that time was requested to negotiate the purchase and reported in July 1987 that the owners had refused the Government's offer.

The matter was resubmitted, and it was agreed, on August 13, 1987, that negotiations should continue with the acquisition of the St. Joseph complex on the basis of a price up to a limit of \$5 million. The Government's valuation of the property was, for the Hospital \$2.59 million, for the Convent \$1.96 million and for the land \$.12 million.

Negotiations continued into September 1987 when the negotiators for the Sisters of the Sorrowful Mother stated that they were willing to accept Bds. \$6 million for the property. This offer was accepted by letter on 8th October, 1987. The Ministry of Health finally took possession of the St. Joseph Hospital on October 10, 1988 when the keys for the Hospital were handed over. It was proposed that the St. Joseph Hospital be run by a Board. The proposals for the establishment of such a Board were considered by the Cabinet in November 1989 and the draft St. Joseph Hospital Bill was approved. This Bill, which finally became law on September 22, 1989, sets out the functions of the Board, the powers in relation to the control of hospital funds and the management of the Hospital.

It is intended that the St. Joseph Hospital complex should accommodate an acute care hospital providing medical, surgical, obstetrics and gynaecology services, along with an accident and emergency department, a drug rehabilitation centre and a convalescent and geriatric care facility. Work on the drug rehabilitation centre was started on 24th October, 1989 and this entailed the partitioning of a section of the Villa Marie Convent for exclusive use of the centre. Obsolete kitchen equipment was removed, bathroom and toilet facilities were provided, along with nursing stations and administrative offices, facilities for treatment and therapy sessions. This work has been substantially completed and steps are now being taken to open the centre.

When work and refurbishing of the Hospital started, it was recognised at an early stage that major items of equipment were no longer functional, and after an engineering inspection the decision was taken to replace the main boilers, generators, central air conditioning system and other items of fixed equipment. A survey of the sewage treatment plant also disclosed that this plant was no longer functional and it would have to be replaced. An order was therefore placed with the Lakeside Equipment Corporation of Illinois, United States for a new sewage plant.

In the main hospital building, work has been undertaken on the administrative office, renovation of the wards, expansion of the pharmacy, reconstruction of the accident and emergency department and construction of the mortuary. Work is in progress on change rooms for medical

and nursing staff and the surgeries are currently being refurbished and laundry equipment is being installed.

One major undertaking was the replacement of the nurses' call system and upgrading of electrical services with a requirement set out by the Government Electrical Engineer. It must be remembered that the plant was over 25 years old when purchased and its wiring system was obsolete. The Hospital plumbing had also deteriorated and this is now being refurbished.

The following is a progress report, Mr. Chairman, on the work: Administration, structurally completed, only to be carpeted; the morgue is completed; the wards are completed; the pharmacy is completed, only to be tiled; the accident and emergency, cupboards to be built and sinks installed; the kitchen is completed, equipment still outstanding; the laundry building is completed but the equipment is still to be installed; the workshop is completed, the electrical work is about 75% complete; the central air conditioning is about 50% completed, some air handlers are to be imported; the plant room is 75% complete; the operating theatres 85% completed, to be tiled, started in January.

Under Subhead 6, Mr. Chairman, the sum of \$3,057,893 was approved and we are asking for an additional sum of \$2,804,968 to complete the repairs at the St. Joseph Hospital.

Under Subhead 7, the polyclinic development programme, an amount of \$3,024,228 was provided and we are asking for a supplementary of \$706,967 to complete the work of the refurbishing and upgrading of the polyclinic development and the Queen Elizabeth Hospital extension.

With those words, Mr. Chairman, I beg to move that Head 78 stand part.
1.35 p.m.

Miss B. A. MILLER: Mr. Chairman, Sir, there is something curious about the St. Joseph Hospital. The Honourable Minister has told us everything except how many beds there are going to be in this institution. In other words, we have no idea how many people this institution on which we spent all these millions of dollars is going to....

Asides.

Miss B. A. MILLER: The Democratic Labour Party Government continues to fool the people of the North, as it always has with this building known as the St. Joseph Hospital.

Many, many years ago, Mr. Chairman, Sir, when the Sisters of the Sorrowful Mother came to Barbados and struck a deal with the Democratic Labour Party Government, we were told in Barbados about all of the poor

people in the North who were going to be serviced by the St. Joseph Hospital, about the number of beds that were going to be put aside exclusively for the free use of the people of the north. Mr. Chairman, Sir, nothing like that ever happened. The people of the north are still waiting for this health care. Some have died in the waiting.

The St. Joseph Hospital, when it was under the management of the Sisters of the Sorrowful Mother, never had an occupancy which exceeded 40%. Certain privileged people in Barbados had the use of it.

Certain remarks made by the Honourable Member for the City were ordered to be expunged from the record by Mr. CHAIRMAN.

Miss B. A. MILLER: I will go on to point out that the people of St. Lucy together with all the people in Barbados have been misled, misguided, and had the truth misrepresented to them by the Honourable Member for St. Lucy and those on that side of the House, when they were led to believe a few years ago that the Government of Barbados was going to take over the same St. Joseph Hospital from the Sisters of the Sorrowful Mother and for the first time make it into an institution which would service the people of the north. We have heard many dates set for the opening of this institution, the St. Joseph Hospital.

The Honourable Member for St. John must know his place because one of the uses to which we were told the St. Joseph Hospital was going to be put was a Drug Rehabilitation Unit. It wouldn't have been a unit big enough to hold....

Asides.

Miss B. A. MILLER: It can't hold your sister. Mr. Chairman, Sir, I am addressing the Chair. Can't get to that level?

Asides.

Mr. CHAIRMAN: Can we have some order?

Miss B. A. MILLER: That was the last thing we were told by the Honourable Minister of Health, Mr. Chairman, Sir, that the St. Joseph Hospital was going to become the new Drug Rehab Unit which we know has long overspilled and overserved its usefulness down at the Psychiatric Hospital, so it is most interesting now to hear that the St. Joseph Hospital is going to provide obstetrics and gynaecological services, general surgery and medicine. Mr. Chairman, Sir, what was true about the St. Joseph Hospital in the past is true of it today. Any feasibility study will show, as many in the past have shown, that a hospital with that bed capacity cannot successfully function as an extension of the General Hospital known as the Queen

Elizabeth Hospital here in Bridgetown. There is no way that a satellite hospital which would still have to depend on all of the support services in terms of radiology, in terms of lab technology, even in terms of the mortuary... I am interested to see in the note that a new mortuary has been built. In the addendum it says here, Sir, that "it was necessary to reconstruct the laboratory, to provide change rooms for medical and nursing staff and to build a new mortuary." Very interesting. They would have to kill a lot of people down there.

Mr. Chairman, Sir, I am deadly serious, because I don't understand the need for a new mortuary at the St. Joseph Hospital. If it is to depend on so many of the other support services at the Queen Elizabeth Hospital why are we duplicating these highly expensive and highly specialised services? Why? To satisfy the whim and the political vanity of those who told the people of the north that we were going to provide a hospital specifically and exclusively for them? We still do not know when the St. Joseph Hospital is going to become operational, Mr. Chairman, Sir. There is no indication of what the end figure will be in respect of the cost of it. We were told that in excess of \$3.5 million was voted last year. This year they are asking for more than twice that and they have come here now to ask us for almost another \$3 million in supplementary provision for it. It has had quite a history. I can remember just a few years ago when there were five watchmen down there watching an empty building, all being paid for by the taxpayers of Barbados including the poor, long-suffering people of the north, especially those of St. Lucy.

Mr. Chairman, Sir, the St. Joseph Hospital has been the subject of much controversy in Barbados and now that we are made to understand in writing at any rate that it is not going to be housing any major Drug Rehab Centre in Barbados and that it is in fact going to provide additional obstetric and gynaecological services and general surgery and medicine....

Asides.

Miss B. A. MILLER: Plastic Surgery for the Honourable Member for St. John? Mr. Chairman, Sir, you don't always get plastic surgery in places that you can see, you know. You get it sometimes in places you can't see.

Mr. Chairman, Sir, I am deeply concerned that the St. Joseph Hospital...

Mr. CHAIRMAN: Can I have some order?

Miss B. A. MILLER: ...will end up being a satellite clinic of the Queen Elizabeth Hospital, that it will find that many of the support services are really quite inaccessible and that what we will have is an extension of poor service which is now emanating from the Queen Elizabeth Hospital

foisted on the people of the North. The St. Joseph Hospital was not feasible then when the Sisters of the Sorrowful Mother had it as a General Hospital or an adjunct thereto and it will not be feasible now. I think this Honourable House is entitled at this stage when you consider all the millions of the taxpayers' money and other monies that will be spent on it, even though it is not yet in operation, I think we are entitled to know now the true use to which it is going to be put.
1.45 p.m.

One of the most critical things that we need to know is the size of the facility. We know that the Queen Elizabeth Hospital was designed as a 500 bed General Hospital. We know that the Psychiatric Hospital has in excess of 650 beds. Is it too much for the Minister to tell us how many beds there are going to be at the St. Joseph Hospital when all is said and done so that, perhaps, we could do a cost analysis and see how many of the taxpayers dollars per bed the Government is spending? Next week when we come to the Estimates we certainly would want to know in terms of recurrent expenditure for the coming financial year what the Government's projections are. Thank you.

Mr. H. B. St. JOHN: Mr. Chairman, I believe that if there is an example of improvident expenditure the St. Joseph Hospital is such an example. I was one of those who bore the brunt of the abuse of Members on the other side when we took the decision that based on all of the advice which was available, it would be an unwise decision for any Government to purchase the St. Joseph Hospital because of the fact that the role that it could play in the delivery of health services in Barbados was insignificant in relation to the likely cost - the leader of that abuse, the Honourable Member for St. Lucy!

Today we can see what the position is. The Honourable Member for St. Lucy managed to persuade his colleagues to take the taxpayers on an expensive ride. The Honourable Minister in introducing this Resolution said \$6 million was paid for this piece of obsolescent rubbish. As has already been pointed out by the Honourable Member for the City, so far it has cost another \$6 million in the form of the money that was voted according to the figures supplied by this Government. I am going to repeat it. Six million dollars for the capital cost of purchasing, \$3 557 893 voted, now being supplemented by \$2 804 968. That is another \$6 million. That is \$12 million. What we are getting for the \$12 million had nothing to do with the recurrent cost.

The other side has now said that they have changed their minds on how this institution would be used. No longer will it be used primarily for the delivery of health care for the masses of the people of Barbados but that 85% of the facilities would be devoted to paying patients. That is what has been said now. Here are we now in a position in

which \$12 million so far of the taxpayers' money has been spent to deliver health care facilities to people who will pay.

Now, Sir, how can anyone possibly justify such expenditure when we all know that at the existing Queen Elizabeth Hospital the services that are provided there for the general mass of people are deficient because of the fact that sufficient provision is not being given in the form of money to allow an expansion of those services. It is a criminal waste of money. That is what they have done. That \$12 million could have better been spent in the upgrading of the services now being provided, deficient as they are, at the Queen Elizabeth Hospital.

This is the price that one must pay when you are misled, and I say misled, by the likes of the Honourable Member for St. Lucy. There cannot be any doubt about that. In so far as he was able to have his will imposed upon the other side, the Honourable Member has done a grave disservice to the public of Barbados. It is no wonder that we find ourselves in the position in which, in our last financial year, we are looking at a deficit of an excess of \$300 million, the gap between what we took in revenue and what we spent which was \$320 million. When you go on dealing with this kind of expenditure, this is what you find yourself in.

The Honourable Member can now expect that he will reach the Guinness Book of Records. That is all it is. You have to pay now. It is no wonder that the Honourable Minister in introducing this concealed from the House the number of beds that are available because a quick calculation would have been done and we would know what is the capital cost of each bed. We would know that quickly. We would then be able to compare that with the new facilities that are being provided in the private sector in other areas. We would know what kind of people we are dealing with.

I want to remind Honourable Members of this that on the Floor of this House when we were receiving the criticism from the Honourable Member and others, we took the precaution of reading into the record the opinion of the then officers of the Barbados Association of Medical Practitioners.
1.55 p.m.

They said then, as they still are saying, that there is no contribution that this institution can make towards the more efficient delivery of health services in Barbados....

Aside.

Mr. H. B. St. JOHN: We will get the comparative figures. But you know, money is like water to the Honourable Member.

We would like to know how the government is going to justify this. We have before us an indication of what the recurrent cost in the future will be. It is anticipated that \$8 million will have to be provided next year for the operational cost of this institution. So we are going up. You are spending \$12 million and it is costing \$8 million to run. We would like to know what charges you are going to put down there. What are the charges? You cannot expect us to willingly approve of this money, by way of a vote and you do not treat us with the degree of respect that is necessary that we should be treated with and you do not tell us what you expect will be the deficit in the future in the operation of this. Is the Government telling the public that they expect to receive a sufficient sum of money from the utilization of this hospital as a private commercial institution, that it will cover its recurrent cost of operation, let alone help in any way to contribute to the capital cost that has already been incurred?

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

Mr. H. B. St. JOHN: I will conclude at this stage, Sir.

Hon. P. M. GREAVES: Mr. Chairman, I beg to move that you do now report progress to His Honour the Speaker and ask for leave to sit again.

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

The question that Mr. CHAIRMAN report progress and ask for leave to sit again was put and resolved in the affirmative without division. Mr. CHAIRMAN reported progress to Mr. SPEAKER and Mr. SPEAKER resumed the Chair and reported accordingly.

Hon. P. M. GREAVES: Mr. Speaker, normally at this time I would move the suspension of the House. Before I do so, Sir, I would seek leave of Your Honour to recommit Item (f) Papers, Government Notices and documents to be laid.

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

Mr. SPEAKER: If there is no objection then leave is granted.

PAPERS

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

The Estimates 1991-92.

I am also commanded to lay:

The Ministers and Parliamentary Secretaries Remuneration and Allowances) Order, 1991.

I am further commanded, Sir, to lay:

The Senate and House of Assembly (Remuneration and Allowances of Members) Order, 1991.

Hon. W. O. FRANKLIN: Mr. Speaker, Sir, I am commanded to lay:

The Instrument adopted by the International Labour Conference at its 77th Session held in Geneva in June 1990.

Asides.

Hon. P. M. GREAVES: Mr. Speaker, Sir, ...

Mr. SPEAKER: One moment. The House has not suspended yet. I would expect Members to be as quiet as possible.

GOVERNMENT NOTICES

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

Resolution to approve the Ministers and Parliamentary Secretaries (Remuneration and Allowances) Order, 1991.

Resolution to approve the Senate and House of Assembly (Remuneration and Allowances of Members) Order, 1991.

If time permits today, Sir, I would seek leave to do them in all their stages because I think it is in reference to the new level of remuneration submitted in the Estimates. We would want next week to do the Estimates beginning on Monday and for all next week. If time permits, we will seek leave to do this today.

I also beg to give notice of:

A Bill to grant a sum of money out of the Consolidated Fund and to appropriate the same for the services of Barbados for the year ending March 31, 1992.

FIRST READINGS OF BILLS

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that a Bill to grant a sum of money out of the Consolidated Fund and appropriate the same for the service of Barbados for the year ending March 31, 1992 be read a first time.

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

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

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that this sitting be suspended until 3.15 p.m. today, Sir.

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

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly at 2.05 p.m.

RESUMPTION

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

Mr. CHAIRMAN: The committee is resumed.

Mr. O. S. ARTHUR: Mr. Chairman, Sir, most of the views that have been expressed by colleagues on this side have already been represented in this House on previous occasions when the St. Joseph Hospital was the topic for discussion. I must on this occasion again, Sir, say that in every respect the St. Joseph Hospital is only a government commercial operation. It is a commercial enterprise and it really stands to be judged as a commercial enterprise. From the point of view, Sir, of people in the North of Barbados and the people of St. Peter, for whom I speak, Sir, its relationship to them would be that of a commercial enterprise and I continue to be disappointed that the Government adamantly refuses to provide the House with information that would allow us to properly assess its potential viability as a commercial undertaking.

Some three years ago, Mr. Chairman, I asked the Government to specify what would be the likely capital cost of acquiring and refurbishing the St. Joseph Hospital and what would be the likely recurring cost of operating it and up to today we are not yet, Sir, in a position to be able to say what it is going to cost the people of Barbados to operate the St. Joseph Hospital. What we do know, Mr. Chairman, is that the cost is likely to be substantial. We will have the opportunity in the week ahead to discuss, I suppose, the figures contained in next year's estimates on the Hospital but as a commercial undertaking, the St. Joseph Hospital is going to be a burden on people who will not have access to its services and I think that is the ultimate tragedy this will represent in the affairs of the North. There are a lot of people in the North and St. Peter, Sir, who were led to believe, certainly in 1986, that the Hospital was intended to be an institution to which you could go free of cost and that is no longer the reality, they too have been called upon to shoulder part of the cost, the \$12 million that has to date been expended on the Hospital's acquisition and refurbishment. They too will be called upon to subsidise what will purely be a commercial undertaking and I really do feel, Sir, that the Government owes it to the

country and to the House to tell the people of Barbados and the members of this House what really is the likely annual amount by which the Government intends or is likely to have to subsidise its latest commercial venture.

In relation to the supplementary before the House, Sir, just to make the observation that it clearly must be the case that the Government does not intend to spend \$2.8 million between now and the rest of the Financial Year. Clearly, Sir, this is moneys that have already either been spent or committed and I want to raise the point Sir, since I do not believe we should allow it to become the norm or the convention for this House to be put in a position, Sir, where it does not give prior authorisation for Government expenditure. We have to be careful to put the House of Assembly in the position of supremacy where the authorisation of public expenditure is concerned. It is a bad practice Sir, and a norm, a practice that we should not allow to become a norm for Government Departments or institutions to believe that they can go ahead without authority from Parliament, commit themselves to expenditure and then we who are supposed to be the managers of the public purse are merely expected to ratify what is thrust upon us by public managers or whoever else. This money has been spent already and we are in a sense merely being called upon to rubber stamp decisions that the House should have been privy to up front and in these set of estimates which we can only debate for three hours, evidence of Government indulging in what I regard, Sir, as financial lawlessness, letting institutions or Government Departments spend without due authority as provided for under the Financial Administration and Audit Act. And I speak in reference to it, Sir, in the hope that it does not become a trend. These things when once they are established Sir, become precedent....

Asides.

Mr. CHAIRMAN: Order.

Mr. O. S. ARTHUR: The Minister of Finance, Sir, has given me the assurance that the point is taken.

Aside.

Mr. O. S. ARTHUR: And I am pleased to see that the Minister of Finance, Sir, is seeing these things in a very responsible way. I am not concerned, Sir, whether it happened before. If it happened before, an Opposition then had a responsibility to bring it to the House's attention, because we are here Sir to protect the public purse and because it happened before Sir, it is no justification unless the member wants to argue that Governments should be run on the basis of "misery loves company" principle. It is wrong, Sir, and I am bringing it to the attention of the House that we should not expect this House to come on occasions like these and merely rubber stamp decisions that have been thrust upon the House without the House, Sir, complying with the provisions of the Financial and Administration and Audit Act and granting prior

authorisation for public expenditure. That is the point I am making, Sir, and I suppose that Government has to honour its commitments, but we want these things to be kept, they must not become part and parcel of our experience.

In relation, Sir, to the St. Joseph Hospital itself the Government has been threatening to reopen the Hospital on so many occasions, Sir, that at least on 25 separate occasions we have been told that the Hospital will be reopened shortly and the Government has been threatening to reopen the Hospital so often that I think its idle state is becoming an institution in the North. I do not know, Mr. Chairman, if indeed the Government is going to be reopening the Hospital this year. The Minister of Health gave us the assurance that he has some very grandiose plans for the Hospital including the provision of emergency rooms and so on and he said that he was not going to reopen the Hospital until he was absolutely sure that all that he intended to do was accomplished. The Prime Minister laughs, Sir, knowingly, because that laugh could only mean that if the Minister of Health will open that Hospital only when he has succeeded in satisfying his grandiose plans that it may not be opened until the latter part of the decade.

I would however want to speak on some of the personnel aspects of the Hospital. The Minister has gone on record as saying that insofar as people in St. Peter work in St. Michael that if only people from St. Michael West worked in St. Peter at the Hospital, Sir, no big deal. I must again remind the Government, Sir, that in addition to reopening the Hospital as a Hospital for the North, and the Member for St. Lucy will remember this very, very well, that it was also promised that the Hospital would be a source of jobs for people in the North and particularly St. Peter.

I complained, Sir, and I was attacked very viciously by the Advocate when I had to tell the Minister of Health that he had a very curious situation obtaining where the Hospital, located in a very strong DLP area found itself surrounded by a mass of unemployed young people when everyday a large number of youth were bussing from the Minister's constituency in order to do work that could be done by people in the immediate district. That is a fact. I am advised that a Nigerian has now been appointed as Personnel Manager at the Hospital. It seems strange to me that the Government can go as far as Nigeria to find staff for the Hospital, Sir, but find it difficult to employ anybody from St. Peter in any capacity in the institution. I do not even know his name, but the Personnel Manager I am told is from Nigeria. I can only say that the Minister is adopting a very wide and handsome approach in dealing with meeting the personnel needs of the institution, but that wide and handsome approach has nothing to do with meeting the demand of the people of the North. I really want to make the point, Sir, that the employment practices at the Hospital have been very shabby and I have spoken about it already. As I said the Advocate attacked me very viciously about it,

but I think I have to draw it to the attention of the Government that if you promise people the jobs, Sir, that you have an obligation at least to provide some of the jobs for the people of St. Peter and St. Lucy on whose behalf I speak, but if I may make the point in this debate Sir, that this Hospital is a Government commercial undertaking and it stands to be assessed in my view as a Government commercial undertaking. We can put aside the notion that it is a hospital for the North. Eighty-five per cent of the beds are fee paying and the people of the North will benefit to the extent that they can pay the fee.

It is a commercial undertaking and the Government as it is about to go into a commercial undertaking should tell us who have to control the public purse, what we are being asked to assume, what is the annual level of subsidy that the Government intends to levy on the taxpayers of this country to carry an additional commercial undertaking Sir. We want to know these things Sir.

3.25 p.m.

We cannot be pleased that \$12 million have been sunk into this venture and that additional funds will be sunk in the future without being satisfied that at least the capital that this House has already sunk into this venture can be recovered so that the hospital can meet its operating expenses. We ought to have had a fair say about this matter, Sir. I have to ask again, Sir, the Government, given that this is a commercial undertaking, how does the Government conceive of it sitting within the broad framework of similar commercial undertakings being operated and planned by the private sector of Barbados? I understand that since this hospital was conceived there has been the construction of a private hospital. I am told there are plans for a second private hospital in Barbados of some substance at the "Grotto" and one wonders, Sir, how all of these things are going to fit together. Is the Government satisfied, Sir, that given the expansion of the private part of the health care delivery system that it will be able to operate this hospital in a viable way. More to the point, Sir, given the developments in this field in general and given Government's own commitment to building additional polyclinics, can the Government be satisfied that it can provide the supply of staff necessary to run this hospital in any case?

Those are my considerations, Sir. I must say to the Member of St. Lucy that the politics of this situation did not alter anything, Sir. He led the protest in 1986. That protest, Sir, that he led in 1986 led to an increase in my majority which expanded in 1991, Sir, and I look forward to my majority being expanded because of his attitude towards this hospital in general. Thank you, Mr. Chairman.

Hon. E. E. GREAVES: Mr. Chairman, I suppose that I had anticipated when this matter was put on the Table today that I would have had to intervene in this debate. Let me say at the outset, Sir, that I am as convinced now in 1991 as

I was convinced in 1986, or even before, that there should be a facility in the north which will, among other things, cater to the health care requirements of the people of the north and, indeed, to the people of Barbados. I have no apologies to make to any Honourable Member for the position which I took on that occasion and which I will continue to take as far as this particular facility is concerned. It is ironic, Sir, that the Honourable Member for St. Peter after raving in the way he did today and on previous occasions about the bad investment which the taxpayers are making in this institution to hear him making a noise about jobs at the same institution. I do not understand how on the one hand the Honourable Member could be critical of the Government's involvement in this institution and on the other hand is asking for jobs at the same institution. Sir, I find it very difficult to understand that.

Let me just make the point, Sir, that the Democratic Labour Party in 1986, certainly as the result of my intervention, and I have no apologies again to make about what influence I might have had on that particular decision, incorporated the whole idea of acquiring the St. Joseph Hospital for the purposes for which it will be used. It is true, Sir, that some time was spent in the acquisition process. The Honourable Leader of the Opposition, I am sure, will well be aware of all of the circumstances surrounding the delay in the acquisition. That was one of the first problems.

Now we certainly would have liked to have had the hospital operational by now. We have not completed the work which is necessary. But all Honourable Members can be assured that in the not too distant future the Hospital will be opened and I am sure that the Minister of Health, when the opportunity presents itself during the Estimates, if the opportunity does present itself during the Estimates, will be able to give a full account of his stewardship as far as this hospital is concerned and also a full account of the plans which we have for the operation of that hospital.

But just let me refer, Sir, to the Manifesto of the Democratic Labour Party 1991 on Page 21. Again, I am doing this to support the position which was made by the Honourable Minister who introduced this particular Resolution and I quote:

"The refurbishing of the St. Joseph Hospital is near completion and will shortly provide a complete range of medical, surgical, pediatric, obstetrics and gynaecology, and accident and emergency services."

Is the Honourable Member for St. Peter telling this Honourable House that this Administration should spend money in an institution which would provide additional accident and emergency services for the people of Barbados and in particular if one of his constituents got injured...

Aside.

Hon. E. E. GREAVES: The Honourable Member for St. Peter would know because he and I are in the same boat. The point I am making, Sir, is that if the Honourable Member for St. Peter is telling me that this Administration, or any other administration for that matter, should not provide services of this nature for his constituents, which I am sure would include members of his family in case of an accident where they can have easy access to these services. The Honourable Member is being critical of that. The same would apply to people who live in St. Lucy, St. Andrew, St. James, and St. Michael for that matter.

As I said, we have made a commitment and we intend to go through with the commitment and I am sure that history will demonstrate very clearly that we made the right decision in that particular area.

Aside.

Hon. E. E. GREAVES: No, I would not bother to get into that because what I might say may be a little unkind. But let me say, Sir, that the Honourable Member for the City made the passing reference to the Drug Rehabilitation Service in Barbados and I think it should be pointed out, as it has been pointed out in the past, that part of the services which will be provided at the St. Joseph Hospital will be a Drug Rehabilitation Unit. Indeed, Sir, the Honourable Minister of Health on more than one occasion has made the point that the hospital will be opened in phases and, indeed, that the first section which will be opening will be the Drug Rehabilitation Unit.

3.35 p.m.

I am saying, therefore, Sir, that we feel very strongly about this particular commitment. The Minister, I am sure, will be in a position to give the breakdown of expenditure, to give a wide ranging account of the services which will be provided, and the schedule which has been put in place for the opening. I would not want to deny him that particular opportunity, so that next week when we will be ...

Aside.

Hon. E. E. GREAVES: It is not a question of pleading for time, the fact is that it is the responsibility of the Minister of Health and therefore he will be given an opportunity to deal with that particular point.

I take the point the Honourable Member for St. Peter is making, but I think the record ought to show that it is not true for the Honourable Member to say that this administration had promised to open the Hospital on no less than 25 times. That certainly is not true.

For the Honourable Member for the City to say that we entered into this arrangement purely on the whims and

political vanity of the people of the north, I really do not know how to answer that particular point, but this particular institution has a lot of support from the people of the north and they are looking forward with great anticipation to its opening, because they know very well that it will satisfy a need which is very much there.

One must also make the point, Sir, that in this day and age where large numbers of people in Barbados have now taken out health insurance, this will also be an opportunity which will be provided for additional business for the Hospital, so I think these are points which have to be made and which must be recognised. So, Sir, one certainly would want to say that this administration will honour its commitment in this particular regard and probably to say that we had hoped we would have been able to programme the completion of the refurbishment and move on to the opening at a much earlier stage, but circumstances did not permit that and an opportunity will be provided during the coming financial year when the Hospital will be opened and its services made available to the people in the north.

I thank you, Sir.

Mr. O. S. ARTHUR: Mr. Chairman, when the Member for St. Lucy, who is ordinarily a very aggressive speaker, rises to give such a very flat, defensive and rather insipid statement on this matter, I sense that he intervened only because he wanted to prolong this debate as a way of voicing his own personal dissatisfaction with his own party as regards the way in which this perfidy in this matter has distressed the people of the north and that section of the people of his own constituency.

He seems to have forgotten what is the central issue in this matter, Sir, that the matter of the St. Joseph Hospital was brought to this House as a matter of urgent public importance in 1986 by the Democratic Labour Party. The point then was that the Barbados Labour Party should have at all costs kept the Hospital open. The matter was so urgent that the Democratic Labour Party, not in the 1991 Manifesto, Sir, but in that elevated document which, contrary to what he just said, the Democratic Labour Party has never honoured – because he said the Democratic Labour Party will honour its commitments – but it certainly did not honour its commitment in its 1986 Manifesto in relation to its tax proposal. That was not the only thing it did not honour, in that 1986 Manifesto it was stated that the Democratic Labour Party committed itself to having the Hospital opened immediately.

The issue is now twofold, Sir, the first being that as part of its perfidy and hypocrisy the Democratic Labour Party led large numbers of people in this country to believe that that Hospital would not have been opened as a fee paying hospital, but as a place where the people of the north could go and get a service for free. The reality today is that they cannot any longer go to the St. Joseph Hospital and get

a service for free. Therefore, Sir, when the Honourable Member for St. Lucy is congratulating his Government, he must understand that the people of the north who returned five members of the Barbados Labour Party to this House understand that the Government was taking them for a ride in 1986 when the Member for St. Lucy, leading a protest, caused them to believe that they were going to get a facility for free.

The issue, therefore, is not whether the Hospital will eventually be built, or the services it will provide, the Member for St. Michael West has already pledged that the first service to be provided will be a plastic surgery facility, for which no demand exists in St. Peter, except in Heywoods Development, where we have a new resident who has a very urgent need for plastic surgery, and I am speaking of the Honourable Member for St. Lucy. To build a hospital for the north and to offer plastic surgery as the first service on a fee paying basis can only mean that that hospital is to cater to persons like the Member for St. Lucy, who can afford to pay and need the service, but I can give Government the assurance that there is no demand for plastic surgery services in St. Peter.

The other point is that the Democratic Labour Party Government pressured the Barbados Labour Party in 1985 and 1986 to take urgent action on the hospital. We were supposed to have bought it for \$15 million, without evaluating whether it was worth \$15 million or the use to which we could have put it, or what we would have had to incur by way of downstream costs. We were to do that between November 1985 and January 1986. This Government has had five years, not two months, to do what they expected the Barbados Labour Party to have done in two months. That is what the debate is about, Sir. The Member for St. Lucy led a protest to have the hospital kept open by the Barbados Labour Party at all costs. In two months we were to find \$15 million to buy the hospital and find money to convert it into a facility to satisfy the needs of an acute general hospital and in five years this Government, which committed itself to having the hospital opened immediately, has not yet found the way of doing it and expects to stand splendidly in isolation from the reasonable criticism that this issue obviously invites.

I say, Sir, there is a lesson in all of this for us. We pleaded in 1985-86 for us, from a national point of view, to take a measured approach to the development of the St. Joseph Hospital. My contribution and the contribution of the then Prime Minister in the debate at that time was that merely because an institution in Barbados wanted to walk out of ownership and operation of an institution settled here did not mean that the Government, without the proper evaluation, had to rush in.
3.45 p.m.

We pleaded from this side for us to be able to approach the future of that hospital in a measured way. The

Democratic Labour Party then, for political reasons, Sir, were not prepared to entertain any measured approach. They had instant answers and that is why they are now held up for reasonable criticism.

I also want to say, Sir, that it is my judgment that the role played in this unfortunate project by a former Member of this House is very sad. The former Member for St. Michael South East, a present Senator. He was the person entrusted with the responsibility of being in charge of a so-called task force and it is my view and I say this, Sir, for the records as well, that I do not believe that the Government got the best and most dispassionate advice from that Member. He started with a point to prove and that point, Sir, was a political point that it was a Democratic Labour Party position that, no matter what, there had to be a St. Joseph Hospital purely because it closed under the Barbados Labour Party; and the price that we have paid and the price that we must pay today, Sir, is the Erskine Simmons folly. That is the point I want to make, Sir, that he has disregarded the professional advice of the medical profession in this country and the Government has been put in a position where it has an institution on its hands, virtually by default, that it does not really know what to do with, Sir, that it...

Asides.

Mr. O. S. ARTHUR: Only talking?

Mr. CHAIRMAN: Can we have some order?

Mr. O. S. ARTHUR: He wanted to talk today about NCC.

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

Mr. O. S. ARTHUR: This House has to be reminded, Sir, about some truth. A former Minister of Finance of the Democratic Labour Party said on the Floor of this House that the Hospital was not worth more than \$2-\$3 million.

Asides.

Mr. O. S. ARTHUR: You were listening to him for a longer period of time...

Asides.

Mr. O. S. ARTHUR: Mr. Chairman, can I have your protection, Sir?

Mr. CHAIRMAN: You will always have my protection.

Mr. O. S. ARTHUR: He said that, Sir, in the 1986 Debate. That was before the 1986 Election when he was

safely and securely a darling of the Democratic Labour Party and he was taking a position that was intended to be a position on behalf of his party. There is also a private sector study that said the hospital was not worth more than \$3 million but despite all of that evidence, the weight of opinion of a learned physician and the opinion of persons who had done a valuation of the institution, the Government proceeded to purchase the hospital for \$6 million, precisely because in my judgment that they were getting bad advice from the former Member for St. Michael South East. He has completely disregarded all of the advice that has been provided in this matter and therefore we will end up having to subsidise his lack of judgment. I am thankful, Sir, that out of all this has come some good, that the people of St. Michael South East has really penalised him for the tremendous financial affliction that he has imposed on the people of this country. I am obliged to you.

Mr. R. C. EASTMOND: Mr. Chairman, I rise in support of my friend and colleague, the Member for St. Peter, because clearly, as already suggested in this Honourable Committee, Sir, there was a time some five years ago when we were led to believe that some time fairly prior to 1987, clearly prior to 1988, the St. Joseph Hospital would have been opened. Indeed, as my colleague said, you were given the impression that as a matter of priority the current Government would have, in the last term of this Honourable House, done something in relation to getting the hospital going. Even if we cannot dispute that a hospital is a dire need in the north of the island we still must take note, Sir, that from the moment the matter of the acquisition of the St. Joseph Hospital came into prominence the Government has always been condemned by a measure of uncertainty on this project and there has been uncertainty as to purpose. At one point, you were led to believe that the hospital would have served geriatric purposes, at another point you were given the impression that it was going to serve general purposes. At another point still we heard that it was to be a Drug Rehabilitation Centre and the fact of the matter is that...

Asides.

Mr. CHAIRMAN: Order.

Mr. R. C. EASTMOND: The fact of the matter is that the people of the north having been given the impression that they would have been given a hospital have waited for a hospital for an inordinately long time and while they are so waiting there is no clear indication as to when this hospital is going to get going. But particularly galling, Sir, to Members on this side of the House is the fact that this hospital has acquired a commercial character. If you consider, Sir, the type of people who reside in the north, normal rural folk, not possessed of high incomes, not well off, we must ask how fair can it be...

Asides.

Mr. R. C. EASTMOND: He might be a little better off than other people in the north and perhaps in the same league as the Honourable Member for St. James South.

The fact of the matter is that people from St. Lucy, St. Peter, St. James North, St. Thomas, St. Joseph are largely rural people whose incomes are low and I am suggesting to this Committee, Sir, that where the Government commercialises the operation of St. Joseph Hospital in circumstances where you go to the hospital for a fee, that an unfair burden is imposed on poor suffering country folk in circumstances where some may want and need to go to the hospital but may be even unemployed and therefore not able to raise one red cent towards the fees. We would welcome fair and proper clarification from the Government, Sir, as to what the true purposes of the hospital would be and certainly, we would like the Government to give some definite undertaking as to what time this thing is going to be opened because we have been waiting five years, Sir. So far nothing has happened and even though the Member for St. Lucy has been seised of a measure of anxiety and he keeps running all over the place for signatures, he doesn't seem now to have that same anxiety and urgency to press his colleagues out there to get it going and at the same time to ensure a measure of fairness is granted – a measure of decency because clearly, when a hospital is supposed to be acquired by a Government for the people you get the impression that like the main general hospital it will be very much acceptable to all and sundry in the way the general hospital is. We, therefore, over here, are expressing the greatest reservation about the commercial operations and as my colleague is saying, the perfidy, and the inordinate delays which have been threatening this project, Sir. Thank you.

Hon. C. V. WALKER: Just three quick points, Sir. The Honourable Member for the City in her presentation queried the number of beds. I am sure that, she, along with all the other Members, knew the number of beds and it was a tactic for a calculation, but there are 108 as was stated during your discussion.

The other point is that in fact the hospital will be opened. The other point I want to make, Mr. Chairman, is that the health services did in fact increase under the Democratic Labour Party throughout the island of Barbados.

I believe the other point raised by the Honourable Member for the City, some of her questions, I don't think she really wanted to direct at me. I think she really wants and is anxiously awaiting the return of the substantive Minister of Health and the Member for St. John with whom she seems to enjoy a lovely discourse.
3.55 p.m.

Certainly, one cannot agree with the Honourable Member for Christ Church South about a waste of money.

In terms of the Honourable Member for St. Peter, his points in both presentations only signify his anxiety in awaiting the opening of the St. Joseph Hospital to serve his constituents. The Honourable Member for St. James North I do not think all his people from the North are that poor. I think he should give them balance. Thank you.

The question that Head 78 stand part was put and resolved in the affirmative without division.

HEAD 39 – MINISTRY OF EMPLOYMENT, LABOUR RELATIONS AND COM- MUNITY DEVELOPMENT

HON. W. O. FRANKLIN: Mr. Chairman, under Head 39, Ministry of Employment, Labour Relations and Community Development, Subhead 1, Object No. 10, a supplementary of \$2 000 is required to meet the cost of office supplies, stationery and computer supplies to the end of the financial year.

Under Object 11 – Maintenance of Property, a sum of \$3 000 is required. This is to pay maintenance contracts on equipment and insurance of vehicles to the end of the financial year.

Under Subhead 3 – Labour Department, Object No. 10 – Supplies and Materials, a sum of \$1 500 is required to purchase first aid supplies, office and computer supplies and incidentals for the remainder of the financial year.

Object No. 11 – Maintenance of Property – \$2 000 is required to pay service contracts for equipment and maintenance of vehicles, furniture and equipment for the rest of the financial year.

Subhead 6 – Welfare Department, Object No. 7 – A sum of \$6 640 is required to meet the cost of electricity, water, telephone rates and cables for the remainder of the financial year.

Under Subhead 12 – Child Care, a sum of \$1 436 500 is required. The supplementary requested is summarised as follows: –

The projected salaries and wages for the year is the sum of \$7 461.

The estimated Other Charges for the year is a sum of \$3 264 500.

Unpaid bills for the year 1989/90	\$310 000
Arrears of salaries and wages	\$378 341
Legal and revised expenditure for the year 1990/91	\$11 413 845

Of this amount the Government grant for the year is \$9 million. The anticipated revenue is expected to be

\$599 000. The amounts received from the Minister to pay arrears of salaries is \$378 345 giving a total of money in hand of \$9 977 245 leaving a short fall of \$1 436 500.

The situation has developed because of the insufficiency in the approved provision of \$9 million which when added to anticipated revenue and reduced by the sum of some \$7 million the requirements for. Personal Emoluments, which have increased over the years, left an amount of \$2 138 000 to service the Other Charges of the same period.

The projected expenditure and Other Charges for the year 1990-1991 are set out below: –

Travel	\$ 115 000
Utilities	225 000
Supplies and materials	1 230 000
Maintenance of Property	370 000
Operating Expenses	290 000
Grant to non-profit agencies	110 000
Retired benefits	381 000
Professional services	30 000
Foster Care Expenses	250 000
Contingency	10 000
Non-Recurrent	135 500

Therefore, we will see why we need a further sum of \$1 436 500.

Under Subhead 14 – Youth and Community Development, Object No. 7, a sum of \$15 000 is required to meet the cost of general maintenance at various community centres.

Under Object No. 11 – Maintenance of Property, a sum of \$10 000 is required to settle outstanding utility bills in respect of community centres.

Object No. 25 – Plant, Equipment and Furniture – A sum of \$12 825 is required. This amount shows the actual expenditure up to December 31 of \$32 380. The projected expenditure for the remainder of the year is \$5 550 giving a revised expenditure of \$37 800. The amount of the approved estimate was \$25 055. Therefore, we need a supplementary of \$12 825 to offset expenditure for furniture and electrical equipment.

Under Subhead 16 – National Conservation Commission – Grants to Public Institutions, a sum of \$5 176 876 is required. The National Conservation Commission is requesting this supplement of \$5.176 million which is needed to pay salaries and wages for the months of February and March, 1991 and arrears of National Insurance contributions.

The amount granted to the institution from April to December 1990 was some \$10 331 676. The amount

received to pay arrears of salaries and wages was some \$774 339.
4.05 p.m.

The projected expenditure from January to March 1991 is the sum of \$4 280 540. The amount needed to complete the arrears in National Insurance was \$2 040 281 giving a revised expenditure for 1990-91 of a sum of \$18 396 876. From this sum provision was made in the Approved Estimates of \$12 700 000 leaving a balance of \$5 696 876. From this must be taken the projected revenue for the months of February and March of \$520 000 leaving a balance of \$5 176 876.

Mr. Chairman, during the year, because of the heavy demand for improvement and the continuing work of the National Conservation Commission which has won approval and acclaim from most Barbadians as a result of the policy of the beautification and enhancement of the environment throughout Barbados, we are working at 101 different places in Barbados. The NCC now employs 1 271 persons in its programme.

Mr. Chairman, the work of the NCC must not be seen in a narrow context as I have frequently heard people refer to the work of the NCC. The work of the NCC must be seen against the backdrop that this work has completely enhanced the environment throughout Barbados. With this enhancement must be seen certain areas that you cannot quantify in terms of dollars and cents.

The tourism industry is our number one earner of foreign exchange. Anything to enhance the environment of Barbados and the overall countryside obviously must be seen as part of the development of the tourist product. Therefore this work being done by the NCC must be seen as further enhancing the tourism product. Not only that, foremost it is enhancing the surroundings for Barbadians. This improvement of the surroundings of Barbadians cannot be measured in dollars and cents for many reasons. The provision of additional areas for recreation and beauty for those people who have additional spare time to spend during their weekends naturally must resound in the improvement of the health and the stress level of Barbadians. You cannot quantify what this is saving the health services in terms of dollars, et cetera, in the improvement of the health services and in the stress levels as well.

You cannot understand the kind of influence that the work that the NCC has been having among the Barbadians at large. We can see Barbadians becoming generally more acquainted and familiar and more receptive to the improvement of their surroundings. This can be seen in all the private gardens.

Of importance as well too, Mr. Chairman, is the meaningful and worthwhile employment it is bringing to

many Barbadians who would otherwise find difficulty in finding employment in Barbados.

What has happened is this, Sir. We have to understand that when you give a Barbadian a job that he is doing as a worthwhile opportunity, it not only enhances his own personal character but it gives the individual a kind of belonging. You can see it in all of the workers of the NCC, how they have this sense of pride in being part and parcel of the beautification of Barbados. Not only that but because they have the independence of making a weekly salary.

It is good to say that this work is being done throughout the length and breadth of Barbados. There is no way that this has been centralized.

With this explanation, Mr. Chairman, I beg to move that this sum under Head 39 do now stand part.

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

Mr. CHAIRMAN: The Honourable Member for St. Michael South East.

Mr. DeL. O. BRADSHAW: Mr. Chairman, this Head consists of quite a number of subheads and I would wish to deal with a couple of them. To begin with I am very concerned and I think the entire country is concerned about the lack of up-to-date employment statistics. It is nothing short of a scandal. Those who plan, and certainly the Government, cannot plan properly if it does not have the proper statistics relating to employment and unemployment.

It was customary, since the latter part of 1975. Around that time the Statistical Department was set up and the first publication of employment statistics became available in 1976. It was necessary then and I would feel that it is also necessary now to have these statistics published on a quarterly basis. The reason for having them published on a quarterly basis is to be able to keep abreast with the trends on a regular basis. The publication of statistics on longer periods, for example six months or a year is something which should be deplored and certainly needs to be addressed by the Government.

The Ministry of Labour had as its responsibility the task of publishing statistical data on a quarterly basis after they were cleared by the Ministry responsible for the Statistical Department. We also had statistical information relating to unemployment published by the Central Bank. This was the case up to 2 years ago when publication on a regular basis ceased.

I think today people are concerned. They do not know the true level of employment in the country. They have been hearing all sorts of figures bandied around. From time to time criticisms are hurled at persons who make mention of or quote numbers or even percentages.

The Government has a responsibility to make sure that such information is published so that the Manpower Unit which was established by the Barbados Labour Party within the Ministry of Labour could then plan and do its job the way that it is supposed to be done.

We must draw to this Honourable Chamber's attention the fact that that department was set up with international help. I recall a Consultant by the name of Dr. Chottepanda who came and was assigned to the Ministry of Labour.
4.15 p.m.

His job was to assist in setting up and recommending the type of training so that Barbados would be able to plan properly and we were able to look, at that time, at the Bahamas situation. In the Bahamas, the Bahamas Government is able to tell exactly what sort of jobs, the sort of categories of jobs, and the mark off that is necessary. The Barbados Labour Party was moving along those lines so that we would be able to train people in relevant areas and at some time we will be able to arrest this whole question of having got to import people or to grant permits to people because of shortage of certain jobs and certain trained personnel in Barbados.

It is therefore absolutely necessary to have this manpower unit and no Government, if it is really thinking seriously about the development of the country, can ignore the importance of that manpower unit. It might be fair to say that some excuse can be made for not publishing the employment statistics but at the same time it is imperative that this sort of exercise is carried out and that information is made available to employers in Barbados so that they would know what the true position is. I am sure that the Minister responsible for this sort of information, and certainly the Minister of Finance, would need to pay some attention to this and see that that Unit and that the publication of the information is made available to Barbadians.

We have been hearing

Mr. CHAIRMAN: Let me have some order please.

Mr. DeL. O. BRADSHAW: We have been hearing some talk about 23% employment, 22, some people say 25 some say 30. I don't think it is the desire of any member of this House to go around throwing about figures that cannot be substantiated, but in the absence of the hard facts and information what is there left for any member to do other than to bandy around such information.

It is all right for the Government to criticise the Opposition but, as I said, what I feel is responsible Government is for this sort of information to be published and leave it for the public of Barbados rather than the politicians to judge for themselves. I am tired Mr. Chairman, hearing this sort of a pull out information. From

since 1976 we have been hearing about information and people have been defending and counter charging such information. I am asking the Government to start the republication of the statistics relating to employment and unemployment on a quarterly basis, not six months, I think on a quarterly basis would be sufficient.

The other sub-head I would like to speak on Mr. Chairman is the one relating to community projects. I think that the National Conservation Commission can take praise for the work it is doing. After all the Barbados Labour Party was the Party that established the National Conservation Commission, it was the Barbados Labour Party. If it has developed into an institution that is doing a very good job I think that we should, as Barbadians, laud it for doing that job. I would, however, like to throw out to the Minister and to the Government a suggestion which could go a long way in helping Barbados because I think this is exactly what we are all after.

When you look around Barbados you see in the Pinelands, in Haggatt Hall, in St. Lucy, in other constituencies and parishes that there are groups of young boys and some women who have got together and earmarked certain spots to beautify. I am suggesting that the Minister or the Government could consider, as complementary to the National Conservation Commission, granting those groups some sort of assistance, giving them plants from the National Conservation Commission and making arrangements with the Water Authority to provide water because if you have the plants and you don't have the water ... And it is very difficult sometimes for neighbours to allow you or allow the youngsters to use the water since it is metered. I am asking that this consideration be given so that we can further enhance the country and give some credit to the youth that we see around the place.

Some of us are very critical of the young people. We say they are unemployed but little do we know that some of them are eager to make a contribution and a contribution in the area of the beautification or beautifying the areas, and employing themselves. I would, therefore, support the Government in any programme, any arrangement which it has to help those groups. I identify them as groups because they are there. You can drive around and you will see them. Assist them with having some water to water the plants and give them some sort of assistance and encouragement and I think that this will go a long way.

As the Minister touched on the whole question of tourism and its linkage or the beautification programme to tourism – yes, we want to encourage that, but I want also to make the point here that the Pineland Creative Workshop of which I have the honour to be Patron, not as any Minister, I was the Patron, I helped set it up and the Pineland Creative Workshop has been making a contribution to the development of tourism in Barbados. They have travelled

abroad and I have heard the Government laud them, certainly the Right Honourable Prime Minister has lauded the people in the Pinelands and the Pinelands Creative Workshop. While I am on my feet I want to thank the Prime Minister for granting or giving them the house which I recommended that they get.

Laughter.

Mr. DeL. O. BRADSHAW: Thank you. On the other hand when you pass through you have all of a group that goes abroad and creates the image or help build the image of Barbados. It performs at Ilaro Court as well. Well I am saying when you look around the Pine, where the home of the Pine Creative Workshop is, pass through the Pine and Wildey and around where the house is now, that was given to them, and you will see that it needs beautification. You come around from above Banks, I am making a point here it is not parochial or constituency business, I am saying that this has, and the Minister knows what I am talking about, that not only does it endanger the people's lives but it looks very unsightly, you can have the Errol Barrow Park on the one side and on the other side you leave in all darkness where people are raped, that is what I am saying. If you beautify that area, extend it to the northern end, then what you have is compatible and the sort of situation where people can say you are going to one Errol Barrow Park. You are doing Errol Barrow no good if you let people come and see the deplorable conditions and then you go in a park. I am saying enhance the complete area and I think that would do Barbados...

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

Mr. DeL. O. BRADSHAW: So, Mr. Chairman, what I am saying is, that I am quite prepared to support the programme of the NCC but I hope that the Government will take what I said as constructive criticism rather than taking as though someone is critical of the Government for what it has done. I think if we can do that, all of us in here would be satisfied that we are having some programme towards the development of Barbados.
4.25 p.m.

Mr. CHAIRMAN: Just before the Honourable Member proceeds, this Resolution will be concluded in six minutes time. The Member for St. Thomas.

Mr. D. A. C. SIMMONS: It is all right. Put all together and reduce them to three hours. This is good tactic, Sir. Mr. Chairman, since I only have five minutes, I want to make a point about the unemployment statistics. On October 5, 1985 the Honourable Member for St. Philip North who now piloted this Resolution caused to be published in the Advocate and Nation a statement to the effect that he had done a survey in St. Philip person to

person and house to house, and that the level of unemployment was 40 per cent.

Now I am not going to put myself in a similar position. I did house to house. I was not doing it for any purposes of unemployment statistics. You have got people who get paid for that. If a Member of the House could have done it in 1985 while in Opposition, always assuming that we believe him, surely the people across the water in the Statistical Department could get it done on a quarterly basis.

It is to my knowledge that the Statistical Department has been carrying out surveys from time to time, they do not publish them, in accordance with the old-time accepted practice. The difference is that directions came from the Ministry of Finance saying not to publish them on a quarterly basis. I make that charge in here...before Lewis was changed too. They have not been published since October 1989.

Aside.

Mr. D. A. C. SIMMONS: Well, if it is not true, tell the country what is the truth. Tell us what is the truth. All next week I am going to be in here. All next week we are going to be talking. It is not fair to the planners and to those who have to follow these matters who need that information for all kinds of purposes to deny the country almost 1 1/2 years of that vital information. I do not want to hear, Sir, that we were not watching anybody's lips or we were misunderstanding, or not carefully looking at the words and following the language. That we will deal with during the Budget. But there has been no satisfactory explanation from this continuing Government as to why there has been a change in the method of publishing the unemployment statistics. I think it is a scandal. I think it is a national disgrace, Sir. Next week we will perhaps look at a philosophical level at why this kind of behaviour and bad example set by politicians on that side, of course, would encourage young people to be cynical and distrustful of politics and want to opt out from the system.

We had a Task Force Report immediately after the 1986 election. The Task Force reported - 17 people, most of them "Dems" as far as I can remember.

Aside.

Mr. D. A. C. SIMMONS: Herbie was one. Sixteen "Dems" and one "B". If Herbie was one, Herbie belong to us. So what? Sixteen plus one made a report and what they reported was a repetition of all of the policies that had been in place by the Labour Party Government. Thank you for not winking at me, Sir, or doing your eyebrows. I understand that you agree with me, Sir.

Mr. CHAIRMAN: I am just saying too that you have one minute to conclude.

Mr. D. A. C. SIMMONS: All right, but for five years now we have heard nothing about that report. I had to beg in a question in here that it be brought, because I had an advance copy off the truck. I having got it, they came with it about three weeks after. Since that disclosure, there has been no report to the country about the status of the Task Force Report and whether Government is implementing any of the measures or otherwise.

Mr. CHAIRMAN: Time has expired.

Mr. D. A. C. SIMMONS: Finally, Sir, I want to say this and I am speaking for myself now. I have no case for the NCC. I understand the position of the Honourable Member for St. Michael South East. Down below me there is the Norman Niles Round-about. That is in his constituency or nearby. So he will be quite happy to see 8 or 9 ladies there on mornings cleaning the round-about. I want to talk about St. Thomas. They do not come up there at all. I do not have any round-about but we have the world of bush, mosquitoes, and rats and I want to see the NCC up in there and do something for the people of St. Thomas.

Mr. CHAIRMAN: Your time has expired.

Mr. D. A. C. SIMMONS: My time has gone until next week. Thank you.

The question that Head 39 stand part was put and resolved in the affirmative without division.

On the motion of Hon. P. M. GREAVES, seconded by Hon. M. A. KING, Mr. CHAIRMAN reported the passing of one money Resolution in Committee of Supply and Mr. SPEAKER resumed the Chair and reported accordingly.

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

DOMESTIC VIOLENCE (PROTECTION ORDERS) BILL, 1991

Order No. 2 was called – To move the Second Reading of a Bill entitled the Domestic Violence (Protection Orders) Bill, 1991.

Hon. M. A. KING: Mr. Speaker, the Domestic Violence (Protection Orders) Bill recognizes the importance of the family unit as a natural and fundamental group of society and the rationale behind this Bill, which we now introduce in Parliament is that if we can control violence in the home, the chances of controlling violence in the wider society are to that extent increased.

4.35 p.m.

We know that when we analyse violence in the community, psychologists tend to tell us that violent behaviour and deviant conduct as adults tend to have its genesis in childhood, so that the family background and the environment in which children grow up tend to become very important. What this bill does is to provide legislative framework for protecting the victims of domestic violence and we hope that it will be a catalyst for changing public and private attitudes which in the past have not tended to discourage domestic violence and, in the final analysis, the ultimate result will be an end to domestic violence.

It has long been recognised, I suppose, Mr. Speaker, that the existing common and statute law does in fact provide some remedies for dealing with the problem; but as they stand, they are perhaps inadequate to cope completely with the sensitivities which are involved with the domestic violence scene. So that even where we find the police are empowered to institute criminal proceedings against spouses for acts of violence done to each other, we find that the tendency has grown and the tendency exists for the police and for prosecutors to treat incidents of domestic violence as something which is to be expected and which is natural and which is part of the whole regime of marriage and living together. So that what this Bill will do, we hope, is to provide a statutory authority to enable the police to go to scenes of violence in the home and deal effectively with complaints of violence and to clarify the legal position of the police and of parties where incidence of domestic violence exists.

Now the important thing to note about the Bill is that it is a neutral gender Bill in that it seeks to protect all the victims of violence in the home irrespective of whether the victim is male or female. The other thing to be noted is that it protects children who are the victims of violence as well, so that in the domestic violence situation, there can be men who can be victims of violence, there can be women who are victims of violence and there can be children who are victims of violence and equally so, men, women, or children may, themselves, be the perpetrators of domestic violence so that irrespective of whichever of those situations exists this legislation will provide a regime for the protection of the victims whoever they are.

The other significant thing to note about the Bill, Mr. Speaker, is that it is not limited to formal unions consecrated by marriage and it covers informal unions as well irrespective of how long or how short they are and it contrasts with the provisions of the Family Law Act which would apply to unions of five years or more. This Bill will relate to any union and doesn't matter whether the union is for many years or for just a short period of time. Once there is a relationship and once there is a union of parties living together the provisions of this Bill will therefore be triggered.

Another significant point about the Bill is that it is aimed at the conduct which is capable of constituting a criminal offence or an attempt to commit a criminal offence against a spouse, a former spouse or a child of the person complaining. It is also aimed at conduct which may reasonably be regarded as harassment of the spouse or former spouse or child. Now the Bill itself defines what harassment means and it includes intimidation by a number of circumstances. Intimidation, for instance, by persistent verbal abuse, intimidation by threats of physical violence, intimidation by malicious damage to the property of the other or intimidation by any other means. The significant point to note is that the key element in the definition is that the one party must be intimidated by the other and any of these situations of intimidation are ones that will apply. Harassment is also defined to include the persistent following about of a person, hiding a person's clothes or other property or depriving them of the use thereof or preventing them from using it – and this can be something serious to take away a person's clothes and put them away that they can't get them and thereby torment the person and they can't move...

Asides.

Hon. M. A. KING: You don't believe in it? I am seriously putting forward the Bill.

Harassment is defined, Mr. Speaker, also to include watching or besetting a person's residence or work place or the approach thereto. You know the trauma that can result to a person where another, in order to harass them, watches or besets their place of residence or workplace in order to create problems for them.

The effect of a protection order, Mr. Speaker, once it is made, is that the person against whom it is made may be restrained from being on the premises where the complainant lives or works or where the child is being educated; or the person against whom it is made may be restricted from being within a specified distance of a child who is the subject of the complaint. In appropriate circumstances, the offender may be asked to leave the premises if he is living there and the offender can also be restrained from depriving the innocent party to the relationship of the use of property or of damaging the property of the innocent party or of damaging the property of a child who is affected by the domestic violence.

In order to ensure that the Welfare Services are brought into play in all cases involving domestic violence, Mr. Speaker, section 6(5) of the Act provides that:

"A protection order shall, in each case, provide that the parties ... attend the Family Services Division of the Welfare Department or such other Agency as the Court specifies, for appropriate professional counselling and therapy."

So that what the Bill recognises, is that the Court is not the only forum within which issues of domestic violence may be addressed but it recognises the importance of persons who are participants in the relationship to attend for counselling and therapy where necessary to reputable professional agencies.

4.45 p.m.

Now, where an offender knowingly breaches a protection order, clearly he commits an offence. The legislation provides that an offence has been committed and that person is liable to a fine of \$5 000 or to imprisonment of 12 months or to both.

The Bill also provides in one of its clauses that there is a power for the police to arrest a perpetrator of violence. It provides that the power of arrest may be applied for by a respondent in proceedings before the court. Where this power of arrest is applied for, the respondent must always be given notice that the power has been applied for. Once the power of arrest attaches to a protection order a police officer may, without warrant, arrest any person reasonably suspected of breaching that order.

Now, the rights of the person are obviously protected because the person would already have had notice that a power of arrest has been applied for in the protection order. If that person wishes to intervene, the person has a right to appear before the court and to raise any objection that person wishes to raise about the existence of the power. If the person does not so intervene, that is that person's problem. Once the court attaches a power of arrest to the order, then if any provision of the order is broken, a police officer may then after that, without warrant, arrest any person whom he reasonably suspects to have breached the order.

There is another extension of police power in regard to this matter in that it empowers police officers to enter private premises to protect victims of violence on the invitation of a person apparently resident there or where the police reasonably suspects that a person has suffered personal injury or is in danger of suffering such physical injury.

It is to be observed, Mr. Speaker, that a protection order which is made under this legislation does not last ad infinitum. The Act places a limitation on the duration of time that a protection order can last. A protection can remain in force for a maximum period of 12 months only. It may, in certain circumstances, be varied or revoked during that time of 12 months that it remains in force.

Another important function of this Bill, Mr. Speaker, is that it makes spouses compellable witnesses. This has been done because the experience is that in a number of cases of domestic violence the successful prosecution of offenders tends to be thwarted and frustrated because of the

fact that spouses refused to give evidence that is critical to the successful prosecution of a case.

We find that in those situations where the spouses refuse to give evidence, the prosecution has to be abandoned. The provision making the spouse a compellable witness is a provision which seeks to redress this problem. It is not, of course, a perfect solution to the problem but it is an attempt to address that problem of victims of violence not giving evidence in critical cases and, therefore, prosecutions having to be abandoned.

A final point to be noted, perhaps, about the Bill. I indicated earlier that it may require persons who live on property to vacate the properties. There is a specific provision in the Bill which preserves existing rights in properties so that even although the court may make an order that the person leaves the property, there is specific provision which says that existing rights of ownership of the property are not affected by the legislation.

In summary, then, Mr. Speaker, we hope that the legislation which is now before this Honourable House will go some way – it is not a perfect bit of legislation – towards addressing some of the problems of violence in the home and that as a result of control of violence in that narrow circle the control of violence in the wider community would be thereby to that extent enhanced.

I move then, Mr. Speaker, that this Bill be read a second time.

Hon. E. E. GREAVES: Mr. Speaker, I beg to second that and reserve my right to speak.

Mr. D. A. C. SIMMONS: Mr. Speaker, the Attorney General gave it away before he sat down. He said it is not a perfect piece of legislation. Whenever I am finished I am going to ask that this Bill be sent to a select committee. This is new legislation. The precedence for it – not the exact precedent – for this type of legislation has come from the United Kingdom in 1976 with a similar piece of legislation.

I am very unhappy about borrowing the legislation of other countries without significant adaptation and imposing that foreign legislation on Barbadians. I am particularly unhappy when the legislation relates to social and cultural matters where the patterns and the mores of the two societies are different. Secondly, I believe, Sir, that if we are going to make radical changes in legislation which impact directly in the social area, there should be some

statistical evidence which informs the need for that particular type of legislation. I am concerned when I read the explanatory memo. The reference there says:–

"Both this Bill and the Sexual Offences Bill are aimed at what appears to be an increase in violence against women and an abuse of children in the Barbadian society."

Now, appears to whom? "What appears to be an increase in violence against women and an abuse..." I would love to hear from the Minister the statistics over the 10 year period up to 1990 for rape, indecent assault, common assaults, incest and similar crimes which show that there is an unrelenting trend making this type of legislation necessary.

In other words, I believe that the draughtsman has given it away again. It has appeared to somebody, perhaps, some interest group, some group of do-gooders, or a women's organisation or whatever, I do not know who, or at the level of whim or caprice or even hysteria. There would appear to be some justification of the Bill. I cannot operate like that. There would have to be solid factual evidence which leads almost inescapably to a conclusion that this is a serious crime area that needs to be dealt with.

Aside.

Mr. D. A. C. SIMMONS: I am not going to say that this Bill is unnecessary at this stage. I am going to have something else to say about that. I am going to be less dogmatic.
4.55 p.m.

But the Minister in introducing the Bill from the explanatory memorandum did not condescend upon any particulars, as I said, as to what is the trend over a period of time to say, "Well look this is now apparently getting out of hand from an analysis of a series of statistics over a period of time and we felt that this was justified." I should like to have some clear evidence on that. I have statistics in my possession – not in here – going back from 1977-81.

Aside.

Mr. D. A. C. SIMMONS: You would not even let me finish. You are like hatchet and gun. Do you know what hatchet and gun was? Finish what I say. He is just like the man with hatchet and gun. As something happen he snatch it and run. I do not have the statistics in here back to December 1990. I have them at home. But I have the statistics for 1977-81 and 1982-86. So that I have figures that can show a comparison. As I said, Sir, it is not up-to-date to 1990 because I left that one at home not anticipating that this debate would have taken place today. But I will make them available during the course of next week.

Let us look at the period 1977-81. I am going to take rape first. I will give 1977, 1978, 1979, 1980 and 1981. These are offences reported to the police, not cleared up. Rape ran, 55, 55, 23, 55, 62. That is for 1977, 1978, 1979, 1980 and 1981. Carnal knowledge 13, 14, 13, 9, 23. Indecent assault 21, 17, 20, 27, 24. Incest 1, 0, 1, 0, 2. That is for the period 1977-81.

For the period 1982, 1983, 1984, 1985, 1986, Rape 55, 47, 62, 43, 65. Carnal knowledge 23, 28, 18, 25, 19. Indecent assault 44, 21, 38, 29, 43. Incest 0, 3, 1, 0, 0. That is 1982-86. You will see that for those nine years the number of rapes tended to be about 55 on the average. Carnal knowledge went up in the second half 1982-86. It would have averaged about 18 in the year report. Incest infinitesimal. Some years you had no reports at all. Indecent assault on the average about 32 a year reported.

The police statistics do not report the ordinary common assaults. They have no figures for them. These are considered the more serious type of crime. I would therefore be happy to see if those trends have significantly changed in the period 1986-1990 because that may be one reason – if there has been a significant escalation – for legislation.

But I want to submit, Mr. Speaker, that the question which the Attorney-General should ask himself and to which I want him to reply when the time comes is this: Are there gaps in the present existing law of Barbados which are not covered by legislation or the general common law so that it now becomes necessary to fill those gaps and block those loopholes by this kind of legislation? That must be the test. In other words, if there is a deficiency in the law, show me the deficiency and how this legislation would apply.

Let us examine the state of existing legislation. Husband and wife can sue each other for beating up one another. That was done in England in 1962. The Honourable Leader of the Opposition introduced it in Barbados – I do not remember the year – during his tenure as Attorney-General. Very few lawyers know about it but it is there on the books. *Lawson v Lawson* is the case. Husband can sue wife for anything now. I am very glad about that. The *Lawson v Lawson* were some high whites who were down in Sandy Lane playing the fool around a pool. Not even *Lawson Bailey*.

Aside.

Mr. D. A. C. SIMMONS: Pardon?

Aside.

Mr. D. A. C. SIMMONS: This came out before the election and I painted this Bill all about the country. I was

out in the north. That is why you did not hear me. I did not come up for you. I do not know. If they had brought me up against the Attorney-General he would not be there today.

Sir, husband and wife can sue for anything that arises in this legislation by way of an assault. Each one of us who is a lawyer on this side and on that side will have come across, in our experience – not the Honourable Member for St. Michael South East – we will have come across in our time, especially in our early days of practise, the woman or the wife who has been threatened by the man or the husband. You go to court for a Forthwith Summons under the Magistrates Jurisdiction and Procedure Act and get the husband put on a bond. Section 99. The existing law has worked for all the years in regard to threats, in my experience. There is only one case I know of where a threat went into murder and the lady was killed because of the attitude of the police in responding. Many years ago in Bay Street, a man called Worrell killed his wife, Girwood Worrell. But generally the existing law where you can go on a Forthwith Summons and get the offending person put on a bond has worked, I would say, well.

What is the need...We have to talk as reasonable people. I have been married how long now? Long, Sir. Very long.

Aside.

Mr. D. A. C. SIMMONS: I am not saying too long. I am happy as I am, Sir. Which one of us has not had the rough with the smooth? You have in a couple of drinks a night – I am dealing with what this legislation provides for – or you are upset or you are worried about something, somebody says something to you and you say, "Do not humbug me now." You might even go a little further and as the Barbadians say use some language. You know that that language may amount to a threat. Suppose you even use the language amounting to a threat and throw off your hands. Under this do you know the police are coming into my house to find out what I just told my wife and to get me ordered to behave myself or \$5 000 or a year? Worse than that. By the time the case comes on my wife and I have made up already. A long time because you do not let the sun go down on your wrath. By the next morning that is made up. But the policeman comes, she has to give a statement. He comes in my house and then when we have made up, five months later I have a summons to go to court and she; must come. She must come even though the matter is now resolved. What kind of foolishness...

Aside.

Mr. D. A. C. SIMMONS: Pardon?

Aside.

Mr. D. A. C. SIMMONS: She might be pregnant? I am very careful about those things. Not with me. I have passed that stage. You all have forgotten how old I am.

I am dramatizing it, Sir, to show the consequences that could flow from this legislation. But I am going now to put it in a philosophical context because I have to hold with the traditional view that says that there is an area of public morality which is the law's business. On the other hand, there is an area of private morality which is not the business of the law at all. I quote from the Wolfenden Committee in 1957. The Wolfenden Committee was set up in relation to homosexual offences and prostitution. But it was important to determine what is the proper scope and function of the criminal law. That is something that is challenged by this legislation. What is the proper scope and function of the criminal law? Wolfenden said, Sir:

"The function of the criminal law" – as that Committee saw it – "is to preserve public order and decency, to protect the citizen from what is offensive or injurious and to provide sufficient safeguards against exploitation and corruption of others particularly those who are specially vulnerable. It is not" I repeat "not", Sir:

"the function of the law to intervene in the private lives of citizens or to seek to enforce any particular pattern of behaviour further than is necessary to carry out the purposes we have outlined."

I believe that we all would accept the broad ethos. But the broad statement of the function of the criminal law as found in 1957, hardly changed since then. There was a debate in the 1960s, Lord Devlin in the Enforcement of Morals and Fulham and Roscoe and all of them. That was at the philosophical level.

Then in the case of *Shaw v DPP* in 1962, the court in England, the House of Lords Judges arrogated to themselves – and what I am going to say now is not a reflection on any case that is currently before the court – as they characterized themselves, as custodes mores, that means guardians of the public morals. They said they were guardians of the public morals and they had a right to determine what was criminal and what was not criminal conduct. They held that there was an offence known as conspiracy to corrupt public morals. That case re-opened the debate again as to the proper reserve of the criminal law and it has survived at common law. But strangely England has never legislated that type of offence. It has remained in the common law, perhaps in the hope that one day it will fall into desuetude. But it has never been legislated...

Aside.

Mr. D. A. C. SIMMONS: ...it means you conspire with somebody else to take lewd photographs of them.

But significantly the Wolfenden Committee and the legislators in England until last week allowed for certain conduct, which might be morally offensive to certain people but not to others, to be practised.
5.15 p.m.

They allow certain conduct to be practised among adults without the visitation of the criminal sanctions. Now, last week I believe, they tried in England to outlaw kissing by men and so on and a debate is going to develop there. I don't know if that legislation will pass in England, but they allow homosexuality and lesbianism between consenting people to go on in private, ever since 1957. In public it is a different matter because it may then offend notions of public decency and it might provoke a breach of the peace. So that in England, the law has been very careful as to what extent it invades the privacy of the individual.

Now, Sir, there is nothing new in this legislation other than the language that talks about protection order and so on, because I have said husband and wife, or man and woman, can sue each other in tort for damages for beating up, cuffing 'bout, knocking out a plate, you know the song, Sir – the Madd song, "He give the lady a cuff in her face, you hear pling-a-ling... I ring my hand in she jaw bone" – that one, Sir. Damages, Sir, damages will follow.

Asides.

Mr. D. A. C. SIMMONS: Hansard will report pling-a-ling. We have the threats legislation in the Magistrates Jurisdiction and Procedure Act. Any kind of assault is provided for under the Offences against the Person Act. The bad ones which occasion actual bodily harm, the simple ones, all of them, we have it already. It is all covered, and we have in family law, to put it down to the domestic situation, both in the Family Law Act and in the Common Law. I think the case that started it is *Basset* about 1974 where you could get an expulsion order where the other party to a union or a marriage was behaving in a violent manner towards the other party. You could always get an Order from the Court to expel him. You remember the name of the case, the first one *Basset*? But even if you don't go for that under the Family Law Act you can always get an injunction to restrain conduct which is ...

An injunction, all you have to show is, not a *prima facie* case now, that there is a serious issue to be tried, so a husband persistently battering a woman, a wife, would find himself liable to an injunction against molestation. We have that in the existing equity remedies already. So what are we doing?

It has a provision about counselling. We have counselling provisions in the Family Law Act, how much further is this taking us, anywhere? In fact before anyone of us should file for divorce proceedings we are enjoined to counsel our client and, if possible, get together with the

other side to try to effect a reconciliation and to send them to counselling facilities. What are we doing, reproducing in here the same set of facilities that we have already in the Family Law Act? It is true they don't have enough counselling facilities or at least known to the profession.

The next point, Sir. I think somewhere in this I saw that a breach of the Protection Order can result in a fine and/or imprisonment, but a breach of a Protection Order is similar to contempt. We already have contempt proceedings. In fact it would have been far more useful to have brought a Contempt Bill rather than this because we really need a Contempt of Court Bill to deal with some of the foolishness that goes on. Sir, the Breach of the Protection Order as I say is similar to contempt and we have the law which exists, mind you it needs modernisation, but we have a law which exists to deal with contempt.

Sir, I may say that I am particularly concerned about powers given to the police to come into your house and take information without a Warrant. Now this is bad. Page 15, I have the old one from last year –

Section 14(1) – "Where a member of the Force has been invited on to premises by a person apparently resident in the premises for the purpose of giving assistance to a person in the premises who has suffered or is in imminent danger of suffering physical injury at the hands of some other person the member of the force may without warrant enter the premises for the purpose of giving that assistance".

I think this is highly dangerous. Yes, it says so: "Has been invited by a person apparently resident...". I don't know – this is fraught with so much potential for action. A man and his wife are having a row. Two other people are in the house, not related to them, not residing in the house. Somebody calls the police. As soon as the police comes, one of the non-residents runs to the door and says, "Come quick, come quick, somebody going to kill one another in here. Get in here quick.". He goes inside. He has been invited in by somebody who is not a resident; he has been invited in by a busy body. I don't like it, Sir. I think it is an infringement. It could lead to several infringements of the private rights vested in individuals under the Constitution.

Sir, I don't think this Bill provides for any whipping. I am not going to get into the 'Cat' argument today. When we come to the Sexual Offences Bill which provides for whipping I will have a lot to say about the question of punishment.
5.25 pm.

I have been following the debate which has been going on particularly since a Judge ordered a "catting" for a few people. I want to say this. I saw a programme on

television a few weeks ago called the "Heart of The Matter" which did not scratch the surface of the matter.

Aside.

Mr. D. A. C. SIMMONS: But we cannot confuse crime and punishment as though they are the same thing. The debate has been proceeding as though crime and punishment is one and the same. They are different things altogether. A crime in the vast number of instances is a legal artifact, something created by statute to limit the boundaries of conduct which society at the particular time thinks through their legislators ought to be described as a crime. It was never a crime to smoke the male part of the cannabis plant. It was always a crime to smoke the female flowering part of the plant and you had a lot of artificialities. But what I am saying is that under the old Opium Act of 1936 the legislation was such that, if you were smoking marijuana and you were careful to smoke the female part, you did not commit an offence. But if you were not careful and unfortunate to smoke the female part and be caught, you committed an offence for which the resin was not extracted.

So that I say that a lot of crime is the result of legislation. By 1974 Dr. Caddle brought a Bill in here that outlawed that. So when you smoke the male or female part, it was now an offence. I did some early ganja cases in this country and caused Dr. Caddle to change that because I was winning on that ground all the time. Anyhow, every other week when we bring a Bill in here we create a series of offences. We create a series of crime from the time that legislation is passed and proclaimed, hence new offences. That is why I say the vast majority of offences are statutory offences and from time to time certain conduct will not be criminal and another time that same conduct would be criminal.

The minibuses – there was a time when the driver was going to jail for carrying six or seven standing passengers, a criminal offence. We passed something before the election to say that they could carry up to seven I think it was. Now it will no longer be an offence. What conduct prior to November was criminal, after November that same conduct is no longer criminal. You have to be careful in a situation like that of how you draw conclusions as to who are criminals and how they should be dealt with. Because one time a man may not be committing any offence at all against the law, but as soon as Parliament gets to it all of a sudden he becomes a criminal.

Now that is the first thing we have to be conscious of in drawing conclusions about criminality because what conduct is proscribed as criminal will vary from time to

time, from generation to generation. Therefore, you cannot extract from something which is so fluid and varying depending on its time in history. You cannot draw any necessary conclusion from that conduct and say automatically that it is criminal. There was a time when adultery was a crime – prior to 1857. Yes, you can lose your hand in some countries and in other countries it is not a crime.

Aside.

Mr. D. A. C. SIMMONS: I am not in that. I would not be in it. Sir, I am saying that you have to be careful how you talk about punishing for crimes when every type of conduct is not necessarily criminal. Now there is another type. There is a type of conduct which is generally anti-social which offends accepted standards of the general population, the proscription of conduct which may have a root in Christianity or the Bible. I am making sure that this goes to the Select Committee. So I am talking out the time. I am going to talk it out to the Select Committee. Okay.

Aside.

Mr. D. A. C. SIMMONS: No, no, I have got the assurances now. I will wind up shortly. Sir, I am saying that apart from the legislative type of crime there is the crime that offends the common law in certain generally accepted areas like murder, manslaughter, and certain types of crime which, as I said, have at their root Biblical injunctions or the Christian teachings and conduct which is found to offend peoples' notions about what is right and wrong or good and decent in the society. There is a general group of crime that you can put together.

Now you will ask why is it that people commit those types of crime of the regular ones that I read out here? There is no simple answer and people should not get on television pretending that there is a simple answer. I have said in here before and I will repeat it now. As far as I am aware up to last year, there is no single explanation for criminal conduct. The best views are still the best views. In England, Scandinavia, and the United States where the most research is done, the best views still hold that anti-social deviant conduct is really the product of an amalgum of circumstances of what they call the multi-factor theory. A number of facts may predispose to a person's ultimate behaviour. But you cannot take out one and say that he committed that because of so and so, and worse in Barbados. Because here in Barbados we have done no studies at all and it is a fertile area for some of the people in the Social Sciences Department at Cave Hill to get in and do some research among the young deviants of Barbados to find out what predispose to their behaviour.

5.35 p.m.

As I have said, Sir, I like to watch people on television talking because you hear them saying: "It is the television. It is what they see in North America". How do you know that? Why don't I behave like that or you don't behave like that? Why must it be the television. There is no evidence for that. That is an arbitrary conclusion, unscientific foolishness, just as it is equally unscientific to say 'unemployment' or 'single parent', 'broken home'. Not one of them by itself has been held in the literature of criminology to be the explanation for criminality. They might all amalgamate and affect the offender and conduce to his ultimate behaviour but not one of them by itself is enough and I hope that people will try and deal with this matter of crime and the other matter of punishment on a different level from the emotional level at which the response has been in the recent debate. Influences of people in a delinquent sub-culture, the question of normlessness, all the theories of Emile Durkheim and Clower and Boleyn, all of that is there and there is too much that could inform a proper debate in Barbados on the question of crime and then the question of punishment for us to be talking without a proper scientific basis.

Now the question, therefore, that I am posing is that Government, where we accept that there are certain trends... I am not dealing with this particular type of legislation, but generally there has been a relentless increase in the number of offences reported to the police. I have the figures up to July. For the period January to July 1988, 1989 and 1990, the grand total of offences reported were 5851 for 1988, 5927 for 1989 and 6606 for 1990 and for example, in respect of breakings-in, in August last year there were 256 reported breakings-in as against 197 the month before. Now, there is no doubt that from the statistics that I have at home, up to the end of 1990 there has been an increase in the housebreaking type of offence – I am pretty sure that is the one I am thinking of – by 500 as compared with 1989. The figure is over 1800 compared with approximately 1300 the previous year. It is no good our noting these figures, noting the trends and just trying to respond emotionally or in a reactionary way by the importation of certain types of punishment which may only be temporary. Sir, I agree that we have to do something to show our disapproval of the current trend in lawlessness and indiscipline. A judge can only do it at his end. When the case is tried, the man has already committed the offence. When the case is tried, the judge's hands are tied. All the judge can do now is impose a sentence and he has a limited choice so he responds at that level at the end of the day.

Asides.

Mr. D. A. C. SIMMONS: Now, that is only one part of the equation, Sir. At the end of the day, when the person has been convicted, he has already committed the crime. What we have to find out and where we have to get is near

the source and try to find out why the young people are committing these crimes so that they don't end up here at the conviction stage.

Now, the Labour Party has said, Sir, and we wish to make it clear to the Government that on this we are prepared to be party to any task force or committee that the Government is prepared to set up, but what we are insisting on is that we must set up a broad-based committee to examine the causes for this lawlessness and restlessness in the society. I am not dealing with the drug business, because you all know my position on that already. Once you told lies on Labour Party people and said that they were involved in drugs, I am not sitting down with you, but on other aspects of crime, I am trying to find out why we have the problem that we have. We can only do it one way, by approaching it scientifically through a study.

You had the task force on unemployment, you had something on Tourism, something on manufacturing. We are not asking too much for Government to set up a broad-based committee, but not to sit down in an office and guess. Let us go around the country, parish by parish, announce to the people that the Commission is studying lawlessness or whatever we are going to call it, that we will be in Pie Corner on Friday night at five o'clock and want to meet with the people. You know, the sociologists have a word for it – approach it in an ethnographic way, getting into the people, mixing up with them, talking with them and finding out what is going on in their heads. That's where we have to start, Sir. As a result of what we hear we will be able to chart the course for the type of remedies that are needed to combat those problems in the society but we must not talk down to the young people or ignore them. We have to have dialogue with them. Now, I said this during the election campaign on the very first night, at the very first presentation of candidates meeting in Carlisle Square. The Honourable Member for St. John and the Honourable Member for St. James still walked about the country saying that all I wanted to do was to build jails, that I believe in hanging.

Asides.

Mr. D. A. C. SIMMONS: No. I never said anything about roughing up. I said make them work. I would create a tough regime for them. Yes. Rough and tough.

Asides.

Mr. D. A. C. SIMMONS: I could not say that...

Mr. SPEAKER: Now we are departing from the norms.

Mr. D. A. C. SIMMONS: I just want to have it in the records, Sir, that they must not distort what I say, but so that they won't do it again, because you don't know, you

see they might have... That is probably why I didn't get the 1800 votes majority that I was looking for – in the distortion, you see. I only got 1544. You see the damage that they did to me by distorting, Sir?
5.45 p.m.

Let us make it absolutely clear, Sir, that my party's position on this, and my position – I can be associated with it – is that the response at the stage of conviction and sentence can only be a temporary response. In order to find a long-term solution or attack you will never solve crime. There will always be crime. Every society has it. In Russia they had real crime.

In order to make a meaningful dent in the incidence of crime and reduce the problem, we have to start at the other end and that is with a scientific analysis into what is causing the young people particularly between 17 and 23, to behave as they are and that requires dialogue, epigraphic surveys and so on. That is our position.

The other part, Sir, when we come to the Sexual Offences Bill I will deal with the penal system. That is why I am saying it is different. What causes crime is different from what you do when you have caught the criminal, how you punish him. That is punishment. When you are dealing with the penal system you are pursuing different objectives. You are pursuing objectives of protecting the society or trying to deter people, or trying to rehabilitate and reform, or trying to pursue the biblical notion of retribution. That is why I am saying you cannot have a programme and call it Crime and Punishment and expect to deal with it in a half hour. That is a joke.

I am glad that other Members want to contribute on this Bill, Sir. I have indicated to the Attorney General that for all the reasons that we have outlined we will be recommending to Government that this should be sent to a select committee for study. We do not think it is necessary. Secondly, we are satisfied that there is existing legislation which aptly covers all of the circumstances which the legislation is aimed at. Thirdly, we think that it is an improper intervention in the private lives of citizens and that the criminal law has no place in the private lives of citizens.

Counselling is already provided for in the Family Law Act. We do not like the wide powers given to the police to intervene in private affairs and then compel a party to come to court and give evidence against the other party when in a domestic situation the matter may have been resolved long time ago. I am grateful to you, Sir, for putting up with me.

Hon. D. J. H. THOMPSON: Mr. Speaker, I wish to give my support to this particular piece of legislation. I want to begin by saying and I want to be brutally frank that I suspect that the position taken by the chief spokesman for the Barbados Labour Party on this particular matter will be

an unforgivable aberration in relation to the politics of Barbados and the position of that party in relation to issues that affect predominantly women.

I want to say that whether the Bill goes to a select committee or not is not a material matter that I want to discuss. I want to say that for the Honourable Member to suggest or imply that the advent of the introduction of this legislation could even be remotely linked to some reactionary position, or respond to do-gooders, or women's organisation, or caprice, or whim, and place all of them in the same category is, in my view, not only to trivialise the importance of this legislation but, in fact, to do considerable damage to the history of the research and the views worldwide that have given rise to this legislation whether in the Caribbean region where this is a major issue among women's organisations or among the CARICOM Ministers of Women's Affairs.

The Barbados Labour Party itself commissioned a study, not the Democratic Labour Party. Between 1977 and 1978 the Bureau of Women's Affairs under the Barbados Labour Party commissioned a study which was done by one Murna Jordan, the holder of a B.Sc. Degree in which she outlined physical violence against women in Barbados.

Aside.

Hon. D. J. H. THOMPSON: It can be made a document of the House if you have difficulty with the language that I am speaking. This report sets out very clearly that there was an increase in domestic violence. One of the recommendations that was made to the Government on the basis of the report the Government then commissioned was that based on the Government's past history in relation to legislation like the Domicile Reform Act, the Status of Children Act, the Married Women's (Amendment) Act and the Family Law Act was they have all successfully challenged traditional beliefs relating to family property and domicile. This provided ample proof that the legislation...

Mr. SPEAKER: I think the Honourable Member should say what page he is reading from.

Hon. D. J. H. THOMPSON: This is a report prepared for the Bureau of Women's Affairs, Physical Violence Against Women, a study 1977 to 1985. It is Page 41 under Recommendations.

Aside.

Hon. D. J. H. THOMPSON: You said there was no report. Do not question me now. I am now providing the information and you are interjecting with foolishness because you are not aware of what is going on.

Mr. SPEAKER: You could only speak to the Chair.

Hon. D. J. H. THOMPSON: Yes, Sir.

"This innovative aspect of legislation should be extended to areas of physical violence to fundamentally change perceptions on violence."

She is saying not only was there an actual increase which the report itself reveals, but that having legislation in certain areas relating to women's affairs or violence against children and so on can change society's perceptions. Those are her views. This is the report she delivered.

Now, based on the categories of offence that the Honourable Member for St. Thomas outlined, let us go to carnal knowledge. It almost doubled between 1978 and 1983. Indecent assault doubled between 1978 and 1982. These are based on the Annual Report of the Commissioner of Police...

Aside.

Hon. D. J. H. THOMPSON: This is the report that I will make a document of the House. I am not concealing it. So there was some scientific basis for the legislation. I daresay that I am surprised, based on what issued from the platforms of the Labour Party during this past campaign, particularly the criticism from candidates for the Barbados Labour Party, that we did not want to pass this legislation and we sat down on it, I am now surprised to hear the twist in the tail.

Aside.

Hon. D. J. H. THOMPSON: A lawyer in Bridgetown who you know more about than me – in your Chambers – who talked about violence of lawyers against female lawyers and who got up on the platforms of this country with other females and criticised this Government...

Mr. D. A. C. SIMMONS: On a point of order, Sir.

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

Mr. D. A. C. SIMMONS: The Honourable Member is not speaking the truth, Sir. I have to say that because what the lady has written was published in the "Nation" newspaper and published to the Bar Council. As a member of the Bar Council I have seen it. She has not spoken anything about violence against female lawyers at the Bar. 5.55 p.m.

She has talked about improper sexual advances and harassment and fellows flashing their plastic cards and telling the young women lawyers about weekends overseas. That is what she talked about.

Mr. SPEAKER: That is going beyond the point of order.

Mr. D. A. C. SIMMONS: I am going to tell you all who did it. I am going to tell you all privately who did it. You would be surprised, some big fellows.

Mr. SPEAKER: Now we can get on. Proceed.

Hon. D. J. H. THOMPSON: The point is that if it was said, clearly there was a perception when it was said that there is an element of harassment or possible intended violence but the point is, it was raised as a concern by candidates for the Barbados Labour Party, particularly female candidates, during the course of this campaign, but that is not all, the real rub in the particular twist that the Labour Party has created on this particular matter is the fact that throughout the 1991 General Elections campaign, people went throughout this country saying that the level of violence in this country had increased substantially. Yet, today, based on the statistics which the Honourable Member gives, himself, and based on what he said he does not perceive, there has been no increase in relation to the categories that he mentioned, rape, indecent assault, incest.

Mr. D. A. C. SIMMONS: On a point of order Sir.

Mr. SPEAKER: The Honourable Member is on a point of order. I can only hear that member. Yes, please.

Mr. D. A. C. SIMMONS: If the Honourable Member was not listening to everything I said, I understand. If he was not in here at all times I understand, but if he was in here and he is deliberately distorting, that is something that is pathological with him. Now, I read the figures and said quite clearly that I had figures, return of crime and offences for the period 77-81 and 82-86. That 86-90 I had left at home not anticipating that this debate was going to take place today. I read the figures and said it did not show any steep increase at any time; like rape hovered in the vicinity of 50 for the period 77-86 and if he did not understand he should have asked me to come outside and tell him what I was saying and I would have done it, but don't misquote me, man, or prostitute your intelligence.

Mr. SPEAKER: On the point of order I think that some of us are not sticking to the rules required for a point of order. What I am going to do, I am going to withdraw or remove from the record those areas that are not relevant to the point of order so that the question of pathological etc. will be removed from the point of order and the latter statement will be moved from the point of order. What is the real point of order is that the member wanted to say the member was misleading the House and I take that point as the point of order.

Hon. D. J. H. THOMPSON: Mr. Speaker, the point I want to make is that the authorities don't judge you on

asides, if it did the Honourable Member would be a king in history years from now, but on the substantive speeches he would be a lilliputian. The point I want to make is this. He said during the course of the campaign, and he has been saying, for some considerable time, that there has been a general increase in crime in Barbados. And based on that you cannot now come and say, that you don't have the statistics or you don't have any knowledge of any increase in crime that should inform legislation of this sort being brought today. I don't understand the inconsistency: If on one hand you are saying that the levels of crime are increasing then legislation of this sort and other kinds of deterrent have to be put in place, simple. You are now trying to specify something, that is not what you should specify.

Mr. D. A. C. SIMMONS: On a point of order Sir, the Honourable Member is misleading the House again, Sir. I remember giving the figures and saying that, take housebreaking for example, the latest figures up to the end of December showed an increase of 500 for 1990 over 1989. I said that there was an increase. I read the figures for January to July 1988, 1989, 1990. I am sure that there is an increase culminating in the last figure of 6,606. He still does not understand the point I am making. He has more intelligence than that. What I said Sir, was that where we did not have figures was in the area of domestic violence, because they don't appear in the police statistics. You don't understand, you hard headed boy?

Mr. D. J. H. THOMPSON: I hope you will bear in mind the interruptions that I have had to endure. I have referred the Honourable Member to the Report, he has not asked for it. This particular Report for example, goes into a report on women who have gone into hospital based on domestic violence, etc. It is comprehensive, so he can read it. If he took the time to read the Reports that came obviously to his desk during the time he was Attorney General he may have come into contact with information of this sort.

The second point I wish to make is, you cannot base an argument on the need for legislation in an area like sexual offences or domestic violence on reported cases. In fact, this is one of the areas in which those who are familiar with criminology, statistics in crime, etc., would know that you are not likely to have any accurate basis on which to determine the level of violence, for the simple reason that the victims of that violence themselves feel some kind of shame or some kind of reticence or for other reasons similar to which he mentions that you don't let the sun go down on your wrath, they do not make reports. So there is no accurate basis, on which one can perceive, if you are only using statistics relating to reports to the police.

This is a well acknowledged fact and therefore if you are given that information we would still be no wiser. It is true we have to carry out the sociological analysis and I

believe that there are many organisations that have carried it out and have made a valid case for legislation of this sort.

Now, all I am trying to say is, that, for example, the Honourable Member said that section 99 – Proceedings in relation to threats – have been working, but they could not be working if the same level of violence is occurring. That is the only point I am making. In other words, if you are saying it is working, it would have done something to reduce the level of domestic violence. While it might have been palliative, all that Government is saying – I understand what you are saying, you are saying that at least there is a mechanism there. I am saying that that particular mechanism has obviously not been working as well as it should have or the incidents would have decreased substantially and that goes for other areas of legislation. What legislation of this sort seeks to do is deal with the immediacy of a situation, not the prospect of you suing your husband in Tort and getting the case on for hearing three years later. It is to deal with protection of the person within the domestic environment.

The fact that I have a right to sue my wife if she beats me, and the fact that case may come on two years from now is of no significance. That offers no deterrent, no protection, and I agree there are many measures that might be available in scenarios like that but the immediacy of the situation is what we are interested in. We know that the police are very reluctant in this country, even where there have been serious occurrences in a domestic dispute, to enter upon premises and deal with those situations. Some people argue that the law as it stands is good enough. We are saying that since they don't feel it is good enough and they are the people who have to enforce it, we are not going to leave it to chance; we will make the legal environment or the framework for dealing with these kinds of disputes part of the legislative programme of the Government and this is the basis as I understand it of this legislation.

Now to personalise it and say I do not beat my wife or I don't let the sun set on my wrath, is okay, but you are an unusual case, legislation is not made for an exception, it is made for the general rule and therefore legislation of this sort seeks to get to people who simply can't communicate any more, people whose level of communication was at an all time low from the beginning and where the state has to intervene from time to time; that is all it is.

The State has a right to protect its citizens and you have to ask where should the state intervene? That is a valid question and different people will take different moralistic and philosophical positions on it. I believe that on matters of this sort, since the incident is not declining then the state has a moral obligation to intervene and stand in the scenario of the dispute.

Now all I am essentially saying, Mr. Speaker, is that the basis on which the Labour Party has taken a position on

this legislation, now I don't know what they are going to take on the other legislation, and there are some individual aspects of the legislation that I may have my doubts about, as a lawyer, but I am talking about the intent of this particular Bill, and my own views on this particular Bill. This legislation has been through the mill in terms of discussion. The Bar Association had access to this legislation since the 29th March 1990; they said nothing. The Attorney General's Department wrote to them again the 20th June and they said nothing about the legislation, not one word.

Asides.

Hon. D. J. H. THOMPSON: They could not only now get it, they got it since the 29th March. It was sent to the President of the Bar Association. I am not getting into that. I know how the Bar Association functions in relation to legislation like this. I know how they function, and they are not going to retard our progress. It was sent in his time. Anyway I am not getting side tracked by that. The point is, the Bar Association has had the opportunity to make their inputs. The Bureau of Women's Affairs has made their input after consultation with various women's organisations including Mothers' Unions, Professional Women's Clubs etc. The Child Care Board has made its input and the Welfare Department has made its input.

There are no two ways about it Mr. Speaker, to introduce legislation of this sort requires considerable courage because there is still a silent ground swell or opposition. It is almost silent. People do not articulate it at cocktail parties and so on, but there is still some view that there is some vested right, gender rights, as I suppose the women's organisations will call it, in men that makes them feel that there are certain opportunities that they should exercise in relation to their relationships with women including violence.

The point is, it takes courage on the part of this Government to introduce legislation that is going to fly in the face of that silent view point; and I am still saying to you that if you criticise it on the platform and you took the view point of that silent, omniscient group, who every now and again make their position clear in the corners of social discourse, then I think you are wrong. I don't know what position you took. I am only saying if you did take that position I don't think you are right, because you are not going to be a person living in the same comfort of Neils Plantation with a reasonable financial background, who is going to have the same kind of difficulties in relation, as I say, to communication in your domestic arrangements as some other people may have. So it is courage on the part of the Attorney General to put this matter on the national agenda and it is something that no other Government would try to do, or would do. He is not taking away anybody's right; he is saying the State must intervene to make sure that there is little discourse in family life. It is not a matter

of crusading on the basis of what women's organisations have said, it is based on scientific advice.

There is another report. The Barbados Association of Professional Social Workers, did a Seminar on violence, in which they have done considerable investigations into the incidence of domestic violence against women, and I will make it available to you as a document of the House and you can look at it and then determine whether you think that legislation of this sort is necessary or not.

The history of the DLP in relation to women's issues and in relation particularly to matters of this sort is laudable. We implemented equal pay for equal work in the public service of this country, Maternity and Sickness Benefits in 1967 under the National Insurance Scheme, created jobs in light manufacturing and the service industry for women, passed the Succession Act which recognises common law relationships, and have now passed further legislation which further recognises relationships that hitherto were not recognised under the old legislation, common law relationships and extended definitions of common law relationships. We have provided paid leave passage for female employees in the public sector, and now we are bringing legislation which we feel will impact significantly on the social relationships in this country – particularly the development of family relationships – and reduce the incidence of violence.

So this legislation is path breaking, Mr. Speaker, in several respects – and this is a credit to the Attorney General – not only in relation to definitions of child and spouse which are now more liberal and expansive, the more liberal evidential requirements, where you can accept affidavit evidence without having to call the parties, which makes sense in many situations. It makes it easier for the police to effect an arrest in certain circumstances, permitting entry on a premises without a warrant upon invitation. Now this is an area that some people have concerns about and perhaps validly so, and I hope that the incidence of it will not spoil the other features of this legislation. I don't think that the fact that you have provisions of that sort in this legislation should in fact be the basis on which to condemn the entire piece of legislation.

Asides.

Hon. D. J. H. THOMPSON: Well I am not getting into that. I am saying my final say now, because I have read it and I know how I feel. Restriction on the publication of court proceedings, new bail conditions codified, simplified and speedier procedures. Those are the basics.

As I say there are some very desirable features of the legislation and there are other features that are going to raise eye brows by various sectors of the community and perhaps rightly so in some cases. There are some other

matters that are tangential that are very important and the first relates to counselling. This legislation like other modern legislation in relation to family law requires by statute a lot of counselling and what is important about this, is that it meshes very clearly with what the Democratic Labour Party perceives as the role of the community services in Barbados, particularly the Welfare Department, the Child Care Board and those other services, and we are hoping that they will become more counselling oriented, and that they will take to heart the provisions of this legislation and try as much as possible to be involved in the development of family life in Barbados by using the new legislation as much as possible to promote peace and harmony within the family.

The second thing is that education programmes will have to be undertaken by the police, the Child Care Board, and the Welfare Department, all of which have rights under this legislation to make applications and therefore they have to understand the nature of the legislation. Very often the legislation is passed and the particular departments are not as involved in the development of the legislation as should be the case, and in this particular case I believe that up front we have, through the Attorney General's Department, to develop some education programmes on this particular piece of legislation, and I can assure you that those departments that come under my jurisdiction will do so.

The second and most important feature of the legislation is that the operation of this Bill will require considerable speed in terms of the service of documents and the present scenario with the Marshals Department and some other departments that are charged with the service of documents will be wholly inconsistent with speed.
6.15 p.m.

Therefore, I believe that we have to be very sure that those departments understand the need for very speedy service of documents and particularly that the applications will not be treated with the usual administrative chokes and that the marshals and police will understand the need for speedy service of applications to avoid immediate violence or whatever.

The third point is that the victims of domestic violence would themselves have to be more helpful in giving evidence. This is one of the matters that the Attorney General alluded to and I hope that witnesses in cases involving domestic violence will see it as their civic duty where necessary to give evidence in relation to the actions that come before the Courts in terms similar to those of the Sexual Offences Bill.

There are two other features of the legislation before I close, Sir. The first relates to the requirements of the Courts to explain the terms of an order. I believe that so far in relation to matters of this sort we have been very lax. There are other countries in the world where Judges are actually

to explain in detail the nature of the order that they have made, its impact on the person upon whom the order has been made, and so on. We in Barbados I do not think are as careful in outlining the parameters of the order and very often people breach the order out of sheer ignorance and not necessarily out of an intention to be deviant or not to conform to the order of the Court. This applies across the board in many aspects of the operation of the Courts. I hope that the Courts, therefore, would see it as their duty to explain the orders which are made and explain the full implication of those orders so that the accused person, should he be convicted, will understand the severe penalties that could be imposed on him should an order be made against him.

The second feature is the commitment to the family and sound family relationships which is at the bedrock of legislation of this sort. I believe that Members should be happy to see that this Government has committed itself to its ideal of developing family relationship and I feel that they should also support the concept that the state has a duty and responsibility to deal with matters of this sort firmly and in a timely manner to give litigants and persons who are under threat of violence the opportunity for speedier and more effective means of avoiding that violence. I commend the fearlessness of the Attorney General in this regard.

It is clear that this legislation is in tune with contemporary viewpoints in relation to domestic violence. There are no two ways about it. If Honourable Members are not aware, they can simply carry out any survey in the Caribbean or in the wider world, although I am not too keen on them straying too far. As the Honourable Member for St. Thomas said, sometimes if you stray too far for your definitions of cultural and social norms then you may not necessarily be able to adapt them as easily in other societies.

Aside.

Hon. D. J. H. THOMPSON: I did not attack that. I attacked other foolishness but not that. That is a sensible point. His point was a sensible point and he knows that I have always agreed with it. He knows that I also feel that when Bills come here that we should know the legislation on which the Bills are based. I have always said that. We do not have to stray far and wide for us to see that contemporary views on matters like domestic violence are changing. I believe that this legislation is at the forefront of those contemporary views both in the Caribbean and outside of the Caribbean. This Government should be commended for its support of the cause of those women who are labouring under considerable domestic violence. We should commend the Government for seeing that matters of this sort are placed high on its legislative agenda. We should commend the Attorney General's Department for being fair in dealing with this matter in the face of some

contemporary opposition to it both within this Chamber and external to it and also commend the Government for its general policy in relation to the women of this country and the considerable improvements that have been registered in relation to the development of women and their rights in this society and their search for greater equality.

I want to thank those Departments for which I now have responsibility that contributed to this legislation and sought widespread discussion with people from all walks of life on the impact of the legislation. I think that is a very important feature of legislation that we should have the widest possible discussion. I want to thank them for that assiduousness which I think has produced a Bill which should be acceptable to this House in its present form and I hope it will not require too much modification based on any reactionary position or any position that is based on norms that are now outdated or should be changed through creative social engineering, which really is the preserve of the Democratic Labour Party and which we have always demonstrated throughout the history of Barbadian politics. Thank you very much, Mr. Speaker.

Mr. L. R. TULL: Mr. Speaker, Sir, I really enjoyed the contributions of both Honourable Members who spoke before me. The Honourable Member for St. Thomas gave a very learned exposition of certain concepts of criminology and I was somewhat titillated by his dialectical discourse about crime and punishment and so on. I think it was somewhat spoiled by the contribution of the Honourable Member for St. John who kept closer to his brief than to his conscience. I really believe that the Honourable Member for St. John in reading a brief that obviously was put in his hands was really going against what he fundamentally believes. That is based on a number of his public utterances and also on his writings. But I am not into any philosophical discourse in crime and punishment. I am looking at this piece of legislation, Sir, and I am of the view that it poses three problems that are of sufficiently critical importance that we should not rush to judgment like the Honourable Member for St. John.

The first problem is that I believe that this legislation goes very close to infringing the fundamental rights of the citizens of this country. It is very easy for my learned friend to say that we have something to do and we do it. There is an increase in domestic violence which has not been proved. He gave two old dated reports. He does not even give us specifics except to hold them up. But I do not think that we can just go on that alone and say there is more domestic violence and, therefore, we forget about the constitutional rights of the citizens of this country, and in trying to solve one problem create an even greater problem.

The second relates to the whole question of the integrity of family life. One speaks on the integrity of family life from one's own perspective growing up in a

family. If you appreciate the position on which individual Members speak, then we understand why we take one position or the other. The crux of what the Honourable Member for St. Thomas was saying is that the state has no business in the bedroom of the nation. You cannot have Government going into peoples' bedrooms and that is at the heart of the philosophy of our position. You have a legislation now supported by the Honourable Member for St. John that says a policeman could walk into a person's house where a husband and wife are quarrelling and...

Aside.

Mr. L. R. TULL: Protect me from the bad manners of the Honourable Member for St. John, Sir.

Mr. SPEAKER: I would not have that in the records. I will determine the manners. I am trying to get the Members to understand that the Rules must be obeyed. I am drawing to the Honourable Member's attention that we need not interrupt Members as such.

Mr. L. R. TULL: Yes, Sir. I do not think the Attorney General should feel any pride at all in putting his certificate on this piece of legislation. He should not feel any pride in it. This legislation allows a police officer the power to go into the houses of husbands and wives or man and woman and do things that I find are anathema to a free society. 6.25 p.m.

That is why I am surprised to hear the Honourable Member for St. John talking that way. When you allow policemen to go into people's houses in the circumstances that are spelled out and detailed in this Bill you are not doing what the Honourable Member is saying about protecting family life. You are, in fact, destroying family life in allowing these strangers to walk in; and we have this question of widening of police powers. I am at the moment very concerned about the range of police powers in this country. Anybody who has to deal with criminal matters, people who have dealings with the police, will support the view that we should be concerned today about the already existing wide powers of police in this country.

Asides.

Mr. L. R. TULL: You ask if I am saying that? Of course, I am saying that. I don't remember saying that. I have never made any drug legislation.

Mr. SPEAKER: I am not going to allow that kind of cross talk.

Mr. L. R. TULL: I must let the Honourable Member know that when they had the drug legislation I was not a member of the legislature.

Mr. SPEAKER: But no one must be able to talk like that. The rules do not permit that.

Mr. L. R. TULL: Pull him in line, Sir, but the truth of the matter is that the police powers in this country are already fairly wide and I believe that well-meaning citizens in this society should take a continuous and close look at police powers in this country and not seek through legislation of this sort to give them even more power than they have. Now, the Honourable Member for St. John has read from a brief. He has been in a Ministry for about three or four weeks and already he has – seven weeks, and already he is an expert on things that he didn't know anything about before he went in. They say that a little learning is a dangerous thing. Drink deep!

Mr. SPEAKER: Is that a reference to myself?

Mr. L. R. TULL: No, Sir. I am speaking to the Chair, Sir, but as part of my debate.

Mr. SPEAKER: I was making clear how you made the point.

Mr. L. R. TULL: They say, Sir, that a little learning is a dangerous thing.

Mr. SPEAKER: They say.

Mr. L. R. TULL: That's what I said. It is said that the Honourable Member for St. John has in his contribution to this debate, I believe, been far too dogmatic for someone who is now a neophyte – far too dogmatic. He speaks of an idealism that a few more gray hairs will soften because we are living in a practical world and all this talk about the process would be served more rapidly and more people cooperating and all this business about counselling suddenly is going to happen. The Family Law Act has been the law of Barbados for a number of years and these things have not happened in the way which the Honourable Member for St. John has put them and suddenly, in his burst of idealism, everything is going to fall into place.

The Honourable Member for St. Thomas made some valid points when he says that the areas of domestic violence are fairly well covered by the existing law of Barbados and I am one who believes that we should try not to have too many laws in this country stifling the people of this country with a great infusion of law – laws to govern every aspect of their lives and to delimit every action they take. I believe that we have to be careful about the amount of laws that we are passing and one of the important tests as to if there should be an amendment to existing legislation is whether there is a fundamental flaw in the existing legislation, whether there is something deeply wrong with it. If there is not something deeply wrong with the existing legislation one should be most reluctant to go and introduce new legislation.

I do not myself see in this Domestic Violence Bill what is the ill that the Bill is trying to remedy. I can't see it – An Act to provide for the granting of protection orders and circumstances surrounding domestic violence. I share the view of the Honourable Member for St. Thomas that the existing laws of Barbados already provide the kind of protection that one would seek to provide for the people of this country. Now the law doesn't say anything about women. It is protection for spouses, man, woman and children. So, the debate can go and take the line on protecting women. Now, I feel very strongly that the womenfolk of Barbados must be given a maximum protection in this society. I have no difficulty with that concept. The women of this country must be protected; and I hold that view, Sir.

We ranged fairly far and wide. We even dealt with the Sexual Offences Bill although we didn't get there. I believe that in our effort to provide protection for the women, for our sisters and our daughters and our mothers that we should not penalise unduly and throw to the wolves our sons and our brothers and our fathers, and the pieces of legislation that I have seen, this one, apparently, and the other one, in my submission, Mr. Speaker, head dangerously in that direction. I want my daughter protected, yes, but I don't want my son victimised. When we deal with the sexual offenders I will go into detail as to what I find obnoxious about that piece of legislation and there is no point anybody telling me how wide the consultation has been because however wide the consultation has been I have a point of view of my own.

This legislation as I understand, Sir, was submitted in draft to the Bar Association and there was no reaction, as I heard from the Honourable Member, from the Bar Association but the people in the Bar Association are very important people in relation to legislation of this kind. They are the ones who work in the courts and work with their clients and know the problems. I am not saying they are the only ones. Obviously the Child Care Board, the Welfare Department and all these other agencies equally have an important part to play, but the members of the legal profession who deal with these things on a daily basis have the kind of empirical information that could guide a government that is serious about this legislation into the right direction and I am very concerned about it.

The Honourable Member for St. Thomas has suggested that this matter be put before a Select Committee. I think common sense and good judgment would support that. We don't have all the answers and there are people, I am sure, on the other side, who would not have seen the full implications of this piece of legislation and the sister piece of legislation because they do not work with these things on a daily basis in any particular discipline either as a social worker, a lawyer, a policeman or whatever. I am sure that Members on the other side who would want to be guided by wider opinion would agree with this matter being put before

a Select Committee so we can study it, so that we can get the authors of those dated reports submitted by the Honourable Member for St. John to come and answer a few questions, because on the one hand the Honourable Member says these reports are gospel. These are reports done by reputable people so let us follow them, and in the next breath he says, but we are dealing with a class of offences that we cannot know how many are committed because people, for all kinds of reasons do not report this kind of offence in the way in which they report house breaking or larceny or something of the sort. So, there are a lot of things to be answered before we go ahead and vote for this piece of legislation.

6.35 p.m.

Somebody will have to pay for it. This thing is clearly bristling with problems. It is bristling with social problems. It is bristling with cultural problems in addition to bristling with legal problems. We have to look at it. Unless we can have evidence that there is clear and incontrovertible evidence that something is wrong with the existing law in relation to domestic violence, I think that we should be loath to proceed with legislation like this.

The Honourable Member for St. John gets up and talks a lot of emotive nonsense about how it takes the Government a lot of courage to bring this legislation because of some silent minority, or words to that effect. This piece of legislation is not a test of courage. Everybody in here is concerned about domestic violence particularly when it is domestic violence directed against women and children. I do not think we worry too much about it when it is directed against men although I do see fairly often women being charged for murder, pouring hot oil down men's cars, pushing knives in them and all of that. We belong to a culture that says that men can take care of themselves so there are no tears spilled for them.

We are most concerned about the women and children. It is a very strong cultural thing. The same culture of which I speak, Mr. Speaker, says that a man's home is his castle. I do not care how much legislation you import from Britain, you have to deal with a mental cultural mind set first before you rush into this kind of legislation because the last state is likely to be worse than the first. If you are going to have policemen walking into people's houses every time there is a quarrel between a man and a woman, you may not get domestic violence, you may get murder. We have to be very careful. I would advise the Attorney General, who I believe is a reasonable gentleman, to use his greater experience and maturity to rein in the enthusiasm and the idealism of the Honourable Member for St. John. *Festina lente.*

Mr. SPEAKER: You know one of the Rules of the House is that you should speak in the English Language. I am not too sure I know....

Mr. L. R. TULL: In which case, Sir, it is not recorded. Anytime it is not English it is not recorded. All it means is "make haste slowly". The Right Honourable Prime Minister should know these things. He is familiar with Christopher Marlowe's Dr. Faustus and the position in which Dr. Faustus was caught when he wanted to sell his soul to the devil but when Mephistopheles paid the call on him we heard *festina lente* – make haste slowly. Let us make haste slowly on this one. Let us spend a little more time on it.

Aside.

Mr. L. R. TULL: The Right Honourable Member probably missed my presence over the last five years.

Aside.

Mr. L. R. TULL: Well, I am going to read it for you. The Honourable Member will remember when Faustus said "Stand still ye ever moving spheres of heaven that time may cease and midnight never come." You remember that? You know that.

I want finally, Sir, because I do not want to get into the various sections of the Bill that probably really would be better dealt with in Committee...

Aside.

Mr. L. R. TULL: "Make me immortal with a kiss your lips suck forth my soul". The Prime Minister went to school, Sir.

I just want to make one final point, Sir. As I said, I do not want to go into the details of the Bill. This is the question of the Family Law Act. The Family Law Act, Sir, has been a very important piece of legislation in Barbados that has changed the relationships in marriage in a very serious and fundamental way.

It has had enough time to work for legal practitioners to see a number of flaws. This happens with any piece of legislation. You bring an important piece of legislation, you cannot see how everything is going to pan out in the end. As you begin to work it then you see a little flaw here and there that needs to be straightened out. We have seen it, for instance, in the Companies legislation. The Companies legislation had, perhaps, the longest gestation period of any piece of legislation in the history of Barbados. When it was passed and began to work we saw little kinks in it and amendments have been coming on stream now.

I believe that the Family Law Act is ripe for that kind of review. I would think that just as the Government can get all of these high powered bodies like the Bureau of Women's Affairs, the Child Care Board, all these groups that are interested in these social problems it is time instead

of making these token things like setting up another Commission on Women, we could, perhaps, charge another group with looking at the Family Law Act in the way it has been working or not working and bring about the kind of changes that would be a refinement of the existing law.

In that particular review a lot of the things mentioned in the Domestic Violence Bill can be looked at because a lot of what is in the Domestic Violence Bill, in my view, are simple matters, Family Law matters of a civil nature, not criminal matters. I find it frightening that so much of normal human behaviour hallowed by long acceptance should suddenly be criminalised by this piece of legislation.

The Honourable Member for St. James South said that men should be locked up for beating women. I do not disagree but you have to give them a chance before you find them guilty to lock them up.

Aside.

Mr. L. R. TULL: But it is criminal law then. To beat anybody is a crime as the Honourable Member knows. Section 35 of the Offences Against the Person Act makes it unlawful to beat anybody in this country so whether you beat them on the street, in the park or in a house it still falls under Section 35 of the Offences Against the Person Act. That is the point that is being made on this side that these matters are already covered by the existing criminal law in Barbados.

Aside.

Mr. L. R. TULL: What do you mean by not strong enough? If a man beats a woman in a house he falls under Section 35 of the Offences Against the Person Act. What you are doing is not strengthening it. All you are doing is telling a policeman that he can go into a house and disturb the integrity of family life. You will have a policeman going into a man's house and having the little children, some holding on to the mother, and some holding on to the father wanting to know what a policeman is doing in the house with all the trauma that is involved in that. They say a word to the wise is enough.
6.45 p.m.

If the Government feels that it is still necessary to fight the experience of people on this side who work in these matters and advise that the matter be referred to a select committee where everybody, not lawyers, can sit down and discuss it, look at the problem, raise questions, seek answers and get a better perspective before they call on us to vote, if the Government has a quarrel with that and they want to go ahead and call for a vote, they have the votes so they can vote on it. But it would remain on their conscience because it does not work in practice. In accordance with the idealism of the Honourable Member

for St. John some of them would say, if only to themselves, they should have listened.

Mr. Speaker, Sir, I close by saying, in case anybody walks out of in here and says the wrong thing, not that I am unduly worried about these things anyway... But I did want to repeat that I am in favour of protecting the women of Barbados from violence. I am in favour of protecting the children in homes from violence. God knows that the abuse of children is widespread in this country. I am in favour of coming up with something to do something about it. But I do not, on the other hand, in trying to come up with a solution to those problems, support a piece of legislation that in my view is probably well conceived but fairly clumsily executed in the drafting.

I understand what the Government wants to achieve and I want to achieve too. But I believe the way in which this is drafted is likely to cause more problems than it solves.

Thank you, Sir.

His Honour T. C. ESTWICK: Mr. Speaker, Sir, I rise to support the Bill and to be in support of what was said by Honourable Members on this side. It is unfortunate that the way in which I will begin will be in the absence of the Honourable Member for St. Thomas because the Honourable Member for St. George South said he was titillated by the contribution. I feel sorry for that Honourable Member. No human being ought to be titillated by that. Because the Honourable Member for St. Thomas' contribution was predicated on two incorrect premises.

Asides.

Mr. SPEAKER: Order, please.

Asides.

Mr. SPEAKER: Order, please. I have allowed all Members to speak in silence.

His Honour T. C. ESTWICK: Do not be too perturbed, Sir. The Honourable Member for St. Peter will always try to do that. But I am all right, Sir.

Mr. SPEAKER: You do not deal with the Member for St. Peter. That is my responsibility.

His Honour T. C. ESTWICK: Yes, Sir.

Mr. SPEAKER: Deal with the problem.

His Honour T. C. ESTWICK: Yes, Sir.

Aside.

Mr. SPEAKER: Let us get a little order in the Chamber.

His Honour T. C. ESTWICK: I was saying, Sir, in the first place the Honourable Member for St. Thomas approached what he considers to be a problem by reading out a set of figures to the House which he said were figures relating to crimes for a number of years. But they had absolutely nothing to do with the Bill that is presently before the Honourable House. If those figures were to make even a modicum of sense at any level those figures ought to have been broken down to indicate 355 rapes, 50 within a domestic situation. Every single member of the Opposition went along with, "There is no increase in anything."

The Honourable Member for St. Thomas gave lump sum figures deliberately – I do not know if he did not have them – without indicating to the Honourable Chamber whether or not within those figures there were specific figures for violence within the home or crimes within domestic situations which would give you a continuum of increase or decrease or steadiness. The figures make no sense whatsoever. The Honourable Member for St. Peter should at least understand figures, Sir, even though they deal with violence because they follow the basic principles of mathematics. He should at least understand that.

The second point I want to get across, Sir, is that the Honourable Member for St. Thomas – and again the Honourable Member for St. George South went along with him – referred to the Wolfenden Committee. The Honourable Member for St. George South should know that the Wolfenden Committee's recommendations dealt primarily with sexual behaviour within the bedroom, not with beating people.

Mr. L. R. TULL: Mr. Speaker, Sir, the Honourable Member is misleading the House. I have not said a word about any Wolfenden Committee. I dealt with the situation in Barbados not in Britain. I did not say a word about it.

His Honour T. C. ESTWICK: The Honourable Member for St. George South agreed lock, stock and barrel with everything that was said by the Honourable Member for St. Thomas. But the Wolfenden Committee did not, to the best of my knowledge, deal with wife beating, spouse beating or husband beating. It dealt with the possible tying up of men by women or women by men in their own pursuits of kinky behaviour. It dealt with sexual behaviour primarily. So again the Honourable Member for St. Thomas sought to transpose sexual behaviour or Government not looking into sexual behaviour by saying Government should not look into wife beating or husband beating. The premise is again wrong.

Hon. H. deB. FORDE: On a point of order, Sir. I do not like to interrupt a new Member making his first speech, although I notice he is not following the tradition of first

speakers. But the Honourable Member for St. Thomas did no such thing. He is misrepresenting him.

The Honourable Member for St. Thomas was very careful in his speech in making it clear that the Wolfenden Committee dealt with sexual offences. But by analogy what he did was to use the argument about the manner in which limitations are placed on the state in relation to interfering with conduct which did not conform to public morals. That was the only purpose of his submission.

His Honour T. C. ESTWICK: I am grateful, Sir, to the Honourable Leader of the Opposition but he is not right either. Because the Honourable Member was absent for most of the Honourable Member for St. Thomas's speech.

Hon. H. deB. FORDE: Again, Sir, on a point of order. I was right here when the Honourable Member for St. Thomas spoke for the bulk of his speech. I left only at the end of his speech when he had already spoken on the Wolfenden Report. Go ahead.

His Honour T. C. ESTWICK: Be that as it may, Mr. Speaker, Sir, that still does not mean that the Honourable Member for St. Thomas was correct. Because the Honourable Leader of the Opposition has agreed that the Wolfenden Committee's recommendation dealt with sexual behaviour. I do not know, Sir, in my simplicity and youthfulness...

Aside.

His Honour T. C. ESTWICK: Youthful ignorance.

Mr. SPEAKER: No. I have noticed that certain types of language is creeping into the debate. There are borderline cases. I think we should try to moderate our language. I would wish that Members speak in terms much more conducive to parliamentary dignity.

His Honour T. C. ESTWICK: I was only following the lead, Mr. Speaker, Sir. I am doing that. But the Honourable...

Mr. L. R. TULL: On a point of order, Sir, I would try and save the Honourable Member from embarrassment because I think he is misleading the House.

What the Honourable Member for St. Thomas was trying to do was to deal with the concept of the role of the state in the private life of a citizen. That is the point he was making. He was pointing out there is a line over which the state must not get involved in the private life of citizens.

His Honour T. C. ESTWICK: Mr. Speaker, I am having great difficulty in understanding the logic that we are seeing coming through here because this is a logical argument.

Mr. SPEAKER: I believe your problem is that you are not recognizing that you are addressing the Chair and not asides. I think as a new Member you should try to put that in your head and try to close your ears to the asides. I will take care of that side.

His Honour T. C. ESTWICK: I am grateful to you, Sir. But I have to respond to the points of order. The problem is that the Honourable Members on the other side are refusing to allow that there is a clear line of demarcation, a broad abyss between sexual behaviour and the recommendations that were made by the Wolfenden Committee and domestic violence as specified in the Bill. 6.55 p.m.

I am saying, Sir, that you cannot transpose the reasoning of one to the other. I don't see how it could make sense. It cannot make sense. The whole issue of the state getting involved behind the bedrooms. I am on all fours with the Honourable Members on the other side, that the state should not get involved with what people do behind bedroom doors. But I draw the line with them when it comes to the state getting involved in beating, in domestic violence. This is the whole essence of the Bill. The Bill does not deal with sexual behaviour, or the question of sexual morality. The Bill deals with questions of domestic violence.

Mr. SPEAKER: Order, please. Order, please. Order, please. Just one moment. It is fair, that a member making his speech for the first time, would be expected to be in some way having one or two problems, and it is in that, that we have to adjust ourselves to accommodate the person. It is not the first time I have heard a member making a speech for the first time, that from time to time one has to guide him, and I am prepared to do that. So, if those difficulties arise, members ought to give the member at least an opportunity to develop his point, otherwise, I will have to assume that experience on the other side need harsher reaction. Continue.

His Honour T. C. ESTWICK: Grateful to you, Mr. Speaker. I think, Mr. Speaker, it is within the breast of each and every one of us to understand that there is no legislation, there is no law, there is no approach to law, that can eradicate domestic violence. I think we all understand that. I think, we understand too, that legislation of this type can only deal with excesses, can only deal with something that is getting out of hand, if it is reported by one of the parties, or by a concerned party, a third party. I will admit, yes, that there will be times when consideration has to be given to whether or not a policeman entering a domestic situation on the invitation of somebody could not be as a result of further malice or malice on the part of the person intervening.

This is a small society and people will know people, and there may well be occasions when something that is an aberration to what we have planned could well occur. I

believe, Sir, there are also laws to deal with that, but I do not believe that the fear of the Honourable Members on the other side, that there is going to be some large scale infringement of fundamental rights, can be seen in this piece of legislation. It could only occur if a policeman enters a domestic house, or a domestic situation with malice, that is, he knows the party and he intends to do something one way or the other; but there are laws to deal with that. I do not see coming out of what we have before the Honourable House that there is any need for the large scale fear as proposed by the Honourable Members on the other side. What makes it worse, the Honourable Member for St. George South sees it as anathema to the free society to disturb the integrity of family life with a policeman entering in a situation of domestic violence. But, if the situation of domestic violence exists ...

Mr. SPEAKER: May I inform the Honourable Member – on a point of elucidation, you need not give way. If you don't want to give way you don't have to. Have you given way?

His Honour T. C. ESTWICK: Yes Sir.

Mr. D. A. C. SIMMONS: He knows how to accede to his elders, Sir. Sir, I heard elsewhere, some distortions of what I was saying, Sir. I would like to read from...

Mr. SPEAKER: You can only elucidate on something you have said, but not to read something else. I will give you the opportunity to prove your point.

Mr. D. A. C. SIMMONS: Sir, you will recall that I read during my speech, a quotation from the Wolfenden Committee about the proper scope and function of the criminal law and my friend, the Honourable Member, has done violence to what I read, Sir. I am quoting the Honourable Member Sir. Sir, if I can just read what I said again he will get it clear, Sir. It was something of general application and what I was reading, Sir, was where the Wolfenden Committee said, the function of the criminal law as they saw it was to "preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitation and corruption of others, particularly those who are specially vulnerable. It is not the function of the law to intervene in the private lives of citizens or to seek to enforce any particular pattern of behaviour further than is necessary to carry out the purposes we have outlined". The function of the criminal law, it wasn't related to sexual offences, Sir. He thought there was that limitation, it is not so, Sir.

His Honour T. C. ESTWICK: I believe the Honourable Member knows better Sir, because the Wolfenden Committee could only make recommendations within its parameters, and its parameters dealt primarily with homosexuality and sexual behaviour, not domestic

violence. That response, or that elucidation might only be an attempt to elucidate the Honourable Member himself, not me, because the Wolfenden Committee, for his benefit, had parameters ...

Mr. SPEAKER: Order please. Quiet.

His Honour T. C. ESTWICK: That is no point of elucidation at all. They would look, as they saw it within the realm of the law pertaining to sexual activity, in particular, homosexuality. Not as with the Bill before the Honourable House. So I thank you very much for being wrong.

The other point, Sir, that I would like to raise now, Sir, is that the law permits, and I think we all accept that – those of us who are in the law – that violence, however it is called – and the Honourable Member should go and read Fowler's Dictionary of Modern English Usage, if they want to understand how words are pronounced, without trying to interrupt me all the time...

Mr. SPEAKER: I am having difficulty in hearing the Honourable Member.

His Honour T. C. ESTWICK: The law permits the use of violence by individuals, in self-defence. The Honourable Member, Sir, must have recourse to Fowler's use of the Modern English language. Get the dictionary.

Mr. SPEAKER: Will the Honourable Member wait just one moment. It seems to me as if I will have to invoke some of these Standing Orders here at the extremes. It is very difficult for me to be constantly asking a person not to interrupt another person without having to apply the remedy, and I think it is rather early in the Session and we should not start off with these applications. I am asking Honourable Members once again not to interrupt the Honourable Member. Proceed.
7.05 p.m.

His Honour T. C. ESTWICK: Thank you very much, Mr. Speaker, Sir. I was saying, Sir, that the law permits the use of violence in self-defence situations. That is a given. But it does not permit the use of violence in situations where as we have before this Honourable House a man and a woman or whoever else they may be are behind closed doors in a bedroom and one wilfully and with malice is beating the other unless the person agrees. I am saying, Sir, when the Honourable Members have a concern with the law getting involved as to what goes on behind people's doors and if the arguments of the Honourable Members must hold true, then if any one person comes out of that bedroom and makes a complaint to the Commissioner of Police the law gets involved. So that the argument which they are advancing again cannot hold water if they are to be logically correct. If the law is not to go behind the bedroom

door, whatever happens in there whether they complain of rape or not between a person and somebody who is not their wife then the Commissioner of Police cannot act. But the law has always had the right to go behind people's bedroom doors if there is a complaint and it is valid.

The Honourable Member for Christ Church South laughs, Sir. He laughs in agreement. One other advantage, Sir, of what is before us this evening is that this Bill permits the action, Sir, to be brought in the Magistrates Court. The advantage of being brought to the Magistrates Court I think is well known. The Queen's Counsels will not be able to draw their big fee in the first place. In the second place, the police can bring it, Mr. Speaker, and in the third place, people from the Child Care Board can bring it. I am one of the few people in this country, Sir, even though I am now starting out who will stand boldly...

Mr. D. A. C. SIMMONS: On a point of order, Sir. I was listening carefully. Singular counsel, plural counsel, Sir, not counsels.

Mr. SPEAKER: Proceed.

His Honour T. C. ESTWICK: The Honourable Member, Sir, enjoys laughing at himself. I will never try to stop him from doing that, Sir. The Honourable Member believes in laughing at himself and making himself look funny.

Mr. SPEAKER: I hate to say these things. I will start calling the constituencies and by the time I get to the third I will be asking someone to take leave of the Chamber. I am not going to permit the Honourable Member to be distracted like that. Proceed.

His Honour T. C. ESTWICK: Thank you, Mr. Speaker. I will agree, Mr. Speaker, with one thing that the Honourable Member for St. Thomas said and that is that when we import legislation it has to take its new thrust in Barbados from our own cultural behaviour, own standards, and morals. But I do not believe that as part of the cultural behaviour of Barbados that violence is to be a mainstay of our domestic situation or that we in any way should seek to encourage it irrespective of how very misguided we are.

Now I would believe that it is the experience of everybody in this Honourable House, Sir, to have come across many, many children in this society who could well have been born because of circumstances in which the mother was pressed into having a lot of children. We who are in the law see it almost everyday. "Well, I could not do any better because I was in the house," and all of that. There were situations in this country, Sir, and all over the world when it was accepted that men were to be brutish, obnoxious, and ruthless. That is what men were to be. Women were to be subservient, accept the sexual advances

of men irrespective of how unconscionable they were and vice versa.

I do not believe that we are living in a society today that encourages those sorts of activities and that is why I am so surprised that Honourable Members on the other side can take the view that this Bill in any way seeks to circumscribe the freedoms of the citizenry in this country. What has to be accepted also, Sir, in a thriving democracy that believes in the freedom of people that is only bounded by the law, is that in any society which seeks to advance itself along the lines whether they seek to protect families or individual persons there will be times and occasions, Sir, when you may well compromise a small freedom to protect a greater freedom. In the context of the Barbadian society, I say that the greater freedom is the protection of women and children, in spite of all that is said on the other side. I am almost certain of this, Sir, that even if as I said earlier there is the entry with malice by a law enforcement officer into a domestic situation which has already been shattered by violence in which there can be no integrity at the time, I do not see the overriding negative fallout as put forward by the Honourable Members on the other side. They see it, Sir, as the encroachment of the law in areas of private morality. I think that I have already dealt with that by dispelling the belief that they try to give to this Honourable Chamber that the Wolfenden Committee Report was the all-encompassing document dealing with all forms of behaviour. The Honourable Attorney General just dealt with that as well.

I have dealt with, Sir, the Honourable Member's position as regards the infringement of the fundamental rights of citizens. But the fundamental rights, Sir, of the citizens, in this respect as put forward by the Honourable Member, seeks to say that the accused person, the person who is to be brought before the Court, has to be absolutely protected. I have just tried in my own way to deal with that by saying that one must be balanced against the other. As I said earlier, I am almost certain that in any society that is advancing there will always come a time when the freedom of one has to be balanced off against the freedom of the other. I do not believe that this present piece of legislation, Sir, goes the gambit of restricting or any way infringing the fundamental rights of anybody. I do not believe so, Sir.

I have also already looked at the question of integrity of family life. Any person who puts forward the argument that this Bill again seeks to infringe on the integrity of family life is really, Sir, asking himself too much. The Bill seeks to control or to eradicate violence within a domestic situation. I have to go back to that all the time – within a domestic situation. I am saying, Sir, that it is my own view in spite of all that is said again, if a situation reaches a point where the police must be called in and where there is violence, there is no integrity within that situation. It is a situation, Sir, in which people logically go apart. There is no integrity in that. I am saying that once you seek to put

forward the argument that has been advanced by the Honourable Member for St. George South it seeks to say and cement within this society that that sort of behaviour is accepted and is the right way to raise your children when half is holding you, half is holding the mother, and the police is in the middle. I am saying that is wrong. It is misguided in 1991. That is what the Honourable Member for St. George South said.

Mr. L. R. TULL: On a point of order, Sir. I have said no such thing. I am on record at the beginning and at the end of my speech that I am against the violence and abuse of women folk and children in this country and even against men. I said that twice. But the point that I was making was that in trying to correct an ill that you do not go all the way over and create a situation that is worse than the one you are seeking to correct. I give up on you.

Aside.

Mr. SPEAKER: The Honourable Member has two more minutes.
7.15 p.m.

His Honour T. C. ESTWICK: The last thing, Sir, that I would like to mention is that, as correctly answered already, the situations that are to be addressed by this piece of legislation are not civil issues whatsoever. They are in essence, criminal issues and therefore on that point again the Honourable Member for St. George South is at sea. I believe, Sir, that it cannot be said whatsoever that this Democratic Labour Party Government has ever, will ever seek to infringe on the fundamental rights and freedom of the citizens in Barbados. I think the record, Sir, has been outstanding and sterling. It is exceedingly unfortunate and it is also a very misguided position to take that come now in this dispensation – Look at us all, Gentlemen – that we would seek in whatever way possible...

Mr. D. A. C. SIMMONS: On a point of order, Sir. He made a broad sweep, Sir. We have a lady on this side. I want her to be recognised.

Mr. SPEAKER: I thought he meant Honourable Members. I think he meant to say. We are all Honourable Members.

His Honour T. C. ESTWICK: I specifically said, this side, Government.

I don't think Sir, we would ever go towards infringing the rights and freedom of the citizenry of this country and I am in full support of the Bill that is before the Honourable House.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I am very grateful to my friend, the Member for St. Michael South East. I know of course, Sir, that I did understand that he

was also intending to study the law, Sir, but he did indicate that he would have to be given credit for two years because of his past experience.

I will not be long on this matter. I would like to make just a few simple points. I believe that violence in any form is something that a society should frown upon and should take steps to correct or to eradicate. I believe that particularly violence in the home, domestic violence, because of the very elemental and influential nature of the violence is something that any society should pay especial attention to. I do not believe that there is anyone in this Chamber who would deny that there is an intolerable level of domestic violence in Barbados. Certainly, that Barbados could be a better place if the level of domestic violence were reduced.

I believe that the constituents across Barbados have elected us as a legislature to seek out and ferret out the wrongs or ills in the society and to find some kind of solution to those problems bearing in mind that the problems must be clearly identified, that the parameters of the problem should be set out and that what we are seeking to solve may be solvable by the steps that we are proposing.

This Bill that is before us, the Domestic Violence (Protection Orders) Bill, is such a step on the part of the Government to deal with a social ill in the society. There is the violence of man against woman. There is the violence of woman against man. I understand, Sir, that there is even the violence of man against man and woman against woman, all in a domestic situation. Child against parent. You can get all kinds of permutations and variations on that particular scene. I believe it is a matter that we should give especial attention to and I don't think that I am misunderstanding the way in which the Member for St. George South was using his aphorism about hastening slowly, or making haste slowly. I do not think that he was actually advising this House not to try to deal with the problem and not to take it as a problem that calls for an urgent solution or as urgent a solution as we are capable of mustering. I believe that what he was seeking to do was to advise the House not to rush with solutions in a half-baked manner and then find that we have to come later on and make adjustments and modifications.

I take it there has been much levity in the discussion and there have been some serious points made as well and I think in debate we have to give and take and we have some understanding of the mood and the tempo of the House. I would like to say that this is a very genuine attempt on the part of the Attorney General and on the part of the Government as a whole to come to terms with a problem and I am grateful to the Member for St. Thomas for saying that they are not denying that.

On this side, we are saying that we will follow the procedure or adopt the procedure of recommending and

proposing that this measure go to a Joint Select Committee of both Houses. This is an approach that we will be adopting to measures of this kind and other measures as well as we seek to involve Parliament more in matters relating to the community and society, because we believe that it is all well to come here as 28 parliamentarians and sit down and pass legislation and quote from...

Aside.

Rt. Hon. L. E. SANDIFORD: Somebody quoted from the Koran? No. I heard about Durkheim and the other social commentators and sociologists and criminologists and so on. We can speak learnedly about these matters.
7.25 p.m.

I believe that politics and Parliament are about involvement with people. We must be seeking a new dimension in which Parliament itself will be involved with the people who put us into Parliament and that we seek to involve them more in the formulation of exercises such as this type. Therefore, I am saying a joint select committee which will have the authority to send for persons and papers so that they can come before the committee and the committee can discuss and question those persons so that their view points, expertise and whatever else they may be able to contribute can be taken into account so that when the final version of the Bill comes back to the House we would at least have the input, the evidence, consultation and the discussion on a wider basis which would then inform us in the taking of the final decision. All of this will be put into some kind of framework by the Attorney General who introduced the Bill but I just thought I would set this kind of direction into which we should go on this and other kinds of legislation of this type.

Thank you, Mr. Speaker.

Miss. B. A. MILLER: Mr. Speaker, Sir...

Aside.

Miss B. A. MILLER: You are not conducting the House. It is for Mr. Speaker to say.

Mr. SPEAKER: I do not know why the Honourable Member sat down. Why did you sit down?

Miss B. A. MILLER: Mr. Speaker, Sir, I will not be long. I just want to say that I am pleased that the Right Honourable Prime Minister is in agreement with the proposals put from this side that this Bill should go to a joint select committee. Because it is going to a joint select committee I think I need to make this one particular point now. It has to do with my particular concern about the powers which this Bill seeks to give to the police.

I am deeply concerned. This follows upon what the Honourable Member for St. George South has said about closing off one ill and thereby possibly creating another. I am positive that we will be creating others. The police would have the power without warrant to go into a residence when called upon by a person who is apparently resident. I am concerned that this Bill does not sufficiently cater to the social and cultural reality of domestic life in Barbados where a man, or for that matter a woman, may be apparently resident in two, three or sometimes four or more residences. In other words, anybody can call upon a policeman to say, "come in here, this man is trying to kill this woman or this woman is trying to kill this man."

Aside.

Miss B. A. MILLER: That is not unknown. I am deeply concerned that this Bill should purport to give the policeman the power without warrant to go in and arrest. I heard all the talk about trauma and the integrity of family life. Family life has been traumatised in Barbados for generations, for centuries. Children are accustomed to watching parents brutalise each other. I am not as concerned with the child in the middle watching the policeman pull one parent one way and the other parent the other way. That is commonplace in Barbados.

What I am more concerned about is the power of this policeman without warrant to go in when called upon in such, in my view, an haphazard fashion to enter upon domestic purposes. I heard *sotto voce* somebody say the solution is, you call the police and you hold on to the woman. Immediately at law you are assaulting this woman. The whole plethora of other criminal offences will flow from what I see here in section 14. I am deeply concerned about it. I certainly would want a select committee to examine this matter in particular.

Thank you, Sir.

Hon. P. M. GREAVES: Mr. Speaker, Sir, we will do other matters but I think we should break for dinner. If we are going to send this to select committee, I am going to move that further consideration of this Bill be postponed. The reason for the postponement of this Bill is to send the Bill to a joint select committee of the House. When we resume after dinner we will be ready with our names. I believe the Honourable Leader of the Opposition would be ready with his names which we can send to the Other Place in order to have a joint select committee deal with this matter.

Aside.

Hon. P. M. GREAVES: We have to send a message to them. At this point I am moving in the first place, before I move the suspension, that further consideration of this matter be postponed.

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

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

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Speaker, I now move that the sitting be suspended until 8:15 p.m.

The question that the sitting be suspended until 8:15 p.m. was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly.
7.35 p.m.

ON RESUMPTION

Mr. SPEAKER: This sitting is resumed.

Hon. P. M. GREAVES: Mr. Speaker, earlier today, Sir, I gave notice of two resolutions: Resolution to approve the Ministers and Parliamentary Secretaries (Remuneration and Allowances) Order, 1991, and Resolution to approve the Senate and House of Assembly (Remuneration and Allowances of Members) Order, 1991. I indicated at that time, Sir, that I would be seeking the leave of the House in order to pursue and deal with and consider these matters here this evening. I should like, Sir, with the leave of the House to have these matters dealt with today.

Mr. SPEAKER: If there is no objection then.

Hon. H. deB. FORDE: Mr. Speaker, Sir, we would not wish to proceed immediately with these resolutions. Although the resolutions were circulated a little earlier the actual Schedule was shown to some Honourable Members, not even all, only within the last hour. Obviously we would wish to be able to consult on this matter.

Aside.

Hon. H. deB. FORDE: The resolution came without the Schedule and with an Addendum. Some Members have not had the benefit of seeing it and we have not had the chance of consultation. But we are prepared to take the matter next week at some stage during the Estimates.

Hon. P. M. GREAVES: In that case, Sir, I will withdraw my request for leave to have this matter dealt with. Order No. 5.

Mr. SPEAKER: Order No. 5.

SOIL CONSERVATION (SCOTLAND DISTRICT) (AMENDMENT) BILL 1991.

Order No. 5 was called - To move the Second Reading of a Bill to amend the Soil Conservation (Scotland District) Act, Cap. 396.

Hon. W. O. FRANKLIN: Mr. Speaker, Sir, the Soil Conservation (Scotland District) Act, Cap. 396 embodies the legal framework for the conduct of measures for improvement in conservation of the soil and for the prevention of damage or deterioration by erosion in the designated conservation area. This is mainly in the parishes of St. Andrew, St. Joseph, part of St. Thomas and a small part of St. John. This Act was one of the few Acts on the statute book now that was drafted that gave fairly wide-ranging powers to an officer under a Minister in a Ministry that a Minister in that particular Ministry did not have the authority by Act to overrule.

Most of the authority for action under the existing Act is vested in the Chief Agricultural Officer who functions in consultation with the Soil Conservation Board which acts as an advisory body to the Chief Agricultural Officer under the present provisions of the Act.

The Soil Conservation Act in its present form confers wide powers on the Chief Agricultural Officer, thus giving him authority and the responsibility for decisions which can impact on areas of the Minister's responsibility without the appropriate Minister having any statutory authority to override such.

Furthermore the Scotland District, with its unique and very special nature in the context of its physical and economic importance to the country, warrants close attention to the new development objectives of the Government. In that context therefore it is important to take into account the reality of the Government, based on ministerial responsibility, that there should be commensurate ministerial authority in this Act.

The Act was drafted more or less after the pattern where you have a Director of Agriculture. At the time of a Director there was no ministerial government in place and therefore the Director of Agriculture had very wide powers and these powers were subsequently invested on the Chief Agricultural Officer who succeeded the Director of Agriculture. Then you moved into a ministerial government situation but these authorities and powers still remained the same.

The amendment therefore seeks to transfer power which resides in the Chief Agricultural Officer to the Minister where appropriate, as well as to place responsibility for administering and accounting related function under the control of the Permanent Secretary. Under the Act, the Chief Agricultural Officer even had that type of authority. He, in fact, is the Ministry's accounting officer and this has, in the past, created some areas of conflict which were very difficult to solve.

The major provisions of the amendment propose that the Chief Agricultural Officer would be required to advise, consult with and act on the Minister's direction rather than on his own. Under the present provisions of the Act, the Chief Agricultural Officer has authority to do a lot of things on his own without any right of referral to the Minister.

As a consequence the composition of the membership of the Soil Conservation Board would be altered because the present Board is advisory to the Chief Agricultural Officer.

The changes envisaged are the inclusion of the Chief Agricultural Officer and Permanent Secretary as members of the new Board. This Board will now become an advisory board to the Minister instead of to the Chief Agricultural Officer. Whereas presently the Deputy Chief Agricultural Officer is the Chairman of the Board, the Minister would now be given authority to designate a Chairman from among the members. It would not be a statutory obligation on the Deputy Chief Agricultural Officer to be Chairman. The Minister rather than the Chief Agricultural Officer would assign an officer of the Ministry of Agriculture to be Secretary of the Board.

Concomitant with the above-mentioned transfer of powers to the Minister, provision is also being made under Section 5 for the establishment of a review committee. This is a new addition to the Act. We would have a review committee very much like the review committee in the Immigration Department. This committee will replace the Minister as the body to hear and determine appeals by the affected owner or occupier against a Conservation Order involving his land.

A new Schedule, the Fourth Schedule, therefore provides for the constitution and legal status of the review committee which would be appointed by the Cabinet. Opportunity is being taken also to include a provision of stiffer penalties for dealing with offences such as obstructing or hindering persons carrying out their duties or functions, under the Act.

Under Section 26 of the Act it is proposed to enlarge the scope of the power of delegation in that not only the Chief Agricultural Officer but also the Minister may delegate such of their powers as are considered expedient.

With regard to Section 27 of the Act the Minister acting in his own right and in consultation with the Soil Conservation Board will be empowered to make regulations instead of the Chief Agricultural Officer who now makes the regulations.

Future proposals for expanding the scope and the legislation on soil conservation measures: It is Government's intention to amend the Soil Conservation Act to allow soil and water conservation measures to be applicable to the entire island. At the moment, the Act only governs a specific part of the island mostly St. Andrew, St. Joseph and parts of St. John. It is considered that in order to give the Ministry and the Minister additional authority over the other sections of Barbados where there is very bad soil conservation – a lot of erosion, *et cetera* – that the Act will be extended to cover the whole island. In that light the Act will be reviewed further and other suitable amendments will be made to achieve this objective at the appropriate time.

The summary of the amendments proposed: In clause 2 amendment of Cap. 396. Clause 2, the removal of the words "Chief Agricultural Officer" wherever they appear in the existing Act and their replacement by the word "Minister" thus transferring the powers presently vested in the Chief Agricultural Officer to the Minister except under Sections 11, 13(1), 16 to 19 inclusive and 21 and 22 in the Third Schedule where the authority remains for technical reasons still with the Chief Agricultural Officer.
8.30 p.m.

The words 'Chief Agricultural Officer' are also to be deleted wherever they appear at paragraph 5 of the Act in sections 7(3) to 7(12), 7(14) and (15), 19(1), 21(2) & (3), and 21(1), as well as in Forms A and B of the Third Schedule and replaced by the words "Permanent Secretary". These are the sections dealing with the administrative and accounting functions of the Act. This reposes responsibility for accounting and related matters in the Permanent Secretary. These responsibilities are also at the moment with the Chief Agricultural Officer.

Clause 3 – Amendment of Section 2 of Cap 396. The amendment in this case amends the Interpretation provision of section 2 of Cap. 396, inserting in alphabetical order new definitions for Committee, meaning the Soil Conservation Review Committee which is going to be introduced in the new amendments to be established under section 5(a),

and Permanent Secretary meaning the Permanent Secretary, Ministry of Agriculture.

Clause 4 – amendment of Section 3. This amendment alters the composition of the membership of the Scotland District Conservation Board by removing the Deputy Chief Agricultural Officer as a member and the Chairman and including the Chief Agricultural Officer and the Permanent Secretary as new members. There is a further new provision of section 2(2)(a) of Cap. 396 whereby the Minister would be empowered to designate a member of the Board as the Chairman. Before the Chairman was named, the Deputy Chief Agricultural Officer by statute law was the Chairman of the Board and the composition of the Board is now being changed.

Clause 5 – repeal and replacement of section 4 of Cap. 396 on functions of the Board. The amendments to section 4 of Cap. 396 removed the provision whereby the Soil Conservation Board is advisory to the Chief Agricultural Officer as it now is and it still requires the Board to advise the Minister on the matters specified under the section.

Clause 6 – repeal and replacement of section 5 of Cap. 396, Conservation proposals. This amendment primarily seeks to make it mandatory for the Chief Agricultural Officer not only to consult with the Soil Conservation Board on proposed conservation measures, but also to submit the proposed measures to the Minister for his approval.

Before this amendment, the Chief Agricultural Officer could have made a conservation proposal on his own after consultation with the Board without having to get the approval of the Minister on it. This is a very wide ranging piece of legislation which gives him very wide powers over the areas over which the Minister, under the present Act, has no authority to overrule or amend etc.

Clause 7 – the insertion of Section 5A and B – Soil Conservation Review Committee, Fourth Schedule. The amendments hereunder propose the insertion under Section 5 of Cap 396, two new sections. Sections 5A and 5B which will provide for

- (a) the establishment of the Soil Conservation Review Committee and this Committee will be appointed by the Cabinet and it will be chaired by a Minister other than the Minister of Agriculture

5A(2) – The constitution and Regulation of the business of the Committee, and

5A(3) – The legal status of the Committee, and

5B Empowers the Committee to hear and determine appeals made to it under section 6(4).

Clause 8 will be amended.

Part 3 – Conservation Orders, Conservation Proposals. The amendments proposed to section 6(1) of the Act would empower the Minister, rather than the Chief Agricultural Officer to make the conservation orders. So, the Minister would now make the conservation orders under Subsection (4) and they would provide for an appeal against a conservation order made by the Minister to the Conservation Review Committee instead of the Minister. So, we have a further step. Before the CAO made the Order and the Appeal was to the Minister. Now the Minister will make the Order and the appeal from the Minister will be to a review committee appointed by Cabinet.

Clause 9 – repeal and replacement of Section 9, Part 4 – Power to carry out measures where owners or occupiers fail. This is a very important section. This amendment also seeks to transfer powers of the Chief Agricultural Officer under the existing Act to the Minister to act in the case of failure or neglect by a land owner to carry out a measure provided by Order. Under the existing Order if a land owner refuses to carry out a measure or in cases of emergency, and this emergency will be decided by the Chief Agricultural Officer, he then has the right under the present Act to go in and make certain things under the Act.

Clause 10 will repeal and replace section 10 of Cap. 396 and that deals with powers to act without an order. The amendment under this section will enable the Minister to exercise powers now exercisable by the Chief Agricultural Officer under the existing Act. So, the Minister is now the person who, if land owners refuse to act, or in case of emergency, would have the authority to order the work to be done, and not the Chief Agricultural Officer.

Clause 11 – there will be an amendment of Section 11 of the Act, which deals with powers as to water courses and defences against water. In terms of this section the existing powers of the Chief Agricultural Officer would be limited to action with the approval of the Minister rather than on his own. Under this section (a), the Chief Agricultural Officer could have gone in clearing water courses, diverting water courses, as the Member for St. Thomas is always complaining about, if he feels it would pose a danger to any bridges or any other acts done under the Soil Conservation. Once again this authority is being transferred to the Minister.

Clause 12 – the amendment of Section 12 of Cap. 396. Under this amendment the general powers of the Chief Agricultural Officer will be exercisable only on directions of the Minister. Before they were exercised on his own authority and he was not subject to any direction by the Minister. Thus the existing provisions of subsections (2) and (3) of Section 12 are deleted and reworded as Paragraphs G and H as proposed under Subsection (1) of Section 12.

In Clause 13 – the amendments of Section 13, Grants and Loans. Under the existing Section 13 the Chief Agricultural Officer is empowered to make grants or loans for conservation purposes, whereas under the proposed amendment the Permanent Secretary, acting on the recommendation of the Chief Agricultural Officer and with the approval of the Minister would make such grants.

Under this section, this was an area of conflict, where the Chief Agricultural Officer, not being the accounting officer, had the right to make grants and loans under the Act. You can well imagine the conflict, because the Permanent Secretary is the accounting officer answerable to Parliament and to the Ministry. So, this is being changed to allow the Permanent Secretary, on recommendation of the Chief Agricultural Officer and with the approval of the Minister to make grants and loans under the Act.

Section 14 – repeal and replacement of Section 15 of the Act, Powers to lease land. Under this section these powers, now vested in the Chief Agricultural Officer to lease and/or cultivate and manage lands in the conservation area, will be removed and the Chief Agricultural Officer will require the Minister's prior approval so to act.
8.40 p.m.

Under this section the CAO could go into any section of the Scotland District and lease lands if he figures that it is necessary for the appropriate carrying out of any reform work or proper soil conservation practice to lease lands. This is now being referred to the Minister for approval. He must have the prior approval of the Minister.

Clause 16 deals with power of seizure and sale of animals. The amendment seeks to allow the owner of the land to seize, sell, or dispose of any animals found on his property and the Chief Agricultural Officer, with the Minister's approval, can do the same of any land in the conservation area.

Clause 16 amendment of Section 17, Part 5 – Contribution and Compensation by land owners. The amendment, in the case of Subsection 1 of Section 17, enables the transfer of powers of the CAO to the Minister who may direct the Permanent Secretary after consultation with the Board and subject to this section, to claim from a land owner the full cost or proportion thereof for measures effected on his land. Before that it was also in the hands of the Chief Agricultural Officer.

In the case of Subsection 13, the amendment seeks to enable the Permanent Secretary instead of the CAO and subject to the Minister's approval, to accept a lesser sum than the amount awarded by the Court in full settlement of a claim under this settlement. This was a discretionary power that was exercised by the CAO but it is now being transferred to the PS after consultation with the Minister.

Clause 17 – The amendment proposed here is the extension of amendment proposed in Clause 2 in that it converts power of the Chief Agricultural Officer to the Permanent Secretary where such is necessary. The sections of Cap. 396 affected by these changes are 17(3) to 17(12), (14) and (15), 19(1), 21(2) and (3), 22(1), plus Forms A and B of the Schedule.

In Clause 18 of the Bill, there will be a repeal and replacement section dealing with offences. The amendment replaces the existing Section 23 by creating new Subsections 1 and 2, thereby broadening the scope of the existing provisions for dealing with offences, obstructing or hindering any of the persons empowered by this section in carrying out their powers or duties. Time has been taken to increase the penalty for the offence from \$100 to \$500, which is proposed, and there is a similar amendment respecting the level of fines under Section 24, Cap. 396.

There will also be a change in Clause 20. There will be a repeal and replacement of Section 26 of powers and delegation. The new section proposed is to enlarge the scope of the section regarding the vesting of the power of delegation in that not only the Chief Agricultural Officer now but also the Minister may delegate to a public servant in the Ministry of Agriculture, subject to the powers under the Act as considered expedient.

Clause 22 with the insertion of the Fourth Schedule provides for the Constitution of the Soil Conservation Review Committee to be established under Section 5.

Mr. Speaker, as you see when you peruse it, the present Act gives the CAO very wide reaching authority to carry out things that obviously should be policy decisions subject to the agreement of the Minister. But this Act gives him the authority to act on his own and also gives him the authority to act in cases of disbursing funds without the authority of the Permanent Secretary who is the Accounting Officer or the approval of the Minister. These changes are intended to transfer a lot of this authority that rightfully under a Ministerial Government should be in the hands of the Minister and some of it to the Permanent Secretary who is the Accounting Officer in the Ministry.

I move that this Bill be read a second time.

Dr. R. L. CHELTENHAM: Mr. Speaker, Sir, ever since the Ministerial system of Government came into being in Barbados in February 1954, in every Ministry perhaps with this single exception of the Ministry of Agriculture policy responsibility shifted to the Minister who was answerable to Parliament and through Parliament to the electorate and the position of the civil servants became that of policy advisers and policy implementers. This transition was particularly smooth in the other areas of the Public Service, but in the Ministry of Agriculture there always persisted a tension between the Technical Officer

and the Administrative Officer. They did not as in other Ministries take lightly to the change whereby the Technical Officers advise their Minister through the Permanent Secretary and Administrative Officers. As has been pointed out by the Minister responsible for piloting this measure, the Chief Technical Officer in the Ministry of Agriculture retained considerable responsibility for policy. This perhaps added to the tension and this problem is illustrated where in the Scotland District area policy initiatives and policy responsibility continue to be vested in the Chief Agricultural Officer even until this day some almost forty years after the Ministerial system of Government came into being.

So that the present position is an anomalous position and there can be no doubt that it ought long to have been changed to the extent that attempt is now being made to ensure that the Minister of Agriculture has total responsibility for all policy measures in his Ministry. There can be no quarrel with the attempt to introduce the amendments. In so far as the Act is concerned with a large and important area of the land space of Barbados stretching from Pico Tenerife in the north to Consett Bay and even beyond that to Sealy Hall, we ought to give considerable attention to what is happening in that area of Barbados. It represents, as has been said earlier, some one-sixth of the land mass of Barbados.

I am not satisfied, Mr. Speaker, that enough attention has been given to the Scotland District area. In the last 20 years and more, the work going on there has been concentrated almost exclusively on soil conservation measures. Successive Governments, started by the Barbados Labour Party Government in the 1950's and continuing until now, have focused primarily on agronomic and engineering techniques in soil conservation. They have built drains, bridges, and used a lot of gabion mats to hold the soil on the engineering side and on the agronomic side they have done a lot of reformulation of the land and they have planted fruit trees and so on to hold the soil. Some of the work has been effective and a lot of it has been ineffective. There is no doubt that a lot of money has been spent and wasted in the Scotland District.

8.50 p.m.

I think that we still have to find the best techniques for drainage and soil conservation in the Scotland District area. I don't think that there can be any doubt about that. A lot of the work has been experimental, hit and miss, and we are not sure what are the best techniques, either engineering or agronomic, that should be employed in soil conservation in that region. But my quarrel, Mr. Speaker, relates to the fact that there are at least two other components on which we should be focussing in the Scotland area which have been largely de-emphasised, if not completely ignored.

The first, relates to the human settlement component. People live, whether we like it or not, in the Scotland

District area and they live at a much lower level than a lot of the other people in the rest of Barbados and that is consistent with what I have been calling the development of two Barbadoses in this 21 by 14. It would shock Members of the House to learn... I am aware of the fact that the Deputy Prime Minister has been taking an interest in this problem and has had a report from Nicky Sealy of the Water Authority only a few days ago; but there are people living in St. Joseph, St. Andrew and in the other high areas of the Scotland District who for three months every year are virtually without water. It may shock you, Mr. Prime Minister, to learn that there are men in St. Joseph, St. Andrew and other parts of St. John who have got to motor their girlfriends at five o'clock on mornings to neighbouring villages to have a bath so as to be able to go to work in a wholesome way.

Only last week, the people in Horse Hill area were without water for four or five days. That is just one illustration of the difference in the services which people enjoy in the other parts of Barbados as opposed to the Scotland District. That relates to the level of housing too, Mr. Chairman, where over 65% of the people are without waterborne toilet facilities in their houses. They still have to go to the back of the yard to attend to the functions of nature, whatever the state of the weather, whatever their health, whatever their age.

It relates, too, to the fact that there are many people in those areas without roads who have no means of getting in or getting out. In every area - housing, electrification, water, roads, public transportation - there is a large differential between the standards enjoyed by the people of the Scotland District and the other parts of Barbados. That relates to the fact that the human settlement component of the Scotland District is ignored. We forgot over the years that people live there and that apart from trying to conserve and protect the soil we ought to pay attention to the conditions under which those people live.

I would just want to argue, Mr. Chairman, that the area has attracted a considerable amount of international aid funding. When the donor agencies hear that we are in danger - a small country, 450 square kilometres - of losing one-sixth of our land space, they immediately responded. It seems to me that if we could sell them the idea of funding the area, not only from the point of view of soil conservation but development of the conditions under which the people live, the human settlement component, that they would even be more interested and that we could be assured of funding in the future if only we would put together a package that firstly emphasises the human settlement component, secondly soil conservation and thirdly, the fact that the soil conditions down there, different as they are from the other parts of Barbados, will allow us to develop the area as an economic unit to provide the food for Barbados. We can for example, develop the cattle and livestock industry down there almost to the

exclusion of other parts of Barbados. That area can concentrate on livestock and cattle development. It can also be an area which we can devote to citrus production: pineapples – we have had our experiment there which was fairly successful, we have been growing guavas down there, cherries for export, pears, limes, a lot of our citrus can be grown successfully in that area. It is also an area where much of the bananas in Barbados grow. Besides that, we can take initiative in foliage and also in the cut flower industry. The conditions are ideal for cut flowers and for foliage.

We have not, Mr. Speaker, been paying sufficient attention to the development of the area as a productive zone in Barbados. I do not think that we can grow cane there in the way that we have tried, with some degree of success and a large degree of failure, in the past, but it is certainly an area that is ideally suited for the crops that I have mentioned.

So, what we need to do, is to put together a bold and imaginative plan emphasising these three components and I am confident that we will attract the international funding agencies' attention. It can make a major difference, Mr. Speaker, to the future of the area and to the future of those who will remain living in that area. I think that this is an important opportunity for us on this side to be making the point to the Government that the Scotland District needs attention in a bold and imaginative way and though we have been concentrating on soil conservation almost exclusively in the last thirty to forty years we need to shift our attention to the human settlement component of the area and also to the development of that area as a productive zone.

I want to say one or two other things about the Scotland District and about this Bill that has been introduced. The attempts to develop the area as a fruit-growing one has been hampered in large measure by the fact that the landowners down there have been particularly indisciplined and that invariably the cattle destroy the young crops. Attempts have been made to identify and to create areas for public grazing so that the cattle will not have to go on other people's property, particularly the Government's property and destroy the vegetation. On the whole it has not been successful and I think that a large scale public education programme needs to be mounted. In addition I think that we should move to develop more public grazing areas while simultaneously pursuing the public education programme with respect to the owners of livestock in the area.

Now, the legislation seeks also to establish a Review Committee which will serve as an appeal forum for those who want to question the orders made by the Minister with respect to conservation. I think it is an important mechanism that is being included here and I certainly welcome it, but in the past, my experience has been that these matters have not been pursued with any speed in this

fashion. There are people who have appealed in the past and sometimes two or three years after they have never got any reply, the appeal has not been heard. So, I am appealing, Mr. Speaker, to the Minister to ensure that this mechanism, which I welcome, works and is not only put on the statute books. It should be made to function speedily and effectively.

With those remarks, Mr. Speaker, I wish to lend support from this side of the House to the passage of the Bill and to urge and hope that the Government appreciates the importance of the Scotland District in terms of a productive area and in terms of a place where people live and where their conditions ought to be made more habitable than at present is the case.

9.00 p.m.

Mr. G. W. PAYNE: Mr. Speaker, the main purpose of this piece of legislation seems to transfer the power of the Chief Agricultural Officer in adjudicating certain matters relating to the Scotland District to the Minister. While it is desirable that the Minister in these matters be given the necessary authority to adjudicate, I am somewhat concerned as to the relevant expertise of the Minister in adjudicating on these matters taking into consideration the special problems confronting the Scotland District. I am not referring to this Minister of Agriculture or any Minister of Agriculture for that matter. I do not believe that it was just by accident that most of the areas where those persons placed in a similar position to the Chief Agricultural Officer in other areas had the authority transferred to the Minister. In this particular case the Chief Agricultural Officer is now the last one to be transferred.

The problems confronting the Scotland District relative to land slippage are very serious problems. I think that it is very important that someone with the expertise of the Chief Agricultural Officer or one of the persons employed within his department be allowed to deal with these special matters. I would hope that the Minister of Agriculture, notwithstanding the fact that we support the main purpose behind this legislation, is vigilant in dealing with the special problems of the people in areas like St. Andrew, St. Joseph and St. John whenever the need arises because I think not many of us are fully aware of the special problems that these people in these areas are affected by on a daily basis. At this particular point in time while I speak they are experiencing some very serious problems relevant to water. I speak of people in areas like Isolation Road, in White Hill and such areas which are affected moreso than other areas by land slippage.

I would also hope that the Minister of Agriculture is as vigilant as the Chief Agricultural Officer in effecting the resiting of people whose homes are effected by land slippage. There are a number of very bad cases, particularly in areas like White Hill and Isolation Road. I must say that the Chief Agricultural Officer has done an excellent job in

ensuring that houses which have been affected by land slippage are as speedily resited. I would like to urge the Honourable Minister of Housing to continue the practice as in the past. I spoke to him only a few days ago relevant to a very urgent case that we have in Isolation Road. I would hope that he responds as soon as possible by communicating with the Minister of Agriculture – even though this legislation has not yet been passed – and the relevant persons to effect a speedy resiting.

Mr. Speaker, there are one or two provisions in the proposed legislation that I would like to comment on briefly. Clause 4, section 3 of the principal Act being amended sets out certain persons being appointed to the Board. I would like to think that the people who have lived in the Scotland District area for a considerable length of time have some knowledge of the terrain and one of the complaints that they have been making from time to time is that a number of politicians come down and they do not know as well as they do, having lived in these areas for some time, exactly what the needs of the particular area are. It goes even at the level of fixing roads, putting up the gabions, and deciding whether or not we should have a retaining wall, an area with proper drainage and how a particular road is to be done.

In this connection I note that constituting the Board, even though this is not directly related to the actual construction of these projects, I think that their presence on the Board would go a long way in effecting certain changes in this direction – the Chief Agricultural Officer, the Permanent Secretary, the Senior Agricultural Officer. Under Section 4 (d) "four other persons appointed by the Minister who shall include representatives of the agricultural community".

I would like to think that interests within the Scotland District area, people who have been resident in that District should also be included in such a committee. In this way they would be able to be abreast of the situation and would be able to give certain meaningful advice as to what they think should be done in any particular situation. Of course, the experts might think differently but, at least, they would have a different opinion. They would benefit from the experience of people who have lived in the area for a period of time and who, over the years, have resorted to other methods to affect the slippage and such similar problems in that area.

The Honourable Member for St. Joseph on this side referred to the problems being experienced by owners in these areas at times when they are being asked to move. I do not recall if I read him correctly. I would like to think that we should move with caution and not be too hasty in condemning the attitudes of people who have lived in an area for a considerable length of time. There are some people in certain areas – you must excuse me if I keep mentioning White Hill and Isolation Road all the time

because these are areas, not necessarily within the constituency that I represent, but they are areas that complain on a very regular basis about the type of problems that they have been experiencing. There are people in these areas who would not want to live anywhere else. Of course there are some who would like to move and who cannot find suitable spots.

9.10 p.m.

I think that what is needed is an ongoing education programme by the Ministry of Agriculture to alert these people to the problems of land slippage and the danger that is posed to their houses, to themselves and the entire area if they overstay their welcome. In this connection while I have no quarrel with clause 10, section 9 the first power being given to the Minister to carry out any works that he sees fit, I am not very happy with the sanction a little later down – I think it is in section 16 – where the owners will be called upon to pay if they refuse to obey a ruling by the Minister and the Minister or the Chief Agricultural Officer is forced to carry out the works. I think it is somewhat unfair and unreasonable taking into consideration their association with the area, taking into consideration the problems associated with people living in the area to ask them to pay the cost of any works being carried out by the Chief Agricultural Officer or the Minister as a result. In this connection I would consider that, Mr. Speaker as a double penalty.

Those are the general points that I should like to make. Thank you for allowing me to make that contribution.

Hon. H. deB. FORDE: Sir, I just want to begin by congratulating the two Members who have spoken on the very erudite and understanding manner in which they have addressed not only this Bill but the broad problems confronting us in the Scotland District. There are one or two comments I would wish to make about the scope of the Bill particularly in relation to the Review Committee. I believe that the institution of a Review Committee to review a decision made by the Minister is an improvement on the Bill.

I am concerned however on the composition of that Committee. I know in this regard we are following a precedent that was established when we amended the Immigration Act in which there is a similar Review Committee reviewing decisions that are made essentially by one Minister, after being advised by his Head of Department. The Chairman of the Review Committee is another Minister. I consider that this is totally unnecessary.

I feel that we should reach the stage where Review Committees are, to a large extent, independent and have an approach that allows for not genuine administrative justice principles to come into the legislation. I also am a little bit

concerned that we are continuing to use – it happened during my time too as Attorney-General – the Solicitor-General or his nominee on every particular body that constitutes a Review Board. I do not believe that we need this. I think that we can find enough independent people including some of the magistrates who will exercise a degree of independence and to give the legal view away from the day to day ministerial concerns that would operate in that office.

I would strongly advise that perhaps when we are looking again at the further amendments that are necessary to the Soil Conservation Act that we look at those areas in order to give review committees the genuine qualities that are necessary for such review committees.

The Minister after consultation with the Board would have set the broad parameters in policy. Those policies are likely to affect a person's fundamental rights. His right to live on a particular area of land for instance. Your proposals may involve saying to him, "You cannot farm here any more." Although there are compensation considerations in the Bill yet it affects him in a way, in my view, that really is very, very important to people's natural rights.

I should like to suggest that we move away – the time has come where we can afford now to move away from believing that we have to have a Minister sitting on every review panel. I consider that we should do it not only in this Bill but as I said the Immigration Bill as well. I think that we have reached that stage that we can move to get genuine administrative justice going in a meaningful way. That is my main quarrel with the proposals. I think that it is quite proper to take away the powers from the Chief Agricultural Officer, let him be genuinely a technical man. I think that this is an improvement again in that regard.

I would hope that the second review of this legislation will take a broader grasp as most countries are now talking about the genuine role of review bodies. In the United Kingdom, in Canada and elsewhere today these review bodies operate on a basis of fairness and understanding. I would like to see that done, Sir.

I know that we have included the Chief Town Planner as a member of the Board. I would hope that of the persons who are going to be appointed to the Review Committee, we will also appoint someone who has a knowledge of Town Planning considerations. These are extremely vital although the town planning input comes in at the stage of advising the Minister on policy. I believe that town planning considerations are very applicable to that one seventh of the mass of Barbados which we are in danger of losing.

I would also ask the Government at this stage, as a matter of policy, to formulate an overall policy for mining

in the whole of the Scotland area. I am really concerned about the manner in which we have gone on mining sand, for instance, in the area near to St. Andrew's Church, as you go between St. Andrew's Church and Shorey Village. A lot of that mass of sand that was a barrier against the wind has gone. We continue to mine and I am afraid we are probably mining to a level that in the long run might create a serious problem for the environment in that region. I realize that there are other areas for sand mining. I believe there is an area in Springfield. I hope that we will look at that very carefully. But we are in danger in that part of the coast of destroying, by our own man made designs, what is left of the area, Sir.

I believe as well, Sir, that the time has come for a massive programme of reafforestation in the whole of the Scotland District particularly in St. Andrew and in St. Joseph and in St. John, if one takes the area just below Bath and go back down to Foster Hall – that area just below Bath and go back down to Foster Hall – that area needs rapid reafforestation and I think we ought to encourage the development of reafforestation at as fast a rate as possible in the Scotland District.

Sir, I would hope we would get another opportunity to look at these proposals. No doubt in the Estimates we will talk a bit more about them. I do not want to delay the House at this hour of the night, except, Sir...

Aside.

Hon. H. deB. FORDE: The Honourable Member for St. Peter says it is too early for us to run the Government or even tell the Government how to run the Government because they believe they have all of the answers to everything so we probably will not have to tell them how to do that, Sir.

I am one of the people who live on the Scotland escarpment. Daily I come face to face with the reality of the problems confronting people in the Scotland District from Coach Hill, not so much in Stuart Hill or where I live in Society but certainly from Coach Hill right back down to as far sometimes as Pico Teneriffe, you see the normal problems that are occurring there.
9.20 p.m.

I want to add my voice to those of us who are genuine Barbadians who believe that it is an important area for conservation, major conservation.

I am a little bit concerned about the Minister's future plans to extend this Act as it stands to the whole of Barbados. I don't think it is necessary to extend it to the whole of Barbados, but I believe that we should look at those areas in the balance of Barbados that call for similar

measures and I think we would find it easy to support that type of legislation but there are some areas that will not call for that type of legislation.

I want also to say that if we are seeking external funding, we have got to be careful of extending this legislation to the whole of Barbados and of getting our sights confused, because I believe that our sights must be heavily concentrated on the worse areas faced with this type of problem and those areas are certainly in St. Andrew and St. Joseph. And really I have driven through St. Andrew in the last few months on several occasions. I had the privilege of being shown through parts of St. Andrew by the Honourable Member for St. Andrew and these are real human problems, the problem of a man planting his crop and cannot get it out because of lack of roads that have slipped and gone forever. The problems of a business, I can't recall the names of the family now, near to Turner's Hall, the Lees, which is really virtually destroyed because of the slippage occurring in the road. I mean these are real problems that are confronting us in this area and I believe that we have to bring, very rapidly, a solution to them in order to ease the human problems that occur.

Hon. D. J. H. THOMPSON: Mr. Speaker, I don't intend to be long but I am giving my full support to this particular Bill. I am a bit confused on the exact nature of the Opposition's position on this matter. It is clear that the Honourable Member for St. Joseph is essentially in favour of all aspects of the Bill. I also believe that apart from legislation there is a need, as we all conceive, for an assault on other aspects in the development of the Scotland District. So, for example, you will be pleased to know that the Ministry of Agriculture recently did some work on the roads to the Banana farmers in Newcastle, and are now working on a project for the irrigation of that area, particularly in view of the fact that there is so much water that runs from the Spring which could be used for that purpose. So, as I understand it, there is some development taking place, but the point that you seem to be making is essentially that most of it relates to soil conservation, putting up of gabions, and that kind of thing.

The Honourable Member for St. Andrew – I do not think he is supporting the legislation. I am not sure if I am correct, but that is the impression that I get because he seems to think that in some aspect it imposes unnecessary penalties on people, who perhaps should not be the recipients of such penalties and that the composition of the Board is not broad enough outside of the technical areas and should include persons who live in those areas, which is a difficult thing, because essentially I think you are dealing with technical matters here, which relate to Government's Development Plan as a whole, but perhaps that might be a valid point, but that means essentially that you are saying that you don't necessarily agree with the

legislation. I am not sure that you are supporting the legislation.

The Honourable Member for Christ Church West who is a resident of that area as I understand it....

Asides.

Hon. D. J. H. THOMPSON: We help each other in that regard. I got two extra votes from that Society box.

Aside.

Hon. D. J. H. THOMPSON: That is a matter of record. I got two extra votes on the DLP's previous performance, and the only person who moved into the area was the Honourable Member for Christ Church West. But, anyway, the point is that his view is that he supports entirely the concept of the review panel or board, but the original position of the Labour Party on this matter as evidenced by the file was that they were not countenancing any review of any Minister's decision in relation to the Scotland District, so I am surprised that the position has changed.

This particular amendment arose as I understand it out of the instigation of the then Prime Minister who asked the Attorney General to prepare legislation on the Scotland District, to change the powers that are vested in the Chief Agricultural Officer and have them vested in the Minister. That was his original position, but when there was some concern and rightly so about the rights of appeal the position of the then Prime Minister was that the legislation should not countenance it. There was to be no right of appeal, "the powers must be vested in the Minister but the law should be drafted that the Minister could delegate his power to a public servant if he so desires".

That was the Labour Party's position when this legislation was being conceived of and that was the 21st June 1985 under the hand of the Honourable Member for Christ Church South now, then the Honourable Member for Christ Church East Central, so that I am glad that in the spirit of the development of administrative law, that this particular piece of legislation, guarantees citizens that important right of appeal and I do not think that our public policy should first of all wish to seek to place these kinds of policy decisions in the hand of a Minister solely without also giving a formal right of appeal in the legislation, because it is bad enough in some respects – there are some people who would hold that view – to put decisions relating to essentially technical matters, and this is the point that I understand the Honourable Member for St. Andrew to be making, in the hands of a Minister. He just doesn't make those decisions, he makes them on the basis of advice that technical persons give to him, but there are some people who conscientiously object to placing powers of this sort in

the hands of a Minister period. There are people who take that position. They might be right or wrong, but I still feel that all of our legislation should reflect the right of our citizens or persons who are affected by decisions, particularly in relation to things like land use patterns and so on, and give them the right of appeal from the decision of a Minister as requested.

I am therefore glad to see that the Labour Party's position has changed over the seven years since 1985 and that it has now adopted a more accommodating approach in administrative matters and that it now has come to the view point that Ministers should not act capriciously and should not be able to make decisions affecting the welfare of citizens on the basis of caprice and whim and reactionary positions and so on, but that the Labour Party is now adopting the position that the right of appeal should be paramount as is in keeping with the legislation passed in relation to administrative law.

9.30 p.m.

It was not your position in 1985. I am saying that I am glad that you have come to Christian understanding on this point and we are *ad idem* with you and we are glad that you see the importance of this particular provision because I think that it strikes at the very fundamentals of Administrative Law and the rights of citizens.

All told, I think that the legislation speaks to the important issues. It does not speak to the policy questions that were raised by the Honourable Member for St. Joseph which I share and which other people who deal with the problems of the Scotland District share about the particular point you raised of getting funding for a programme for the total development of the Scotland District which is an attractive point, but it can also be extended to the rural sector as a whole. If you can identify an entire rural development programme and also identify funding for it over a long time period, I think that might be one of the ways in which we can tackle some of the problems of different levels of infrastructure in relation to rural areas as distinct from urban areas. It would be a positive development to look at rural development in that way and I support the suggestion that seeks to orient policy decisions towards that kind of central approach rather than a whole approach which invariably sometimes leads to greater resources being placed at the disposal of people living in urban areas because of a large number of electoral seats are in that area and a whole host of other factors that make it more attractive in that respect. The attention, therefore, being paid to the rural sector is one of the pleasures of the Democratic Labour Party and forms part of our policy programme. If you look for example at things like the new polyclinic in St. John, new sites and services programme in Gall Hill, St. John, the provision of roads, et cetera are all part of the programme.

With those few words, I support this Bill, Sir.

Mr. H. B. St. JOHN: It is late, Sir. I still have to make a little contribution. I had no intention at all of intervening, Sir. But having heard the last speaker, I think that it is necessary for us to put the record straight in at least two respects. As he read from the files of 1985, the position was taken then that the time had come for the powers which hitherto were vested in the Chief Agricultural Officer or in some civil servant to be vested in the Minister. That is the point. With respect to appeal, Sir, there is no difficulty at all with respect to that. There are three methods of dealing with that matter.

The first point that one must recognize though in Administrative Law is that unless you specifically put a power of appeal in the statute there is no power of appeal. You may decide in your mind that you are not going to have a power of appeal because of the fact that under the law in Barbados you have a review power by the Administrative Justice Act. The Honourable Member must recognize that the Administrative Justice Act is the Labour Party's contribution to the improvement of the administrative justice in Barbados. The reason why you have the Immigration Act which provides for a review by another Minister is because the Immigration decisions are specifically exempted from the administrative review. Now are you going to specifically...

Hon. D. J. H. THOMPSON: On a point of order, Sir. I did make the point.

Mr. H. B. St. JOHN: I did not hear it if you did.

Hon. D. J. H. THOMPSON: Well, you might not have heard it. But I think that the Honourable Member for Christ Church West did. I was speaking specifically to him in relation to the Administrative Justice Act. I said that that was a further step in codifying matters in relation to Administrative Law. But I said that I am glad that the Labour Party sees the light that it is necessary to include in this legislation and in individual legislation the right of appeal. That is all that I was saying. I am perfectly aware of what the Honourable Member is saying.

Mr. H. B. St. JOHN: But we will deal with that as a matter of detail. So to say that we want to deny the right of appeal does not mean that we are not interested in people who are affected by a decision, who are aggrieved by a decision, having an additional access to review the decision of the Minister. Under the Administrative Justice Act, unless in the Schedule of that Act you specifically exempt any decision of this particular Ministry, they would have the normal provisions which are granted by that Act for review. So let us go on now.

Sir, there is just one other point that I would like to speak on. This is a question of this rural development, Sir. The Labour Party's record on rural development cannot be questioned by the Democratic Labour Party and least of all

by the Honourable Member. The Honourable Member is representative of a constituency that is the embodiment of neglect by the Democratic Labour Party. What is more, Sir, the former representative always bragged in here that St. John wanted nothing. I well remember. He used to like to sit down there and everytime you mentioned that we were going to do A, B, or C in St. John he always would say, "Leave St. John out. They do not want anything from anybody at all. They are happy how they are." That is what he used to say and that is a fact. He always said that. Keep them in their state of ignorance and they will continue to vote for the Democratic Labour Party. That is what he was saying, Sir.

I well recall, Sir, when we were talking about the development of townships right through Barbados – Belleplaine, Gall Hill in St. John, and St. George – the jive that used to be thrown at us all along was "the tale of the cities". I think that we must recognize that this area, Sir, like many other rural areas in Barbados, has a number of problems which are human problems in addition to the physical problems that we have. When we come to the Estimates, we will deal in more detail with the provisions and the neglect of the schemes. The neglect of St. John is so evident that even now that you are recognizing it. So that, Sir, you only have to see the neglect of St. John by going to Four Roads and look into the shop at Four Roads. You see no stock in it since the Democratic Labour Party's credit squeeze which deprives the rural community of the purchasing power to buy the goods. At Four Roads in St. John you had a thriving potential township developing there. Under the Democratic Labour Party now, you have a shop down there with no stock at all. You just have to go and see that. They have even to survive to rent to the Honourable Member.

So that, Sir, we will deal with the balance in the Estimates. I just want to put the record straight.

Hon. W. O. FRANKLIN: Mr. Speaker, let me thank all the Honourable Members who contributed to this debate. There are just a few points that I want to raise. This is the first one. The Honourable Member for St. Andrew seemed to have gotten the impression that the technical matters were being taken away from the Chief Agricultural Officer and given to non-technical people. If you go through the Act carefully, you will see that this is not so. Those matters that were taken away were matters of policy decisions or matters dealing with financing which will be the responsibility of the Permanent Secretary. But as to all the technical matters the Chief Agricultural Officer is still the person who advises the Minister on these matters. I think you need not have any fear on that one.

The present Member for St. Joseph did speak at length on the Scotland District on what he referred to as the human settlement component of the whole Scotland District. This is exactly the problem that is causing the problem in the

Scotland District. Let me particularly refer to the area of housing. The main problem in the Scotland District of housing is the disposal of waste.

9.40 p.m.

Let me admit that in my opinion, there are no experts on the Scotland District. I am still to see any document that would confirm in my mind that there are experts. It is one of the trickiest districts in the world where you have the Joes River mud and you have the impervious clays and then you have the streams. It poses one of the most difficult configuration of soil types in the whole world and there has been trial and error in that district for many years and I am still of the view that there are no experts on the Scotland District area anywhere around.

One of the main problems in the housing situation is the disposal of waste. My contention is that it is extremely difficult going into the 21st century, where the development and the quality of housing in Barbados is such as to allow people to build their house without internal water toilets. The technical people advise me that in certain areas of the Scotland District that if you allow an internal water system you are adding to the additional disposal system which in turn will not only add to the slippage but in turn damage all of the houses. For argument's sake, if you go up Franklin Douglin Road, just on that little ridge on the Franklin Douglin Road. I remember we begged persons not to put their houses on that ridge. They went ahead and they put down their houses and then they came back requesting permission to improve their toilet facilities. Reluctantly, we give them permission to improve their toilet facilities and now if you go there, most of those houses have now lost not only the toilet facilities, but almost all of the houses are now going into the cherry trees below. This is the main problem with the Scotland District, the water, because what has been the problem with the water system is that the ductile steel pipes because of the movement of the soil in many cases get breakage and there are long periods of seepage and big leaks in the Scotland District that further add to the problem.

So, these are two of the big problems: supply of water and the quality of housing. It is a problem that is not going away from us, because as I said, nobody has convinced me that they have the answers. We are going to have to look seriously – despite the fact that there are people who have been born and bred in the Scotland District, but by an educational programme we are going to have to encourage them to move to the few areas that are fairly stable and we will have to do very strict zoning.

Now, the other areas you spoke of are quite true, that we have to look and get some economic value from the Scotland District. It is a big area and it has been designated as the grazing land and the fruit production section, but we have a problem with the stray animals. The Act that we passed – just before we sessioned – on stray animals is

hoped to address this but the problem, as you know, with the public grazing areas is that as soon as you provide public grazing areas additional cows come in and overgraze those areas which in turn creates a conservation problem. You expand the area and people bring additional cows because it is not well known but a lot of those animals in the Scotland District are not owned by people in the Scotland District. This is a fact. There are people who carry calves and cows from town and Christ Church and don't go back to look for them until they are ready to calf. That is a problem. Only this weekend, I was in the Turner's Hall area looking at the Turner's Hall Woods because under my Ministry of the Environment I now have an added interest in this area as well as from a conservation point of view and the Member for Christ Church raised a point...

Asides.

Mr. SPEAKER: Order, please.

Hon. W. O. FRANKLIN: ...about the findings of which we are having a problem. On the Turner's Hall plantation, which is now owned by Government, I counted something like 673 cows and calves on an area of about 250 acres and all the work that was done by the Soil Conservation - we planted about 25 acres of grapefruits and another 25 acres of guavas, and they have all been eaten down to about 2 acres of the grapefruits I saw surviving on the ridge by the Lee's property. The additional 48 acres have been completely eaten down. Prior to the Livestock (Control of Strays) Act, we had some violence every time the wardens took them in. People came and loosed them again and threatened to kill people, etc. So it is a very difficult area.

This piece of legislation has been necessary because this is the first stage in the policy the Government is pursuing in declaring a Scotland District Authority. We are of the view that you need that type of authority to coordinate all the efforts in the Scotland District. The agricultural area development, transportation, housing, mining, quarrying, conservation, because there is presently no coordinating authority to make sure that the area, sensitive as it is, is properly planned well in advance. Before I left the Ministry of Agriculture, we had already started doing work on a Scotland District authority, very much like the Tennessee Valley Authority and to have a comprehensive plan for the whole Scotland District. So, very shortly we should see coming to this Legislature a comprehensive plan dealing with the whole of the Scotland District looking at it from an economic point of view, its mining, its transportation routes, its agricultural policy, its conservation policy, because this is an area that we need to do a lot of conservation work in as well. So the Government is very mindful because it is the area where there is the most bio-diversity in Barbados and we need to protect it as a conservation area as well. This first amendment to the Act

will allow the present Minister to continue doing the work towards the ultimate objective of a Scotland District Authority.

Mr. Speaker, I now beg that this Bill be read a second time.

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

On the motion of Hon. P. M. GREAVES, seconded by Hon. M. A. KING, Mr. SPEAKER left the Chair and the House went into committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

Clauses 1 to 22 and the Schedule were called and passed.

On the motion of Hon. P. M. GREAVES, seconded by Hon. M. A. KING, Mr. CHAIRMAN reported the passing of the Bill in Committee and Mr. SPEAKER resumed the Chair and reported accordingly.
9.50 p.m.

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

On the separate motions of Hon. W. O. FRANKLIN seconded by Hon. E. E. GREAVES the Bill was read a third time and passed.

APPOINTMENT OF COMMITTEE RE DOMESTIC VIOLENCE (PROTECTION ORDERS) BILL, 1991

Hon. P. M. GREAVES: Mr. Speaker, earlier this evening it was agreed as to the Domestic Violence (Protection Orders) Bill, 1991, that further consideration be postponed; further, Sir, that a joint committee be set up and the Other Place be invited to join with the committee from this House in order to deal with this particular matter.

It would expedite matters, Sir, in fact, if the House is so minded, that the two other Bills could be so referred and all dealt with at the same time by the same committee...

Aside.

Hon. P. M. GREAVES: The Attorney General at that end, Sir, is agreeing with this side. I hope it meets the approval of everybody.

Aside.

Hon. P. M. GREAVES: None of them has been read a second time yet. The Bill we are referring to the committee has not been read a second time yet either. The motion has not been put.

Aside.

Hon. P. M. GREAVES: We will leave it for another time then, Sir. The Message to the Other Place is as follows:—

"This House has the honour to invite the Honourable the Senate to concur in a proposal for the establishment and constitution of a Joint Committee of both Houses of Parliament to consider and report on A Bill entitled the Domestic Violence (Protection Orders) Bill, 1991.

This House proposes that the Joint Committee shall have the powers of committees under the Parliament (Privileges, Immunities and Powers) Act, Cap. 9, Sections 8-12 and Standing Orders of both Houses and receive memoranda, hear oral representations and otherwise proceed as the Committee sees fit.

This House further proposes that the Joint Committee shall report not later than three months after it is fully constituted.

This Honourable House proposes that, if the Honourable Senate agrees to form the Joint Committee, the following Members of the House shall be Members of the Committee:

- (1) The Honourable Attorney General
- (2) The Honourable Member for St. Michael West Central
- (3) The Minister for Justice, the Honourable Member for St. James South

(4) The Minister of Community Development and Culture, the Honourable Member for St. John

(5) The Honourable Member for Christ Church East who is the Deputy Speaker of the House who might well be Chairman of the Committee

(6) The Honourable Member for St. Thomas; and

(7) The Honourable Member for St. George South."

The six of them along with persons elected from the Other Place should form the Select Committee in order to report back on that particular Bill of which mention was made earlier.

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

Mr. SPEAKER: Therefore this Message should now be transmitted to the Honourable the Senate.

ADJOURNMENT

Hon. P. M. GREAVES: Sir, I think we have sat long enough as the Honourable Member for St. Peter is indicating. Let me say here, Sir, that during next week Monday to Friday, the whole of next week, Sir, will be devoted to consideration of the Estimates. I am adjourning this House now until Monday, March 18, 1991 at 10.00 a.m.

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

The question that the House do now adjourn until Monday, March 18, 1991 at 10.00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.
10.00 p.m.

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