
THE House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1991 – 96

HOUSE OF ASSEMBLY

Tuesday, May 28, 1991.

Pursuant to the adjournment, the House of Assembly met at 12.15 o'clock.

PRESENT

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

His Honour T. C. ESTWICK, (Deputy Speaker)

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

Hon. H. deB. FORDE, Q.C., M.A., LL.B., (Leader of the Opposition)

Hon. 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 Community Development and Culture)

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

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

Miss B. A. MILLER

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

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of the Meeting of Tuesday, May 14, 1991.

Hon. M. A. KING: Mr. Speaker, Sir, I beg to move that the Minutes of the Meeting of Tuesday, May 14, 1991 which have been circulated be taken as read and, if there are no objections, be confirmed.

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

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

PAPERS

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, Sir, I am commanded to lay on the Table of this Honourable House of Assembly:

The Customs (Amendment) Regulations, 1991.

NOTICE OF QUESTIONS

Mr. SPEAKER: The Honourable Member for St. Michael South East: Construction of road to provide... He is not in his place. I have been told the Honourable Member is not in his place at the moment so I move on to the Honourable Member for the City of Bridgetown: Storm drains and canals which pass through Murphy Pasture.

Miss B. A. MILLER: Mr. Speaker, Sir, I beg to give notice of Question No. 19:

To ask of the Minister of Health:

1. Is the Minister aware that the storm drain or canal which passes through Murphy Pasture contiguous to St. Mary's School and Farnum Land in the City of Bridgetown constitutes a serious hazard to public health?

2. Will the Minister please state what regular preventive measures Government proposes to implement for the above area whether through the Sanitation Service Authority and/or the Public Health Inspectorate and/or the Environmental Engineering Division or otherwise in order to put an end to this health hazard?

Mr. SPEAKER: From the same Honourable Member: Persistent stench emanating from the sewage plant at Lakes Folly.

Miss B. A. MILLER: I beg to give notice, Sir, of Question No. 20:

To ask of the Minister of Health.

1. Is the Minister aware that there is a persistent stench emanating from the sewage plant at Lakes Folly in the City of Bridgetown, which constitutes a public health hazard, a public nuisance and an environmental pollutant?

2. Will the Minister please state what corrective measures Government proposes to take in order to put a continuous preventive maintenance programme in place in that area?

3. Will the Minister also state the date on which those surrounding residents in the area of the sewage plant who are awaiting removal will be relocate?

Mr. SPEAKER: End of Notices of Questions.

FIRST READINGS OF BILLS

On the motion of Hon. M. A. KING, seconded by Hon. E. E. GREAVES a Bill to amend the Airport Service Charge Act, Cap. 59 was read a first time.

SUSPENSION OF STANDING ORDERS

Hon. M. A. KING: Mr. Speaker, before the House embarks on the Orders of the day I beg to move that the following Standing Orders be suspended for the remainder of the day's sitting: Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44.

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

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

ORDERS OF THE DAY

Mr. SPEAKER: Order No. 7.

AIRPORT SERVICE CHARGE (AMENDMENT)
ACT, 1991

Order No. 7 was called - To move the First Reading of a Bill to amend the Airport Service Charge Act, Cap. 59.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, when I delivered the Financial Statement and Budgetary Proposals for 1991 in April of this year I indicated then that the Airport Service Charge would be increased from \$20 to \$25. I also indicated then that it was accepted that the users of the airport - those departing from a country - are normally expected in most countries to carry some of the burden of the facilities, paying for the very expensive facilities and installations which are found at any modern airport. This particular measure that is now before us is in implementation of that particular statement.

I believe the Airport Service Charge was fixed at \$16, I believe, some time in the mid 1980s; the exact date escapes me at the moment. It was raised from \$16 to \$20 in 1989 and now it is increased to \$25. I think, Sir, that is roughly in line. It is below the charges which are made at some other international airports and I believe that it may be above also some charges which are made in some of the airports in the region. We believe that is a reasonable contribution at this time, to make towards the revenue of the country. I do not think, Sir, either the principle on the charge on departing passengers of a fee is in question and I don't think there can be much quarrel, Sir, about the level at which the charge is fixed. Therefore with those words, I beg to move that this Bill be now read a second time.
12.25 p.m.

Mr. SPEAKER: The question is ...

Mr. H. B. St. JOHN: The debate, generally, is a very important area, because we are dealing with the Airport and as we know, aeroplanes are the principle source of finance there and we are charging a service charge in order to get money from the Airport, and it appears to us at the present

moment that there is within Barbados and within the Eastern Caribbean, a state of uncertainty as to the position in relation to the use of the Airport. We all would like to see as many passengers come here, and as many people who use the airport as possible, because then they will collect more service charge.

Now, Sir, the Airport Service Charge as far as I recall, Sir, is paid for by users of the Airport and they have to pay a fee to the Government. Now the airline owners use the Airport and I think the Government should be frank with the people of Barbados and tell the people of Barbados how much money, for instance, the Government or its agencies collect from British Airways arising out of the sale of certain aviation rights Barbados has which were given up with the collapse of Caribbean Airways. We know that the Government of Barbados, directly or indirectly, has entered into an agreement whereby British Airways pays royalties and we would like to know the terms of that agreement.

This House has never been treated with the degree of frankness which it should be treated with in this respect. Because we would want to know, for instance, whether they also collect royalties from other users and other larger users. I believe the largest user of the airport in Barbados is BWIA. I believe that those are the facts. We would like to know whether they have to pay royalties too in respect of the fifth freedom rights that they enjoy.

I want to make it clear, the Labour Party's position on this matter is very clear. The Labour Party regards Grantley Adams Airport as a massive investment undertaken by successive Governments of Barbados to ensure that we have the most up-to-date airport in the whole of the Caribbean and that we can be competitive internationally. And, we always have a very, very clear aviation policy, and it was very clear that this country is dependent upon tourism and we need a very reliable, well managed, airline to bring tourists to Barbados. Particularly at times when there is an international recession in the aviation industry, we have to ensure that there is a minimum level of service so as to be able to have a level of tourism in Barbados, having regard to the massive capital that is being employed in that area. So that has been our policy.

We have specifically said that we believe on this side that the best way for small states in the Eastern Caribbean to run their aviation policy is to have an inter-governmental agreement between all of the states in the Eastern Caribbean, once they can mutually agree upon the terms and conditions upon which they will negotiate abroad. All of those things, Sir. All of this we have on the floor of this house.

Aside.

Mr. H. B. St. JOHN: I know that some members obviously have some difficulty with relevancy. That is not surprising, Sir. So that, Sir, these matters are matters which we feel should be approached almost in a bi-partisan way, because if we don't have people and institutions using the Airport, it means that the revenue that we would collect therefrom would not be sufficient to service the debts of the Airport.

Now, I am sure the Honourable Minister of Finance would readily concede that he would like to see every department of Government run, financially speaking, as successfully as the Airport runs. Because, there is little, if any, subsidy given by the taxpayers to the maintenance and the capital development of the Airport. Because, I know, periodically a constant review is undertaken to see whether the charges that are charged at the Airport are sufficient to service the capital employed. It is not formally, in law, treated as a public utility, but in fact in the Government's financing and budgeting that review is undertaken as though it were a utility, periodically. It is because of that, that you have this increase. What is disturbing is, that we are hearing these conflicting reports some of which appear to me to be a distortion of the real facts.

As far as I understand, this Government has not changed the position that the Barbados Government previously was adopting in relation to the designation of BWIA as Barbados' carrier. The people must understand that the Barbados Government in 1982 was able to persuade the United States Government to accept BWIA as Barbados' designated carrier for route rights under the terms of the bilateral agreement. People must appreciate that.

We also had an argument then as to the terms of the bilateral agreement in relation to price fixing of fares and we were the ones that came forward in the face of a lot of opposition from the Department of Transportation in the United States who wished to have, at that time, unlimited right of airlines. They believed in the gospel of the market place. We objected at the time and said that small countries have to have some measure of control as a last resort, but we recognised that in the internationally competitive world that more and more freedom was being devolved to deal with the competition, up and down, and we came up with a reasonable concept, that up to seven percent, I believe it is, that the airlines could increase or decrease. So that concept is something that has been in existence and accepted. We were able to point out at that time to the United States that they dare not go to discuss a bilateral agreement with Japan upon the basis of a free market place.

Now, Sir, the only difference as I understand it, between the positions then and now is, that whereas we were insistent that we would refuse to do a deal with British Airways until the British Government had accepted

that if the Caribbean Governments had agreed in the Eastern Caribbean to pool their aviation rights, that the same terms and conditions which applied to a bilateral agreement between Britain and any other country, namely Britain's right to designate a number of airlines, and the Caribbean's right to designate a number of airlines would have to apply. That is why we refused to do a deal with British Airways, but you see, this Government in its wisdom ... I am surprised, Sir, having regard to the experience which they should have had in dealing with the British Government. This Government came in and all of a sudden they decided to make a deal with BA. Well, once you had made that deal with BA and you had collapsed Caribbean Airways and you had not at the same time had an agreement, the British Government had great control over you. Because here it is you have by entering this agreement with BA said to the British Government that BA is our carrier and then the British are saying, "Well, how many carriers do you want? BA and BWIA and how many more?" That is what has happened. It is this agreement that we warned about. We solemnly warned about that agreement. We said that the Antigua Government had such an agreement. The Government of Barbados directly or indirectly has an agreement whereby British Airways brings passengers to Barbados and...

12.35 p.m.

Aside.

Mr. H. B. St. JOHN: Well, that is just another disaster he dropped on the people of Barbados, the tax system. Sir, the Barbados Government directly or indirectly has an agreement similar to Antigua. There is such a thing as Antigua and Barbuda Airways which has an agreement with BA. I am telling you that. These are facts and that is what is the real thing. That is one of the problems. I have no quarrel with the position taken by the Government of Barbados in saying that the Government of Barbados should retain some measure of control in relation to aviation and the fixing of fares. Experience has told you that you can always surrender all of your powers in that direction. Very few countries in the world do it. But my quarrel is and this is what I want the Government to make clear...the Government should make this clear. What is the position between the Government of Barbados or its agency, Caribbean Airways, and BA? Because that is what the British Government is walking about saying all the time. What do they expect? BA is paying royalties and they want to designate BWIA and we hear that BWIA is not paying royalties. That is what they are saying, Sir. But the truth of the matter is and this is where I am going to finish now, Sir.

The truth of the matter is, and I hope everybody recognizes this, tourism is of such importance to the foreign exchange earning capacity in these territories that we have to make the sacrifice and the public must be educated into understanding that nobody is going to give

you something for nothing. No foreign airline, find whether by the Government or by the taxpayers' abrogating to give you the level of service which is necessary for your tourism when conditions turn around. It means that if you want to have a consistent level of service the Government has to take a decision at some public money behind it. Do not let us fool ourselves like that. All this gospel about privatisation.

Well, there are a lot of takers and opportunities to privatise out there. I hear that no doubt the Barbados Workers Union will put a lot of money now in so these new ventures that are coming into operation are going to be privatised. But the truth of the matter is that we have to have a solution in the Eastern Caribbean this aviation matter. That is it, Sir. When they privatise the port, the union will buy it, Sir. That is correct. They are the best people to buy it. They run it now. Therefore, the position is that these are very serious matters and we should not allow the debate to take place in the Press because all kinds of misrepresentation about the position is going along. Unless the politicians in the Caribbean bring these matters into Parliament and put their straight and honest views to the electorate, all kinds of difficulties will arise in the relations between the countries. The Caribbean people must be sick and tired of hearing these debates taking place in the Press when they should take place in Parliament. The Government should give us the position because we believe that if the united approach to the British Government that the Government will recognize that it is wrong to attempt to force an agreement upon these territories which themselves could not negotiate with any other country in the world. They cannot negotiate the type of agreement that they want with any other country in the world. But our hands have been tied by the action of the Government in entering into that agreement with BA.

Now Sir, that agreement has a finite life. There must be provisions in the agreement for terminating it. I wish the Government to understand that it is not the duty of the Government to conceal this information from the public. The public must know. People must be in a position to make investment decisions upon the basis of a policy of the Government in relation to aviation. Aviation is of great importance. We know that already. We are in a position today where our tourist industry from the United States of America is seriously affected by the fact that the airline conditions there are not what they used to be arising from the recession in the United States and the changes that took place in the aviation industry there since deregulation. There is no question about that.

I will sum up, Sir, by saying that the Barbados Labour Party's position is very clear. At the Heads of Government Conference at Sam Lord's here in 1985 when everybody tried to attack the Government of Barbados including the then Opposition now Government when they tried to

misrepresent our position, thank God we were able to stand up and say that the Barbados Government had consistently stated that aviation was an area of activity which in its opinion is best exploited by public and private sectors.

We always welcome private participation in an airline-aviation company. Who is going to buy an aeroplane now? Who has the money to buy an aeroplane? If LIAT did not get grants from the European Economic Community, they would not be able to get money from the bank. It is one of those things that cost so much money that you need a combined public sector-private sector approach. That means that the framework must be agreed upon in the Eastern Caribbean and that is what we have consistently said. We are disturbed now that the Government appears to be so silent. Government is only responding to two points. They are only responding to the point about the price fixing. They are not telling the public that there is another problem and the problem arises from the agreement that they have signed. They must tell the public about that. Let us all combine and see how we can get the best aviation agreement in this area, Sir.

Mr. SPEAKER: The question is...

Hon. H. deB. FORDE: Mr. Speaker, Sir, obviously I am going to continue from where the Honourable Member has left off and deal with the problem which is posed for us in relation to having sufficient traffic through our airport unless we have in place adequate aviation agreements.

In the context of the present impasse which has occurred between ourselves and our brothers and sisters in the Eastern Caribbean, I regret very much that on a measure such as this the Honourable Member has not seen fit to bring the House up to date with the state of those negotiations. It has been my understanding that deregulation of the airline industry has resulted in a contraction in the number of airlines rather than an expansion in the number of airlines. Barbados has had its problems during the past year and a half from being not able to secure enough traffic through the Airport and as a result you will find that there will be a corresponding drop off in the airport service charges. One of the reasons for this is that Barbados is not any longer a hub area for airlines such as American Airlines. Puerto Rico is becoming the main hub and you will find that in many cases passengers are having to come through Puerto Rico by American Airlines, transit there and change planes at times to come to Barbados.

12.45 p.m.

We have lost, of course, Sir, the Eastern Airlines traffic because of the collapse of that airline. In some respects they have been replaced. Once again, because of our lack of initiative, we have not been able to make the most of getting alternative carriers into our gateway of the Grantley Adams International Airport. I say that there has

been a certain dilly dallying and sloth on the part of the Government in recognising the changes that are taking place in the world of civil aviation and being out front, pro-active rather than reactive to these changes, reading the position correctly and getting in place alternative strategies by way of negotiations for maximising traffic through the Barbados airport.

Very often when events have happened the Government only knows of them after they have happened and then a Minister or someone from the Board of Tourism will be there trying to talk to the parties. I am telling the Government as well that although we still have some traffic from Pan American, I am not sure how long it will be possible for us to maintain them as a major airline coming into Government.

Aviation strategy is extremely important in these hard times when the country is starved of foreign exchange and can only manage two weeks of foreign exchange, if you net out the CMCF, because the quickest area that we can avoid the problems that are confronting us must be in the tourism sector. That is why a link between the aviation policy of the Government and tourism is so crucial and important, and the Government must get off its hind legs and be pro-active, not reactive, to situations.

Sir, in that context it makes no sense for us to be heading the ministerial committee dealing with the negotiations with the British Government. The Honourable Deputy Prime Minister, the Honourable Member for St. Michael North, is the Minister who is Chairman of the committee set up by CARICOM to undertake the negotiations for a multilateral arrangement in relation to civil aviation with the United Kingdom; a very laudable objective. I think we have to recognise, as the Honourable Member for Christ Church South has said, that these days small states cannot own any significant stakes in airlines by themselves. Do not mind what is the arrangement you may have heard out of Antigua, that is a paper carrier. I do not even know if they have a wet lease in place for anything at all. Probably they do not even lease aircraft. That is a sort of tour company into which British Airways pays a royalty that goes to them.

One of the things we have quarrelled about in the last Session of Parliament was the absence of the British Airways-Barbados Agreement here, because we wanted to see that Agreement to be able to give the House the benefit of our views on these strategies which should be in place.

Sir, I was reading the overseas papers on civil aviation the other day, and I noted that an APEX flight to Australia in this time is £562. An APEX flight from Britain, from the same London, to Barbados is £679. What has happened is that BA, with the monopoly it has got from Antigua and Barbados, has been able to push its fare structure to the extent – this is the problem we have here

— that today it has a higher part of the market share than British West Indian Airways has. In fact, British West Indian Airways continued to lose market share because, wittingly or unwittingly, the Governments of Antigua and Barbados have strengthened the arms of British Airways and the British Government and now they are complaining, when BWIA is trying by a multilateral way to break the monopoly, that Barbados' rights are not being safeguarded, but this is because of the wrong negotiating strategy.

Look at the position. Why is an APEX flight out of London so expensive as compared with a similar flight to Australia, which is many miles away, by the same airline? It is because of the semi-monopoly position that we have almost conferred on British Airways. The British Government does not care whether you ever get a multilateral agreement going at all, but a multilateral agreement must in the long run, if we are going to rationalise our carriers, be in the interest of the Caribbean, including Barbados.

Now, Sir, my information is that the British Government has conceded the zone of reasonable test, what my friend calls the zone of reasonableness, meaning that it is prepared to concede that fares will not rise above 7% per annum, without reference to the Aviation Authority, over the period of the multilateral agreement. That is my information. If it rises above that, then either party can object.

It is a fact, Sir, that in the airline industry today deregulation has reached the stage where now the deregulation authorities disapprove rather than approve fare increases, and that is what one of the arguments is about. We have said, and the policy of the Labour Party has been, that we will concede that as far as we can go, but we must have some control, and therefore we set a limit — I think it was 7% — with the United States. I understand that that principle is now ready to be accepted by the British Government.

The other argument relates to how many carriers can be designated as national carriers under this Agreement. I understand that all of the parties in the negotiations have indicated that they are willing to designate British West Indian Airways. I would say by way of parenthesis, it is significant that Antigua is not party to these negotiations. That is very unfortunate, and I don't think that in this House that we should mince words. Antigua cannot expect continuing support, if it is going to continue to be the odd man out on regional integration. The Government may not be in a position to speak out as I can on this, because it may consider there is some protocol of silence, but Antigua cannot continue to be the odd man out in instances like this and expect support on other areas. I think it is regrettable that they are not part and parcel of the overall negotiations in the interest of the wider Caribbean.

12.55 p.m.

Really, I, myself, am astounded by these separate agreements with airlines, that in the long run come back to haunt us when we have to do the wider negotiations that must take place in the Civil Aviation industry. I understand, Sir, however, that the indication from the Junior Minister responsible for Transportation and Aviation in the British Ministry has been that they are prepared to give what is referred to in these negotiations as a sight letter. I believe the Honourable Deputy Prime Minister in charge of Transport went to London two weeks ago and had negotiations with the British Government, who reiterated their position. They have exchanged letters. I think the Minister said so on the radio since then. I understand that clearest indication has been given that a sight letter will be given that when we are ready to designate other airlines, then this will be allowed, subject to negotiations. I would have difficulty with the terms "subject to negotiations". If that is the sticking bone, I believe that the Government ought to negotiate that position further.

It would be a great tragedy, Sir, if the first time that we are having a breakthrough in order to rationalise aviation and agreements within the Caribbean that the shouting war that is ensuing from the present position should continue to ensue. A group of officials are shortly to meet in St. Kitts, I believe, or here in Barbados, in order to talk about the situation and to advise the Ministers of Transport who will be meeting in St. Kitts later, prior to the Heads of Government. I believe that this matter is very important to the country primarily, and to the Caribbean, and it needs the strongest support and attention from all sides. I certainly don't want to put a position that would in any way embarrass the Government or make their negotiations any more difficult. I am not going to do that, Sir. I have to understand quite clearly that our loyalty to our country comes first. That is the position I am taking on it. However, I will appeal.

Firstly, the war across the airwaves really should be avoided. There is no point in an exchange of ministerial language across the airwaves on this particular subject. I have heard the Minister from Trinidad, Minister Tawarie, speak. I have heard the Minister from Barbados on the air. I have heard the Minister of Trade and Aviation from St. Lucia on the air. I have heard all of that, Sir, and I do not believe that this is the way in which these negotiations should be conducted. I have also heard consultants to the Government over the air as well as seen their writing. Now, Sir, where are we going to get? We need hard facts, hard negotiations. They are sensitive negotiations, in which a wrong word said could eventually have ricocheting effect on the whole integration process. As we have heard from the Prime Minister of St. Lucia, it has even affected their attitude towards the CET — which I don't believe should be linked. I don't believe that at this stage we should be linking the CET to an impasse that has occurred in negotiating a multilateral treaty.

I have to say that certainly the Barbados Labour Party could not support a linkage of these matters. Equally, I do not believe that the Government of Barbados should find itself lured into a situation that it is having to reply by way of newspapers and over the airwaves in a situation where the Minister himself is the Chairman of the Caribbean Multilateral negotiating team. I think that if the Minister had a restrained statement to make, if he was forced to the position of having to make a statement, he would have, no doubt, been making exchanges, either orally or in writing with his colleagues in the other territories with the restraint that is called for. If he felt that they had backed him to a position, he should make a considered statement in Parliament that would not exacerbate the situation.

So, Sir, from this position, we are appealing to all of the countries in the Caribbean concerned to stop the war of words, to put their heads together, to recognise that compromises are called for in this situation and come up with a situation which will safeguard Barbados' vital interests and at the same time, achieve the objective of those negotiations which must be a multilateral agreement. That multilateral agreement is going to be crucial eventually to the rationalisation of the airlines in the Caribbean. It must be crucial to the rationalisation of airlines in the Caribbean. It must be crucial as to whether BWIA and LIAT can have a happy marriage in an airline that is viable and that is truly Caribbean.

I am aware, Sir, of the study done by the Bank of Boston in relation to the rationalisation of BWIA and bringing it back into one Caribbean airline. There are different stances being taken, and people are playing from different angles in disagreement about some of these areas. In the long run, we have to recognise that a truly Caribbean airline is eventually going to have the interest of the Caribbean more at heart than a foreign carrier which is outside the Caribbean would have.

We also have to recognise something else that is changing in relation to the tourist industry and the service industries in this area, Sir. Whenever Cuba, in particular, comes on stream in the next five to ten years as a major competitor in tourism, we are going to have to recognise that multi-destination tourism is one of the options and a big option that we must pursue. We have to safeguard ourselves in this. It is going to be crucial for Barbados to have the muscle of a carrier that it can rely on – it is not necessarily going to be British Airways. It will be able to rely on a new Caribbean carrier in which the citizens of the Caribbean will be the owners, Sir.

Asides.

Hon. H. deB. FORDE: ... But we can work towards it, Sir. There are many proposals as the Honourable Member knows. He has all the documents. He knows that there are proposals at the moment dealing with the position of

BWIA and LIAT. There are different proposals. The Honourable Prime Minister – the Honourable Member's good friend and my good friend, although he is a better friend of the DLP than he is to us – of St. Vincent, is not too enamoured of a marriage between BWIA. I think he is wrong. I believe he is looking down the wrong area when he looks down the area of thinking that LIAT might go with somebody else. I think we have to write off those debts. BWIA has given good service to this region, sometimes at great cost to the Trinidad taxpayer. I think he is wrong but he has a different view. He is pursuing his particular line. However, I want him to recognise as well that there are other players playing a different tune with a different aim outside.

The Honourable Members must know the interests of the French. We are seeing a fight that is bigger than an intra-Caribbean disagreement. There is also the thing of the single Europe concept and the interests of the major European airlines in making themselves strong within Europe and outside Europe. Obviously, there is some initial competition between BA, Air France and the others. Honourable Members, if they are keeping up to date, will recognise the changing conditions that are obtaining and that only a few days ago, BA made another move to subpoena the Brussels airline for a merger, and there was a counter move by Air France which is solely owned by the French Government, soon to be privatised.
1.05 p.m.

At the same time we have these problems. We must see them in the whole European and global picture if we are to come up with the right solution because eventually unless we can bring the tourists through the Airport, a service charge, even if it is moved from \$20 to \$25 it will make no sense for us.

I want the Government to tell us – again I am repeating – what is the agreement we have with British Airways. It has never been laid in the House. I think it is about time it is revealed for us all to know. Secondly, I want to appeal to the Minister and the Government to stop the war of words and use the restraint that is necessary and use the highest but strongest negotiating skill not only to safeguard Barbados' vital interest but, at the same time, to get an overall agreement in the interest of the Caribbean which would be acceptable to all of the parties.

Mr. D. A. C. SIMMONS: Mr. Speaker, I am not going to hold up the Prime Minister. I just want to make one very short point, Sir. Since this arises out of the Budgetary Proposals and this is a measure which Government is introducing to get in money rather than expend money, and seeing that the Minister of International Transport is now in his place, Sir, I want to make just one point in relation to the Airport Service Charge Bill.

I think that since the construction of the Tom Adams Highway, which is otherwise known as the ABC Highway, the vast proportion of people who go to and from the airport use that Highway. A lot of road taxes are paid yearly. I believe the Budget this year may have had an impact on them. They went up a little bit. A Transport Levy is collected from workers in Barbados with a view to keeping the roads in good order. I am distressed that for more than one year now the lights on the ABC Highway carrying you to the Airport to pay your service charge do not function.

Aside.

Mr. D. A. C. SIMMONS: The only connection with St. Andrew, Sir, is the inefficiency of the gentleman who heads GEED who comes from St. Andrew.

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

Hon. P. M. GREAVES: Mr. Speaker, I do not think I need to push this submission. The Honourable Member is out of order. This is extraneous to the airport service charge. That ABC Highway leads to any part in Barbados as any other road does. It is extraneous to bring this in. I agree there is a problem. My point is it is extraneous to this particular matter and I am so urging, Sir.

Mr. SPEAKER: I understood the Honourable Member when he spoke that he wanted to link the collection of taxes through airline services towards the Highway. That is how he prefaced his remark. I am sure that he will contain himself within the boundaries of that premise he started on.

Mr. D. A. C. SIMMONS: Your understanding is reasonably coincidental with my intentions. The only point I was constrained to make was that as I saw recently – I was away the last ten days – that things have not improved on my way from the Airport home on that Highway. There are large areas of darkness. I think what has happened with the lighting system on the ABC Highway bespeaks eloquently the incompetence and inefficiency of the Democratic Labour Party Government. That they have not been able to get those lights to work for more than a year is a disgrace.

Thank you very much, Sir.

Hon. P. M. GREAVES: Mr. Speaker, I would not bother even to reply to that. I will not credit it with a reply. It does not deserve a reply. It will be replied to in due course in other circumstances when it is germane to the matters. I will not do it now, Sir.

Aside.

Mr. SPEAKER: I do not think one should take it in that light. I think in this kind of forum a Member is entitled to reply to what he chooses to reply. There is no demand on him. The only way that can be a kind of demand is if the person had put it in a question. It is not a questions so Honourable Members do not necessarily have to reply.

Hon. P. M. GREAVES: Reply or respond might be the same thing, Sir. I was very sorry I was not in my place when the major substance of this debate was in course. I came in when the Honourable Leader of the Opposition was speaking. From what he said I understood that the Honourable Member for Christ Church South had spoken before him and had probably, I assume, raised certain points which he was then reinforcing. They all related to Civil Aviation matters in Barbados.

In the first place, Sir, the Honourable Member for Christ Church West, the Leader of the Opposition, unfortunately is not aware of what has been going on in the Ministry of Civil Aviation in terms of encouraging other carriers to come to Barbados. I assume that had been the policy before me. I would have to assume that. I do not necessarily believe that the Honourable Member for Christ Church South as Minister of Civil Aviation sat down and did nothing in terms of promoting Civil Aviation in this country. I did nothing to curb any attempts made by him in that regard. What is more, we took our own initiatives in the Ministry in order to seek to maximise our benefits from our international airport. It is not easy because the competition in this regard is very pressing, urgent and looms large.

The Minister of Tourism and myself a couple of years ago went to North America and sought audience with officials of some of the airlines and invited them to come to Barbados.

1.15 p.m.

The Minister of Tourism himself has spoken to other airlines outside of North America. Air France is an example. He also invited Air France to resume flights that they used to make to Barbados in the past and stopped. It is interesting that somewhere around 1980 or thereabouts a number of airlines ceased to fly to Barbados. SAS used to fly to Barbados around that time. It stopped flying. LUFTANSA has flown to Barbados. It stopped flying. VIASA stopped flying. CONDOR used to come occasionally, off and on, on charter services. Air France, KLM and ALM all of these have stopped flying into Barbados long before we came back into Government in 1986. I cannot say, I do not know, what the Party of the day did in order to encourage them and other airlines to come into Barbados. What I can say as far as I recall, we got no new airlines during that period of time 1976-1986, not as many as you get now. PANAM stopped flying into

Barbados many years ago and AA, American Airlines, flew in its place and then PANAM came back again and American Airlines still flies into Barbados.

The point I am making, Sir, is that I believe the airlines nowadays especially since de-regulation - I have heard the word de-regulation mentioned here but nobody has yet linked de-regulation to the collapse of several airlines in the world - and that perhaps is what has been happening because of de-regulation and fierce competition that arises because of de-regulation, a number of airlines have collapsed. It is easy to use words.

The point is that we have gone out and we have sought to bring these people in. Early this month I was in Europe negotiating for scheduled flights into Barbados by a European airline and the prospects seem to be exceedingly good that that European airline will be flying into Barbados later this month.

That takes me to a good point here where I would like to make some other responses to the Leader of the Opposition in terms of some multilateral agreement. The Honourable Leader of the Opposition said that since de-regulation that airlines have been moving in the direction of disapproval rather than approval. That is absolutely untrue, Sir. The Honourable Member is being briefed by persons who do not have Barbados' interest at heart. Let me say this right now, Sir. All the arguments the Honourable Member has produced here this morning

Hon. H. deB. FORDE: Mr. Speaker, Sir, the Honourable Member said that I have been briefed by people who do not have Barbados' interest at heart. The Honourable Member obviously is misleading the House, Sir. He is imputing improper motives too. By people who have not got Barbados' interest at heart?

Hon. P. M. GREAVES: Mr. Speaker, I did not impute improper motives to the Honourable Member.

Mr. SPEAKER: No. I did not think that.

Hon. P. M. GREAVES: Improper motives to the briefer but not to the briefed. The only problem probably then is that the Honourable Member does not understand his brief. Either the Honourable Member is being improperly briefed or the Honourable Member does not understand his brief. One or the other.

Asides.

Mr. SPEAKER: Order, please, Order, please.

Hon. P. M. GREAVES: And...

Mr. SPEAKER: Just one minute. May I have some order. Continue.

Hon. P. M. GREAVES: I choose to believe.... I give him the benefit of the doubt and say he is being badly briefed. But if he wants me to believe now that he does not understand his brief, I could take that as well. One way or the other. It is okay with me, Sir. It is absolutely untrue. That is the argument of the British Government and it is not true.

Aside.

Hon. P. M. GREAVES: It is not doing any aviation anything, Sir. It is not reading any aviation journals to have to read that to understand it. You will not pick that up in any aviation journal. The Honourable Member cannot pick that up in any aviation journal whatsoever.

The fact is that after the British Government has been pushing this issue of disapproval, double disapproval, for the purpose of determining the level of air fares, the Barbados Government, my Ministry spoke with officials at ICAO in order to find out if in fact this is the position and were told by the ICAO that that is not the case. The question of Government disapproval of air fares as being pushed by the British Government is not the case that has now become the norm in negotiating bilateral agreements.

What is more, Sir, only last week, last Wednesday morning at the Dover Convention Centre, I spoke with Mr. Roderick Rainford who is a member of the West Indies Commission and is also the Secretary-General of CARICOM and to enlighten himself on this particular issue because CARICOM is the body that is charged with convening these meetings and so on, he himself called up ICAO - check with Mr. Rainford - and ICAO International Civil Aviation Organization, confirmed to Mr. Rainford, Secretary-General, that that is not the case.

I go further. We are in the process now of negotiating with a European country and they have accepted the principle of double approval. It is absolutely untrue. Do not be fooled by those persons who are saying it. This is what Trinidad is saying because Trinidad wants to jump into bed with an agreement that is unsuitable to the Caribbean interest. It is absolutely against the interest of the Caribbean for this to take place. Although it has BWIA it is against Trinidad's own interest. This is my contention and belief. It is against the interest of the Caribbean, it is against the interest of St. Lucia and it is against the interest of Barbados. I will explain how this is the case. There are two issues. I will come back to that.

It is quite true that I am the Chairman of the Ministers responsible for negotiating the multilateral agreement with the United Kingdom. What is more we derive our mandate from the Heads of Governments. The Heads of Governments have mandated that the Caribbean governments should have two things on which Barbados is holding out - government approval of tariff and multiple

designation. That is the mandate from the Caribbean heads of Government. Barbados is holding out? It is a proper mandate. We will not renege on those two issues.

I will want to show you what Barbados has been doing in order to arrive at an agreement. I went to London in 1989 and I was made the Chairman. I accepted the responsibilities and I led the delegations in talks there with Lord Bravazon in 1989. At the preliminary meeting held in the office of BWIA in London preparatory to our meeting with Lord Bravazon we agreed that there be multiple designation and that there will continue to be a double approval of tariffs. That was in 1989. We agreed on that. I led the delegation to Lord Bravazon on those terms. The British Government had traditionally refused to accept BWIA as a carrier for the whole of the Caribbean on the grounds that it was not substantially owned by the rest of the Caribbean even though all the other members of ICAO had accepted the principle of community of interest like SAS, Scandinavian Airlines, owned by the Scandinavian countries. Even though ICAO had accepted that concept of commuted interest, Britain had refused to accept it and therefore would not accept BWIA as the national carrier for the rest of the Caribbean.

1.25 p.m.

Only now, Sir, British authorities are prepared to accept BWIA on the godfather's rights as a carrier of the rest of the Caribbean, and negotiations then proceeded on that principle. We had a number of meetings here in the Caribbean, but in the meetings we had agreements except on these two points. The point of multiple designation and double approval of tariffs.

Let me first go on to deal with double approval of tariffs. I hope I do have the time. Any time an airline, let us take British West Indian Airways or British Airways, either one, BWIA or BA, any of them, Sir. Any time, Sir, that they require an increase of air fare, they file for an increase of air fare, supported by other documents, Sir, and then the Air Transport Licensing Authority, our ATLA, reviews the application, processes it and determines whether in fact to accept the increase in whole or in part, and if we do accept it and the authority of the other airline that makes the application accepts it, then that fare comes into effect.

What the British Government wants now, Sir, is this. For example, if British Airways file for a ten per cent increase in air fares and Barbados authorities disapprove and the United Kingdom authorities do not disapprove then those air fares come into effect.

Now, how on earth, can we in Barbados sit down and accept that? That will have a severe impact and adverse impact on our tourism. It has that potential to impact adversely on our tourism and I will have nothing to do with that kind of arrangement.

We say, Sir, in the interest of arriving at some kind of a consensus, Barbados has put forward a few positions on its own. The British government says that it wants double disapproval because we have been taking too long in approving fares. I say, if that is the case, I will guarantee, so long as you file all the documents you should file I will guarantee that within three weeks you will get a response to that. Went to the bargaining table, no, not accepting that. That is one effort Barbados made, Sir, in order to arrive at a compromise.

Okay, secondly, Sir, we decided, okay, we will grant them a five percent disapproval of airfares. We would allow you to increase the airfares by five per cent. Over a period of two years we will allow you a five per cent increase on the double disapproval regime and again, Sir, they say, no, not acceptable, we want ten per cent. This is the British Government's position, we want ten per cent. Barbados says, under no circumstances are we allowing that, but what we will do, we will go one step further again. Another effort now, Sir, to arrive at a compromise and we will allow 7½ per cent increase. We did not do that.

Let me start again. We will make one further effort. First class fares, complete double disapproval, no restrictions. Business Class or Club Class fares, double disapproval, no restrictions. Economy class fares, double disapproval up to 7½ per cent, over two years. The British comes back, we had asked ten per cent. British Government comes back and says, okay, we will accept your formula, but at the end of two years your 7½ per cent must phase out into a double disapproval regime and have a complete double disapproval regime on airfares. This is where I said, under no circumstance. We have to negotiate this thing up front.

Aside.

Hon. P. M. GREAVES: A multi-lateral agreement is open-ended, Sir, and unless we get what we want up front we will never, ever get it in. Never get it in, Sir. The British Government says that their rationale for double disapproval is this, Sir, let the competition determine the level of airfares and they cite North America.

Sir, in North America there is competition. There is no competition in the Caribbean area. In North America, Sir, over the Atlantic, as they call it, between United Kingdom, London, or United Kingdom and North America a number of airlines fight each other for that route and the airfares between them is exceedingly low. There are times, Sir, when it is cheaper to fly from London to Miami, then from Miami to Barbados than to fly from London to Barbados. That is the position, Sir. It is cheaper to fly that way and then to come here.

The British Government's position is, let the competition determine it. Now they say, let the competition determine the level of fares on the one hand and they are taking action to prevent that competition on the other hand by limiting the whole of the Caribbean to a single carrier.

Aside.

Hon. P. M. GREAVES: Precisely, it is absolute foolishness.

Mr. H. B. St. JOHN: On a point of elucidation, Sir. I think the Honourable Member is replying to matters that nobody raised on this side, because this side made it very clear, the policy of the Labour Party was that the same terms of the US/Barbados bilateral, with a zone of reasoning, and above which both authorities had to agree, was what we were putting forward.

Hon. P. M. GREAVES: I hope my position, Sir, is being made absolutely clear. I am repeating, Sir, they have taken steps to wipe out competition for British Airways by determining that you must have a single carrier into the United Kingdom. So how can competition, Sir, determine the level of airfares at the same time you are not permitting the competition. And mark me, Sir, they are reserving for themselves the right to fly into the Caribbean as many airlines as they want to fly but are telling the Caribbean it can only fly a single airline, when in fact we do have a bilateral agreement with the United Kingdom – at this moment – negotiated by Errol Barrow, way back since when, Sir. We can't get a bilateral negotiated. That is the whole problem. Once you get that thing signed you are not going to get it renegotiated to your advantage. Make no mistake about that, Sir.

The point, Sir, is that bilateral permits Barbados to fly any number of aircraft into the United Kingdom. Trinidad has a bilateral agreement with United Kingdom. St. Lucia has a bilateral agreement with the United Kingdom. They can all fly aircraft into the United Kingdom but when we come together collectively we can only fly one aircraft. Under no circumstances, Sir, will we agree. The sight letter is what I said just now. You are being badly briefed. The sight letter, Sir, is that at the end of two years they will allow Barbados...

Aside.

Hon. P. M. GREAVES: The sight letter relates to tariffs, Sir. And, the sight letter, Sir, was simply that they will allow Barbados to phase out its special arrangement of 7½ per cent over a two year period. We don't want any such sight letter. We want put into any agreements that we are entered into, that we will have on a reciprocal basis the same terms and conditions that the United Kingdom has in terms of designation, the same amount of carriers. And we also, Sir, want put into the any agreements that we are

negotiating that we will permit a 7½ per cent increase on the double disapproval regime, but beyond that 7½ per cent we need double approval.

This is where we are bogged down with the rest of the Caribbean. The others in the Caribbean are saying, Sir, that we are preventing their tourism growth by insisting on these particular matters here. I am glad to hear that the Opposition agrees with the Government on those two particular points.

Mr. H. B. St. JOHN: On a point of elucidation, Sir. I am glad to hear the Government has followed the position taken by us. That is the American agreement.

Hon. P. M. GREAVES: I am glad, Sir. You never had any 7½ per cent, Sir. You never had any double approval for first class and club class. They never had this, Sir. It is not a matter of following them. It is us, Sir, who have the bilateral agreement with the United Kingdom. Not them who negotiated...

Mr. SPEAKER: I have allowed members to speak. In fairness, I am going to ask Honourable Members not to interrupt the Honourable Member in the way they are doing. Continue.
1.35 p.m.

Hon. P. M. GREAVES: Sir, the bottom line simply is that this Barbados Government will enter into any multilateral agreement and I have so written my counterpart in Trinidad. I have written my colleague in Trinidad because we have been receiving letters to and from. I, too, like the Honourable Member deplore having to respond to matters – that we do not take the initiative in the media. We do not take any initiative in the media whatsoever, but we do have to respond when somebody comes in the public forum, Press, and on the airwaves and make accusations and point their fingers at Barbados as though Barbados is holding up some agreement. We have to respond to that. It is okay to come and talk about this warfare across the waves. We have no warfare with anybody none whatsoever, Sir. We have no warfare with anybody but we have to defend ourselves. There is no way, Sir, that this Government will sit down and permit others to be throwing sharks at them and all Barbados is doing is taking them by catching them and putting them one side. That will not happen, Sir. Anytime, Sir, that these accusations are levelled at Barbados by those who should know better and those who are responsible, who should not use the media because we are still in the state of negotiation, we in Barbados will respond. I am saying this now, Sir, that I will always be responding to those particular matters in the best interest of Barbados, if and when it suits Barbados, Sir. Sir, that is very clear.

Aside.

Hon. P. M. GREAVES: Our agreement with BA is bilateral. The bilateral is something that has been in operation, Sir, and I believe it may very well be part of the records of this Chamber for over 20 years now. That is our agreement with the British Government, which permits BA to fly into Barbados. We have no special arrangements with British Airways. No Government agency has any special relation with British Airways.

Aside.

Hon. P. M. GREAVES: Precisely. That is correct. We have no special relationship, Sir, with British Airways. In the light of what I have said, Sir, I do not think the point raised by the Honourable Leader of the Opposition comparing the APEX air fares between U.K. and Australia and U.K. and the Caribbean is important now. Sir, what we have to be careful about is this. Because of the low fares across the Atlantic we have to be careful that the Caribbean is not being used now to recoup what is being lost across the Atlantic. Let me repeat now before I take my seat, Sir. I want it heard loud and clear inside of this Chamber and outside of this Chamber in Barbados and out of Barbados. We are prepared to continue our negotiation for a multilateral agreement based on true reciprocity to start with and on the basis of our having some control over air fares into and out of Barbados. I thank you, Mr. Speaker.

Mr. SPEAKER: The question is that this Bill...

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I do not think there is very much for me to say. I introduced a Bill called the Airport Service Charge (Amendment) Bill. Sir, there have been many linkages to the likes of the ABC Highway and not to Airport Service Charge, Sir, but to air services agreement and to all kinds of matters, Sir. It really puts me in a difficulty to reply to this debate. The policy as well as the technical matters relating to our air transportation policy have been adequately and pertinently responded to by the Deputy Prime Minister, the Member for St. Michael North, but I would just like to make a couple of points.

First of all, the Leader of the Opposition indicated that he and his party would not do anything that would be damaging to the integrity of the position of Barbados particularly in these negotiations and I welcome that statement on behalf of the Opposition. I believe it is the kind of approach to our national problems that we should be following and I will hope that we will see it not only in the words but in the measures that come before this Honourable Chamber.

I just will leave it at that, Sir, and that goes for other agencies as well in the country, Sir. Because sometimes when I hear the comments and see the comments that are made in the media and elsewhere I wonder sometimes if we have forgotten that we are all Barbadians. I would like

to make an appeal to forget the lurid and to forget those kinds of statements that can only incite and place provocative ideas into the minds of those who may not be well adjusted to our country. I do not think that I will say anything more on that at this particular stage.

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

The question that this Bill be now read a second time was put and resolved in the affirmative without division. 1.45 p.m.

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

Clauses 1 to 3 were called and passed.

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

On the separate motions of Hon. M. A. KING, seconded by Hon. E. E. GREAVES, the Bill was read a third time and passed.

ORDER NO. 8 – RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT RETREAT, ST. GEORGE FOR ROAD CONSTRUCTION

Hon. E. E. GREAVES: Mr. Speaker, this is a simple Resolution to regularise an acquisition which was done in March 1986 for road construction and the improvement of a road in the area of Retreat, St. George.

It was discovered some time recently that the acquisition process had not gone through and the Ministry of Housing and Lands therefore thought it best to rectify the situation. A discussion was held with the owner of this parcel of land, a Mr. Lawrence Wickham, to try to reach an agreement through private treaty, but this was not possible. Consequently, we have had to go the route of land acquisition to have this matter settled and regularised. It is, therefore, for this reason that we are here today with this Resolution for the acquisition of this small area of land, 24 square metres.

Unfortunately, I do not see a map on the file – I gather it is a very small area on a corner – and for that I would apologise, because I assumed that a map would have been here. I therefore beg to move that this Resolution to compulsorily acquire 24 square metres of land at Retreat, St. George do now pass.

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

Mr. L. R. TULL: Mr. Speaker, the Honourable Minister who just introduced this measure said he had to apologise for introducing it now, or something related to it. I believe the Minister has other things to apologise for.

The land at Retreat is contiguous to the land at Cottage in St. George. The Minister could perhaps tell us why is it that the Government is going into that part of St. George and not only acquiring land, but allowing other people to acquire land in a change of use policy without any consultation at all with the people who live in the districts. It is disgusting that in 1991 the Government of Barbados can allow people to go into these areas with a skewed land use policy to disturb the traditional way of life of people in those communities, when this country is troubled by the consequences of the breakdown in communities in Barbados, and all the problems you are hearing about are directly or indirectly related to the disintegration of community life as we know it.

I saw in recent times, Sir, right next door to the piece of land which we are discussing today, that three areas of agricultural land in the constituency of the Honourable Member for St. George North.....

Mr. SPEAKER: Now, I want to make my position very clear on this matter. Bills usually have wider scope than Resolutions. Resolutions are almost precise. I am just going to ask the Honourable Member to stay as closely as he can within the contents of this Resolution.

Mr. L. R. TULL: Your Honour, I am dealing with the land at Retreat, the way in which land in that area has been raped, and as a result there is a raping of community life in the area around Retreat. That is where I live, and therefore I speak for the people who live around me.

Aside.

Mr. L. R. TULL: Yes, the tractors rape the land with the assistance of the Ministry of Housing and Lands of this Government and the Ministry of Agriculture. They allowed the bulldozers to come in and deface the area around Retreat in St. George. Mr. Speaker, I am relating that to the disrespect for communities in Barbados by the Government. Nobody asked the people in that area what their interests were, because obviously they do not feature very high in Government's priorities. They are not important to the Government, they do not rate highly at all. Although, Mr. Speaker, I am going to keep within the tethering that you have imposed on me, which was not imposed during the civil aviation debate earlier on, I can stay inside this tethering, Sir. I still want the Government to explain the rationale for what it has done in the area of Retreat in St. George, much to the annoyance of the people in the area who were not asked what they wanted. Nobody asked them

if they wanted to acquire the agricultural land – some of the best agricultural land in Barbados. They weren't asked if they were interested in acquiring it in the area of a continuation of agriculture. It almost breaks my heart to see the piles of black mould that the bulldozers dug out in that area – piles of rich, black soil as they go in to do the roads there.

1.55 p.m.

If the Honourable Prime Minister wants me to take him, I will show him, on the road from Newbury to St. Jude's, contiguous to Cottage Tenantry, or what was Cottage Tenantry and Superlative and Retreat, piles of rich, black mould.

Asides.

Mr. L. R. TULL: The Democratic Labour Party has always been doing that, Sir. There was a previous time right next door to Retreat, at the Hope...

Mr. SPEAKER: I am not next door to Retreat. I am on Retreat. I have said over and over again that in Resolutions, I do allow Members to make a point but they must not develop the point outside of the Resolution.

Mr. L. R. TULL: Mr. Speaker, Sir, I am talking about Retreat. I don't know what the problem is.

Mr. SPEAKER: My understanding is that you were speaking about St. George in general. That was the impression I got. So, if the Honourable Member....

Mr. L. R. TULL: No, Sir. If the Government would be good enough to pass around the plan, you will see that I am talking about the areas on that plan.

Asides.

Mr. SPEAKER: I have already made my ruling and I would like the Honourable Member not to try to get around my ruling in that way. I think it is pretty fair that the Resolution states clearly what are its intentions.

Mr. L. R. TULL: Yes, Sir. In respect of this area, I see here in the Schedule to the Resolution:

"ALL THAT certain piece or parcel of land the property of Lawrence Wickham situate at Retreat in the parish of Saint George in this Island containing by admeasurement 24 square metres or thereabouts Abutting and Bounding on land of Lawrence Wickham..."

Mr. SPEAKER: And that is the one we are talking about. The 24 square metres.

Mr. L. R. TULL: Sir, do you want me to debate 24 square metres?

Mr. SPEAKER: That is what the Resolution says.

Mr. L. R. TULL: And I am not to debate how the 24 square metres affect the whole area around it, Sir?

Mr. SPEAKER: I cannot determine how you are to debate it, but I can only tell you from the Chair what the Chair expects of the Members.

Mr. L. R. TULL: Sir, if the debate is limited to debating 24 square metres, I won't waste my time.

Asides.

SUSPENSION

Hon. P. M. GREAVES: Mr. Speaker, I move Sir, that this Sitting be suspended until 3 p.m. this day.

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 House accordingly.

RESUMPTION

Mr. SPEAKER: This Sitting is resumed. This morning when Notice of Questions was called, the Honourable Member for St. Michael South East was not in his seat. I should now ask that that item, Notices of Questions be recommitted.

NOTICE OF QUESTIONS

Mr. SPEAKER: I shall now call on the Honourable Member for St. Michael South East - Construction of a road to provide an appropriate access to Jones Land, Lower Burney's, St. Michael.

Mr. DeL. O. BRADSHAW: Mr. Speaker, I thank you. I wish to express my gratitude to you for allowing me to table these questions at this time.

I beg to give notice of the following questions:

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

1. Will the Minister please state whether Government proposes construction of a road to provide an appropriate access to Jones Land, Lower Burney's, St. Michael, so as to eliminate the inconvenience presently being suffered by residents of that area?

2. If such a road is in Government's programme, will the Minister indicate when work on it will commence?

Mr. SPEAKER: The same Honourable Member - Rental units owned by the National Housing Corporation.

Mr. DeL. O. BRADSHAW: To ask the Minister of Housing and Lands:

Will the Minister take appropriate steps to ensure that rental units owned by the National Housing Corporation in Pinelands, Parkinson Field and Wildey, St. Michael are painted and treated for termites as soon as possible so as to prevent further rapid deterioration of the structures of those homes?

Mr. SPEAKER: The same Honourable Member - Flooding in certain areas of Wildey.

Mr. DeL. O. BRADSHAW: To ask the Minister of Public Works, Communications and Transportation.

1. Is the Minister aware that

- (1) 1st Avenue East Terrace, Wildey, St. Michael, floods severely and
- (2) Factory Avenue and Bottom Close, Wildey, St. Michael are in urgent need of repair, with consequential hardship and inconvenience to residents of these areas and all users of those roads, especially during and after heavy rains?

2. If the answers to the above are in the affirmative, will the Minister please state Government's plans for eliminating the causes of flooding and for executing appropriate repairs?

Mr. SPEAKER: The same Member - Natural gas services for Parkinson Field.

Mr. DeL. O. BRADSHAW: To ask the Minister of Public Works, Communications and Transportation.

1. Will the Minister set out the policy of Government in relation to the supply of natural gas services after applications for such have been made and approved, in particular the period within which supply should be connected after application?
2. Will the Minister take appropriate steps to ensure that natural gas services are made available for residents of Parkinson Field, St.

Michael, especially to those who have long satisfied the requirements of application for same, including payment of all pre-installation charges and deposits?

Mr. SPEAKER: And from the same Honourable Member – Street lighting along the road which leads from Banks Breweries Ltd.

Mr. DeL. O. BRADSHAW: To ask the Minister of Public Works, Communications and Transportation.

Will the Minister take appropriate action to ensure that adequate street lighting is installed and regular debushing is done as a matter of extreme urgency along the public road which leads from Banks Breweries Ltd., past the Sanitation Service Authority to the Errol Barrow Memorial Park, all in Wilkey, St. Michael, thus improving the safety of the users of those areas, especially at nights?

Mr. SPEAKER: That brings us to the end of Notices of Questions.

When the suspension was taken the House was dealing with a parcel of land for Retreat, St. George. I thought the Honourable Member for Christ Church South caught my eye. If he so desires, then...

Mr. H. B. St. JOHN: I was saying, Sir, I wanted to make my contribution because there are some very serious points of principle involved. The Honourable Minister did not enlighten us as to the price that the Government was negotiating for this land. We are very disturbed, on this side, Sir, that subdivisions of land, whether because of Government's purchase or otherwise are taking place in agricultural areas of Barbados and exorbitant prices are being asked for the land. We know for a fact, because we only investigated it this weekend that the price of land in the immediate vicinity of this part of the land the Honourable Member for St. George spoke about, that lovely black soil which is now exposed as a result of the activity of the bulldozers, is seven dollars a square foot. Now obviously, that land is not intended to house people of the type who are in the surrounding areas. I would like to know how the Government was treated in this respect. It is a very important point.

3.10 p.m.

I would like to know if the Government is giving consideration to the fact that, obviously, now there is a tremendous gain to be made. A tremendous increment is derived from a change of use. It is really time when serious consideration should be given to bringing some of that gain into public purview. Some must get into the Treasury. It is a very serious thing because what we are really doing, as the Honourable Member for St. George South has said – I do not know if Honourable Members have appreciated the

gist of what the Honourable Member said. There is a feeling out there – I was at the same meeting the Honourable Member was at so I could feel it – that as a result of this acquisition, whether it be by Government directly or indirectly because when you do this and widen the road, surrounding owners....

Aside.

Mr. SPEAKER: Order, please.

Mr. H. B. St. JOHN: Let the Honourable Members understand. We never cut up agricultural land and sell it at \$7 a square foot so do not come to me with that. It is impossible for us to make progress in this country when the Honourable Members are going to introduce an area of levity when we are dealing with serious business. It is a question of principle that is involved in this. This is a very appropriate occasion for us to deal with it. It is a very important point.

I rose here, Sir, to speak on this matter because Honourable Members were taking lightly the very profound points that the Honourable Member for St. George South was speaking. I was present when the Honourable Member's constituents in an open forum drew to the attention of all who were present the dissatisfaction with the fact that very near to this land – as a matter of fact, now that I have seen the plan, it is very clear that it is directly opposite the other side of the road and that the road bisects the two areas of land. The Government is buying one side and private enterprise has bought the other side. I feel so strongly about it I would tell the Honourable Members who bought it.

Aside.

Mr. H. B. St. JOHN: All land was sold to a developer and it is now being sold at \$7 a square foot. The land is being sold in square footage. The Government in the future will be called upon to provide services and will not get any part of the tremendous increment being the difference of \$1 and \$7.

Aside.

Mr. H. B. St. JOHN: Well, let us go ahead with this. I am a Barbadian and I am worried about it. I may be going out. I may not have too long on this earth but the basic position is that something is developing that we must devise ways and means to put a damper on.

I remember in this House I was one of those who argued strenuously with the Democratic Labour Party regime and arising out of that the Property Transfer Tax Act came into operation and a differential was made between locals and others. I remember that very clearly because we were dealing then with the principle of taking

land on the sea coast for a higher use, that higher use being tourism purposes. Everybody recognised that the ability to receive planning permission gave rise to a great increment. The Property Transfer Tax and the differential were introduced. What we have now is we are going inland. We have moved from the sea coast. All of that is over and we have gone inland. This is one of those areas. Let the Honourable Member tell me how much the Government is paying for it. I do not know, Sir. I would like to know to see how the land values have changed between when that agreement was made and this one.

Hon. E. E. GREAVES: Mr. Speaker, I never thought that a Resolution to acquire a small area of land which, as I understand it, was used some time around March 1986 for the purpose of widening a corner, would have generated this kind of debate. It would seem to me that the substantive issues which were raised by the two Honourable Members from the Opposition who spoke could, in my view, be discussed at a time when there will be greater opportunities to discuss the implications of the positions which they have taken.

As I understand the position taken by the Honourable Member for Christ Church South, he is suggesting that one of the ways in which the Government should look would be to introduce something of the nature of a capital gains tax in that persons when they have been given permission to subdivide land and take the opportunity to charge exorbitant prices for the land, eventually the Government will be called upon to service this whether it is by upgrading the roads at a later stage, putting in water or whatever the service is, that they should be called upon to make some direct contribution in this particular area. I believe that is a matter which certainly can be discussed at another time. I would not want to anticipate any discussion on any matters which we have on the Order Paper but, certainly, at some time we will get an opportunity to discuss the Physical Development Plan which was laid here. That would be an opportunity, not necessarily next year but you would get an opportunity to discuss that.

Alternatively, the Honourable Member could, by a Private Member's Resolution, discuss the matter in this Chamber. I think we are open to discussion and suggestions but this is an acquisition of just an area of land over which there was no agreement between the Government and the owner of this land which, as I said, was used by the former administration in early 1986 for widening a corner. No arrangement was made to settle the particular acquisition. When it was discovered, representation apparently was made by the legal representative of the person. This matter was drawn to the attention of the Ministry of Housing. The matter has now reached this particular point. We are regularising this situation.

3.20 p.m.

The note which I have here says the instructions given to the officers in terms of the valuation of this - land and I think the Honourable Member knows the system used in the valuation of land which is acquired by the Government, that is, the Land Valuation Department is called upon to put a value based of course on their valuations and on the current situation of any particular area of land which is going to be acquired.

The Government's position is that the land should be acquired at a cost of \$516.68 for 24 square feet. You divide that and you see what it is. This position which the Government has taken on this particular matter is open. There is nothing to hide. We are trying to regularise this particular situation. If the Honourable Member is raising other matters about what the existing cost of a nearby development is, well, then, as I said, I am sure that ample opportunity will be provided for this matter to be ventilated and discussed. I am sure that like everything else he would appreciate that he is dealing with a Government which is open to suggestions.

I have no other point to make in this particular matter other than to say, Sir, that I would want to beg to move that this Resolution do now pass.

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

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

RESOLUTION TO APPROVE THE COMPULSORY ACQUISITION OF LAND AT CHEAPSIDE, ST. MICHAEL FOR THE PURPOSE OF ROAD IMPROVEMENT

Order No. 9 was called - To move the passing of a Resolution to approve the compulsory acquisition of land at Cheapside, St. Michael for road improvement.

Hon. E. E. GREAVES: Mr. Speaker, this is another Resolution seeking to regularise an acquisition which commenced way back. To be precise, on the 14th May, 1979 the Ministry of Housing and Lands commenced acquisition proceedings in respect of 25 parcels of land at Cheapside, Fontabelle for the purpose of road improvement. Notices were published and it was subsequently discovered that the proceedings relating to the acquisition of this area of land from Miss Ina Pickering were not completed. So that no settlement had been reached in this particular matter. We are seeking now to regularise this matter.

I understand that not only has the area been used for the improvement of the road but the house which was situated on that was demolished also and this is the area which is now used by the minibuses down in Cheapside for parking. It is that particular area that we are talking about.

As I said we are merely seeking to regularise this acquisition. With those remarks, Sir, I beg to move that this Resolution do now pass.

Hon. W. O. FRANKLIN: I beg to second that, Sir, and reserve my right to speak.

Miss B. A. MILLER: Mr. Speaker, this is another one of the land acquisitions where the Opposition would be much obliged if the Government could perhaps in the first instance be a little more fulsome in the Addendum and if not that when the Honourable Minister rises to introduce he would let us know what the wider plan is; but that presupposes of course, Sir, that there is a wider plan.

Aside.

Miss B. A. MILLER: I do not mean the physical plan. I mean the plan for the area where Miss Pickering's land is. I am concerned that there are in this general district, Mr. Speaker, Sir, other needs in respect of road improvement. If the Honourable Minister would be so kind as to take note – there is a place called Pond Bottom, self-explanatory, highly descriptive. On the corner of it is near Mr. John Yearwood's shop just near the St. Mary's Church wall. If the Minister would make a little note – Pond Bottom. It is a gap full of grass and mud. That is why it is called Pond Bottom. As soon as there is a little shower of rain it fills up like a pond. I know that the bureaucrats and the technocrats...

Aside.

Miss B. A. MILLER: The same Cheapside area. Pond Bottom. John Yearwood's shop is at the corner of this gap. There are about a dozen houses in there. ... and the other 'crats will tell you that it is not suitable for road surfacing. But you are to refer them to San Domingo Alley in the uptown area and Dukes Alley in the uptown area. What you build is a high concrete rib and cant it so that the water will run off. But it is the only way out to market, to church and everyday business for the people who live there. It really cannot be too much to ask the Minister to see that when this road improvement is carried out it would not be more than a little marl fill and a little cement to make at least some kind of pedestrian surface for the people who live in the Pond Bottom.

But the wider question. We are told in the Second Schedule in respect of this piece of land that it butts and bounds on a public road called the Temple Yard Road. This speaks to the whole physical environment there and the social environment too, Sir. As the representative for the City of Bridgetown and as one who was party to a plan for what we called the Cheapside area, and this is smack dab in the middle of it, I am interested to know if and when the Government is going to resume the urban renewal plan that had been made for Cheapside. The Post Office

was only the beginning of it, Sir, lest people think that that was all that it was about. The old Town Hall is now a derelict and I believe dangerous. It is full of historic interest. I, and many others because it is a landmark too, it is a whole area there, the Lower Green, and I would like to know too when the Lower Green will return to being a green and when the buses will be resited at another more convenient place, a custom built place, with the conveniences as exist at the bus terminal at the other end of the town at Fairchild Street. What is planned to be the use for the old Town Hall? I would hate to see it demolished, Sir. I know there were some plans for it. Perhaps this Government has other plans for it. But whatever the plans are we would want to know and would be interested to know when they are likely to commence. That goes for the old Temple Yard together with the Cheapside Market which has been an eyesore and a public health hazard now for years. That was all part and parcel of the urban renewal plan for Cheapside.

Aside.

Miss B. A. MILLER: Yes. To Hell And Back. The Right Honourable Prime Minister knows whereof I speak, Sir. He has been known on occasion to attend Service of Song singings. We missed you two Sunday nights ago. The hymns were good and the fishcakes were good. He has been known to attend singings at a popular establishment known as To Hell And Back. It is exceedingly good. Perhaps that might suggest to Your Honour and to the Minister of Housing that the Town Hall might be converted to some such community use. But it is derelict and becoming more and more so. It is becoming dangerous to passers-by. So whatever is going to be undertaken to refurbish or whatever in respect of that building has got to be done very quickly.

The Temple is degenerated now into a really very inhospitable place hardly fit for human passage, human habitation. There are people who live there. The Cheapside Market is not a place that you like to go to. A lot of the vendors are now operating on the Cheapside pavement rather than take up positions in the market because people are not disposed to go into the market. The environment is really most unsanitary.

The Barbados Labour Party had well advanced plans for the refurbishing not only of the Cheapside Market but Fairchild Street as well. The same goes for Eagle Hall as well. At these well-known market spots there are people of all classes of life who can be seen with their baskets on a Saturday morning, even now in 1991, who want to do their business there. It is a place where a lot of local produce is to be found. Covered markets everywhere in the world are tourist highlights and historic sites, even like the old Covent Garden which is no more. It is still a historic site connected with what used to happen at Covent Garden. What happens at Cheapside with the butchers and the green

market and the market for other goods is something that we should be made to...

Aside.

Miss B. A. MILLER: I am speaking on all the square footage in Cheapside in and around the Temple Yard area. His Honour the Speaker know whereof I speak. He is to be seen doing shopping at the

Mr. SPEAKER: I think that is my difficulty to pinpoint where you are.

Miss B. A. MILLER: Yes, Sir. At Temple Yard butting and abounding upon a public road called the Temple Yard Road and on the lands now or late of the said Ina Pickering and so on and so forth.

But it is most important that the whole question of the refurbishment of the Cheapside Market, the Temple Yard upgrading and integrating that as a legitimate component within the Cheapside market complex, the resiting of the Lower Green bus stand, the returning of an area of green there. It is one of the wonderful old squares. There are so few of them in Bridgetown that we can make. You have an old and historic Church like the St. Mary's Church. It is all part of a church square. The Cathedral has its square which has been much enhanced by the Central Bank building. Even old Trafalgar Square is now going to see some urban renewal. The Trafalgar Square, not the Old City, the Trafalgar Square, there are works being undertaken there and it would appear that the Government is wilfully neglecting the old Cheapside and Lower Green area of Bridgetown.

3.30 p.m.

I would like to recommend to the Government that it will not require any feasibility studies, it will not requires any consultancies. The Labour Party has left copious plans and ideas there for the upliftment and the urban renewal of the area and I would very much want to know of the Minister what plans and if and when something is going to begin to happen at Cheapside.

Let us remember, as I started out, Sir, I end as I started. There are people who live, it is not only businesses which have their being and are carried on there, there are people who live in this area and traditionally have always lived in this area and particularly those at the Pond Bottom are suffering. So, if the Minister, even now, could give an undertaking for the Pond Bottom the people would be glad for that.

Aside.

Miss B. A. MILLER: No, I am just asking for a high concrete rail. I am not asking for tar road. I will take you

down there and give you a drink at John Yearwood's shop. Thank you, Mr. Speaker, Sir.

Mr. DeL. O. BRADSHAW: Mr. Speaker, when the Minister introduced this Resolution one got the impression that the Government that started the negotiation for this piece of land in 1979 was in some way tardy in this business and as a consequence this Resolution is now brought before this Chamber.

I want to throw a bit of light on the matter, because in 1979 the then Government, the Barbados Labour Party Government, thought about developing the area here in question and the new General Post Office was considered for development there and on the other side the then Prime Minister along with officials from the Ministry of Transport and Works and Housing and Lands looked at the area to see how best they could realign the road with a view to not only making it possible for a proper road access, but at the same time looking to see how best we could remove some of the possible hindrances and this particular property posed considerable problems to the area. It was thought then that the Government should enter into private negotiations as is customary. Failing that, to seek to possess by compulsory acquisition. It was not possible then to get any agreement and therefore the acquisition process was resorted to. But, why it took so long, and I am wondering why it took so long because all that was needed was to have an agreement on the figure, acquire, and have the lawyers involved or the representatives for the vendors to agree on a figure and have the Resolution formally approved by coming here for the Section 5 Notice.

What I am seeking to find out here, Sir, is that there was nothing wrong about entering upon the land because the relevant section 3 and 4 were adhered to and what we are doing today is coming with the Section 5 notice which is in keeping with the requirements under the Land Acquisition Act. I just felt I should do this because when we heard the Minister say the house was demolished, it came home to me, and those of us who are not familiar with it would think that the government ..., because this has happened in the past and I don't want the impression to be abroad that the Barbados Labour Party Government went in and demolished the house. It had taken all steps but it was just the Section 5 that was supposed to be done and we are now doing it. So it is not a question of regularising anything, it is a matter of completing and I hope that the Minister will take it in completing the acquisition process.

Now, the other thing is that I would like, because there is a question of how much was being paid for it, because at that time there was a question as to how much per square foot was offered for the property.

I know that in settling, the year was since 1979, a considerable time has passed and we want to know what is the final figure because this would give us an indication, it

would tell us something in this Honourable Chamber, that delays in acquisition, delays in settlement can be very costly to a government and taxpayers have to pay. What I am saying is that I am calling on the Government to see if they can expedite these settlements because failure to do this, to complete these acquisitions as quickly as possible would mean that the taxpayers would be called to pay large sums of money, or additional sums of money which we can ill-afford at this point in time.

We have to take this point, because when we hear about the economic situation, these are the things we talk about. If Government is not watchful and careful then this could cause the Government a lot of economic problems, unnecessary or drawn out acquisitions can be costly to a government. And that is why when the Opposition is calling on the Government to be a bit more prudent this is the sort of area that I would like the Government to understand that we are talking about.

I think that the Honourable Minister has taken the point, but another matter that concerns me, Sir, is the sort of congestion that is caused in that area. The minibuses down there is causing a lot of accidents and road blockage. I think that the Honourable Minister responsible for Transport and Works needs to do something, have the technical people at Transport and Works come up with recommendations as to how we could alleviate the problems down there. There is confusion and congestion. Everything is like bedlam down there, breaking out on afternoons, where minibus men fail to comply with the rules of the road. They block off the roads at Temple Yard and it is an access or road which is for all vehicular traffic and on evenings no traffic other than the minibuses are allowed to pass. If you were to see how the minibuses go out and block off the road. It is something we have to address. I am not critical of any one in particular because there is a need to resolve this problem. People who want to come up from Cheapside on to Broad Street experience a lot of difficulty and I am sure, Sir, you will know that it is something which we can't continue with.

What I am suggesting is that the Ministry of Transport and Works do the necessary surveys and do a study of this area once again, because when it was thought about, some of the things that are happening there were not anticipated. It was not anticipated that the bus stand would be there. It was expected at that time to develop the market which I see nothing has been done and something needs to be done. It was a total package, Mr. Speaker. One will recall that it was the Barbados Labour Party Government that moved those small craftsmen down there after they caused some annoyance and created a nuisance to some of the people in Rockers Alley. I think that was welcomed by the present Government and I would like to see something done down there to tidy up the operation. I think the time has come for that. But as I said, since this Resolution deals mainly with the road improvement aspect, I think that we

cannot miss the point that something needs to be done in order to free up the roads and to limit the sort of congestion and confusion that takes place down there. Either you put more wardens down there or the police will have to do something about this.

3.40 p.m.

I am calling on the Government to have a proper bus terminal and provide some proper place for the minibuses and Z-vans. They need to have this whether it is your policy or not. They help with the transportation in this country and they are answering the need, Mr. Speaker. I want to restate my position and the position of the Barbados Labour as articulated in the Manifesto on transportation and the road users.

Mr. SPEAKER: I am sure all of this is not under Pickering Land. Is transportation on the land too?

Mr. DeL. O. BRADSHAW: Yes, Mr. Speaker, because the vehicles move and I am sure this acquisition is for road improvement, Sir. The Z-vans as well as the minibuses use the road as well as the pedestrians because they are driving on Pickering Land. It is not fully settled.

I am asking that the Government considers this mode of transportation of the Z-vans as well as the minibuses so that they could have a proper place to park and reduce the sort of confusion that we have at this moment, Sir.

Hon. E. E. GREAVES: Mr. Speaker, just briefly to reply to some of the points made by the Honourable Members from the other side who have spoken. The Honourable Member for the City raised the question about whether or not this Government has in mind any development plan for the Cheapside/Temple Yard area. It is a fact, Sir, that discussions have been going on about the way in which development should take place in this particular area and when we came into office those discussions continued. We have made a commitment in our Manifesto at Page 29 which reads as follows:

"The DLP Government recognizes the need to promote small business development and commits itself to the following projects:

- (a) the Swan Street Mall;
- (b) the redevelopment of the Cheapside/Temple Yard market complex;
- (c) the provision of three selected areas off the ABC Highway for vending activities;

The markets/vendors' outlets will be well appointed, well regulated and will provide adequate amenities, including toilet facilities."

I think, Sir, that speaks eloquently for the position of the Democratic Labour Party on this particular matter. Naturally, any development which is going to take place will have to take place in the context of the availability of funds. I happen to know, for example, that the entire area is being looked at with a view to making a proposal for a package development. The points which have been made by Honourable Members are, therefore, points which have been taken into consideration and I would like to think that when the development takes place that it would be the kind of development of which we could be all proud. It is a fact that the Cheapside Market is not anything of which we can be proud. The whole area around the Temple Yard leaves very much to be desired. Certainly, the comments made by the last Honourable Member relating to the behaviour of the people who operate in that area in terms of the minibuses is something which leaves a lot to be desired. We, therefore, in looking at the redevelopment of the area would have to look at the whole context of the transportation and the usage to which that area could be put. I am in no position to provide any details at this stage but there are plans and there is a commitment for this particular area.

There is one point which has been drawn to my attention and which I would certainly want to draw to the attention of this Honourable Chamber. I know that the Town and Country Planning Department has expressed some considerable concern about what is developing in the Temple Yard area. You will recall that the street vendors were moved, I think, from an area called Rockers Alley and they were placed down there. It has now been drawn to our attention that the area is not only being used for the provision of market facilities but that some people have even gone to the point of erecting habitations in that particular area which is not in keeping with the objective which was supposed to have been achieved when they were moved in that particular area. The Town and Country Planning has expressed some serious concerns about that. I would hope that if and when action has to be taken to regularize the situation that we will get the support, critical if needs be, of all Members of this Honourable Chamber in this particular matter. Because I think it is something which we all have to express some concern about and must be aware of the dangers which can emanate from a development like this getting out of hand. I am very concerned about it and certainly we are looking at it in the Ministry. I can assure you, Sir, that some action will be taken to have that particular problem brought under control.

The Honourable Member for St. Michael East raised the question of the cost to Government when acquisition settlements are delayed or when there is tardiness in these settlements. Sir, I think this is a matter which ought to concern all of us. I know that it is a matter which bothered the former Administration and which continues to plague administrations in this country. Some of the problems relate to the fact that at times the owners of properties do not

have what is called a good and marketable title and a whole long process has to be gone through. In some instances, a lot has to do with tardiness on the part of officers who are dealing with these particular matters. I myself am very concerned when I see matters coming before me which should have been settled years ago. When they have not been settled, it is a commitment on the part of Government to purchase through the process of acquisition and the interest which has to be paid to the person sometimes far exceeds the principal which is paid for the land. I think this is something which has to be driven home to persons who have responsibility in this particular area and it is of concern to me as indeed it is of concern to the Honourable Member.

3.50 p.m.

From the evidence which I have here it would seem that the interest on this particular property exceeds \$140,000, and I am saying, Sir, that we cannot allow a situation like this to continue. I have drawn this to the attention of the officers in the Ministry indicating that we should try to expedite these settlements. They have produced the arguments about title. Sometimes when you are dealing with legal matters, maybe some of the lawyers on the other side are so busy that they do not have the time to deal with small matters and therefore these get pushed in the background and the responses are not as forthcoming as they ought to be. Very often a lot of it has to do with the determination of the price and sometimes there are discussions going backward and forward on these particular matters.

I would hope that it is clearly understood that when these matters are outstanding they cost the taxpayers some money and that people who have responsibilities in these areas would recognise that we should try to get these matters settled as quickly as possible. There is still a whole number of outstanding matters – I do not have the information here – of land acquired in the early eighties which have not yet been settled. This is a promise, I am not trying to cast any blame on any administration, but I am just trying to indicate to you what the system is and the kind of problems which are encountered in the system. Maybe we have to see if we can develop some other system that would assist in expediting the settlement of these matters.

The Honourable Member for the City raised the question of Pond Bottom and the kinds of problems which are experienced there. I believe in listening to her I am getting the impression that it is a matter which relates to the Ministry of Public Works, but I have taken a note of it and I intend to draw it to the attention of the Minister concerned, because obviously we would not want to see the situation developing where people have to live in the circumstances which the Honourable Member has described. We would not want this for any constituency, for that matter. This is not a constituency matter, it is a

national matter and we will look at it in that particular respect.

Just let me say, Sir, that the Honourable Member for St. Michael South East seemed to have taken a little umbrage at my use of the word "demolish" when I spoke about the building. I do not think he should get particularly offended, I was trying to give the sequence of events on this particular matter, to say that the land was initially acquired for road improvement, which went beyond the original intention, and so they needed more land. They therefore took in the house and that was the reason why I said that in the whole context of things the building was demolished. Even in this settlement, one of the things which we have also agreed to, as part of the settlement, is the payment of loss of rent for the use of the building for a particular period.

These are things which, Mr. Speaker, we are now faced with and all I am saying is that it makes a very strong case for expediting these settlements.

I beg to move that this Resolution do now pass.

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

ORDER NO. 10 – RESOLUTION TO APPROVE THE VESTING IN THE NATIONAL HOUSING CORPORATION OF LAND AT WALKERS, ST. ANDREW MAINLY FOR HOUSING DEVELOPMENT

Hon. E. E. GREAVES: Mr. Speaker, in 1990 this Honourable Chambers passed a Resolution to acquire an area of land at Walkers in St. Andrew for the purpose of housing development and for relocation purposes and there was a long debate on it.

The point which has to be made is that we have a problem in the Scotland District in terms of the resiting of people whose houses are precariously poised as a result of land slippage. A recent study which was done by the Central Emergency Relief Organisation indicates that some 250 householders are affected by land slippage in the Scotland District.

The Government is making an effort, through the National Housing Corporation, to provide alternative siting for the people who are affected, and Walkers in St. Andrew is one of the areas which have been designated in this particular exercise. There are about 92 lots in this area and it will be used for this purpose. We will have another Resolution shortly which will identify another area, and some time earlier in this Session I think we approved a Resolution vesting in the National Housing Corporation an area of land at Lammings, St. Joseph for this particular purpose.

This Resolution seeks to vest this land at Walkers, St. Andrew in the National Housing Corporation for the purpose of housing development and for relocation purposes. With those remarks, Mr. Speaker, I beg to move that this Resolution do now pass.

Hon. W. O. FRANKLIN: I beg to second that and reserve my right to speak.

Mr. G. W. PAYNE: Mr. Speaker, I can appreciate the interest of the Honourable Minister of Housing and Government in that respect in seeking to bring this Resolution before this Honourable House in order to have suitable housing for people who have been affected by land slippage in the St. Andrew area. Indeed, I must compliment the Honourable Minister of Housing on the few occasions that I have had communication with him since he assumed his present position. As a matter of fact, at this present time one of the houses which was badly affected by land slippage is being repaired, and this particular individual has been moved from Isolation Road and is presently being housed in Apes Hill.

However, Mr. Speaker, I am somewhat disappointed that in seeking to find a suitable area in St. Andrew to house these people who have been affected by land slippage this administration has not done a very good job in actually selecting a suitable site. I do not know if it had anything to do with the former representative, who obviously did not know the constituency, and I believe that the Minister of Housing means well in bringing this Resolution before the House and has probably relied on the recommendation of the previous representative for the area.

This particular area, Mr. Speaker, is a very bad area for housing people affected by land slippage in the St. Andrew area. We are going to move them from one problem and they are going to be faced with another problem. This is an area that is affected by severe flooding when the rain falls. Whenever there is heavy rainfall in the area, I, myself, make a point of visiting the areas affected by land slippage. I think in terms of areas like Isolation Road and the White Hill area in particular. This particular area is severely affected by flooding and I must say that this particular area next to the church...
4.00 p.m.

Asides.

Mr. G. W. PAYNE: I don't have the wrong area. I know the area. I don't want to see the plan. You know it better than me but you should go to Belleplaine after a period of heavy rainfall. That particular area is affected by flooding.

I must say that if the Ministry have done their homework, they would realise that land in Haggatts – if they wanted to remain in St. Andrew proper or the western

end of the constituency in Apes Hill... I wonder why they could only find it fit to acquire the land in Apes Hill when they are dealing with acquisitions for commercial purposes, and when they have to relocate people from the St. Andrew area they choose to relocate them in areas which are rejected by the people who themselves live in the St. Andrew area. I am saying that this particular area is totally unsuitable.

Hon. E. E. GREAVES: The Honourable Member has indicated that when the Government is acquiring land for commercial purposes, they go into the good areas, and when they are acquiring land for housing, they go into the bad areas. Could the Honourable Member indicate to me what areas in St. Andrew has the Government acquired for commercial purposes?

Mr. SPEAKER: I don't think that is a proper point of order.

Mr. G. W. PAYNE: As I was saying, Mr. Speaker, the land in Apes Hill is more suitable for the relocation of people who have been affected by land slippage and there is ample land in the Apes Hill area on which these houses can be accommodated.

I notice, Mr. Speaker, that the Honourable Minister has stated that these house spots total 92. The Honourable Minister of Housing is aware of the type of problems that are affecting the people in St. Andrew even more so than the people who actually live there and even more so than the representative. I believe that he is aware of the fact that most of the houses in St. Andrew are also chattel houses. Quite recently, St. Andrew has been affected by a series of house fires. It is expected that all of these 92 houses will be chattel houses. I would hope that some provision is made by this Administration in the future to have a fire station in the St. Andrew area, particularly in the Belleplaine area.

I have noticed that the Chief Fire Officer, Mr. Speaker, only a few days ago, made a very unfortunate statement relative to the terrain in St. Andrew not being suitable for the building of a fire station. It is unfortunate that someone in that position should be making such a statement. It is a pity. In some countries he would be made to resign immediately. Mr. Speaker, I wouldn't go into that...

Mr. SPEAKER: Yes. You had better not.

Mr. G. W. PAYNE: I am just linking the fact of these house spots which will be chattel with the type of houses and the type of problems which will be encountered. It is fairly obvious that in the event of fire, we would hope that

some provision is made to have some assistance in the form of fire prevention to these areas as soon as possible.

Also of some concern, is the state of the roads in St. Andrew. This is relevant to the houses which are being built. It does not make sense your talking about having 92 house spots in the St. Andrew area and then the people don't have proper roads to get to their houses. During the past five years in particular, the people of St. Andrew have not seen any maintenance, any road repairs whatsoever to the roads in the Belleplaine area, especially leading up to the Walker's area. The Walker Bridge has fallen into total disrepair and nothing has been done. As a matter of fact, the people of Walker's are being abandoned by this Administration. I cannot see the wisdom of having 92 house spots while the principal link to the people of Walker's, in the form of Walker's Bridge, is not being addressed. I would hope that when everything has been finalised relative to these house spots that the appropriate Minister will see it fit to affect repairs to the roads in St. Andrew.

On this score, too, Mr. Speaker, there are over 200 people in St. Andrew who have been affected by land slippage for some reason or another, and other people who for some reason or another cannot afford suitable housing in the area - people who love St. Andrew and people who want to remain in St. Andrew. I would hope that when this Resolution is passed that we do not see these house spots being given to the people in St. Michael because of the interest or patronage or whatever of some particular individual outside of the constituency of St. Andrew and the surrounding area.

Mr. Speaker, I thank you.

Dr. R. L. CHELTENHAM: Mr. Speaker, Sir, permit me a brief intervention on this debate. I want to make the point that housing and housing spots, house lots as we call them, constitute in my view, our greatest social need in Barbados. In these two areas, there exists desperate shortage and the shortage has been made more acute by the fact that in the last five years, the Democratic Labour Party Government did not continue the policy of successive governments over many years in this country of building a housing estate or acquiring any substantial acreage by way of land bank policy; these shortages affecting particularly those who are in the lowest rung of the socio-economic ladder. The people in the Scotland District for special reasons are specially affected by this shortage. We do not have a situation, such as has been feared by the Honourable Member for St. Andrew, whereby there is immigration into the Scotland District, St. Andrew and St. Joseph, except on the very smallest scale. The tendency has been in recent years for there to be serious emigrant young people in particular moving out to the "Heights" and the "Terraces" in St. George and to the development areas in St. Philip, Christ Church, St. James and St. Michael. There are many

districts in St. Joseph and in St. Andrew that are affected, not only by land slippage, which constitutes a very serious threat to the physical structures in which the people live and to their very survival, but there are also many districts affected by the fact that there are not sufficient facilities to make life livable for them. Many of them are without electricity in some instances, with no access roads, without a reliable bus service nearby, without a shopping area within a reasonable distance.

4.10 p.m.

For that reason many people want to move to areas where the facilities exist, where there is life and light. To that extent we need to have the Government vigorously pursuing a land acquisition policy in the Scotland District to ensure that all those who need to be resited for reasons which I have stated can be resited.

With respect to the Resolution earlier passed concerning Lammings, only 27 spots are involved. Those spots have already been earmarked for persons who have long been suffering from land slippage. Those who want to move for other reasons – and not all those who have suffered from land slippage and still need to be taken care of are without spots. In fact, I estimate there is need for 200 spots in the St. Joseph area of the Scotland District.

Sir, I will be shortly writing to the Minister and suggesting to him that the representatives in the areas, St. Andrew and St. Joseph, need to accompany him on a tour whereby we could help identify suitable areas that may be acquired by Government so that those who are in need of resiting can in time be satisfactorily sited. There is need to keep the plight of the Scotland District foremost before the Government. It has tended for many years to be a neglected part of Barbados. It needs not only proper housing and a sensible and vigorously pursued land acquisition policy by the Government, but it needs to be involved more and more in national development. As I sometimes like to put it, we need to bring life and light to the people of St. Andrew, St. Joseph and the people of the Scotland District generally.

I am hoping, Sir, that the Government would consider opening up the Turners Hall woods, the only primeval forest remaining in Barbados for tourists and for the benefit of Barbadians too and also the Joes River forest. All is part of an attempt to involve the people of the Scotland District into our tourism and to ensure that life and light is brought to the people of the Scotland District. I very much look forward to the Minister indicating when we can go on a tour, we the representatives of those areas, the Honourable Member for St. Andrew and myself, so that we can attend to this matter which, as far as I am concerned, is one of urgency where we can see where in St. Andrew and St. Joseph we may be able to identify spots that can be acquired for the purpose of resiting large numbers of people who are in need of resiting and resettlement.

Mr. DeL. O. BRADSHAW: Mr. Speaker, I welcome the Resolution as brought by the Honourable Minister but, at the same time, I think I must voice my concern and draw to his attention some things which need to be addressed if we are going to do anything at all about housing that is seriously impacting on the problem of housing in this country. Now, the area of land, as I understand it, lies next to the St. Andrew Church.

Aside.

Mr. DeL. O. BRADSHAW: The northern side. It is a fairly good area but the point made by the Honourable Member for St. Andrew must not be ignored because I am familiar with that area and it is well known when there is a heavy downpour that access to the Walkers area is very difficult. In fact, sometimes the East Coast Road is cut off. Right now the road is under repairs and it is very difficult to pass. You have to come around from Farley Hill to come in so though there is access we have to watch it because there is a bridge at the end there which causes some problems. If this caves in at any time then there will be a difficulty for the people. The point that the Honourable Member for St. Andrew made is very relevant to this. There is no sense having a housing area and when you have flooding the people cannot get in, no person can go in to rescue them or they cannot get out to rescue themselves either.

The point I want the Honourable Minister to take relates to the vesting process. It is customary that we come and acquire lands, sometimes lands that are owned by Government. The purpose is set out in the addendum to the Resolution but then it takes a long period of time before the lands can be passed on to the relevant authority, the National Housing Corporation, for development. That is the point. There is no use our having lands acquired and placed in the hands of the Ministry of Housing and they do not have adequate staff to deal with allocation of house spots. Let us face it. They are not developers. They are not capable of handling this exercise. That is why I am calling on the Government to have the lands transferred as quickly as possible, if there is some way the law can be looked at so that when you come it can be vested immediately. The lawyers can advise how best it can be done. There was a system before when it used to be vested immediately in the Housing Board.

Aside.

Mr. DeL. O. BRADSHAW: Do not mind the law is there. The lawyers are there and they can advise on it but I am not bothered about that. I am talking about making a recommendation or suggestion that can be done. I am sure the Honourable Minister will take the point because what is happening is that a good declared policy can be impeded by this sort of policy if you do not put things in place. I am just asking that you put the machinery in place and

have the land vested because you have to also look at the point whether the National Housing Corporation has enough funds to do that development. You need services. If you do not have the money to put in the roads then no matter what you do and talk about 92, 100, or 500 house spots you defeat the purpose.

What I am asking the Minister to consider is whether the National Housing Corporation has the input of funds to do the necessary surveys as soon as an acquisition is contemplated so that they can put in the act. They must be involved at the very early stage so that they would know exactly what they have to do. We have situations, and the Honourable Minister knows this, where they are vesting lands in the National Housing Corporation and the National Housing Corporation is unable to provide the house spots.

If the Government is taking this lightly the Government will have something coming because if they do not understand how serious it is to frustrate people then they would learn at some later stage. I am making a suggestion to the Government to make sure that the National Housing Corporation is involved up front so they would be planning ahead. When the actual vesting takes place they would not now have to start but would have the ball rolling. There is a lot of land that was vested, for instance, the land that was given to the National Housing Corporation, for people to be resited at Cutting Road. We have a situation there that we need to look at.
4.20 p.m.

You have 52 spots but the National Housing Corporation has not gone in, Mr. Speaker, and put in any roads or services at all. It is frustrating the Government's policy. That is what I am looking at. It frustrates the policy because you can only occupy 17 spots on the front road.

We are asking the question – when are you going to get the people from the Ivy or the Belle or down in St. Andrew moved?

Mr. SPEAKER: Do not travel too far though. Let us remain down in St. Andrew.

Mr. DeL. O. BRADSHAW: Thank you, Mr. Speaker. I am pointing at the situation that will help the Minister because this same thing will happen.

What I am saying is that the land is there. Here again that would be another question where I would like to see the vesting of these lands. Put them all together. Come with a package and have them vested and leave National Housing rather than coming here all the time. I think the Minister would appreciate that. It takes a lot of time. But what I am saying is that you are not able to utilize the full potential of the land, the purpose for which it was purchased. That is the problem. Even if you have this land acquired... as I said I am sure the Minister has the good

intention of having the lots provided. I can see this is the reason. But at the same time his programme will be frustrated if National Housing Corporation has now got to start putting in roads, doing the survey plans and getting contractors to put in the services and you cannot put in services in a month's time, Mr. Speaker, Sir. It takes some time, two, three months to do that. You know the system of tendering and what not. Then you have to put in the surveyors. All of this should be done if you are going to do proper planning. As I said, it is costly and it can be very frustrating. That is why I am asking the Minister to take these as suggestions which could help us on.

There is something that is happening too like in the area which caused the Government to consider the relocation of these people. I will throw this out to the Minister for serious consideration because all of us in here are interested in housing Barbadians. It does not mean because a suggestion comes from this side that the Government cannot take it because it will be a problem that this Government or the Barbados Labour Party or whichever Government would have to face up to. We have to address these problems now in the light of what is happening.

There are some lands like $\frac{1}{2}$ acre, $\frac{1}{4}$ acre of land in certain areas, let us say for instance, in Haggatt Hall and even in St. Andrew that our foreparents used to work. They continue to pay taxes and some of their children would like to put a house at least a chattel house on it and develop the land and do some agriculture, put a house on it at the same time, to relieve the housing problem. But, Sir, the present policy – I am asking the Minister to look at it, it falls under him – tells them that they cannot put a house there.

I am asking this, how are you going to develop? You can ask for a pit to be put. You do not have to put in the septic tank which is a requirement in the Zone 2. But at least a pit could be put in and allow the person not only to work the land and help with your agricultural policy, as a small farmer, but also to provide additional house spots for Barbadians. I am seeing this every day. As I said it is when the experience that I have had tells me that something needs to be done. This zoning policy needs to be looked at. The policy of zoning came about by a Government getting up one day and saying this is an area we need to zone. It should be a flexible policy in certain areas. I am saying this generally to help housing. You have lands in Haggatt Hall and people cannot get it sold. People say, we are not buying it. But at the same time, Sir, people have to pay taxes. If they cannot put anything on it the Government should be compensating them. I am saying that is a bad policy. I am not going to suggest that. But I am saying find ways and means of having those lands utilized. It could be utilized in the area of housing and at the same time agriculture. Forget this idea of saying you cannot put a house because nobody in Barbados is going to work

agricultural land nowadays and not have some house there where they could supervise the land.

Sir, I am saying that I welcome the Resolution but as I said I hope that the Minister would take these suggestions which would help speed up the whole thing because when you look around if you vest the land in the National Housing Corporation and they are sitting down, they do not have a proper planning unit down there I know it – not to handle the volume of work.

We are talking now about meeting demand. I am asking the Minister.... While I am on my feet I am asking the Minister, despite what you hear from the past Minister who did nothing, to put his name in the record book by trying to provide some terrace houses, rental units for the poor people who cannot buy, who cannot provide the deposit to buy land and pay 10% mortgage charges. The Minister has to know those things. There is a crying need out there for that and we have got to say it. I am going to be saying this repeatedly on the Floor of this House that there is a dire need for it. The land that is vested in the National Housing Corporation in St. Andrew can serve such a purpose. Do not just vest the lands in National Housing Corporation. That is for housing purposes. Housing means not only service lots but for purchase as well as for rental for terrace houses. I hope that the Minister will make provision for some terrace houses in St. Andrew and I hope that he would look at those persons who want land to rent who would go and put up a house on it because the pressure is on on you, Mr. Speaker, as a representative and you know that. The Government cannot escape it. We cannot escape it as legislators. Let us try and address this very serious problem of housing and let us realize we cannot nitpick at it and take it piecemeal. The time for that has gone. Studies are in the Ministry. There is a White Paper on housing. The demand for housing is about 1 700 houses per year. Do not let us fool ourselves. Provide them with the house spots. That takes in the private as well as the public sector combined. That is what was meant by it. The survey or the White Paper did not say for one year or two years. It said over a 10-year period and during that period it was hoped that we would have met the housing problem at least by 75% or 80%. I know it very well. You cannot tell me about it.

Aside.

Mr. DeL. O. BRADSHAW: I am talking about St. Andrew and housing. We have to go to St. Andrew. The Member for St. Andrew has rightly said that the people of St. Andrew need to be given first consideration because that is in keeping with the former Minister of Housing. That is in keeping with his policy. If you acquire land in St. Philip the people in St. Philip should be given priority, lands acquired in St. George the people of St. George should have priority.

Aside.

Mr. SPEAKER: I am sure the Honourable Member would not want me to interrupt as he goes along but try and avoid extending the argument beyond the substance of the Resolution.

Aside.

Mr. DeL. O. BRADSHAW: Mr. Speaker, Sir, I was on my way back to St. Andrew. I was on top the hill coming down, Sir, and I found it difficult to find the road down. But what I am saying is that the people of St. Andrew need to be given prime consideration. I join in that call made by the Honourable Member for St. Andrew because to have people from all about the place put down there and the people from St. Andrew not being able to benefit from the land would defeat the whole purpose. I am sure that the Government will take a hint and do something to correct the situation.

Hon. E. E. GREAVES: Mr. Speaker, in winding up this debate there are a few points I would wish to make. I think that the Honourable Member for St. Andrew was somewhat misguided in his understanding of where this area of land is located. As I understand it it is located to the north of the St. Andrew's Parish Church. It is part of the area that, which kind of, goes up on a slight hill. If you go further down the road down to the point where the decline to Farley Hill begins in that area, on that side on the left hand side of the road. There are houses on that area. This is the area of land therefore that we are talking about.

The National Housing Corporation already has....

Mr. G. W. PAYNE: On a point of order, Sir. The Honourable Minister says that I am misguided as to the location of the acquisition. I understand the acquisition pretty well. I know that it is that particular area. I am very familiar with the area.

Hon. E. E. GREAVES: Since the Honourable Member is so familiar with that area I find it a little difficult therefore in understanding why he would suggest that that particular area is prone to flooding. When he says flooding I understand that when there is a heavy downpour St. Andrew and other parts of Barbados suffer from flooding. Barbados is not the only place which suffers from flooding. The Government of Barbados has no control over the amount of rain which would fall at any point in time, and no country will ever be able to make provision to accommodate a heavy downpour of rain.

4.30 p.m.

In the United States of America there is flooding. In Europe there is flooding. Once there is unusual weather there will be flooding. We understand and we sympathise

with that particular position but the point I am making therefore is that I find it difficult to understand – if I know the area, and I believe I know the area, and the Honourable Member says he knows the area – I find it difficult therefore to see how this area could be translated into a flood prone area.

I know that there is another area of land more to the east of St. Andrew's Parish Church on the right hand side of the road which is a flat area of land which the records will show have some proneness to flooding. Indeed, Sir, that is not the area that we are talking about.

Indeed, Sir, the relevant authorities which have been consulted on this particular matter, the Soil Conservation Unit, for example, the note here says that "the soil Conservation Unit has informally indicated to the Ministry that the soil at Upper Walkers...", and this is the area that we are talking about "is stable and therefore suitable for the proposed development." The Chief Town Planner has indicated that "there is no objection in principle to use of the land at Corbin's Village and Upper Walkers for housing development". All I am saying, Sir, is that consultations were done by the various technical people and this is the basis on which the selection was made. The selection was made some time ago. Indeed, Sir, as you would see the Resolution to acquire the land came into this Honourable Chamber sometime during 1990 and it was not done by the whims and fancies of people who knew nothing about the area. The former Minister of Housing did not wake up one morning or just go out in St. Andrew and say I like this piece of land, therefore let us have this. The consultations took place and I think that the Honourable Member ought to appreciate this. I understand he is young in Parliament and obviously he wants to gain his spurs. I have no particular problem with that, I had those days myself, but I think one has to be careful sometimes and I will caution him in trying to go wild with the blows that he may be firing.

Anyhow, the point is that the Democratic Labour Party Administration has certainly demonstrated its concern for this area and for this particular problem. It is a very difficult problem. It is a problem which is going to be very costly and it is one which we are committed to and the Honourable Member for St. Joseph, for example, has said that he knows that for St. Joseph alone there are about over two hundred lots required to accommodate people who wish to be resited. Whether resiting is as a result of land slippage or people just wanting to get near to facilities... and I am sure that in St. Andrew one would find a similar situation.

As I indicated when I introduced this Resolution, the Central Relief Organisation has indicated that there are about two hundred and fifty houses from the following areas which have been severely affected by land slippage – St. Bernards Village, Parks Road, Lower Parks Road,

Suriname, Chimborazo, Bathsheba, Spa Hill, Tent Bay, Mount All, Isolation Road, Chalky Mount, Turner's Hall, Bawdens. These are the areas which have been identified by the officials where work has to be done in the resiting of people.

I want to disabuse the minds of Honourable Members that all of this can be done at one final scoop. It is a very expensive operation. Indeed, Sir, I think that we will have to come to the point where some efforts will also have to be made on the part of individuals who are going to be resited in terms of their contributing towards this resiting, because it may very well be that it is going to be demanding a lot of the Government with scarce resources to be called upon to do this massive resiting. When the Government recites, if it is officially done, you know the kind of problems which arise –

1. It takes long, and
2. people then require services and demand things which they did not have previously.

And as politicians we sometimes get caught in this and the Government is then locked into a very dangerous situation which will dry the Treasury.

Now, therefore, Sir, I think the time has come when there has to be more self help demonstrated in this particular area. We had a situation where the Honourable Member for St. Michael South East raised the question about the Belle and the resiting of people in that particular area.

The National Housing Corporation has earmarked an area and the removal is going to be done in phases. The land has been prepared to accommodate in the first phase 17 houses and those persons have been selected.

We have come up against the situation where people are saying that they have no money to move and they are sitting down waiting on the Government to move them. There was one person who I am told, when this matter first came up, it was in the papers, said that he would have to sell his microwave oven and some other thing in order to move.

When the land was made available to him he moved the house, and this is very important, he moved the house on a Saturday and by Sunday he was living in the house. If the National Housing Corporation had moved that house I am saying it would have been three months before he would have been able to get in that house, and all at the expense of the taxpayers.

I am saying this to indicate, Sir, that we will certainly do our best to deal with problems that are difficult ones but people have to understand that the Government is in no

position to go the full way as they would expect. If we make the house spots available, then they should also assist themselves by pulling themselves up by their bootstraps and help themselves to move and this is really the kind of situation which we will have to work towards.

The Government is sympathetic as far as these problems are concerned but naturally we do not possess the financial wherewithal to deal with all of these matters in the way that some people would expect them to be dealt with. And I think that point has to be made up front because it has to be clearly understood that we have to instil some discipline in this particular area of housing. People cannot expect to go and squat and then for the Government to come and move them and provide them with facilities which they did not have or just to move them and recite them at no cost to themselves and this is a very serious principle which we have to watch.

As far as the Scotland District is concerned the Honourable Member for St. Joseph made reference to, and expressed some concern about that area. As I said, the Democratic Labour Party is concerned about this and, to this extent, within recent weeks we passed in this Honourable Chamber the Scotland Authority Act which establishes the Scotland Authority and demonstrates very clearly that we are moving in the direction of paying very particular attention to this area.

4.40 p.m.

This Authority, as I understand it and as Honourable Members would know, has a very wide area of concern and I would think then that this would be one of the ways in which we will be able to bring together knowledgeable people and also various agencies which are involved in this particular area to deal with the problems which are surfacing and have surfaced there for many years.

The Honourable Member for St. Michael South East raised the question of delays which are occasioned in vesting of land in the National Housing Corporation. This is an approach, that is the method which we are using now, which has been in use for some considerable time where it is done in stages, where we come to acquire the land, it is vested in the Crown, and then at a subsequent occasion it is vested in the National Housing Corporation if it has been acquired for the purpose of housing.

This approach is nothing new. We have not changed anything in this area. In my introduction, I indicated that this land was acquired in November 1990 and we are here in May 1991 vesting in the National Housing Corporation. I am not saying that this is quick, but at the same time how things go in Government it can be considered not to be a bad record. But let me say that I agree entirely that we should get on very quickly with these things and get the National Housing Corporation to put them in a position where they can act on these acquisitions and these housing

development areas as quickly as possible. The concerns which have been expressed by the Honourable Members of St. Andrew, St. Joseph, and St. Michael South East are points which have been taken and we will certainly try to ensure that their points will be given adequate consideration. I would want to assure Honourable Members that we have acquired the land especially for the resiting of those people who have been affected. I think that the National Housing Corporation understands that very clearly and obviously preference will have to be given to persons who are affected in this way.

With those few remarks, Mr. Speaker, I beg to move that this Resolution do now pass.

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

**RESOLUTION TO APPROVE THE VESTING IN THE
NATIONAL HOUSING CORPORATION OF LAND
AT CORBIN VILLAGE, SAINT ANDREW
FOR HOUSING DEVELOPMENT**

Order No. 11 was called – To move the passing of a Resolution to approve the vesting in the National Housing Corporation of land at Corbin Village, Saint Andrew for Housing Development.

Hon. E. E. GREAVES: Mr. Speaker, just for the record, the map of the plot of land is here and Honourable Members can have a look at it. But this is basically the same type of Resolution which was just passed relating to Walkers. It is essentially a matter which on July 12, 1990 was considered by Cabinet and parliamentary action in respect of this acquisition was completed on August 6, 1990 and the land became the property of the Crown on October 11, 1990. We are now seeking to vest this land in the National Housing Corporation for the purposes of giving them an opportunity to be in a position, when the spots are ready to be sold, to be able to transfer them to the owners. Again, it is for housing development and basically will be for the persons in the Saint Andrew area who are affected in the way that is described before. The same arguments which have been used for the previous Resolution will stand.

I therefore, Mr. Speaker, beg to move that this Resolution do now pass.

Hon. W. O. FRANKLIN: I beg to second that and reserve my right to speak.

Mr. G. W. PAYNE: Mr. Speaker, just two brief points relative to this Resolution. While this particular land is not affected by flooding in the same way that the Walkers area was affected by flooding, getting into and out of this land is a problem when rain falls. I would hope that something is done about the drainage in the surrounding

areas. There is a serious problem when the rain falls. There is a particular small bridge leading to this area if you approach it from the southern side and just a small amount of rain would affect entry into this particular area. I would hope that the Honourable Minister would pay a visit to the area since he says that he knows the other area very well and that he would also pay a visit to the area during periods of very heavy rainfall. As a matter of fact, getting into this particular area is even more difficult than the other area that was acquired a short while ago.

The other problem that I think that needs to be looked at is the area of Lakes. This area of Lakes is a very thickly populated area. The Belleplaine playing field is becoming somewhat saturated in terms of the activity there. There has been a spill-over in the Haggatts area by the people in Isolation Road, Lakes, Belleplaine, and the surrounding areas as well. I think that some very, very serious consideration should be given to a playing field and a community centre, but if not a community centre with the constraints for finance certainly a playing field in this area. It is a pity that the area in Haggatt could not have been considered for this acquisition. I understand that a lot of experiments are being carried out there and maybe this is the reason why that area has not been recommended. But if you want a good area in St. Andrew for acquisition, the best area would be the Haggatt area. No problem at all whatsoever with flooding, easy access in and out. Thank you, Mr. Speaker.

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

SEXUAL OFFENCES BILL, 1991

Order No. 1 was called – To move the Second Reading of a Bill entitled the Sexual Offences Bill, 1991.

Hon. M. A. KING: Mr. Speaker, this Bill has been on the Order Paper for quite sometime and let me say from the outset that like the Domestic Violence Bill which has preceded this on another occasion we have no difficulty in agreeing to send this Bill as well to a Select Committee. I think it is important that we deal with it at this stage to get some action on it at an early stage. There has been an Explanatory Memorandum which has been circulated with the Bill which sets out in a fairly detailed way an explanation of the provisions of the Bill. Your Honour will recall that in the previous Parliament, before the election, there was a Bill before the House which died with the dissolution of Parliament. The Bill which I see some Members have was the Bill which was before the last Parliament. Your Honour will recall that a new Bill has in fact been completed and circulated and I trust that Honourable Members have the new Bill with them.
4.50 p.m.

Asides.

Hon. M. A. KING: It was a cyclostyled copy. It is not the printed copy. Since we are going to deal with the matter in Select Committee, we can deal with the general principles of it and come to the details at a later stage.

The position of the Bill before us now, Mr. Speaker, the Sexual Offences Bill, is that whereas rape was a common law offence before with the penalty provided for in the Offences against the Person Act, rape is now being made a statutory offence. The proposal in the new Bill is to make rape a statutory offence. The new Bill restates much of the old common law position in relation to rape so that it is not introducing rape as a new offence. It is restating a lot of the common law principles, but in addition to that there are some significant changes in the law relating to rape and it will be in relation to the changes which this new Bill introduces that I will dwell on in the course of this presentation.

One of the first things to note, Mr. Speaker, is that this new Bill will make rape what we call a neutral gender offence. At common law, rapes would only be committed by a man. The proposal in the new Bill – I am saying that there are some new departures – makes rape a neutral gender offence so that it may be committed...

Asides.

Hon. M. A. KING: The point I am making, Mr. Speaker, is that under the new provision... There seems to be some doubt, Mr. Speaker, as to whether women can be charged for rape under the law. I, myself, don't think I have any difficulty in understanding the existing law that women can't be charged with rape, but some people seem to be of the view that it is part of the criminal law today and I really don't know... Let me confess my ignorance of that state of the law.

What this new Bill is proposing, Mr. Speaker, is that it may be committed by either sex and I will just explain briefly. For instance, one of the provisions of the Bill says any person, whether it is a man or woman, manipulating a foreign object in the sexual organs of females, where such acts amount to rape if the sexual organs had been the organs of a man then in those circumstances that would be rape. So that if a woman manipulates an object into the sexual organ of another woman without her consent, where that would be read if the organ used was a penis of a man, then under the provisions of this new Bill that would be rape by a woman. So, we are saying that in either case, rape becomes a neutral gender offence and may be committed by man or woman, the essence being that the act which is being done is being done without the consent of the victim and being forcibly done against the wishes and consent of the person who is being attacked.

One of the other features about this Bill is that it is rape for one person to abuse authority in the employment relationship so as to intimidate or terrorise young women into sex. The accusation has been made in the industrial relations climate that employers intimidate and terrorise young women into having sex in order to retain employment and things of that kind. We are saying that where young women are terrorised into having sex by persons in authority over them, that situation amounts to rape as well.

Among the provisions of the Bill, is the provision which gives protection to young persons who have reached their thirteenth birthday but have not yet attained the age of fourteen. The new Bill will increase the penalty for statutory rape, such as the rape of young persons under fourteen. The question of consent is irrelevant at that stage. It increases the penalty for statutory rape of a young person between fourteen and sixteen from two years, which is the present penalty to ten years. The Court will have a discretion in the case of statutory rape to award the penalty up to a maximum of ten years. The present position is that the maximum which can now be imposed is two years.

I would just draw to the attention of the Honourable House, Mr. Speaker, that these are not fixed penalties so that if a person in a situation of statutory rape is convicted by the Court, the Bill does not mandate the Court to impose a fixed sentence of ten years. What it does say, is that the maximum which the Court can impose is ten years, but the Court will be permitted, after review of all the circumstances to fix a penalty not exceeding ten years.

Another feature about the Bill, Mr. Speaker, is that the prohibitive relationships include uncles, aunts, nieces and nephews. That is an extension of the existing law in relation to incest. Section 6 (1) of the Bill before us provides that a person commits the offence of incest "who, knowing that another person is by blood relationship, his or her parent, child, brother, sister, grandparent, grandchild, uncle, niece, aunt or nephew, as the case may be, and has sexual intercourse with that person" in essence, is guilty of an offence. The original relationships were confined to the blood relationships of parent, child, brother, sister, grandparent, grandchild. Those relationships in this Bill are now being extended to uncles, aunts, nieces and nephews.

The Bill also seeks to deal, Mr. Speaker, with the prevailing problem of interference of step-children by step-fathers and those provisions are in section 7 of the Bill.

The major changes, Mr. Speaker, in relation to the law are in relation to evidence and procedure and these changes attempt to some extent to address some of the concerns articulated by women's organisations as to the problems which women complain of when faced with rape

and assaults on them. What the proposed legislation seeks to do is to alter the common law in certain specific areas. For instance, there are expressed statutory provisions now, which would exclude evidence of previous sexual experiences, except in certain specific cases.
5.00 p.m.

Traditionally, the practice has existed when cross-examining where the defence counsel was able to put to a principal witness, the person who in fact has made the allegation of rape, evidence of previous sexual experience. The technique which has been used and the justification for putting a variety of evidence of that kind is that such evidence goes to credibility. You are cross-examining with a view to determining the credibility of the witness. There is the possibility in the use of that technique to test credibility. There is a possibility for abuse because the occasion, certainly, can be used to humiliate the principal witness, the actual complainant in rape cases. The opportunity can be used to humiliate the complainant in the presence of the jury, in the presence of the court and in the presence of the persons who may be spectators to the proceedings.

What the new legislation will seek to do is to exclude evidence of previous sexual experiences except in certain specialised circumstances. Those circumstances would relate to the situation where that evidence is evidence of sexual acts or absence of such acts about the time of the alleged sexual offence where the evidence relates to events that form part of a connected set of circumstances in which the alleged sexual offence was committed, where that evidence relates to the sexual activity between the complainant and the accused and it is reasonably contemporaneous with the date of the alleged crime, and where an accused person denies he has had sexual relations with the complainant and evidence of previous sex between them can disclose pregnancy, disease or injury attributable to that sexual activity. This last one is the technique where by admitting that evidence you can negative the defence which an accused person seeks to use. Those specific situations would have to exist before evidence of previous sexual experiences can be used by a defence in court in rape proceedings.

The Bill goes beyond that. What it does establish is that even where evidence falls within those four exceptions which I have just mentioned, that evidence can still be excluded by the presiding judge if that evidence is so prejudicial to the trial of the case that its prejudicial value far outweighs any probative value which that evidence may have. A discretion then, Mr. Speaker, is still left to the presiding judge even in situations where under the proposed legislation the evidence is admissible. A discretion is still left to the judge to exclude it if the evidential value of that evidence is not satisfactorily established and if the prejudice in the trial which can result

from the admission of that evidence far outweighs the evidential value of it. The aim then of the legislation in this review and revision of the Law of Evidence is to ensure, as far as possible, no evidence other than that which is legally admissible reaches the jury.

The other area where a substantial change is made to the common law is in respect of the issue of corroboration. At common law there is a requirement that before there can be a conviction in a rape trial that the evidence of the complainant would have to be corroborated in some material particular. As credible as the evidence of the complainant may be before a judge and before the court, if that evidence is not corroborated in some material particular, one can still find that an accused person who was, on the evidence of the principal complainant, clearly guilty of an offence can be acquitted because of the technicality of the existence of corroboration. What this Bill would seek to do is to remove the need for corroboration in cases of rape.

Now, the argument has been used that the reason why corroboration has not been necessary before is because it has been fairly easy for persons who allege rape and sexual assaults to make those charges and therefore in order to deal with that problem of easy accusation of persons the requirement of corroboration is essential. One can draw the analogy that in so serious a case as murder, for instance, and rape is not murder, the law does not require that there be corroboration in a murder trial. The law does not require that there be corroboration in relation to many other serious offences. You argue the point if in as serious a situation as murder the law does not require corroboration, why then is it so absolutely necessary that corroboration as a matter of law be required in rape cases?

Aside.

Hon. M. A. KING: The need for corroboration, Mr. Speaker, has evolved, this is true, over a long period of time and has become part of the law. Having said that, it is just as well to recognise that the modern tendency in all legislation of this kind, even in those jurisdictions where this matter has evolved and has been in, as I hear *sotto voce*, for good reason, they have all moved away from the need for statutory corroboration. The modern technique of dealing with the issue is to move away from the requirement for corroboration as a matter of law.
5.10 p.m.

Some jurisdictions go further than others on this issue of corroboration. But what we have done we believe is perhaps the best approach to the matter. But this is one of the issues which I say we can sit and discuss and hear public comment on. I have no difficulty whatsoever in agreeing that this matter goes to Select Committee, Mr. Speaker, it is precisely because some significant changes are being proposed in the Law and these are issues on

which we would wish to hear as wide a cross section as possible.

The other areas in which the Common Law rules have been altered is in relation to the issue of recent complaint. A judge must now under this new and proposed legislation let the jury know that the absence of recent complaint does not necessarily indicate that the allegation made by the complainant is false and must inform the jury that there may be good reason why a victim of a sexual assault may hesitate in making or decline to make a complaint. Under the old law the absence of recent complaint by a victim was a significant feature in the evidence. So that what this legislation is saying is that the fact that a complainant has not complained to somebody as soon as the alleged rape has taken place is not by itself a circumstance which will affect the credibility of the person but that a judge has to look at all the circumstances and may tell the jury there may be circumstances which may have existed which may have prevented the person from making a recent complaint and that you must not thereby because a recent complaint has not been made – that is a complaint made as soon as possible after the offence has taken place – because that complaint has not been made, that that is no reason for completely discrediting and discounting the evidence of the complainant.

Another area, Mr. Speaker, addressed by the proposed legislation is in relation to the in camera hearings by the court. There have been a lot of calls by women's organizations for all rape trials, I believe not only rape trials but cases of sexual assaults on women, to be heard in camera. I suppose we may have a variety of views on this issue. I myself never liked in camera hearings too much. Our Constitution does in fact provide that all criminal hearings should be in public. But I believe it does make provision for situations where in circumstance hearings may be done in camera.

What this proposed Bill contains is a provision that where the victim is a minor that the hearing is to be in camera unless the court otherwise directs. Although as I said I have stated a preference for my own position that I do not as a rule like in camera hearings this is an area again in which we welcome as much public comment as possible. Let me say here and now that my views are not fixed. Although I have strong views, the decision as to whether a provision will be included for all hearings to be in camera or not, my views are not cast in stone to prevent a contrary view if that is the feeling which is most current.

There are a number of other areas in the legislation, Mr. Speaker, and I think that the major and substantial changes in the Common Law are in relation to these areas affecting evidence and procedure and these are the areas perhaps which we need to dwell most on. In the Bill itself there are a number of other areas which we have covered. There are a number of offences under the Offences Against

The Person Act, under the Suppression Of Brothels Act and others which have been addressed in this Bill. For instance, a new provision in the Law is included which provides for an offence of living on the earnings of a prostitute and authorizes the police to be able to enter premises in order to conduct the appropriate search. Clause 20 of that Bill contains a new provision in respect of the offence of aiding prostitution.

The only other thing which I think I need to address at this stage is in relation to the final sections of the Bill which relate to restrictions on publications that disclose the identity of the complainant. I believe that as a practice these provisions may exist but what this Bill seeks to do is to codify the existing practice in relation to the disclosure of the identity of the complainant. At Sections 33 and 34 what the proposed legislation does is to ensure that any publication in a newspaper or a broadcast which would identify the name or identity of the victim is contrary to the Law and that any person who discloses the identity of persons, except in specific circumstances is guilty of an offence. It is perhaps useful just for me to read Section 35 (1) of the Bill on this issue:

"After a person is accused of an offence under this Act, no matter likely to lead members of the public to identify a person as the complainant in relation to that accusation shall either be published in Barbados in a written publication available to the public or be broadcast in Barbados except where, on the application of the complainant or the accused, the Court directs that the effect of the restriction is to impose a substantial and unreasonable restriction on the reporting of proceedings and that it is in the public interest to remove the restriction in respect of the applicant.

- (2) A person who publishes or broadcasts any matter contrary to subsection (1) is guilty of an offence and is liable on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for a term of five years or to both."

Subsection (2) refers – that is the one I just read – to:

- (a) "in the case of a publication in a newspaper or periodical, any proprietor, any editor and publisher of the newspaper or periodical;
- (b) in the case of any other publication, the person who publishes it; and
- (c) in the case of a broadcast a body corporate, which transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programmes corresponding to those of an editor of a newspaper."

What that section seeks to do is to preserve the anonymity of the complainant in rape proceedings so that persons who are victims of rape would have some of the concerns about the large scale publication of their names and identities and of the circumstances, to that extent, minimized so that it would act as a removal of some of the disincentives which presently exist to prevent them from coming forward and reporting violations of their persons.

I believe, Mr. Speaker, when we discussed the Domestic Violence Bill that some of the concerns raised were that there was not sufficient proven evidence of an increase in domestic violence in this society although objectively if one keeps one's ears to the ground, there cannot be any doubt that there is substantial increase in the incidents of domestic violence. One of the problems about offences like domestic violence as well as sexual assaults against persons is that you do not tend to get a terribly true picture of the situation because persons who are the victims of such crimes tend to be loath to report them. One of the things which the Bill, the new Sexual Offences Bill, hopes to do is to remove some of the inhibitions which would prevent persons who are the victims of sexual assault on them from coming forward and reporting matters to the police.

5.20 p.m.

Persons who complain that they have been so inhibited argue that the way forward is to have the hearings in camera completely. But I am not so sure that that, Mr. Speaker, will assist in the same way, because, let us recall that at the preliminary hearing of proceedings, those hearings are done in camera anyhow. And what in camera means is that first of all there still has to be a jury ...

Aside.

Hon. M. A. KING: The point I was making, Mr. Speaker, is that the victims of violence, victims of sexual assaults, have been arguing that if the publicity is removed that they can more easily come forward.

The point, essentially, I was making is this, that in trials there is a jury of 9 or 12 persons who are there to hear you anyhow. There are all the officials of the court, they are the counsel on both sides of the case and in the final analysis the person who is the victim still has to get on a witness stand and speak in the presence of all of these people.

I was also making the point that the statistics which are available do not necessarily tell a true picture of the situation for the simple fact that people who are victims do not always report what is taking place. If you look at the statistics of rape, a return of offences collated by the police, one sees that in 1980 for instance,

Year	Cases Reported
1980	55
1981	62
1982	55
1983	47
1984	62
1985	43
1986	65
1987	38
1988	62
1989	64

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1980	55
1981	62
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So that the level has been fairly constant from 1980 through 1990. Carnal knowledge has been much the same and for instance in 1990 in relation to rape the number has been 72, carnal knowledge 23. And those figures are really not significantly out of tick with what has gone on between 1980 and 1989.

I said that, for instance, the figure for carnal knowledge in

Year	No. of Offences
1990	23
1989	25
1988	25
1987	22
1985	25
1983	28
1982	23
1981	23

So, again what I am saying is that the figures tend to be fairly constant right down through the years, certainly for the past ten years; but there can be no denial that there are significant complaints about sexual assaults upon women and children in the society and that if we can do anything whatsoever to encourage the victims of violence and of sexual assaults to report crime and thereby bring the perpetrators to justice, any little thing that we can do in that regard is to be welcome.

This Sexual Offences Bill which is now before the House, Mr. Speaker, is an attempt to do that. It significantly increases the penalties for offences in some areas. It re-enacts substantial areas of existing law and it does break ground in some new areas.

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

Mr. D. A. C. SIMMONS: Mr. Speaker, I heard the submissions of the Attorney General and insofar as we had agreed beforehand that this Bill would go to Select Committee I am not going to say that we are going to vote against it because that would have been obvious in respect of certain aspects of the Bill.

The aim of the Bill is to reform, revise and codify the existing law, Sir, but there are some features of the Bill which I have to speak about on behalf of my Party. I also wish to say that some of the points I am going to make are my own personal views which have received endorsement by the Party.

One of the first things of significance about the Bill, Sir, is that it seems that the Government has not made up its mind as to what is the appropriate age for criminal responsibility in Barbados. In one of the sections the age of 12 is given and in another section age 14 is mentioned as the age for which a person can be considered *doli incapax*, incapable of wickedness.

I think that it must be a matter of policy for us to determine what is the appropriate age of criminal responsibility in Barbados. That is important in other areas of the criminal law because people can find themselves theoretically, at least, committed to the Government Industrial Schools at an age below 12 or 14.

As far as I recall, all the Committees which have sat and dealt with juvenile delinquency and deviance in the last 15 years have all recommended a change in the age of criminal responsibility.

The Dodds Committee that I chaired in 1980 recommended that the age be 12. I believe the Carrol Fields Committee which sat before the Dodds Committee sat, that also recommended, I think, 12 and I am pretty sure that Professor Howard Jones when he came here from Swansea in 1980 recommended that we standardise the age of criminal responsibility at a level higher than it presently is.

Sir, I think that is one of the things that we have to streamline in this legislation.
5.30 p.m.

Let me just say that we have no quarrel with Part 1 of the Bill in principle where they are grouping statutory rape and incest, and intercourse with stepchildren and mentally subnormal persons, indecent assault – no real problem with those sections running from Sections 3 to 21. Although, Sir, I must comment that I am glad that we now have followed England and incorporated a statutory definition of rape. England had to do it after Morgan and the DPP and at the moment in Barbados we still have a definition of rape that leaves much to be desired in the way that it is put over to juries in Barbados. It seems acceptable to tell a jury in Barbados that rape is the unlawful carnal knowledge by a man of a woman by fear, force, or fraud.

I have argued that is insufficient. I am convinced of the correctness of my argument but I have not been able to persuade the highest courts in Barbados of that. But this new definition of the offence in Section 3 recognizes a lot

more than the capsule definition which Judges are prone to give juries because this recognizes a mental element and an element of recklessness. Implicit in this, Sir, is I think a defence given to the accused person. If he genuinely and honestly did not believe subjectively that the complainant was not consenting to the rape, then he has a good defence. I think that the new law opens up an area for modernization of the law in respect of definition and defence.

Now Sir, let us turn to some of the sections which are not so happy. I want to start first with Section 20 and then Section 24. The point about Section 20, Sir, is that Section 20 contrasts with Section 33 for the point I was making earlier that a person under Section 33 who is under fourteen is deemed incapable of committing an offence of rape. Under Section 20 a person under twelve is deemed incapable of committing an offence under this Act.

Aside.

Mr. D. A. C. SIMMONS: This is something that we will have out in the Select Committee. But I think they need to standardize it. Sir, in Section 25 of the Act, my reading of this is that it excludes similar fact evidence. I know that similar fact evidence is usually evidence given against an accused person. But surely this section now prevents a question being asked of a woman or man who is a prostitute, who is an established practitioner, and who has a history. You may have, as I had years ago in the early seventies, a case with a woman who had a habit. She was from South District. She had a habit of stopping bus drivers after the last bus on Saturday nights, getting money from them or trying to get money, and if she did not get money crying rape. That was her modus. Well, I did a case with a bus driver involving her and we were able to show that in about three cases before she had put men before the Court in circumstances identical to the one in which my client was charged. It affected her credibility and the case was thrown out.

Aside.

Mr. D. A. C. SIMMONS: No, no, she was a complainant. As I read this now, it will be difficult to put that line of questioning to a prostitute today to show that her modus is of a particular nature and that she has been before the Court or whatever. I think, Sir, that whereas we have to be careful that we are not interfering with well established practices which can be of assistance to an accused person. We must always remember that the accused person is always innocent until proved guilty. I do not think that we should create by legislation stumbling blocks in the way of a full defence.

Now similarly, Sir, I know that other Members on this side have great difficulty with Sections 27 and 28. It is true

and the Attorney General recognizes the argument – I want to say that, Sir – that Judges throughout the years have warned that it is the easiest crime to allege rape. It is the easiest thing in the world, Sir. The Judges have said it from the House of Lords down consistently through the ages. It is the easiest thing to say that a man has raped a woman and for a woman to go and cry rape. They have also gone on to say that it is the most difficult thing for a man to extricate himself from that allegation. It is the most difficult thing to get out of that.

We know of instances, Sir, in the practice where within the last two or three years there have been women in this country who operate as two. This is what they do. They stand by a main road. You pass and they wave you down. The Honourable Member for St. George South knows of what I am saying. That's not meant in a personal way. I am talking at a professional level, now.
5.40 p.m.

Asides.

Mr. D. A. C. SIMMONS: The women stand in a pair. They flag you down and one gets in the car and asks you to give her a lift to point X. In this case, it was Tweedside Road going to Two Mile Hill. When she got in the car, she asked for money. The driver said, "No. I don't have any money." She said, "You see the other girl I left just now. You had better let me have the money otherwise I am going to cry rape and she will say that she saw me get in this car and I have the car number and so does she." Now, tell me how you will get yourself out of that?

Asides.

Mr. D. A. C. SIMMONS: Somebody did that. Somebody in here.

Asides.

Mr. D. A. C. SIMMONS: I have heard of a case where somebody had to take that resort and run to a police station with the person.

Asides.

Mr. D. A. C. SIMMONS: Right. That is presence of mind and it requires courage. But, what is to happen when you go to the police station and the woman insists on a story, is taken to a doctor who finds semen in the vagina which may have been there eight or ten hours before. How will you get out of that? The semen has no name. The presence is there. So, I think, Sir, that we would be...

Asides.

Mr. D. A. C. SIMMONS: I don't want to rule out corroboration. I don't want to rule out instant complaint or similar facts, because I agree all these things will happen, whether they have corroboration, recent complaint or not. At least the law has recognised over the years that these are legal mechanisms which offer an additional measure of protection to innocent men from the wanton act.

Asides.

Mr. D. A. C. SIMMONS: Similarly in respect to a recent complaint. The Honourable Member for St. Joseph and I cannot in here discuss a matter of which we have professional knowledge connected to a sexual offence in which the complaint – and this is all I can say about it – was made four months after the alleged incident. I want you to hear it. A child alleges in April that she had been indecently assaulted the previous December. Do you know why she makes that complaint? Because while she was watching a video with her mother she saw a man who was sentenced for interfering with a little girl. She ran out of the room and said that it brings back to her mind something that took place four months before. A person that we all know is before the Courts for years in those circumstances. Could that be right? The answer is no, but I am not...

You see, the danger about that is if we ask ourselves the question what was any one of us doing four months ago today? I don't think any of us could answer. Somebody could come, without the law of recent complaint, four months later and say that they were with one of us in some circumstances – make a long statement to the police, well-concocted, and we would have great difficulty, unless we keep accurate diaries, in assuring the police that on that day none of us had contact with the particular woman. The law of recent complaint has its origin in the hue and cry, where the law was saying that if you are raped – it is such an emotional trauma – that you ought to tell the first person with whom you come into contact that this terrible thing happened to you.

Asides.

Mr. D. A. C. SIMMONS: If you don't do that, your credibility is affected because the Courts would look askance at conduct which all of a sudden was reported to the police when months before, when the act was fresh and actually operating on your mind, you didn't care to tell your mother, father, friend, police or whoever.

I think that we need to have the old requirements of the law in relation to recent complaint and corroboration retained and I am sure I have the support of my colleagues on this side in regard to that.

As I understand Section 30(2) in relation to evidence by minors, the requirement for corroboration is still retained.

I don't understand why we are going to make all these exceptions. We retain corroboration where evidence is given by a minor but where the evidence is by an adult we do away with the requirements of corroboration. Indeed, I would prefer the requirements of corroboration for an older person who is more liable to concoct or make up stories. I think that it doesn't make much sense to say that you are going to retain part of the law on corroboration and abandon the other. Let us have corroboration right through for all persons.

Sir, Section 36. This is going to evoke considerations that are personal, that may even sound in conscience in respect of individual Members of the House. That again is the reason why I am glad that this Bill is going to Select Committee. We are now providing in a section that where any person is convicted on indictment of an offence specified in certain sections, the Court has a discretion "in addition to the punishment awarded ... to direct that the person, if a male, be whipped."

Now, the first point is that you can have rape by a woman, but they don't get licks. Only men will get licks. That is not fair. They want equality. Then have equality in every respect! They can rape men. If you were lying down in a bed and a woman stripped off and came and sat in your face, that is rape under this, probably, Sir.

Asides.

Mr. D. A. C. SIMMONS: The woman would be raping the man, Sir.
5.50 p.m.

Rt. Hon. L. E. SANDIFORD: I rise, Sir, on a point of order and decency, "order" meaning "decency". I am wondering if those words should go down on the records of this House. I would ask the Honourable Member to withdraw them, Sir.

Aside.

Mr. SPEAKER: They are withdrawn.

Mr. D. A. C. SIMMONS: I have withdrawn them although this Bill in its term provides for worse than that. It provides for the use of simulated parts of the male anatomy, false parts. But do not let us get into that, Sir. Let us assume that all of that because of man's ingenuity can now bestir the emotions and lead to obtuse forms of sexual gratification. We are still left with, perhaps, what is a moral question and that is whether persons should, in 1991, be whipped by the cat-o-nine tails, not the tax-of-nine tails. We will hear about that in Crop-Over. That will be a calypso about somebody called Judge Sandi with the tax-o-nine tails who beat them in April.

Aside.

Mr. D. A. C. SIMMONS: We will find out. Ask him about Classic. They are not saying anything at all. We have some good calypsoes this year.

Now, Sir, in relation to section 36, there has been a time in my experience in the last 20 years or so where judges in sexual cases have ordered whippings for those cases which were so outrageous and heinous as to offend the sensibility of the court or the public. There was a case where I think four men had oral, anal and usual intercourse with a woman up in Station Hill and Mr. Justice Williams at the time ordered a flogging for them. In another case I know Mr. Justice Worrell also ordered flogging. But the significance of those floggings was that the tamarind rod was ordered and used rather than the cat-o-nine tails. I want to say I am going to personally take the middle position in this that even though I accept that there are problems with whipping for some offences I can accept its retention but I have difficulty with the form of whipping through the cat-o-nine tails.

I have difficulty with that and I believe there will be arguments because under the Constitution of Barbados though there is an exception which refers to the fact that the law which provides for whipping must have been enforced immediately prior to November 30, 1966, nevertheless the Constitution says that no person should be subjected to inhuman, or degrading and cruel punishment. That is the Constitution but beyond that I am pretty sure that Barbados has also acceded to the UN Convention on Human Rights which is in identical terms.

I would have to say that I find it incongruous that we would be passing a law now which would find itself even if not in strict, legal practical application certainly theoretically and conceptually at variance with the spirit of our own Constitution and at variance with the international Convention on Human Rights. That is one substantial reservation that I have about whipping, and certainly whipping by the cat-o-nine tails, because if all of the information we have been able to gather so far is accurate from some of those who received the cat-o-nine tails – and there is one who is around here every Tuesday who got them in 1956/57 – the procedure for whipping is degrading because you are strapped onto some platform or rack in front of you and you are hand-cuffed, your feet are tied, you are given a lash and after every lash you are inspected by a doctor and, apparently, the skin is torn. It is also said that in addition to that you are given gruel which is cornmeal pap with salt, for treatment of the wounds. Now, I do not suppose that would happen today. They used to throw salt water on you. I believe they would use other things today like gentian violet or whatever.

Sir, I am glad the Minister of Justice has anticipated the argument because he knows and the House knows how I feel about the death penalty. There is more to it than this.

In 1948 or 1938, the Cadogan Committee in England recommended the abolition of corporal punishment.

Aside.

Mr. D. A. C. SIMMONS: I am only tracing the internationalism of it. There is now, so far as I have been able to trace, and I could correct myself on this if I am wrong next time we sit, no country in Europe which retains any form of corporal punishment at this level, I am not saying boys in schools. We are talking about it as a form of punishment for a person convicted of crime.

Aside.

Mr. D. A. C. SIMMONS: Isle of Man?
6.00 p.m.

Aside.

Mr. D. A. C. SIMMONS: Who? Isle of Man? Isle of Man he says. Maybe, but I think Professor Radzinowicz has written...Even if the Honourable Minister of Justice is right that Isle of Man still has whipping, cat-o'-nine-tails of whatever, that is only one of so many.

What has happened is that we are responding to the spate of violence which has shocked the community at an emotional level because none of us would want it, in fact God forbid but if a rape or indecent assault had been occasioned to any of our wives the first thing emotionally we would say, even those of us who are against whipping, the first emotional response would be let me get him and beat him or let the court beat him. Somebody would beat him. But the response is going to be to visit with violence the one who has been violent.

I do not think that penology requires emotional justification for any of its components. We have to be better guided by a dispassionate objective and intact analysis, by such evidence as there is and by a desire to punish but at the same time be humane. I just wish to put to those who are sold on a catting and whipping with the cat this consideration: Would they not agree that between the Eighteenth Century and now the conditions in prisons have improved worldwide and that in those two centuries man has been searching for different forms and methods of punishment to ameliorate some of the harshness that was associated with punishment in the Eighteenth Century? I am very happy with the Seldon Committee, Howard League of Penal Reform and so on who have done a lot of research and who have campaigned to get a more liberal, a more humane, regime for prisoners.

I believe that the Minister of Justice himself who feels very strongly about this matter would be the first to admit that he has in the course of his responsibilities to consider also the interest of people in prison and the need to make

sure that they are treated as human beings even though they are there by way of punishment. All I am asking is that we bring to bear on this question of corporal punishment similar attitudes of humaneness to our considerations. It is important that I say that because there seems to be some confusion since the election – you never heard the confusion during the election – with the Labour Party's penal policy as announced during the election recently held and indeed my own...

Aside.

Mr. D. A. C. SIMMONS: Cannot abandon it. You have stolen it....position in relation to penal reform. Throughout the campaign, and before the campaign, Members who were in the old House in the previous session would recall that I have made it clear in here and indeed the Minister of Justice before the election said it in a debate that our position was that pending the establishment of a national commission if you like, a national task force, to enquire into the causes of deviance and the report from such a commission which will take a little time and which would obviously propose long-term and medium-term solutions, that pending that, but that had to be done, you needed to deal with the question of punishment of convicted adolescents up front in a tough but humane way. I was at pains to point out that the kind of response that we thought the system should be making was a greater use of community service orders where the offender would be made to work for the community. I went out of my way several times to say that our policy did not call for the building of more jails. I have always maintained that and I am glad that the Honourable Minister of Justice is agreeing. Yet I have been accused of begging for votes throughout the country on the basis that I was going to build more jail. That is ignorance, high class, super level, nincompoops. It is not the policy of the Labour Party. It was never so expressed. Because the humaneness in the policy was to tie some of the other policies in the Manifesto, particularly those at page 40 of the Manifesto, to an overall programme strategy for dealing with deviance.

What I was saying is you have your national commission which will do a scientific and detailed analysis throughout the country on the problems of crime. You try to bring in legislation and do what has to be done to ensure that youngsters are punished within the community. In fact, I think Britain has just passed legislation to that effect, and the society through Government now must throw up a few programmes to help the out of work youth. These are two of the programmes that we said, Sir:

"Establish a national youth service involving young persons 16 years and over in work experience/training internships.

And: Establish a Youth Development Foundation which will channel funds to youth programmes and young entrepreneurs through grants and interest-free loans."

In addition to that:

"Will enhance and upgrade the Skills Training Programme."

What one was trying to do was to recognize that there was a problem with wayward youth and that you had to get hold of these wayward young people at different levels.
6.10 p.m.

Those who had no criminal propensity but needed to be gainfully employed or to be trained would be given skills or provided with some grant or whatever to assist them with trades or whatever. Those who got into trouble would have to be dealt with differently. The only institution that we spoke of constructing, was a Borstal type institution to deal with those who were between, let us say, for the sake of argument, 18 and 25. I think the Attorney General will agree that a vast proportion of our crime is committed by those youngsters, between 18 and 23, and we need to have an institution that deals with them, not send them to Glendairy – those who are on remand, those who are convicted or whatever – for mixing with the hardened criminals at Glendairy, but you have to have an institution for them, separate and distinct where they could be given a different type of training and discipline from the type of training and discipline they would get in prison.

That really was the Labour Party's policy, Sir, so I hope that those who didn't listen carefully to the policy before or who for other reasons just distorted what was the party's policy will now have their confusion and their minds disabused of the follies.

I am concerned, as, of course the whole community is concerned and the Labour Party is concerned, about the level of crime. It seems to be on a relentless upsurge in Barbados. I am not going to say that we are unique, because we are not unique in that regard and I have to be fair. Crime internationally – and I have written this in print and I stand by it – has over the years continued to increase and grow for all kinds of reasons, for all kinds of reasons which laymen are not competent to explain because they are not properly trained to understand, analyse and explain the causes of crime.

To that extent I am grateful that it appears that the Government, from a pronouncement made by the Minister of Youth Affairs, a few weeks ago, the Government is going to set up a task force or a national commission – a body to investigate and analyse the causes of deviance. And since the Democratic Labour Party's Manifesto did not in any of its pages contain any policy or promise to do such a thing I am grateful that the Minister

of Youth Affairs has read the Labour Party's Manifesto where we said we would establish a task force and we are bringing it in, in the national interest.

Sir, I was saying that we are not unique in Barbados in the sense that we are seeing an increase and growth in crime. We might be unique however in the responses or lack of responses that we have been making to cope with the problems. Really, Sir, I could go on for a long time on this. I have already indicated to the *Advocate Newspaper* a few Saturdays ago, it will be published on the Sunday, and I see that the police are now doing it, that in a nutshell one of the things we have to do, given the numbers of the police force, and I will still say, in contradistinction to the former Leader of the Opposition, the solution is not three or five hundred more policemen, the solution is not an attempt to break the Treasury. The solution, I think, Sir, and I will just throw it out, for what it is worth, lies in a better deployment of the existing forces.

Obviously, if we could afford it, perhaps another hundred might help, but three hundred, I think – for little Barbados, joke. We are making sport. You can increase the complement, you can give better equipment, some more vehicles, but if you have not got your Force deployed in the areas where the activity is taking place, you are wasting time. So you can send the vehicles to drive all about at night on the highway, have a time, report people for speeding and you ain't saying a pang, if you don't go down into areas where the drugs are and where the crime is taking place and deal with it.

I think that is one way of dealing with attempting to deal with it, Sir. You can't get rid of crime. All countries have it, whether they were capitalist or communist, all have crime. But we can certainly try to reduce the incidence of crime and control it. I believe that in addition to that, Sir, we have to do a few things in the Police Force itself to ensure a better management structure within the Police Force. Better respect for senior management in the Police Force, because I think ... I am not making a speech attacking anybody. I am not making that type of speech, but there are weaknesses in the senior management in the Police Force and I think, Sir, that the Minister of Justice, certainly I know he has always been close to the Police Force and I think he understands the problems and he has his finger on the right pulse, Sir. I am going to give him a little time to see if he is able to get the responses and to reduce this incidence of crime, otherwise if he isn't doing the right things, Sir, the honeymoon is almost over, Sir, he will have to hold some lashes, some oral lashes, Sir, at the appropriate time.

Sir, I have said in here several times in the previous Parliament and I want to repeat it, Sir. I noted since I have come back from overseas, Sir, that Sir Shridath Ramphal has apparently sounded off against CBC and alleged that CBC is showing too much violence on the screen.

Now, I have to make a confession, I am not a television person, so I scarcely watch it, so I am not in a position to make a comment one way or another about the degree of violence that may be screened. What I would wish to say is that we ought to be careful, especially persons in positions of leadership, how we give the impression, and I am choosing these words carefully, how we give the impression of a necessary linkage and corollary between something seen on television and subsequent deviance on the part of a young person.

Up to last year I read one of the latest books on Criminology published in 1989, precisely for getting myself up-to-date since I had done my Master's way back in the sixties in Criminology and I try and buy books on the topic because I like the topic. Every year, I have a whole set of them and the latest one I bought in 1989, I looked to see if there had been any studies done in the States or in England or on the Continent which were showing a definite causal connection between television programming and subsequent deviance. Up to now the evidence is not satisfactory. What they are still saying is what they were saying 15 years ago, that there are a number of individual factors, some social, some economic, which can combine and predispose by working on the personality of the individual and predispose to crime. So you can have the single parent phenomena. You can have the problem of unemployed youth. You can have somebody who is weak-willed and who is influenced by television, but he might only be the odd fellow. But to use it as a general explanation for crime, there is no criminological evidence in the world that has satisfied that test. All I am saying, Sir, is that they are still speaking of the multi-factor theory, as I call it, to explain crime, working on the individual's personality.

6.20 p.m.

Aside.

Mr. D. A. C. SIMMONS: My friend, the Honourable Leader of the Opposition, is saying that in some individuals one particular thing may predominate more than the other. But we have gone a long way from the days of Lombroso and those early classical criminologists who spoke of the size of your head. Well, they started by saying that you were born. Then they said you measured the distance between the ear and the eyes of some people. That will tell you if they are criminals – the distance between eyes and all kinds of foolishness. All those biological theories went, Sir, and then you had the sociological school and all of them. I am not going into that. That is not for Parliament, Sir. That is more for a lecture somewhere. If somebody wants me to talk on it, I will be happy to talk on some of the theories, Sir.

By and large, Sir, the attempt by Government to revise and modernize the law in relation to sexual offences is commendable but we think that the Bill contains so much

that is controversial or that is likely to be controversial that we welcome the opportunity to discuss this matter in greater detail in the Select Committee, Sir. I presume we will be nominating the same persons to this Select Committee as on the Domestic Violence Bill, Sir.

I am much obliged to you, Sir.

Hon. D. J. H. THOMPSON: Mr. Speaker, I welcome the opportunity to participate in this particular debate. The Honourable Member who just sat down ended his presentation by saying that there was so much in this Bill that raised questions and yet in the course of his presentation I only got the impression that there were three major points of variance in relation to the provisions of the Bill, — that relating to the question of recent complaint which had not been excluded but has been modified and more accurately defined in relation to the evidence that can reach a jury, the question of the age of responsibility which might be a valid question but the age of responsibility in relation to sexual offences I think has always tended to vary in relation to the actual offences, and the third was the sexual history which has also not actually been excluded altogether but has been modified somewhat.

Aside.

Hon. D. J. H. THOMPSON: Well, I do not think you made a particularly heavy weather of whipping. Fair enough. I think what should be done in relation to submissions to the Committee is to direct people's attention not only to the jurisprudential or the legal issues that surround the concept of rape, but as policy makers we have to look at issues like this not from one dimension but from many dimensions. When you look at it from all of the dimensions — the social dimension, the role of the State, and the question of crime — you cannot isolate cases from the perspective of a legal practitioner and use them to defeat the intent of legislation. There will always be cases that are unique. One of which you spoke about I know of myself and those are unique cases. They do not happen everyday and I do not think that legislation should stand or fall on the basis of these unique cases.

Now I will give you an example of what I mean. As a legal practitioner, I found that it was quite okay to say that rape is the easiest thing to allege and the hardest thing to prove. That sounded quite reasonable to me because of the legal perspective. When you look at it from the social perspective, we do not consider the number of women who do not even allege rape because of the trauma or the stigma attached to that allegation. It is not really true when you analyze the statement that rape is the easiest thing to allege. If it were easy, certainly there would be more complaints before the Courts on a daily basis in relation to the large number of persons who we know are victims of sexual abuse.

What I am saying is that it is true that I took your perspective and would take it as a legal practitioner, but when one looks at the social dimensions of issues like this, the State has a responsibility that is not just a legalistic or shrouded in jurisprudential theory. It goes beyond that. As social engineers, our aim is to build harmonious relationships in the society and legislation does not build that. The legislation merely provides deterrents and it also provides incentives in some cases. That is all it does. But what is critical and vital is not how the legislation is administered either. It is the capacity of the social agencies and the other agencies in the society, the images that we promote of the society, the images that people have of themselves, and the images that they have of social relationships. Those things are not built or conceived of or spread simply through legislation. They form part of the responsibility of the social agencies in various agencies of Government. This is why in considering this particular legislation we did not look at it only from the legalistic point of view and look at rape as merely a criminal offence, but we looked at it from the social point of view. It meant, therefore, that we had to carry out various kinds of analysis which was carried out by the Department of Women's Affairs and they made their submissions. The Business and Professional Women's Club which is trying to develop a crisis centre and which, as I understand it, comes into contact with women who are victims of this sort of thing also made their representations and will probably make more, all of which were not accepted. The Child Care Board made extensive recommendations in relation to this legislation and the Welfare Department also made their recommendations.

The legislation that you see before you is not simply a response to a problem that arises in the administration of justice, but it is in response to the social needs. If you look at the aims that Government set out in the Explanatory Note — the need for reform because of the prevalence of violence against women, both detected violence and undetected, or violence which the State pursues through the Police and the agencies relating to the administration of justice, and also violence against women and men which is unreported because of the stigma attached — that is a major area of concern. It is said by persons who have more experience in this than I, and I certainly do not know all, that there are certainly more cases that go unreported than those which actually reach the Law Courts. As lawyers you can bring a legal perspective to that. You know of the number of occasions in which back-street deals and other kinds of arrangements obviate the need to go to Court. Those are certainly more than the number of rape cases that any of us would have prosecuted in any given year. In other words, I am not saying that anybody is engaged in these back-street deals, but there is knowledge of them and the number of them is greater than the number of cases which go before the Court. That is the first point.

6.30 p.m.

The second point is that we have all accepted that the present state and the nature of the rules of evidence are unsatisfactory. The mere fact that the Honourable Member for St. Thomas has mentioned that he has concerns about the present law in relation to evidence, must mean that there is a need for some kind of adjustment in relation to the rules of evidence for sexual offences. We all accept that.

The third is the need to encourage victims to report the events and to participate in the trial and this is what this legislation seeks to do. Some people take the position and the Honourable Member for St. George South on the last occasion, took the position, that domestic squabbles and squabbles between people who know each other are not best solved, in all cases, in the law courts. I am not sure that I agree entirely with that position. I think the State has a responsibility, and legislation reflects the State's responsibility. This kind of legislation in relation to sexual offences reflects the State's responsibility. I think the State also has a responsibility to make witnesses compellable for the prosecution and for the defence in matters of this sort. It is a duty to protect the society from violence and to build these harmonious relationships. How else would it be achieved? I think that many people who have gone through the trauma of a rape and have settled the matter by some undisclosed means still continue to carry that particular stigma or that particular scar on their minds for life. The policy then, is to build harmonious and positive relationships.

We know that this legislation cannot heal the wounds that both the victim and the accused person suffer in relation to these matters. An accused person may be a rapist for a number of reasons. It is not just that he is born a rapist. People have been able to detect that there are factors that create rapists in a society. The legislation and the society has to recognise this too. It is not that we are saying that as long as you can prove rape that is the end of that. The society also understands that they are factors that produce rapists. Therefore the scars on both parties have to be analysed and as much as possible the society needs to heal and correct those scars.

It is compounded in societies that pursue the common law model that prosecutors who are essentially male – and the Honourable Member for the City, I am certain would wish to endorse this view, because this is the view of women's groups... Police investigators, who invariably are male; the courts, which invariably are attended to by male marshals; male lawyers etc. adopt an attitude to the question of rape which causes even greater pain for the victim. Therefore, the legislation that we seek to pass in this House and which is going to go to Select Committee, seeks to remove all of that scarring that takes place during the trial by removing some of the pressure that is placed on the victim, the pressure related to giving a history of past sexual activities, the pressure relating to the question of

recent complaint; to lift some of that burden from the victim.

Asides.

Hon. D. J. H. THOMPSON: Well, I'll get to in camera hearings. We can't lift all of the burden, if not it would go to the other extreme. You would in effect be creating a scenario where there would be convictions secured without due process. We have to lift off that burden and I am glad to hear the Honourable Member for Christ Church West say he is in favour of in camera hearings, because I think he will bring a different perspective and this is an issue that should not be closed but should remain open in relation to this.

The question of experience during the trial. The question of who is on trial. Invariably it appears as though the victim is on trial and not the accused person, because the techniques that are being used by way of evidence place considerable strain on the victim. This means that the State must intervene to make this trauma less harsh or to help the victim not to experience the trauma twice over – during the event and then once again in the Court.

The legislation also seeks to solve the age old problem between the disparity of reports, prosecution and convictions. This is in relation to the question of compellability. Hopefully, it will increase reports, prosecutions, where relevant, and secure convictions where applicable. That is the aim of the legislation. The legislation also seeks to increase the sentencing in relation to the gravity of the offence and the Honourable Attorney General has outlined that. In England, a country from which we take guidance in these matters, in 1986 guidelines were set up for sentencing. They introduced the five-year starting point for rapes of hitch-hikers or wives. Eight years was the starting point where two or more rapists were involved. Rapes involving capture and rapes committed inside the victim's home, eight years as well. So such penalties or increased penalties are now part of the law in this particular area and this legislation seeks to follow that pattern.

The features of the legislation that have been raised. The first one is the exclusion of the sexual history of the victim in most circumstances. In other words, the sexual experience of the victim. This removes what is essentially a savage and prehistoric approach to evidence. There are some lawyers who, I suppose, take delight in it, but it is savage and it is prehistoric and I am prepared to say that. This question of cross-examining a victim in public, not in camera – and this is one of the areas where the in camera hearing is so important – in full view of Jury and everybody else on her past sexual activities and/or exploits... Where that is flaunted before the Courts, it therefore deters other people who may have been involved in similar activity or may be the victims of similar crimes

from coming forward. This is the kind of thing that this legislation seeks to obviate. I am saying that it is still available in limited circumstances and I want to know if the Opposition in relation to its policy is to say that these circumstances are too limited and that there should be other categories added to the list to give an opportunity for this defence to be raised in other additional scenarios.

The exclusion of the need for corroboration. That is explained well in the explanatory note and this has been described by a judge as the last lingering insult to women. The fact that the question of consent is something that needs to be corroborated is a very archaic and also a very biased – some women would say chauvinistic, some would say male-dominated, some would say gender conscious – it is all of those things. It is one of the only areas of the law now, I think, where corroboration is still critical. 6.40 p.m.

I suspect that it may require further amendment to the Evidence Act. I do not think this particular legislation amends the Evidence Act but my recollection of the Evidence is that a spouse is compellable for the defence, not for the prosecution.

Aside.

Hon. D. J. H. THOMPSON: Compellable too. Competent always but compellable for the defence. I think it is section 4, the point being that you would need an amendment, I think, to the Evidence Act in relation to that. I do not think this legislation seeks to amend it but that can be checked in select committee. Spouses and parents are now compellable witnesses. This is an important provision especially in relation to parents being compelled to give evidence in matters relating to their children, another area of grave concern where the competing interest of the relationship between the parent competes with the question, that this child has raised, of some form of sexual abuse and the parents may be reticent to deal with it and the child goes to the Child Care Board. The only witness is a parent. Well, they are now compellable. This is important in relation to the protection of our children.

Now, I want to compare this then to some of the other jurisdictions. The question of recent complaint is an inference of the jury. In relation to recent complaints it works both ways. It has been abolished in some countries already but when it is abolished it deprives both parties from relying on it. This is why I understand the position of the Honourable Member for St. Thomas but I am saying this legislation does not remove it completely. I think this legislation sets out certain categories in which it is still permissible. In relation to sexual history I think they conduct a *voir dire* or something like that to determine what evidence is permissible. In relation to recent complaint this legislation does not obliterate it. It gives you

certain occasion on which the question of recent complaint can be raised.

I do not think it should be abolished entirely. I take that point because I think it is still a defence and an important inference that the jury must be able to draw. I agree with the Honourable Member. He should now seek to see whether the categories that have been set out in the legislation are adequate or whether we should add some more. I also believe that the categories should be prescribed as they are in the legislation and should not be left to the wide discretion of a judge in the event that it is a *voir dire* or for an inference to be drawn as we develop evidence flying around in a court room during the course of a trial.

Mr. D.A. C. SIMMONS: On a point of order. I think the Honourable Minister has, perhaps, misunderstood section 28 or I have misunderstood it. What I understand it to be saying is that where evidence is given, or a question is asked of a witness which goes to the question as to whether a complaint was made, then the judge has two functions. He must give a warning to the jury that the fact that she did not make a complaint does not necessarily indicate that the allegation is false and he must also tell the jury that there might be good reasons why the victim of a sexual assault hesitated in making the complaint. Where I think it is deficient ...

Aside.

Mr. D. A. C. SIMMONS: Well, it says "Where on the trial of an accused person evidence is given or a question is asked". That is section 28. Where I think it is unfair is that it should have a (c) to say also that he should inform the jury they can also take into account the fact that she did not make a complaint and that is a circumstance which might be favourable to the accused because it would affect her consistency. I do not want to go into it now.

Hon. D. J. H. THOMPSON: I see what you are saying. You are saying the legislation should also seek to give the accused person protection by requiring the judge to tell the jury that they may draw an inference from the fact that she did not complain recently. I take your point there. That seems reasonable. Not that the fact it is not mentioned here means the judge cannot do it but, perhaps, it should be in the legislation. I take that point. In fact, I am arguing for that and, therefore, I should say then that also should be prescribed.

The attitude of the police in relation to the question of rape – this has always been a matter of major concern. When I was a student at Cave Hill I was appalled as National Affairs Chairperson to hear the many problems that students had in relation to the police not taking molestation, indecent assault and people trying to break into houses. There was even an occasion when a policeman wrote the statement on his hand. He did not have any

paper. He actually wrote it on his hand and turned over and wrote. We received several complaints. I can swear on that. I can tell you the name of the young lady. Her father was a judge. That is the strange thing. There was no molestation but somebody came at the window and pulled at it. When the police came they said to her "You are sure it is not your boyfriend?" That is the sort of thing. There is still that lingering problem. I think it is part of the society's attitude to things. I do not blame the police for it. They need to be sensitised.

There are some countries which feel it is necessary to introduce special squads of police to deal with things like rape, people who are qualified in relation not only to their policing needs but are also sensitive to the problems of the victim and who have special qualifications in relation to this matter and can solicit evidence in those sensitive areas. I do not think we would have the funds in Barbados to establish such a special squad but it might be a good idea for the police to look at ways and means of training some of their officers and using those officers to investigate these matters and to change the traditional attitudes of the police to matters of this sort.

The question of legal representation for victims is something this Bill does not deal with. That fact may very well be the answer to the issues that people raise in relation to...

Aside.

Hon. D. J. H. THOMPSON: Well, some form of compensation but in England, I think, at common law in one case a judge gave substantial damages to the victims of rape. Compensation for victims - that is one way that tends to solve some of the problems. Thankfully the courts in Barbados permit legal representation for the accused person. I think at an early stage because of the early preliminary matters, the preliminary enquiry and so on, perhaps, the State should also consider providing some legal representation or assistance by a lawyer to the victim to help them through that period. There are many people when they have problems of this sort go to a lawyer any way when they are victims of rape. They expect you to turn up in court and you have to explain to them the Crown handles these matters, not us; but they would like to have that kind of assistance to see them through the trial. This may be one of the important things.

The question of in camera hearings - I support in camera hearings in relation to the testimony of the victim. That is my personal view. But I believe there are conditions that should be attached. It should relate to the psychological impact of giving the evidence. It should relate to the medical fitness of the victim to give the evidence and in ordering an in camera trial a judge should give reasons so that the accused person can raise it as a ground of appeal later if he feels he was unjustly dealt with

in relation to that matter. There is a case for some kind of in camera hearing in relation to the victim's evidence. I am in support of that case.

I think that the persons who were responsible for the drafting of this legislation probably felt there was not enough agitation for in camera hearings. Therefore, I hope that those Members in here who are like-minded or who agree with me would raise the question of in camera hearings and let us have a full debate on it because I think it is an important development. It is something that the CARICOM Ministers of Women's Affairs recently agreed on that it was a wise provision.

6.50 p.m.

It is a matter that is dealt with in the Democratic Labour Party's Manifesto at page 33 and as a matter of discussion it is desirable. I have already spoken about the need for greater family life education and public consciousness in relation to matters of this sort and the establishment and crises centres and counselling for the victims of rape and also for the persons who are accused.

The last matter that I want to deal with in relation to policy. The Honourable Member for St. Thomas will be pleased to know that in the process of finalizing our arrangements for some kind of national commission to be appointed....

Mr. D. A. C. SIMMONS: On a point of order, Sir. The Honourable Minister was not listening when I made the point that about three weeks ago I saw that he had followed something that I had said to the *Advocate* on the weekend and announced that some commission was being set up. What I did point out was that this Manifesto does not provide for that. This one does. But this came second you see. Anyhow that is all right, Sir.

Hon. D. J. H. THOMPSON: The Honourable Member does not need to fight on these things. This Manifesto on page 26 in the second set of enumerated sections:

"1. Urgently establish a broad based commission to enquire into all aspects of the negative factors impacting upon our youth and take appropriate corrective action."

We did promise this and it is not something that we have resiled from. It is something that in due course will be brought to the attention of the public. I am glad the Honourable Member for St. Thomas feels that this is important. I hope that, particularly based on his own experience in his constituency with young people, that he will encourage submissions to that commission and that because it is broad-based it will receive the support and encouragement of the Opposition. We will try to be as fair and reasonable in ensuring that what we get from that commission is scientific and useful information that can

help any government, any political party and the people of Barbados, social groups, the business community, et cetera, map out a strategy for the solution of the problem.

The final point relates to the question of whipping and so on. I think the Honourable Member for St. Thomas knows my view on it, period, as well as the death penalty but I am not going that route now. I support his position in relation ...

Aside.

Hon. D. J. H. THOMPSON: He knows my position. I would not be against this legislation.

Aside.

Hon. D. J. H. THOMPSON: That is not true. In 1985, Mr. Speaker, the Honourable Member for the City attended a Conference in Copenhagen and enlightened me on women's issues at a very young age on television, although she purported to write the questions and give them to us. I refused to ask her questions.

Aside.

Hon. D. J. H. THOMPSON: Yes I remember what you told me.

Aside.

Hon. D. J. H. THOMPSON: What? No. You did not say that. That is not what you said then. The Honourable Member for Christ Church South should not get agitated. She indicated that that is a natural medical phenomena which men suffer from and she also indicated the natural medical phenomena that women suffer from. All of that was on the programme. The programme was a very useful one. She knows my position in relation to that.

But on the question of whipping and corporal punishment, particularly on the cat-o'-nine-tails, I believe that this legislation should not allow that to be applied through the back door. I do not know how the word whipping is interpreted but if it includes the cat-o'-nine-tails I cannot say that my personal position is that I am in favour of it. In fact I am likely to argue strongly against that form of punishment.

Michael Dukakis, Presidential candidate in 1988 – the first question a man asked him on a press conference was what would his views be on punishment if somebody steps through his living room door and, I think, beat and raped his wife in his presence. He waffled for about 15 minutes and was unable to answer the question. That is one of the tragedies of modern politics the fact that people tend to have to take these pragmatic positions for fear of the controversy which it generates.

But in this House each of us has personal opinions on matters like punishment. When the party whip is taken off we are entitled I think to express those opinions. Since this is going to joint Select Committee I would express my opinion. I would not ever want to think that public figures have to be so circumscribed and have to be so pragmatic and so differential and so dispassionate on these issues that when a reporter asks them, do you believe in capital punishment they spend 15 minutes waffling. I think that there are reasons for and reasons against. I tend to agree with the reasons against and there are people in here who can argue for. The cat-o'-nine-tails, however, I think for all Barbadians whether you agree with corporal punishment generally or capital punishment, but I think the cat-o'-nine-tails carries it beyond the limit of the argument and is something that we should look very carefully at in relation to our international and domestic obligations under the Constitution. We should be careful that it does not, in fact produce the reverse effect than that which people in the society seem to think it will produce. I agree with the Honourable Member for St. Thomas on that point as my own support personally in relation to that matter but the verdict is for the Barbadian people at the end of the day.

The final point being that I am also hoping that we would have some form of youth service in place shortly but the youth service should not be viewed as an institution for penal reform. The youth service is to bring young people from many diverse backgrounds, the bright and the dull, those from middle class backgrounds as well as working class backgrounds, all kinds of young people, together. That is the aim of a youth service. It is not to be viewed as a school. It is not to be viewed as a reform institution or to have those limited criteria applied to it. I am hoping that it will shortly be implemented and that these measures would give some impetus to the need for our young people to return to the focus that is necessary. It certainly would not be implemented the same way that you all had proposed so do not worry to second guess me on that. You know my position.

Aside.

Hon. D. J. H. THOMPSON: Are you saying I did like Michael Dukakis in 1988? I thought I made that clear.

This legislation is important. It is going to Select Committee but I do not think the areas of difference are as great as the Honourable Member for St. Thomas may feel at this stage. I think the reform is necessary and that we should be committed to it.

I look forward to hearing the Honourable Member for the City on this point.

Aside.

Hon. D. J. H. THOMPSON: I said it is the last vestige and insult to women and I said it was degrading. I said all of that. I do not think you heard me.

I hope the Honourable Member for the City will contribute to this debate because I think her unique perspective internationally, regionally and locally would add a new dimension to the debate. If however she fails to contribute to this debate she will be robbing the entire country of her forceful and erudite views on this particular subject. I am waiting with much restraint but nevertheless poised to engage her in the intellectual debate and I hope she will rise to the occasion because I think it is important to posterity.

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

Hon. P. M. GREAVES: You want to speak? Well then we have to move that further consideration be postponed. I am going to adjourn the House now. If you want to speak If you insist

Asides.

Hon. P. M. GREAVES: In that case, Sir, I am moving that further consideration of this matter be postponed, Sir.

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

The question that further consideration of this Bill be postponed was put and resolved in the affirmative without division.

ADJOURNMENT

Hon. P. M. GREAVES: Mr. Speaker, I am moving that this House do now adjourn until Tuesday June 4, 1991 at 12 o'clock noon.

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

The question was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.
7.04 p.m.

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